

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 21, 2013
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
10:30 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 May 17, 2013.

Commissioners present: Larry Hudkins, Chair
Brent Smoyer, Vice Chair
Roma Amundson
Jane Raybould
Deb Schorr

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
John Watson, 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 10:31 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 14, 2013.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, May 21, 2013.**

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

3) **SPECIAL PRESENTATIONS:**

A. **Recognition of County employees' service anniversaries.**

Hudkins announced the 10, 15, 20, 25, 30, 35, 40 and 50-year employees were recognized that morning at a special breakfast. The Clerk read the list of service anniversaries.

4) **PUBLIC HEARINGS:**

A. **Corporate manager application for Michael Bolinger in connection with the Class B liquor license for Ely's Service, Inc., d/b/a Branched Oak Marina, 10001 W. Davey Road, Raymond. (See 5A for correlating item.)**

PUBLIC HEARINGS CONTINUED:

The public hearing was continued from last week.

Michael Bolinger was administered the oath. He explained that the owner of Branched Oak Marina was becoming less involved with the day-to-day operations and he would take over most of that responsibility, including the liquor license. He discussed his work and educational background and agreed to take the hospitality training.

5) OLD BUSINESS:

- A. Resolution in the matter of a corporate manager liquor license application for Michael Bolinger in connection with the Class B liquor license for Ely's Service, Inc., d/b/a Branched Oak Marina, located at 10001 W. Davey Road, Raymond, Lancaster County, Nebraska. (R-13-0028)**

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

6) NEW BUSINESS:

- A. Adoption of 2013 Lancaster County Board of Equalization Policies and Procedures for Property Valuation Protests.**

Tom Kubert, Great Plains Appraisal Company, said the policies and procedures are similar to previous years with the exception of a few clarifications.

Kubert reviewed the property valuation protest procedure:

- New values are issued by the County Assessor on June 1.
- Protests may be filed during the month of June with the County Clerk in person or on-line. A time may be set to meet with a referee to discuss the protest.
- The referee will submit the results to the referee coordinator for review.
- The taxpayer will be notified of the results and will have the opportunity to submit additional information for consideration.
- A final recommendation will go to the Board of Equalization with final action tentatively scheduled for July 25.

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

- B. Agreement with Great Plains Appraisal Company, on behalf of Wayne Kubert and Tom Kubert, to provide the services of a referee coordinator to coordinate referees who will hear all property tax protests for the 2013 tax year before the Lancaster County Board of Equalization. The coordinator is also responsible for ensuring all papers related to such protests along with written findings and recommendations are made available to the Board. The referee coordinator shall be reimbursed at a rate of \$720 per working day up to \$180,000. (C-13-0212)**

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

NEW BUSINESS CONTINUED:

- C. **Amusement license renewal application from Robinette Farms to hold an event on June 15, 2013, at 17675 SW 14th Street, Martell.**

MOTION: Raybould moved and Smoyer seconded approval of the amusement license renewal application. Amundson, Smoyer, Schorr, Raybould and Hudkins voted aye. Motion carried 5-0.

- D. **Amusement license renewal application from Linh Quang Buddhist Center to hold events at 3175 W. Pleasant Hill Road, Lincoln, on May 25-26, August 10-11, August 31-September 1, September 14 and September 21, 2013.**

KimThu Tran said the Buddhist Center holds multiple festivals each year that are open to the public. She noted that a paved lot is available for parking and a noise variance has been approved for the next event.

MOTION: Raybould moved and Smoyer seconded approval of the amusement license renewal application. Smoyer, Schorr, Raybould, Amundson and Hudkins voted aye. Motion carried 5-0.

- E. **Special designated license applications from WunderRosa Winery to provide alcoholic beverage service for events on June 8 and August 23, 2013, at 2361 Wittstruck Road, Roca.**

MOTION: Smoyer moved and Amundson seconded approval of the special designated license applications. Schorr, Raybould, Amundson, Smoyer and Hudkins voted aye. Motion carried 5-0.

- F. **Political subdivision tort claim filed against Lancaster County Corrections by Joy L. Claypool for lost property in the amount of \$800.**

MOTION: Smoyer moved and Schorr seconded approval of the tort claim for an amended amount of \$80 based on the County Attorney's recommendation. Raybould, Amundson, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

- G. **Political subdivision tort claim filed against Lancaster County by Meghan McIntosh in the amount of \$100,000 for alleged medical expenses and pain and suffering.**

MOTION: Smoyer moved and Raybould seconded denial of the tort claim based on the County Attorney's recommendation. Amundson, Smoyer, Schorr, Raybould and Hudkins voted aye. Motion carried 5-0.

