

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 20, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
5:00 P.M.

Commissioners present: Deb Schorr, Chair
Bernie Heier, Vice Chair
Jane Raybould
Brent Smoyer

Commissioners absent: Larry Hudkins

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 5:00 p.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 13, 2011.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, September 20, 2011.**

MOTION: Heier moved and Smoyer seconded approval of the claims. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

3) **NEW BUSINESS:**

A. **A special events permit application for the Hickman viaduct grand opening at S. 68th Street on Sunday, October 2, 2011.**

The Chair announced the item would be held until later in the meeting.

B. **A resolution proclaiming Monday, September 26, 2011, as "Family Day – A Day to Eat Dinner with Your Children". (R-11-0068)**

The Clerk read the resolution for the record.

MOTION: Smoyer moved and Raybould seconded approval of the resolution. Smoyer, Raybould, Heier and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

NEW BUSINESS CONTINUED:

- C. **A resolution for the issuance of tax sale certificates on delinquent parcels which were not sold for want of bids. (R-11-0069)**

MOTION: Heier moved and Smoyer seconded approval of the resolution. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

- D. **A recommendation from the Purchasing Agent and the Public Building Commission to award a contract to Hy-Electric, Inc., in the amount of \$119,597.30, for the supply and installation of energy efficient light fixtures in the north City/County parking garage and the Corrections parking garage. (B-11-0031)**

MOTION: Raybould moved and Smoyer seconded approval of the recommendation. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

- E. **A cooperative agreement with the US Department of the Interior US Geological Survey, in the amount of \$11,615, for joint funding of water resources investigations. The agreement is for the operation and computation of records for four gaging stations: Salt Creek at Roca, Little Salt Creek near Lincoln, Stevens Creek near Lincoln and Rock Creek near Ceresco. Term of the agreement is October 1, 2011, to September 30, 2012. (C-11-0520)**

MOTION: Heier moved and Smoyer seconded approval of the agreement. Heier, Smoyer, Raybould and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

- F. **A banquet agreement with The Lodge at Wilderness Ridge for the rental of a conference room on November 3, 2011. A minimum of \$500 will be spent on food and beverages and the cost will be divided between Lancaster, Douglas and Sarpy Counties. (C-11-0521)**

MOTION: Heier moved and Raybould seconded approval of the agreement. Smoyer, Raybould, Heier and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

- G. **An interlocal agreement with the Lincoln-Lancaster County Railroad Transportation Safety District to provide supplemental funding for the Hickman Viaduct; Project C55-S-401(6). The Railroad Transportation Safety District will provide the County up to \$40,000 in the event the project overruns the current contract amount. (C-11-0528)**

MOTION: Heier moved and Smoyer seconded approval of the agreement. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

- H. **A contract between Teknion, LLC, Lancaster County and the City of Lincoln using cooperative purchasing for the annual requirements for Teknion Office Furniture. The County will pay for products in accordance with the Public Sourcing Solutions Master Agreement No. CNR01290. Term of the contract is March 1, 2011, to December 31, 2011. (C-11-0529)**

MOTION: Raybould moved and Smoyer seconded approval of the contract. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

NEW BUSINESS CONTINUED:

- I. **A settlement agreement between the United States Fish and Wildlife Service and Lancaster County for the closing and vacation of a portion of NW 12th Street between W. Branched Oak Road and W. Raymond Road. (C-11-0530)**

MOTION: Raybould moved and Heier seconded approval of the agreement. Heier, Smoyer, Raybould and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

- J. **Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for Police Officers Working with Education Referrals (POWER). The County shall receive \$17,611. Term of the grant award is July 1, 2011, to June 30, 2012.**

MOTION: Smoyer moved and Raybould seconded approval of the grant award. Smoyer, Raybould, Heier and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

- K. **Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Lancaster County JABG Grant. The County shall receive \$78,703. Term of the grant award is July 1, 2011, to June 30, 2012.**

MOTION: Raybould moved and Smoyer seconded approval of the grant award. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

- L. **Notice of quiet zone establishment for the Lincoln South Quiet Zone.**

MOTION: Raybould moved and Smoyer seconded approval to send the notice.

