

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 17, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on January 13, 2012.

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

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 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 10, 2012.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier abstained. Motion carried 4-0 with one abstention.

2) **CLAIMS: Approval of all claims processed through Tuesday, January 17, 2012.**

MOTION: Hudkins moved and Raybould seconded approval of the claims. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

3) **PUBLIC HEARING:**

- A. **Sale of property generally located at S. 68th Street and Wagon Train Road, legally described as Lots Seven, Eight, Nine, Ten, Eleven, Twelve, Block Five, East Lawn Addition, except that portion of Lots Seven through Twelve retained for additional road right-of-way purposes, in Hickman, Lancaster County, Nebraska.**

The Chair opened the public hearing.

PUBLIC HEARING CONTINUED:

Ken Schroeder, County Surveyor, was administered the oath. He explained that the lots were originally purchased by the County as corridor protection for the Hickman viaduct project. After donating part of the land for construction of the viaduct, the rest could be declared surplus property. In response to Hudkins' question, Schroeder said adjoining landowners would still have access to their properties.

Jim Shotkoski, County Engineer's Office, was administered the oath. He said an appraisal of residential lots in the City of Hickman was done from March to November 2011. On December 6, 2011, market value was estimated at \$30,000 for the property to be declared surplus. Hudkins asked if the lots were served with sewer and water. Shotkoski said they are vacant lots in subdivisions.

Brittany Behrens, Deputy County Attorney, was administered the oath. She said direction would be needed from the Board to prepare a resolution declaring the property surplus, establishing fair market value at the directed amount and setting the sale date. Behrens said she would work with the Sheriff's Office to set the sale date. Notice could then be published with the legal description of the property and the date of the public sale.

The Chair closed the public hearing.

MOTION: Hudkins moved and Smoyer seconded to declare the property surplus and to follow procedures for the Sheriff's sale.

FRIENDLY AMENDMENT: Heier said the appraisal amount of \$30,000 should be added to the motion. The maker of the motion accepted the friendly amendment.

Schorr questioned if the sale should be set for January 31 or February 7. Terry Wagner, County Sheriff, said the date would depend upon the public notice requirement. Behrens said the public notice requirement is ten days prior to the date of sale. She said she would contact the Sheriff's Office to see if any sale dates are already set and then list the date in the resolution.

Schorr stated that the motion is to direct the County Attorney to prepare the resolution using the appraised value of \$30,000 and to select a date that complies. Hudkins noted the motion also declares the property surplus.

ROLL CALL: Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **NEW BUSINESS:**

A. Election of 2012 Officers for the Lancaster County Board of Commissioners.

MOTION: Heier moved and Smoyer seconded to retain Commissioner Deb Schorr as Chair and to nominate Commissioner Larry Hudkins as Vice Chair of the County Board of Commissioners. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

B. Official designation of the following methods for County Board of Commissioners meeting notification: County-City Building bulletin board; Lancaster County, Nebraska, web site; and media email.

NEW BUSINESS CONTINUED:

MOTION: Heier moved and Smoyer seconded approval of the designated meeting notification methods. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- C. **A special events permit application for the 2012 Animal Run on Saturday, February 4, 2012, in Hickman.**

MOTION: Hudkins moved and Raybould seconded approval of the special events permit application. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- D. **Authorization for release of escrow funds to Lancaster Manor Real Estate, LLC. (C-12-0042)**

Schorr noted the disbursements are in compliance with the original legal agreements.

MOTION: Heier moved and Hudkins seconded approval of the release of escrow funds. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- E. **A utility relocation agreement between Lancaster County and Lincoln Electric System in an estimated amount of \$64,884 to relocate power lines for a road rebuilding project on Pine Lake Road from S. 112th Street to S. 148th Street; Project C55-Q-409(1). (C-12-0029)**

MOTION: Hudkins moved and Raybould seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- F. **A utility relocation agreement between Lancaster County and Lincoln Electric System in an estimated amount of \$82,433 to relocate power line facilities for a road rebuilding project on Denton Road from SW 12th Street to SW 56th Street; Project STPE-3305(9) – Denton East. (C-12-0030)**

MOTION: Raybould moved and Smoyer seconded approval of the agreement. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- G. **A contract between Floratine Central Turf Products, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution. (C-12-0031)**

MOTION: Smoyer moved and Raybould seconded approval of the contract. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- H. **A contract between Agrium Advanced Technologies, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution. (C-12-0032)**

NEW BUSINESS CONTINUED:

MOTION: Raybould moved and Hudkins seconded approval of the contract. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- I. **A contract between Van Diest Supply Company, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution. (C-12-0033)**

MOTION: Hudkins moved and Smoyer seconded approval of the contract. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- J. **A contract between Turf Supply Company, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution. (C-12-0034)**

