

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 18, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
5:00 P.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 September 14, 2012.

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

Others present: Kerry Eagan, 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 5:01 p.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 11, 2012.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, September 18, 2012.**

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

3) **SPECIAL PRESENTATIONS:**

- A. **Lancaster County Visitors Improvement Fund grant to Spring Creek Prairie Audubon Center for the tallgrass prairie exhibits – Arnold Mendenhall, Board Member. (See 4A for correlating item.)**

Marian Langan, Executive Director of Nebraska Audubon, thanked the Board for the grant.

- B. **Lancaster County Mutual Aid System – Jan Shaner, Bryan LGH StarCare, John Porter, Southeast Rural Fire Department.**

SPECIAL PRESENTATIONS CONTINUED:

Jan Shaner, Bryan LGH StarCare, said there were over 300 cases of heat exhaustion at Memorial Stadium during the Nebraska football game on September 1. She discussed the support provided from Southeast, Southwest and Waverly Fire Departments. She read a letter of thanks from an 81-year-old lady who was treated at the game.

John Porter, Southeast Rural Fire Department, and Mike Binder, Waverly Fire Department, discussed the coordination of the departments.

4) NEW BUSINESS:

- A. **A grant contract addendum with Spring Creek Prairie Audubon Center (National Audubon Society) amending County Contract C-12-0385 to increase the amount of the grant from the County Visitors Improvement Fund from \$10,000 to \$78,500. All other terms and conditions of the contract shall remain in full force and effect. (C-12-0551)**

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

- B. **Adoption and approval of Joint Budget Committee recommendations for Round 36 of the Keno Human Services Prevention Fund grants: Center for People in Need, \$5,000; Community Action Partnership, \$6,500; Cornhusker Council, Boy Scouts of America, \$2,500; Indian Center, Inc., \$2,500; Lancaster County Medical Society Foundation, \$7,500; Lincoln Housing Charities, \$4,800; Malone Community Center, \$1,239; St. Monica's Behavioral Health, \$7,495; and Lincoln's Children Zoo, \$5,622.**

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

- C. **Adoption of the 2013 Lancaster County Legislative Priorities.**

Kerry Eagan, Chief Administrative Officer, reviewed the priorities:

- Oppose elimination of inheritance tax.
- Support expansion of Medicaid under the Affordable Care Act.
- Eliminate responsibility of counties to pay HHS rent.
- Modify right to court appointed attorney in Juvenile Court.
- Definition and oversight for staff secure juvenile detention facilities.

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

- D. **Setting of the annual salary of Jerry Witte, Sheriff's Captain, at \$83,800, effective September 6, 2012.**

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

NEW BUSINESS CONTINUED:

- E. **Promotion of Jennifer Houlden from Attorney I to Attorney II at an annual salary of \$62,543, effective September 6, 2012.**

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

- F. **A recommendation from the Purchasing Agent and the Corrections Director to award a contract to RACOM Corporation in the amount of \$284,094.80 for the supply and installation of the LCADF radio system. (B-12-0032)**

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

- G. **An amendment to County Contract C-11-0568 with Jacobsen Fire Equipment for fire system inspection services at the Youth Services Center. The amendment renews the agreement for an additional one-year term from October 11, 2012, to October 10, 2013. (C-12-0543)**

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

- H. **An amendment to County Contract C-08-0580 with Electronic Contracting Company for fire alarm and security system monitoring services at the County Motor Vehicle Services Building. The amendment renews the agreement for an additional one-year term from October 11, 2012, to October 10, 2013. (C-12-0544)**

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

- I. **A contract between Tan-Aire, Inc., Lancaster County and the City of Lincoln for hazardous vac services. Term of the agreement is one year from the date of execution by all parties. (C-12-0545)**

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

- J. **A contract between Environmental Solutions, Inc., Lancaster County and the City of Lincoln for hazardous vac services. Term of the agreement is one year from the date of execution by all parties. (C-12-0546)**

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

- K. **A contract between Haz-Mat Response, Inc., Lancaster County and the City of Lincoln for hazardous vac services. Term of the agreement is one year from the date of execution by all parties. (C-12-0547)**

NEW BUSINESS CONTINUED:

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

- L. **A recommendation from the Purchasing Agent and the County Engineer to award a contract to Westover Trucking and Western Sand in the amount of \$157,204.20 for fall gravel hauling to County stockpiles. (B-12-0033)**

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

- M. **An engineering agreement with Mainelli-Wagner & Associates for hydraulic analysis, bridge design, plan preparation and permit acquisition on Project C55-X-205, County Structure X-205, on Firth Road at its intersection with the middle branch of the Big Nemaha River. (C-12-0548)**