Roger Figard, City Engineer, discussed the establishment of the Lincoln South Quiet Zone (Exhibit A) from 3rd and "D" Streets to 14th Street and Yankee Hill Road. Figard said the mayor has signed an executive order for notice of intent on crossings in the City of Lincoln, but the County Board must file a notice of intent for the crossing at 14th Street and Yankee Hill Road since it falls within the County's jurisdiction. He asked the County Board to authorize Deb Schorr to sign and send the notice of intent to the Federal Rail Authority and Burlington Northern Santa Fe railroad officials. He said her signature would certify that certain safety measures have been done to the best of her knowledge. On October 22, at 12:01 a.m., the horns will cease to blow through that portion of the track unless officials find something that does not comply. Figard said the Saltillo Road crossing is not yet being included in the quiet zone because a farm driveway west of the crossing needs to be relocated first; the owner asked that the relocation be delayed until after harvest.

Raybould said there have been concerns over the loud horns in this neighborhood.

Figard noted the quiet zone is established for normal locomotive horn operation. Any time there are workers in the right-of-way or anyone is trespassing in the crossing areas, a locomotive engineer is still required to blow the horn.

In response to Schorr's question, Figard said the crossings are raised medians with lights and gates and do not have wayside horns.

Smoyer thanked Figard for his work.

NEW BUSINESS CONTINUED:

Schorr asked when work would continue on the Saltillo Road crossing. Heier thought harvesting would be done by mid November, depending on weather. Figard said the driveway would be physically relocated, another notice would be sent, and there would be a 30-day waiting period. He thought the crossing should be done by early spring.

Figard said the physical improvements and raised median have been done at 1st and "J" Streets, the crossing at 2nd and "J" Streets has been closed and the crossing at 3rd and "J" Streets as been physically closed but there are still some gates to install and agreements to finish.

ROLL CALL: Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

M. Adoption of Lancaster County Legislative Priorities for the 2012 legislative session of the Nebraska Legislature.

MOTION: Smoyer moved and Raybould seconded approval of the grant award.

Bob Van Valkenburg asked the Board to delay voting on the priorities. He felt the process of applying for property tax exemptions should be reviewed and made a priority. Van Valkenburg said he would discuss this issue with the State Tax Commissioner and he would appreciate the Board's support.

Schorr said the legislative priorities were discussed at the Board's legislative retreat with senators, elected officials and department directors, as well as legislative consultants Gordon Kissel and Joe Kohout at the last staff meeting.

Raybould said the upcoming legislative session will be short, and the Board had a hard time selecting five priorities out of the many issues discussed. She discussed the difficulty in passing items through the Legislature.

Van Valkenburg said an item could make the docket if the County Board and the State Tax Commissioner push it. He felt people are being taxed inappropriately and the issue should be addressed.

Smoyer said the priority list is not a conclusive list. He stated there would be other future bills supported by the Board, but for now, the items listed are the top priorities.

ROLL CALL: Heier, Smoyer, Raybould and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

RETURNING TO 3A:

Schorr said the application specifies the event date and time as Sunday, October 2, 2011, from 4:00 to 7:00 p.m., but Hawkins Construction Company suggested moving the date to Saturday, October 1 from 10:00 a.m. to 1:00 p.m. The bridge should be completed on Friday, September 30, and there is concern over having a ribbon cutting on an open bridge.

Ken Schroeder, County Surveyor, said it does not matter which day it occurs, as long as the conditions are met and Hawkins Construction Company has agreed to it. Schorr noted the conditions referred to are in a separation attachment dated September 16 from the County Engineer's department.

NEW BUSINESS CONTINUED:

MOTION: Heier moved and Smoyer seconded approval of the special events permit.

