

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 28, 2014
COUNTY-CITY BUILDING, ROOM 112
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 January 24, 2014.

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

Commissioners absent: Jane Raybould

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 10:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 21, 2014.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, January 28, 2014.**

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

3) **SPECIAL PRESENTATION:**

A. County Sheriff 2014 Employee Recognition Awards

Terry Wagner, County Sheriff, and Jeff Bliemeister, Chief Deputy Sheriff, presented the awards.

- Ivan Mendez-Osorio (not present) received the Citizens Certificate of Merit.
- Margaret Stinson received the Civilian Employee of the Year Award.
- Deputy Robert Soflin received the Life Saving Award.
- Deputy Eric Schilmoeller received the Life Saving Award.
- Deputy Jason Mayo, Deputy Jason Henkel and Sacha received the Exceptional Duty Award.
- Deputy Chad Bryant received the Deputy Sheriff of the Year for Exceptional Duty Award.

4) **PUBLIC HEARINGS:**

- A. **County Text Amendment No. 13013 to amend Lancaster County Zoning Resolution Articles 2, 4 and 13 to allow commercial composting operations by special permit in the AG Agricultural District. (See 5A for correlating item.)**
- B. **County Special Permit No. 13051 to allow a commercial composting operation at S. 134th Street and Pella Road. (See 5B for correlating item.)**

The Chair opened the public hearings.

Sara Hartzell, County Planner, was administered the oath. She said the text amendment would add a definition for commercial composting facilities, as well as sub-definitions for compost and organic materials; add commercial composting facilities as a specially permitted use in the AG district; and add conditions to be reviewed for commercial composting. These conditions include information on the composting operation and on-site buildings used; a minimum separation of 750 feet from residential buildings not used as part of the facility; information on vehicle types, paths and daily estimate; visual screening; and final action by the County Board. If the composting facility reaches 1,000 cubic yards per year, a permit must be approved by the State of Nebraska Department of Environmental Quality (DEQ).

Hartzell said the special permit would allow Prairieland Dairy to have up to 100,000 cubic yards of composting total. Five trucks per day are estimated with the anticipated route being from Firth Road (paved) along 134th Street. If they significantly exceed five trucks per day, Prairieland Dairy would notify the County Engineer who would check the road condition. If the condition is not good, Prairieland Dairy has agreed to enter into a maintenance agreement with the County Engineer. In addition, Hartzell discussed the layout of the property, distance from residential buildings and the nearest non-related dwelling, screening provided by the buildings and rise in land, and work done with Norris School to compost food waste.

Hartzell said the Planning Commission held a public hearing, and both the text amendment and special permit received unanimous recommendation. There was some testimony in support with the main concern being odor and traffic.

Schorr asked what type of review was in place for the operation and if the permit was permanent. Hartzell said the permit does not have an expiration date. DEQ monitors the facility on a continuous basis, the Health Department handles any nuisance issues, the County Engineer handles the roads and Building & Safety monitors the buildings.

Dan Rice, Prairieland Dairy, was administered the oath. He said their farm has been composting for a while and now are starting with food waste. They are approaching the 1,000 cubic yards permitted under the dairy permit through the DEQ and are trying to be proactive for future needs. Rice discussed the amount of food waste in landfills and routing of trucks on Firth Road.

In response to Hudkins, Rice said their farm is classified as a confined animal feeding operation (CAFO) with 1,000 head in one location, which involves permitting through the Environmental Protection Agency (EPA). He noted that nine families are involved with the farm. Rice promoted Prairieland Dairy Day, which is held on the last weekend of June with around 5,000 people attending and 100 people volunteering.

PUBLIC HEARINGS CONTINUED:

The Chair closed the public hearings.

5) **NEW BUSINESS:**

- A. **Resolution in the matter of County Text Amendment No. 13013, text amendment to the Lancaster County Zoning Resolution to amend Articles 2, 4 and 13 as provided in Attachment A. (R-14-0007)**

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

- B. **Resolution in the matter of County Special Permit No. 13051, granting authority to allow a commercial composting operation on property generally located at S. 134th Street and Pella Road, Lancaster County, Nebraska. (R-14-0008)**

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

- C. **Exceptional circumstance award under the provisions of Personnel Rule 17.9(b) for Nicole Preister, Community Corrections Case Worker – Drug Court, for a one-step salary increase from Step 6 (\$20.036 per hour) to Step 7 (\$20.756 per hour).**

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

- D. **Setting the salary of Teresa Nutzman, Deputy Public Defender, at \$37,900 per year, effective January 28, 2014.**

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

- E. **Setting the salary of Abbi Romshek, Deputy Public Defender, at \$59,178 per year, effective February 3, 2014.**

Schorr noted this is not a new position, but a replacement for an employee who is leaving.

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

- F. **Agreement with U.S. Bank National Association for banking services. (C-14-0042)**

Bill Jarrett, Deputy County Treasurer, discussed the process involved in setting up the new agreement and noted it would save around \$105,000 over three years.

