

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 3, 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 August 29, 2013.

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

Commissioners absent: Roma Amundson

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, 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 10:33 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 27, 2013.**

MOTION: Schorr moved and Smoyer seconded approval of the minutes. Schorr, Smoyer and Hudkins voted aye. Raybould and Amundson were absent. Motion carried 3-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, September 3, 2013.**

MOTION: Schorr moved and Smoyer seconded approval of the claims. Smoyer, Schorr and Hudkins voted aye. Raybould and Amundson were absent. Motion carried 3-0.

3) **PUBLIC HEARINGS:**

- A. **County Change of Zone No. 13014, from AG Agricultural to AGR Agricultural Residential, requested by Olsson Associates on behalf of Dan Moore, on property generally located at North 84th Street and Agnew Road.**

The Chair opened the public hearing.

Raybould entered the meeting at 10:38 a.m.

PUBLIC HEARINGS CONTINUED:

Sara Hartzell, Planning Department, was administered the oath. She said the 1.2 acre lot on which the request is being made is zoned AG; however, the 80 surrounding acres are zoned AGR and in a Community Unit Plan (CUP). The CUP approved by the Planning Commission would put the 1.2 acres into the same CUP. The landowner wants to maintain at least three acres, expanding his lot to follow the waterway. As part of the CUP, the outlot along the waterway must be preserved for wildlife habitat; only the 1.2 acres could be a buildable area. Based on maintenance of the wildlife habitat, the surrounding AGR zoning and the surrounding CUP, the Planning Department and the Planning Commission recommend approval.

The Chair closed the public hearing.

4) **NEW BUSINESS:**

- A. **Resolution in the matter of County Change of Zone No. 13014, from AG Agricultural to AGR Agricultural Residential, requested by Olsson Associates on behalf of Dan Moore, on property generally located at North 84th Street and Agnew Road. (R-13-0055)**

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

- B. **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 to \$192,929.01. (C-13-0436)**

Doug Ahlberg, Emergency Management Director, said the majority of the money is for the statewide interoperable communication system. Currently contractors are working to complete the installation of the system in Lancaster County.

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

- C. **Interlocal agreement with the Village of Bennet for law enforcement services within the Village limits. The Lancaster County Sheriff will assign one deputy to duty in the Village limits and provide a cruiser. The Village will reimburse the County at the overtime rate of pay for the deputy assigned. Term of the agreement is September 1, 2013, to August 31, 2014. (C-13-0437)**

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

- D. **Agreement between the City of Lincoln, on behalf of the Lincoln Police Department, and Lancaster County, on behalf of the Lancaster County Sheriff, for use of the County Firearms Range for training and qualification testing. Term of the agreement is one year from the date of execution. (C-13-0438)**

NEW BUSINESS CONTINUED:

Jim Peschong, Lincoln Police Chief, said the Police Department would use the County Firearms Range for qualification. Their existing range is unavailable while the Lincoln Airport Authority is making enhancements to the property. In the future, the Department wants to build a training campus on ground provided by the Lincoln Airport Authority.

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

- E. **Agreement with Great Plains Appraisal, Inc., for services of qualified professional appraisers to assist the Lancaster County Assessor's Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2013 tax year. The contract also authorizes Great Plains Appraisal, Inc., to process the TERC appeals for the 2012 tax year and any other TERC cases between the 2003 and 2012 tax years that have not been completed. The total compensation for services will not exceed \$200,000. (C-13-0439)**

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

- F. **Amendment to County Contract C-12-0331 with Legal Aid of Nebraska for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County. The amendment reduces the maximum number of new 3(a) cases per year and reduces compensation for these cases by \$53,040. (C-13-0440)**

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

- G. **Amendment to County Contract C-12-0545 with Tan-Aire, Inc., for hazardous vac services. The amendment renews the agreement for an additional one-year term from September 18, 2013, to September 17, 2014. (C-13-0441)**

Schorr questioned why three contractors were being authorized and how often the services were used.

Bob Walla, Assistant Purchasing Agent, said it is better to have more than one company available for emergency type services. He noted that the services are most often used by the Health Department.