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

- N. **Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Lancaster County JAGB Grant. The County shall receive \$78,703. Term of the grant award is July 1, 2012, to June 30, 2013.**

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

- O. **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, 2012, to June 30, 2013.**

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

- P. **An agreement with Seim, Johnson, Sestak and Quist, LLP, to prepare and deliver the Medicare Form CMS 2088-92 cost report for the fiscal year ended June 30, 2012, for the Community Mental Health Center. The County will pay \$4,700 to \$5,200 for the services. Term of the agreement shall be from the date work begins until the cost report has been submitted to the County (by November 30, 2012). (C-12-0549)**

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

- Q. **An agreement between the American Federation of State, County and Municipal Employees Local 2468 and Lancaster County for the contract term September 8, 2011, to September 5, 2012. (C-12-0550)**

NEW BUSINESS CONTINUED:

Richard Grabow, Deputy County Attorney, said new pay plans would be submitted to correspond with the amounts in the settlement.

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

R. Denial of a request for reimbursement from Douglas County for General Assistance benefits provided to Michael D. Sessions.

Gary Chalupa, General Assistance Director, said investigation of the claim showed that Michael Sessions did not live at the Lincoln address provided and that he had several different addresses. The State Statute governing the county of legal settlement requires 12 months residency and is based off the month in which assistance is provided. Since Sessions left Lancaster County on February 10, 2011, and assistance was not provided until March 1, 2012, Sessions had a full year of residence in Douglas County. Chalupa recommended denial of the claim.

MOTION: Heier moved and Smoyer seconded denial of the request for reimbursement. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

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. **Receive and place on file the following monthly reports for August 2012:**
 - 1. **County Records & Information Management**
 - 2. **County Sheriff**

- B. **Setting of a public hearing for Tuesday, September 25, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, regarding an amusement license application from John Rockenbach to hold the "Rock's Ridge Mud Run" on Saturday, October 13, 2012, at 174th Street and Pioneers Boulevard.**

- C. **Setting of public hearings for Tuesday, October 2, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, regarding the following:**
 - 1. **Setting of the final tax request at a different amount than the prior tax year request. The request is for Lancaster County and the Rural Library for Lancaster County.**
 - 2. **Amendment of Sections VI and XV of County Resolution No. 03-0007, Regulations for the Operation of Body Art and Piercing Establishments in Lancaster County, Nebraska, by increasing various fees (on file with the County Clerk's Office).**
 - 3. **Amendment of Section XIII of County Resolution No. 02-30, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County, Nebraska, by increasing various fees (on file with the County Clerk's Office).**

NEW BUSINESS CONTINUED:

4. **Amendment of Section X of County Resolution No. 06-0005, Procedures for the Inspection of On-site Water Supply Systems and On-site Wastewater Treatment Systems Prior to the Sale, Transfer, or Conveyance of Property in Lancaster County, Nebraska, by increasing various fees (on file with the County Clerk's Office).**
5. **Amendment of Resolution No. 5069, the Lancaster County Air Pollution Control Resolution, to increase the fee for open burning permits charged to business and industry (on file with the County Clerk's Office).**
6. **Amendment of the Lincoln-Lancaster County Air Pollution Regulations and Standards, to increase the fee for asbestos project notifications, Area Sources of Hazardous Air Pollutants, etc. (on file with the Lancaster County Clerk's Office).**
7. **County Change of Zone 12025, text amendment to the Lancaster County Zoning Resolution to remove reference to application filing fees.**
8. **County Miscellaneous 12010, text amendment to the Lancaster County Land Subdivision Resolution to remove reference to application filing fees.**
9. **Request for resolution adopting Planning Department fee schedule.**

MOTION: Raybould moved and Heier 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 not hold a staff meeting on Thursday, September 20, 2012. The next staff meeting is tentatively scheduled for Thursday, September 27, 2012, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, September 25, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.**
- C. **The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**
- 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 lancaster.ne.gov. Click on 5 City-TV Video on Demand.**

8) **ADJOURNMENT**

MOTION: Raybould moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 5:30 p.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 18, 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 September 14, 2012.

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

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, 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 5:30 p.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 11, 2012.**

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

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

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

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

**Faith Lutheran Church & School
Lighthouse
Lincoln Christian School
Sisters of Mary, Queen of Mercy**

MOTION: Hudkins moved and Raybould seconded approval of the motor vehicle tax exemption applications. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

**Brett Farm, LLC
Horizon Bank
Kevin & Tiffany Sander**

Scott Gaines, Deputy County Assessor/Register of Deeds, said the Brett Farm and Sander properties are adjoining. A house was listed on the wrong parcel initially; the change reflects movement of the house to the correct parcel. Gaines said the Horizon Bank property had a house moved off the property; it was added to the new location but it had not been removed from the Horizon Bank listing.