Schorr asked that the approval be made tentative upon the change of date and time to October 1 from 10:00 a.m. to 1:00 p.m. and inclusion of the special conditions from the County Engineer's Office.

The maker and the seconder accepted the amendment to the motion.

ROLL CALL: Heier, Smoyer, Raybould and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

4) **CONSENT ITEMS:** *These are routine business items that are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and place on file the following:

1. **Management's Discussion and Analysis, Financial Statements and Supplementary Information for the years ended June 30, 2011 and 2010 on the City of Lincoln/Lancaster County Railroad Transportation Safety District.**
2. **County Sheriff monthly report for August 2011.**

B. Right-of-way contracts between the County Engineer and the following:

1. **Harold and Verna Deinert, in the amount of \$5,000, located on NW 98th Street and W. Holdrege Street; Project No. BRO-7055(102). (C-11-0522)**
2. **Harvey Deinert, in the amount of \$12,825.95, located on NW 98th Street and W. Holdrege Street; Project No. BRO-7055(102). (C-11-0523) (C-11-0524) (C-11-0525) (C-11-0526)**
3. **Margaret Benes, in the amount of \$163, located east of NW 27th Street on Little Salt Road; Project No. CP-C-107. (C-11-0527)**

C. Setting of a public hearing for Tuesday, October 11, 2011, at 9:30 a.m. in Room 112 on the first floor of the County-City Building to consider changing the land use designation for land in the vicinity of Highway 2 and 148th Street from agricultural to commercial/industrial.

MOTION: Smoyer moved and Heier seconded approval of the consent items. Smoyer, Raybould, Heier and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

5) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

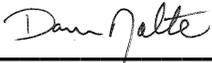
Bob Van Valkenburg expressed his concerns over the property appraisal process. He discussed an example of a property he felt was not properly assessed (Exhibit B).

6) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Tuesday, September 20, 2011, at 3:00 p.m. in Room 113 on the first floor of the County-City Building. A staff meeting will not be held on Thursday, September 22, 2011, due to the Board's attendance at the Nebraska Association of County Officials (NACO) Southeast District meeting.
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, September 27, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.
- C. Public hearings will be held on Tuesday, September 27, 2011, at 9:30 a.m. in Room 112 on the first floor of the County-City Building regarding the following:
1. Setting the final tax request at a different amount than the prior year tax request. The request is for Lancaster County and the Rural Library for Lancaster County.
 2. Automatic renewal of the following Class C liquor licenses issued in Lancaster County and outside the corporate limits of any city for which the County Clerk has received no protests: Bluestem Landscaping & Vineyard, Crooked Creek Golf Club, Jasper's, Sesostris Temple and Yankee Hill Country Club.
- D. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 411 and on the internet at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.
- E. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

7) **ADJOURNMENT**

MOTION: Smoyer moved and Raybould seconded to adjourn the Board of Commissioners meeting at 5:32 p.m. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 20, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Commissioners present: Deb Schorr, Chair
Bernie Heier, Vice Chair
Jane Raybould
Brent Smoyer

Commissioners absent: Larry Hudkins

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 5:32 p.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, Tuesday, September 13, 2011.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

2) **ADDITIONS AND DEDUCTIONS: Approval of five additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

MOTION: Heier moved and Smoyer seconded approval of the additions and deductions. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

BryanLGH Medical Center
Christian Church (Disciples of Christ) in Nebraska
Congregation of Benedictine Sisters
Cornhusker Place of Lincoln-Lancaster County
Gentle Shepherd Baptist Church
Lincoln Lancaster Child Guidance Center
Sacred Heart Church
Women in Community Service, Inc.

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

MOTION: Raybould moved and Smoyer seconded approval of the motor vehicle tax exemption applications. Heier, Smoyer, Raybould and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

4) **NOTICE OF TAXABLE STATUS**

City of Waverly

Scott Gaines, Deputy County Assessor/Register of Deeds, said this property transferred from private ownership to the City of Waverly on a temporary basis to facilitate some industrial development bonds. Since it is being used by the private business, it will still be taxed.