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

- H. **Amendment to County Contract C-12-0546 with Environmental Solutions, Inc., for hazardous vac services. The amendment renews the agreement for an additional one-year term from September 18, 2013, to September 17, 2014. (C-13-0442)**

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

NEW BUSINESS CONTINUED:

- I. **Amendment to County Contract C-12-0547 with Haz-Mat Response, Inc., for hazardous vac services. The amendment renews the agreement for an additional one-year term from September 18, 2013, to September 17, 2014. (C-13-0443)**

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

- J. **Amendment to County Contract C-12-0698 with All Makes Office Equipment Company for the annual requirements of office seating. The amendment provides for the price increase as listed in Attachment A. (C-13-0444)**

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

- K. **Agreement between A 1st Rate Pumping Service, Inc., Lancaster County and the City of Lincoln for the annual requirements of pumping, hauling and disposal services for liquid waste products. Term of the agreement is one year from the date of execution by all parties. (C-13-0448)**

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

- L. **Agreement between Tan-Aire, Inc., Lancaster County and the City of Lincoln for the annual requirements of pumping, hauling and disposal services for liquid waste products. Term of the agreement is one year from the date of execution by all parties. (C-13-0449)**

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

- M. **Grant contract with The HUB, Inc., in the amount of \$11,500 to provide funding for the Building UP Interdependence and Leadership Development (BUILD) program. The HUB, Inc., will contribute \$5,000 in matching funds. Term of the grant contract is July 1, 2013, to June 30, 2014. (C-13-0435)**

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

- N. **Grant contract with Christian Heritage in the amount of \$24,757 to provide funding for the Designation Dad Program. Christian Heritage will provide \$69,846 in matching funds. Term of the grant contract is July 1, 2013, to June 30, 2014. (C-13-0445)**

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

NEW BUSINESS CONTINUED:

- O. **Grant contract with Clyde Malone Community Center, Inc., in the amount of \$10,000 to provide funding for the Talented Tenth Scholar's Program. Term of the grant contract is July 1, 2013, to June 30, 2014. (C-13-0446)**

Raybould said she would abstain from voting since she is on the Clyde Malone Community Center Board of Directors.

MOTION: Smoyer moved and Schorr seconded approval of the contract. Smoyer, Schorr and Hudkins voted aye. Raybould abstained. Amundson was absent. Motion carried 3-0 with one abstention.

- P. **Political subdivision tort claim filed against Lancaster County Corrections by Gatyok Keey for lost property in an undisclosed amount.**

MOTION: Smoyer moved and Schorr seconded denial of the tort claim based on the Corrections Director's recommendation. Smoyer, Schorr, Raybould and Hudkins voted aye. Amundson was absent. Motion carried 4-0.

- Q. **Ratification of termination of agreement notice regarding services contract with O.U.R. Homes, County Contract C-13-0081.**

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

- 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. **Right-of-way contract between the County Engineer and Sharon Layman, 13301 Pine Lake Road, as a donation. (C-13-0447)**
- B. **Receive and place on file the County Treasurer's Mid Term Report on 2011 Distress Warrants.**

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

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

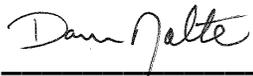
No one appeared for public comment.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Tuesday, September 3, 2013, in Room 113 of the County-City Building (555 S. 10th Street, Lincoln), immediately following the Board of Commissioners/Board of Equalization meetings, which begin at 10:30 a.m. There will not be a staff meeting on Thursday, September 5, 2013, due to the Board's attendance at the NACO (Nebraska Association of County Officials) Southeast District Meeting.
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, September 10, 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.
- 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 the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

8) **ADJOURNMENT**

MOTION: Raybould moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:55 a.m. Raybould, Smoyer, Schorr and Hudkins voted aye. Amundson was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 3, 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 August 29, 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
 Brittany Behrens, Deputy County Attorney
 Dan Nolte, 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 10:55 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 27, 2013.**

MOTION: Smoyer moved and Schorr 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: Raybould 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:**

Benedictine Sisters
Capitol City Christian Church
Christian Church (Disciples of Christ) in Nebraska
Sisters of Mary Queen of Mercy
St. Peter's Catholic Church

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

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) **APPEAL OF HOMESTEAD EXEMPTION REJECTION:**

Alicia Graybill

Scott Gaines, Deputy County Assessor/Register of Deeds, said some additional documentation was needed due to the death of one of two disabled sisters who owned and occupied the property. The needed documentation was provided so he recommended approval of the homestead exemption.

Raybould questioned if the Board was approving the homestead exemption application or the appeal. Gaines said the recommendation was for approval of the appeal, which would then approve the exemption.

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

5) **ADJOURNMENT**

MOTION: Raybould moved and Smoyer seconded to adjourn the Board of Equalization meeting at 10:58 a.m. Schorr, Raybould, Smoyer and Hudkins voted aye. Amundson was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