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

5) **APPEAL OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

Bob Bennie

Scott Gaines said Bob Bennie had applied for greenbelt status and filed a property valuation protest at the same time. After further review of the information, a \$40,000 duplication of the home site value was found. Gaines recommended that the final value be reduced to \$496,200.

MOTION: Smoyer moved and Heier seconded approval of the appeal in the amount of \$496,200. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

6) **REVIEW OF 2012 451 EXEMPTION:**

Radix, Inc.

Scott Gaines explained that the Board approved the exemption in May but asked that a review be done later to review use of the property after some permit applications had been completed.

Doug Barry, Radix, Inc., said they are still doing Camp Gargano non-charitable work, which makes up the bulk of the events. A few events have been done with Victory Qwest, with the money going to Camp Gargano. He discussed some of the recent events that have occurred per Schorr's request.

Heier questioned how much of the property is used for Camp Gargano. Barry said the 23 acres containing the building is the part being reviewed for exemption; the rest of the property is farmed and taxable. He confirmed there is not a house on the property. Gaines said there is a chapel on the property which is clearly for religious use while the rest of the property is mixed use.

Brittany Behrens, Deputy County Attorney, said the County Assessor's recommendation in May was for denial. At that time, the Board had questions on the use of the property and the impact of the pending application for a recreational facility special permit. She said the application was for religious exemption, which requires looking at the primary use of the property; any incidental use does not affect the exclusive use. Behrens said the statutes and administrative code allow for a review at any time; the exemption may be left as is with no action, it could be denied or it could be modified. She submitted a letter from Radix regarding their events and focus (Exhibit A).

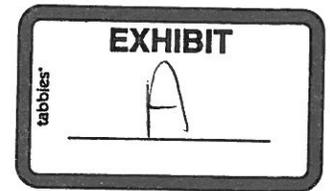
7) **ADJOURNMENT**

MOTION: Smoyer moved and Heier seconded to adjourn the Board of Equalization meeting at 5:47 p.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk





CAMP GARGANO (RADIX) 2012 EVENTS

RADIX was incorporated in Nebraska in 1992. It was made up of primarily college age men and women who committed themselves to working with young people in church and school settings.

Over the years the ministry and the mission work of Radix grew as we were asked to travel to many different states and speak to thousands of youth and adults about many different subjects. Starting in 2005, Doug Barry began to work with teenage men in a boot camp type setup in the summer months, that focused on training them on different levels. This grew over several years and it developed into what is now Camp Gargano.

The mission statement of Camp Gargano is simple and to the point. "Strengthening the Body, Mind and Soul." From the beginning the goal has always been to encourage and build young men and women in different areas of their lives and to give them hope. With so many young people and families battling broken homes, depression, self inflicted health problems and many other issues that leave them feeling hopeless and lost, Camp Gargano is fighting the fight to help people order their lives and find strength.

In support of its mission, in 2012 Camp Gargano has held five retreats for teens, two three day long camps for elementary school kids and one camp for teenage boys. We have also had one father/son open house event and four evening workouts for teens. All of these have been Camp Gargano events. Camp Gargano also hosted two events for the Cornhusker State Games.

The events that have taken place at the camp that have been promoted by VictoryQuest include: "Quest for the Vets" - a Memorial Day obstacle course run, 5 open course Saturdays where we offered people to come out and see the obstacle course and work out on it before Quest for the Vets. On average 3 or 4 people came only a few of the Saturdays we did this. VictoryQuest had two groups of approximately 15 people come out by appointment for workouts on the course and one time 10 members of the Sherriff's department came out for a workout. There were also three business team building events of between 6 and 27 people.

Any and all of the events at Camp Gargano, whether sponsored by Camp Gargano, in affiliation with VQ or any other group are required to promote the Radix mission and promote the same mission and purpose. The goal is to strengthen people body, mind and soul. Every past event and future event will involve training and presentations that reflect the goals, values and mission of Camp Gargano.

The relationship between Camp Gargano, VQ or others that the facility would be made available to will require a facility use charge with the funds going to help support Camp Gargano financially, thereby helping Camp Gargano with its mission.

At this time there only a few events planned at Camp Gargano that have anything to do with VQ. They include a couple of team building events for high school sports teams, a small family outdoor challenge race and a business wellness presentation. We have a number of events being developed that are sponsored by Camp Gargano that include an awards night/open house, a couple of teenage retreats, several faith based workouts, a couple of fund raising obstacle course events and several movie night fund raisers.