- H. **Political subdivision tort claim filed against the Lancaster County Sheriff's Department and the Lancaster County Correctional Facility by Leslie Barry in the amount of \$200,000 for alleged unlawful arrest and detention, emotional suffering, and loss of present and future earnings.**

MOTION: Smoyer moved and Raybould seconded denial of the tort claim based on the County Attorney's recommendation. Smoyer, Schorr, Raybould, Amundson and Hudkins voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- I. **Resolution in the matter of an interagency agreement regarding court transportation duties of the Sheriff's Office, Corrections and the Youth Services Center. (R-13-0029)**

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

- J. **Utility Permit No. 1097 for Windstream Nebraska, Inc., for the installation of approximately three miles of fiber optic cable beginning at SW 14th Street and W. Martell Road, then north along SW 14th Street to W. Wittstruck Road, and then east to the existing cell tower at 450 W. Wittstruck Road. There is no cost to Lancaster County. (C-13-0213)**

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

- K. **Amendment to an agreement with Constructors Inc for the reconstruction of West Denton Road between SW 12th Street and SW 56th Street, Project STPE-3305(9). The amendment provides for a change in the construction schedule. The cost to the County is \$11,860. (C-13-0214)**

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

- L. **Recommendation from the Purchasing Agent and the County Assessor to award a contract to Anderson Ford in the amount of \$101,983 for seven new Ford Fiesta vehicles. (B-13-0020)**

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

- M. **Amendment to County Contract C-11-0143 between Garcia-Chicoine Enterprises, Inc., Lancaster County and the City of Lincoln for maintenance and repair of guardrails. The amendment renews the agreement for an additional three-month term from June 1, 2013, to August 31, 2013. (C-13-0215)**

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

- N. **Amendment to County Contract C-12-0258 between Safety-Kleen Systems, Inc., Lancaster County and the City of Lincoln for the used oil collection program. The amendment renews the agreement for a one-year term from May 29, 2013, to May 28, 2014. (C-13-0216)**

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

NEW BUSINESS CONTINUED:

- O. **Contract with Schmader Electric Construction, Inc., in the amount of \$122,514 for outdoor warning sirens and replacement. Sirens are to be delivered within 60 days from award of the project and installation completed within 45 days of receipt of sirens. (C-13-0217)**

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

- P. **Agreement between Wesco Distribution, Inc., Lancaster County and the City of Lincoln using cooperative purchasing with the State of Nebraska for the annual requirements of electrical supplies. Pricing will be pursuant to the State of Nebraska contract. Term of the contract shall be upon execution through March 4, 2016. (C-13-0218)**

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

- Q. **Agreement with Lexmark International, Inc., using cooperative purchasing with the State of Nebraska for computer equipment, peripherals and related services. Pricing will be pursuant to the State of Nebraska contract. Term of the contract shall be upon execution through August 31, 2014. (C-13-0219)**

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

- R. **Amendment to an agreement with Redwood Toxicology Laboratory, Inc., under County Contract C-07-0497 for providing annual requirements of drug testing kits and supplies. The original agreement will be amended to extend the term of the contract to May 9, 2015. (C-13-0220)**

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

- S. **Agreement with the Board of Regents of the University of Nebraska, University of Nebraska at Omaha, for implementation and operation of the Mentoring Program under the Second Chance Act Juvenile Offender Reentry Program. The County shall expend federal grant funds in an amount not to exceed \$116,718 for the services provided. Term of the agreement is October 1, 2012, to December 31, 2013. (C-13-0221)**

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

- T. **Agreement with the Board of Regents of the University of Nebraska, University of Nebraska at Omaha, for evaluation of the Second Chance Act Juvenile Offender Reentry Program. The County shall expend federal grant funds in an amount not to exceed \$50,000 for the services provided. Term of the agreement is October 1, 2012, to December 31, 2013. (C-13-0222)**

NEW BUSINESS CONTINUED:

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

- U. **Agreement with Steven Wedige for the care and maintenance of Jordan Cemetery. Cost to the County is \$50 per mowing not to exceed \$200 per year. (C-13-0223)**

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

- V. **Contract with Lincoln Family Funeral Services for cremation/burial services as outlined in Lancaster County's General Assistance Program, beginning March 12, 2013, and ending March 11, 2014. (C-13-0224)**

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

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

Alex McKiernan, Robinette Farms, appeared to answer questions about the upcoming event on June 15 (Item 6C). He said it would be similar to last year, showcasing local food, wine, beer and music. Tickets may be purchased on-line at www.robinettefarms.com or at the event.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold department budget hearings on Tuesday, May 21, 2013, from 1:30 p.m. to 5:00 p.m., and on Wednesday, May 22, 2013, from 8:00 a.m. to 5:00 p.m. in Room 113 of the County-City Building (555 S. 10th Street, Lincoln).**
- B. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, May 23, 2013, at 8:30 a.m., in Room 113 of the County-City Building (555 S. 10th Street, Lincoln).**
- C. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, May 28, 2013, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.**
- D. **The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**
- E. **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 the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.**

Amundson exited the meeting.

9) **ADJOURNMENT**

MOTION: Raybould moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 11:05 a.m. Smoyer, Schorr, Raybould and Hudkins voted aye. Amundson was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 21, 2013
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 May 17, 2013.

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

Commissioners absent: Roma Amundson

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
John Watson, 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 11:05 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 14, 2013.**

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

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

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

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

**Community Blood Bank of the LCMS
Lincoln-Lancaster County Child Guidance Center
Priestly Fraternity of St. Peter
Radiant Church
Redeemer Lutheran Church**

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

**St. Mark's United Methodist Church
Union College**

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

4) **NOTICE OF TAXABLE STATUS:**

City of Lincoln

Scott Gaines, Deputy County Assessor/Register of Deeds, said the property was recently deeded to the City of Lincoln. At this time, there are no plans to use the property for a public purpose so it would remain taxable.

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

5) **ADJOURNMENT**

MOTION: Schorr moved and Smoyer seconded to adjourn the Board of Equalization meeting at 11:07 a.m. Schorr, Raybould, Smoyer and Hudkins voted aye. Amundson was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

