

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JUNE 4, 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 31, 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  
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 10:31 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 28, 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, June 4, 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. **Administration of the oath of office to Troy Hawk, Lancaster County Clerk of the District Court – The Honorable Karen Flowers presiding.**

Judge Karen Flowers administered the oath to Troy Hawk.

B. **Introduction of Chuck Harper, nominee for appointment to the Lancaster County Visitors Promotion Committee – Jeff Maul, Convention & Visitors Bureau Executive Director. (See 5A for correlating item.)**

Jeff Maul introduced Chuck Harper who discussed his background and his current projects in Lincoln.

4) **PUBLIC HEARING:**

- A. **County Text Amendment No. 12034 (Article 19 of the Lancaster County Board Zoning Resolution to amend, reorganize and clarify the County Board of Zoning Appeals procedures). (See 5B for correlating item.)**

The Chair opened the public hearing.

Sara Hartzell, County Planning, was administered the oath. She said the amendment should make applying to the Board of Zoning Appeals (BZA) simpler and faster. Currently, application must be made for a building permit through Building & Safety, the permit must be denied and then application can be made to the BZA. State Statute says application can be made to the BZA with an appeal of a department official's decision or with a petition which does not require a denial beforehand. The other change is in the definition, breaking apart the jurisdictions more clearly.

Brittany Behrens, Deputy County Attorney, was administered the oath. She noted one provision in the amended text is contradictory to the existing text (Section F of 19.005). The section calls for deference to be given by the BZA to either the director or department official who made the original administrative decision. It is contradictory to a section that tasks the BZA with a de novo review of the decision coming before them. Behrens said it was the County and City Attorneys' recommendation to keep the de novo review so it could be a brand new decision. She asked to revise the resolution, deleting Section F from the proposed text to eliminate contradiction of the BZA authority. She also asked for a coinciding effective date with the City Council of July 1, which she could add to the resolution. Behrens felt the public hearing could be held open one week to allow anyone to comment on the changes.

The consensus of the Board was to make the changes and place the resolution on the next week's agenda.

5) **NEW BUSINESS:**

- A. **Appointment of Chuck Harper to the Lancaster County Visitors Promotion Committee to complete the unexpired term of Steve Hilton, ending June 30, 2016.**

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

- B. **Resolution in the matter of County Text Amendment No. 12034, a text amendment to the Lancaster County Zoning Resolution, Article 19, to amend, reorganize and clarify the County Board of Zoning Appeals procedures. The amendments are provided in Attachment A. (R-13-0033)**

Item was held per the County Attorney's Office.

- C. **Amusement license renewal application from the Capital City Horse & Pony Club to hold an event on August 17, 2013, at 12900 N. 14th Street, Raymond.**

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

**NEW BUSINESS CONTINUED:**

**D. Resolution in the matter of supporting the recommendations of the Region V Systems evaluation team for the transition of community behavioral health services from the Community Mental Health Center. (R-13-0034)**

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

C.J. Johnson, Region V Systems, thanked everyone involved with the transition of the Community Mental Health Center.

J. Rock Johnson, Member of the ITN (Intent to Negotiate) Committee, discussed the next steps for the Community Mental Health Center, including a research and evaluation plan and continued community involvement.

**E. Resolution establishing the Mental Health Crisis Center as a County department and appointing Scott Etherton as the Director of the Mental Health Crisis Center at an annual salary of \$81,000, effective June 13, 2013. (R-13-0032)**

Scott Etherton expressed his appreciation for the opportunity to serve as the director.

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

**F. Resolution adopting a policy for the use of social media by County departments. (R-13-0031)**

Raybould noted the policy only pertains to departments with appointed directors, not elected officials. She expressed concern over the County's vulnerability if not all departments enforced the same policy.

Gwen Thorpe, Deputy Chief Administrative Officer, said elected officials are not required to follow the policy, but it could be given to all departments for review.

Brittany Behrens confirmed the policy could only be mandatory for departments with appointed directors. She stated any additional liability on the County would be minimal. Situations would need to be handled on a case-by-case basis depending on the elected official's policy.

Richard Grabow, Deputy County Attorney, said the intent of the resolution was to apply the policy to elected department heads. Elected officials would still have a certain amount of accountability to the public. He confirmed liability would fall on the County.

Raybould recommended having the elected officials review the social media policy as a safeguard for their departments.

Smoyer suggested meeting with elected officials individually to discuss the benefits of the policy.

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

**NEW BUSINESS CONTINUED:**

- G. **Recommendation from the Purchasing Agent and the County Engineer to award a contract to Maxwell Products, Inc., at a total cost of \$22,360 for the annual supply of asphaltic joint sealant. (B-13-0023)**

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

- H. **2012 grant adjustment notice to the sub-recipient agreement for 2012 Emergency Management performance grant 2012-EP-00002/97.042. The adjustment increases grant funding in the amount of \$32,489.03. (C-13-0229)**

Gwen Thorpe said the additional funding is for the Emergency Management planning grant.