Schorr questioned the timeline for the transition and if it would be seamless to constituents. Michelle Raphael, County Treasurer's Office, said implementation would begin as soon as the contracts are executed. Jarrett added that citizens would not notice any changes.

NEW BUSINESS CONTINUED:

Jarrett introduced Greer Almquist, US Bank, who thanked the County for using their services.

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

G. Deposit placement agreement and custodial agreement with Security First Bank for insured cash sweep services. (C-14-0043)

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

H. Utility relocation agreement with Windstream Nebraska, Inc., to relocate communication facilities for a road grading project on Pine Lake Road between S. 112th Street and S. 148th Street; Project C55-Q-409(1). (C-14-0044)

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

I. Recommendation from the County Engineer to award a bid to Theisen Construction, Inc., in the amount of \$29,563.75 for repair of County Bridge C-284. (B-14-0005)

Pam Dingman, County Engineer, said this bridge is one of several in the County that needs to be monitored and repaired.

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

J. Recommendation from the Purchasing Agent and the County Engineer to issue a purchase order to Sid Dillon Ford Lincoln Mercury, Inc., at an estimated cost of \$103,840 for four 2014 Ford F-250 trucks from the State of Nebraska Contract 13600 OC. (B-14-0006)

Pam Dingman said there were five trucks budgeted, but she chose to return one.

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

K. Contract between Office Interiors & Design, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for moving services on an as-needed basis. (C-14-0045)

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

NEW BUSINESS CONTINUED:

- L. **Contract between Flat Rate Movers, LLC, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for moving services on an as-needed basis. (C-14-0046)**

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

- M. **Contract between Select Van & Storage – Mayflower Transit, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for moving services on an as-needed basis. (C-14-0047)**

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

- N. **Amendment to County Contract C-12-0110 with Vogel Paint and Wax Company, Inc., for the annual supply of traffic paint. The amendment renews the agreement for an additional one-year term from January 1, 2014, to December 31, 2014. (C-14-0048)**

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

- O. **Amendment to County Contract C-11-0743 with Orkin for pest control services. The amendment extends the agreement for an additional one-year term from January 10, 2014, to January 9, 2015. (C-14-0049)**

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

- P. **Amendment to County Contract C-11-0744 with PrestoX for pest control services. The amendment extends the agreement for an additional one-year term from January 10, 2014, to January 9, 2015. (C-14-0050)**

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

- Q. **Amendment to County Contract C-13-0042 with Black and Company, Inc., for the annual supply of property bags. The amendment renews the agreement for an additional one-year term from January 22, 2014, to January 21, 2015. (C-14-0051)**

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

- R. **Contract with Aging Partners (AP) for the Harvest Project, the provision of mental health, substance abuse and aging services to elderly residents of Lancaster County. Term of the contract is July 1, 2013, to June 30, 2014. (C-14-0052)**

NEW BUSINESS CONTINUED:

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

- S. **Amendment to County Contract C-13-0221 with The Board of Regents of the University of Nebraska, the University of Nebraska at Omaha, for implementation and operations of the Mentoring Program under the Second Chance Act Juvenile Offender Reentry Program. The amendment extends the end date of the agreement to June 30, 2014. (C-14-0053)**

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

- T. **Amendment to County Contract C-13-0222 with The Board of Regents of the University of Nebraska, the University of Nebraska at Omaha, for evaluation of the Second Chance Act Juvenile Offender Reentry Program. The amendment extends the end date of the agreement to June 30, 2014. (C-14-0054)**

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

- U. **Signature Authorization Method (SAM) with Hewlett-Packard for support service. (C-14-0055)**

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

- V. **Lancaster County Board of Commissioners committee assignments for 2014.**

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

- 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. **Receive and place on file the following reports:**
1. **County Sheriff for December 2013**
 2. **County Attorney for October to December 2013**
 3. **Election Commission All Mail Special Election for the Village of Panama**

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

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

Schorr recognized Bill Luxford, long time station manager of 5-City TV, for all his contributions. She said Room 113 in the County-City Building was being named the Bill Luxford Studio in his honor.

8) **ANNOUNCEMENTS:**

- A. The Mid-Year Budget Retreat will be held on Thursday, January 30, 2014, at 8:00 a.m., at the Lincoln-Lancaster County Health Department, 3140 N Street, in the lower level conference room.
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, February 4, 2014, at 10:30 a.m., in Room 112 of the County-City Building 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.

9) **ADJOURNMENT**

MOTION: Smoyer moved and Amundson seconded to adjourn the Board of Commissioners meeting at 11:35 a.m. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 28, 2014
COUNTY-CITY BUILDING, ROOM 112
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 24, 2014.

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

Commissioners absent: Jane Raybould

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 11:35 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 21, 2014.**

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

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

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

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

**Radiant Church
Salvation Army
Sesostris Shrine**

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

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

4) **ADJOURNMENT**

MOTION: Smoyer moved and Amundson seconded to adjourn the Board of Equalization meeting at 11:37 a.m. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