MOTION: Heier moved and Smoyer seconded approval to send the notice. Smoyer, Raybould, Heier and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

5) **ADJOURNMENT**

MOTION: Smoyer moved and Raybould seconded to adjourn the Board of Equalization meeting at 5:34 p.m. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

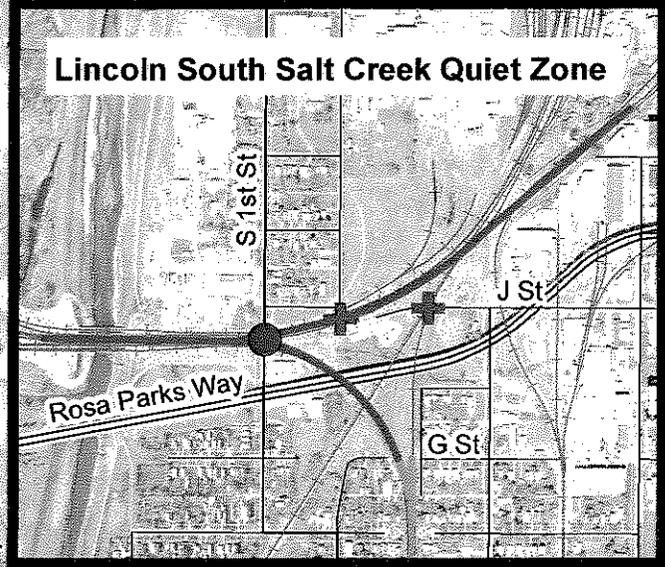
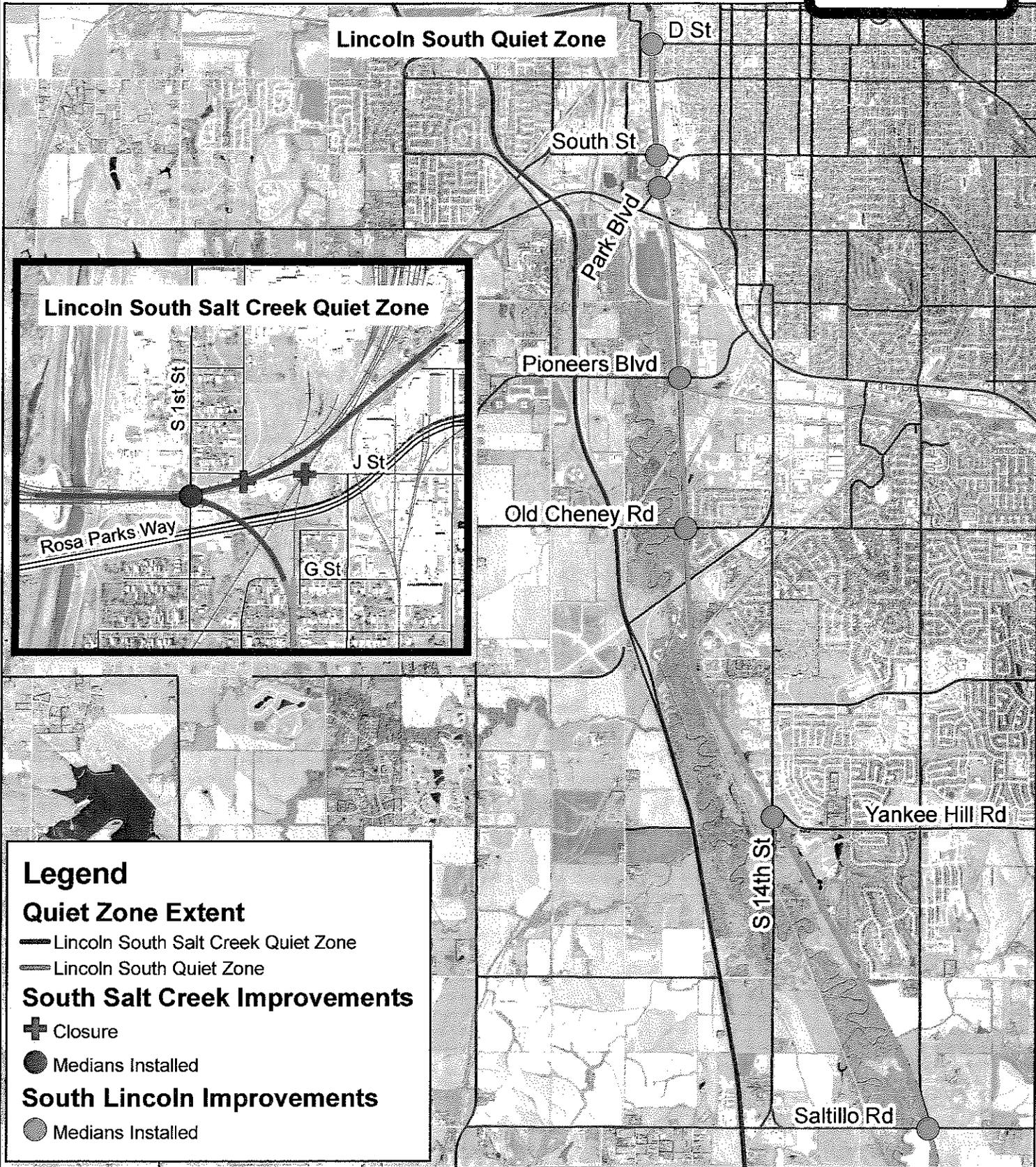