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

- I. **Partial release of easement for the 10-foot wide utility easement within Lot 6, Dakota Springs Addition, Lancaster County, Nebraska, granted through the final plat of Dakota Springs Addition, filed in the office of the Lancaster County Register of Deeds as Instrument No. 2007-055153 on November 8, 2007. (C-13-0230)**

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

- J. **Agreement between the United States Marshals and the Metro Fugitive Task Force, and Lancaster County, on behalf of the Lancaster County Sheriff, for use of the County Firearms Range for training and qualifications testing. Term of the agreement is one year from the date of execution. (C-13-0231)**

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

- K. **Agreement with Keefe Commissary Network, LLC, for inmate commissary services at the Lancaster County Adult Detention Facility. Term of the agreement is four years from the date of execution by both parties. (C-13-0232)**

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

- L. **Agreement with Keefe Commissary Network, LLC, for prepaid debit card release services at the Lancaster County Adult Detention Facility. Term of the agreement is four years from the date of execution by both parties. (C-13-0233)**

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

- M. **Settlement agreement and release between Mike Blakely and Lancaster County. (C-13-0234)**

## **NEW BUSINESS CONTINUED:**

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

### **N. Request for a refund of real estate taxes from Cameron General Contractors.**

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of the request. He said a group of townhomes was incorrectly listed as completed.

**MOTION:** Raybould moved and Smoyer seconded approval of the refund request based on the County Assessor's recommendation. Raybould, Amundson, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

### **O. Labor negotiations (executive session).**

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

6) **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. **Right-of-way contract between the County Engineer and Calvin Prange, 176<sup>th</sup> Street and Panama Road, in the amount of \$163. (C-13-0235)**
- B. **Setting of a public hearing for Tuesday, June 18, 2013, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln), to amend the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards:**
  - **Article 1, Section 4 Appeal Procedure – correct a reference;**
  - **Article 1, Section 5 Variance – clarify authority to modify, suspend or revoke a variance;**
  - **Article 1, Section 6 Fees – reduce late fees;**
  - **Article 2, Section 1 Definitions – assure consistency with State and Federal regulations;**
  - **Article 2, Section 4 Ambient Air Quality Standards – assure consistency with State and Federal regulations;**
  - **Article 2, Section 17 Construction Permits - removing unnecessary language;**
  - **Article 2, Section 18 New Source Performance Standards and Emission Limits for Existing Sources - incorporate and reference updated Federal regulations and reorder section alphabetically by subpart;**
  - **Article 2, Section 19 Prevention of Significant Deterioration of Air Quality – assure consistency with State and Federal regulations;**
  - **Article 2, Section 28 Hazardous Air Pollutants - MACT Emission Standards - incorporate and reference updated federal regulations and reorder section alphabetically by subpart;**
  - **Article 2, Section 30 Construction Permit Fee – clarify when a fee is required;**
  - **Article 2, Section 31 One Year Special Emission Fee – remove a historic section that is no longer necessary;**

## **CONSENT ITEMS CONTINUED:**

- **Article 2, Section 38 Emergency Episodes – Occurrence and Control – Contingency Plans - clarifies language and simplifies presentation by using tables;**
- **Appendix I Emergency Emissions Reductions Regulations - assure consistency with State regulations;**
- **Appendix II Hazardous Air Pollutants Sorted by Name - assure consistency with State regulations; and**
- **Appendix III Hazardous Air Pollutants Sorted by CAS Numbers - assure consistency with State regulations.**

**MOTION:** Schorr moved and Smoyer seconded approval of the consent items. Schorr, Raybould, Amundson, Smoyer 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.

No one appeared for public comment.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, June 6, 2013, at 8:30 a.m., in Room 113 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln).**
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, June 11, 2013, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) with the Board of Equalization immediately following.**
- C. The County Commissioners can be reached at 402-441-7447 or [commish@lanaster.ne.gov](mailto:commish@lanaster.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 the internet at [lanaster.ne.gov](http://lanaster.ne.gov) under 5 City-TV, Video on Demand or 5 City-TV on YouTube.**

The Chair recessed the meeting at 11:11 a.m.

The Chair reconvened the meeting at 11:13 a.m.

**RETURNING TO ITEM 50:**

**MOTION:** Smoyer moved and Raybould seconded to enter executive session for the purpose of labor negotiations and to protect the public interest at 11:13 a.m.

The Chair restated the motion for the record.

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

**NEW BUSINESS ITEM 50 CONTINUED:**

Raybould exited the meeting.

**MOTION:** Smoyer moved and Schorr seconded to exit executive session at 11:46 a.m. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent from vote. Motion carried 4-0.

9) **ADJOURNMENT**

**MOTION:** Smoyer moved and Schorr seconded to adjourn the Board of Commissioners meeting at 11:46 a.m. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent from vote. Motion carried 4-0.



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**Dan Nolte**  
**Lancaster County Clerk**



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, JUNE 4, 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 31, 2013.*

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

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 11:11 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 28, 2013.**

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

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, Amundson, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

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

**Cathedral of the Risen Christ  
St. Teresa Church**

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

4) **ADJOURNMENT**

**MOTION:** Schorr moved and Smoyer seconded to adjourn the Board of Equalization meeting at 11:13 a.m. Smoyer, Schorr, Raybould, Amundson and Hudkins voted aye. Motion carried 5-0.

*Dan Nolte*

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**Dan Nolte**  
**Lancaster County Clerk**