MOTION: Heier moved and Smoyer seconded approval of the contract. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- K. **A contract between Zimco Supply Company, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution. (C-12-0035)**

MOTION: Smoyer moved and Hudkins seconded approval of the contract. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- L. **A contract between John Deere Landscapes, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution. (C-12-0036)**

MOTION: Heier moved and Hudkins seconded approval of the contract. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- M. **An agreement with Tory Earleywine, on behalf of the Lancaster County Department of Community Corrections, to provide substance abuse treatment to participants in Pretrial Release and Adult Drug Court. The County shall pay \$20 per hour, not to exceed 25 hours per week, for the services provided. Term of the agreement is January 17, 2012, to June 30, 2012. (C-12-0037)**

MOTION: Hudkins moved and Raybould seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- N. **An addendum to County Contract C-11-0168 with Milliman, Inc., for actuarial review of the County's workers' compensation and general liability programs. The addendum renews the agreement for an additional one-year term from February 1, 2012, to January 31, 2013. (C-12-0038)**

MOTION: Smoyer moved and Raybould seconded approval of the addendum. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

O. Executive Session – Pending Litigation

The Chair announced the item would be held until the end of the meeting.

- 5) **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. **A leasehold contract between the County Engineer and Terence Chmelka, in the amount of \$10, located on SW 70th Street north of W. Van Dorn Street; Project CP-M-139. (C-12-0039)**
- B. **Right-of-way contracts between the County Engineer and the following:**
1. **Everett Harry and Velma Minnie Giles, Co-Trustees, in the amount of \$12, located on SW 70th Street north of W. Van Dorn Street; Project CP-M-139. (C-12-0040)**
 2. **Joyce Neemann, in the amount of \$813, located on S. 134th Street south of Stagecoach Road; Project CP-Y-62. (C-12-0041)**
- C. **Receive and place on file the County Attorney's quarterly report for October to December 2011.**

MOTION: Hudkins moved and Smoyer seconded approval of the consent items. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

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

No one appeared for public comment.

7) ANNOUNCEMENTS:

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, January 19, 2012, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**

ANNOUNCEMENTS CONTINUED:

- B. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, January 24, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.**
- C. **The Lancaster County Board of Commissioners will hold public hearings on Tuesday, January 24, 2012, at 9:30 a.m., in the County Commissioners Hearing Room on the first floor of the County-City Building regarding the following:**
- 1. Purchase of property owned by Alfred Benesch & Company, located at 825 J Street, Lincoln, Lancaster County, Nebraska.**
 - 2. Comprehensive Plan Amendment No. 11001 (Add language to encourage more options for creation of small lots in the Agricultural (AG) District)**
 - 3. Comprehensive Plan Amendment No. 11002 (Amend language to specify that "build-through" standards should only apply to areas within the City of Lincoln's three-mile jurisdiction)**
 - 4. Comprehensive Plan Amendment No. 11003 (Designation of commercial and industrial uses at Highway 2 and Highway 43/South 162nd Street)**
 - 5. Comprehensive Plan Amendment No. 11005 (Transportation Chapter/Long Range Transportation Plan)**
 - 6. Comprehensive Plan Amendment No. 11006 (Add introductory language)**
- 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.**

The Chair recessed the meeting at 9:50 a.m.

The Chair reconvened the meeting at 9:52 a.m.

RETURNING TO ITEM 40:

MOTION: Smoyer moved and Heier seconded to enter executive session for the purpose of pending litigation and to protect the public interest at 9:52 a.m.

The Chair restated the motion for the record.

ROLL CALL: Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

MOTION: Raybould moved and Hudkins seconded to exit executive session at 10:01 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

8) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:01 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

Cori R. Beattie

Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 17, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on January 13, 2012.

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

Others present: Norm Agena, 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 9:50 a.m.

1) **ELECTION OF OFFICERS: Election of 2012 Officers for the Lancaster County Board of Equalization.**

MOTION: Heier moved and Smoyer seconded to retain Commissioner Deb Schorr as Chair and to nominate Commissioner Larry Hudkins as Vice Chair of the County Board of Equalization. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

2) **DESIGNATION OF MEETING NOTIFICATION: Official designation of the following methods for County Board of Equalization meeting notification: County-City Building bulletin board; Lancaster County, Nebraska, web site; and media email.**

MOTION: Heier moved and Smoyer seconded approval of the designated meeting notification. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

3) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 10, 2012.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Raybould, Smoyer, Hudkins and Schorr voted aye. Heier abstained. Motion carried 4-0 with one abstention.

4) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS** (See attached additions and deductions)

MOTION: Raybould moved and Hudkins seconded approval of the additions and deductions. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

MOTION: Raybould moved and Hudkins seconded to adjourn the Board of Equalization meeting at 9:52 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

Cori R. Beattie

Dan Nolte
Lancaster County Clerk