Dan Nolte
Lancaster County Clerk



New Lincoln Quiet Zones

EXHIBIT
A



Legend

Quiet Zone Extent

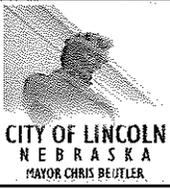
- Lincoln South Salt Creek Quiet Zone
- Lincoln South Quiet Zone

South Salt Creek Improvements

- ⊕ Closure
- Medians Installed

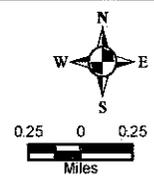
South Lincoln Improvements

- Medians Installed



City of Lincoln Public Works & Utilities

Prepared By: TICAFM
Printing Date: September 19, 2011

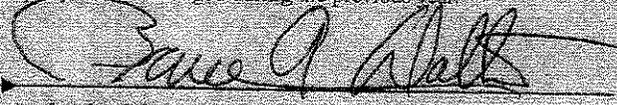


Statement of Reaffirmation of Tax Exemption
for Use When Applying for Continued Exemption for Qualifying Organizations

Failure to properly complete or timely file this statement shall result in a disapproval of the exemption

Parcel Identification Number 10-25-122-001-000		Legal description of real property and general description of all tangible personal property, except licensed motor vehicles. LINCOLN ORIGINAL, BLOCK 94, Lot 1 - 3	
County 55	State Where Incorporated NE		
Name and Address of Organization NEW MASONIC TEMPLE ASSN 1635 L ST LINCOLN, NE 68508		Property Situs Address 1635 L ST, LINCOLN, NE	
Type of Ownership <input checked="" type="checkbox"/> Nonprofit Corporation <input type="checkbox"/> Other (Specify) _____		Phone Number 476-3453	Contact Person Bruce Watkins

I hereby state that I am the authorized representative of the organization owning the above-described property and the use of said property has not changed during the previous year.

sign here  SEC/TR. 11-17-08
Authorized Signature Title Date

FOR ASSESSOR'S USE ONLY

Assessor's Comments _____
 APR 01 2009
Signature of Assessor / Register of Deeds Date

INSTRUCTIONS

WHO MAY FILE. An organization which is the owner of real or tangible personal property, except licensed motor vehicles, and is seeking continuation of a property tax exemption shall file this statement of reaffirmation of tax exemption if:

1. The property is owned and used exclusively for agricultural and horticultural societies, or
2. The property is:
 - a. Owned by educational, religious, or charitable organizations, or any organization for the exclusion of which the Internal Revenue Code provides a special tax treatment, such as educational, religious, or charitable organization.
 - b. Used exclusively for educational, religious, or charitable purposes.
 - c. Not owned or used for financial gain or profit to either the owner or user.
 - d. Not used for the sale of alcoholic beverages for more than 20 hours per week, and
 - e. Not owned or used by an organization which discriminates in membership or employment based on race, color, or national origin.

An organization must file an Exemption Application, Form 451, if new property is acquired or if property is converted to exempt use.

SIGNATURE. This form must be signed and dated by the authorized representative.

WHEN AND WHERE TO FILE. The completed statement must be filed on or before December 31 prior to each intervening year (those years not evenly divisible by four) with the county assessor of the county wherein the property is subject to tax.

Any organization failing to file on or before December 31 may file the statement on or before June 30 to maintain the tax exempt status of the property. Filing by this date nullifies any previous action by the county board denying the exempt status. If a late filing is made, the assessor shall assess a penalty of 10 percent of the tax that would have been due had the statement not been filed or one hundred dollars, whichever is less, for each calendar month or fraction thereof for which the statement missed the December 31 deadline.

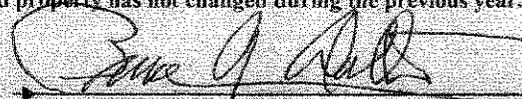
RECEIVED
NOV 19 2008
LANCASTER COUNTY ASSESSOR
REGISTER OF DEEDS

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Property Situs Address 1635 L ST, LINCOLN, NE		
Type of Ownership <input checked="" type="checkbox"/> Nonprofit Corporation <input type="checkbox"/> Other (Specify) _____	Phone Number 476-3453	Contact Person BRUCE WATKINS

I hereby state that I am the authorized representative of the organization owning the above-described property and the use of said property has not changed during the previous year.

sign
here



Authorized Signature

Sec/Treas.
Title

12-7-09
Date

FOR ASSESSOR'S USE ONLY

Assessor's Comments



Signature of Assessor / Register of Deeds

APR - 1 2010
Date

INSTRUCTIONS

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 - b. Used exclusively for educational, religious, or charitable purposes,
 - c. Not owned or used for financial gain or profit to either the owner or user,
 - d. Not used for the sale of alcoholic beverages for more than 20 hours per week, and
 - e. Not owned or used by an organization which discriminates in membership or employment based on race, color, or national origin.

RECEIVED
DEC 1 1 2009
NORMAN H. AGENA
LANCASTER COUNTY ASSESSOR/
REGISTER OF DEEDS

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2011

TO BE FILED WITH
THE LANCASTER
COUNTY ASSESSOR /
REGISTER OF DEEDS

Statement of Reaffirmation of Tax Exemption

FORM
451A

for Use When Applying for Continued Exemption for Qualifying Organizations

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Type of Ownership <input type="checkbox"/> Nonprofit Corporation <input type="checkbox"/> Other (Specify) _____	Phone Number 402 467 3453	Contact Person Bruce Watkins	

I hereby state that I am the authorized representative of the organization owning the above-described property and the use of said property has not changed during the previous year.

sign
here

Sec/Treas.

11-1-10

Authorized Signature

Title

Date

FOR ASSESSOR'S USE ONLY

Assessor's Comments

Signature of Assessor / Register of Deeds

DEC 20, 2011
Date

INSTRUCTIONS

WHO MAY FILE. An organization which is the owner of real or tangible personal property, except licensed motor vehicles, and is seeking continuation of a property tax exemption shall file this Statement of Reaffirmation of Tax Exemption.

RECEIVED

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 - Used exclusively for educational, religious, or charitable purposes,
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NOV 03 2010
NORMAN H. AGENA
LANCASTER COUNTY ASSESSOR/
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