

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 25, 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 March 21, 2014.

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

Commissioners absent: Larry Hudkins, Chair

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 Chair called the meeting to order at 10:32 a.m. The pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 18, 2014.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, March 25, 2014.**

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

3) **PUBLIC HEARING:**

A. County Change of Zone 14001, AG to AGR on property generally located at S. 72nd Street and Roca Road. (See 4A for correlating item.)

The Vice Chair opened the public hearing.

Sara Hartzell, County Planner, was administered the oath. She said the applicant applied for the Change of Zone, as well as a preliminary plat. On March 5, 2014, the Planning Commission approved the preliminary plan and recommended approval of the Change of Zone.

PUBLIC HEARING CONTINUED:

Hartzell reviewed the criteria considered for the application:

- Roca Road, 68th Street and roads adjacent to the development (except S. 75th Street) are paved roads. Roads within the development will be paved.
- Rural Water District #1 has reviewed and recommended approval of rural water service.
- The Health Department indicated that soil conditions are typical of the area and either septic or lagoon is acceptable.
- The property is about 2½ miles away from the Hickman Fire Department.
- The agricultural productivity rating is seven. Overall, the land is not considered prime farmland.
- Surrounding areas contain property zoned AGR with residences already built or being built.
- The property is outside Lincoln's growth tier and outside Hickman's one-mile jurisdiction, but it does fall within the two-mile area that Hickman reviews. Hickman considers the area as future acreage and recommends approval.

Hartzell discussed the proposed layout of the plat. She noted there is a private airfield on the property, which is allowed as a conditional use. It was split previously to keep it zoned AG since the airfield would need a special permit under AGR. An avionic transition slope zone was developed for the landing and takeoff areas, which currently have no lots platted.

Schorr asked about improving water pressure. Hartzell said the development would bring in water lines from 72nd Street and 75th Street and hook onto the main line on Roca Road. This should improve water pressure for those at the dead end. In addition, the Rural Water District added a parallel main on Roca Road that should improve the overall supply.

Matt Langston, ESP, was administered the oath. He clarified that the preliminary plat allows for gravel on the roads, although the plan is to pave. Langston also noted that increased lawn watering had contributed to low water pressure. Since the developer is president of the water board, water issues would likely be addressed.

The Chair closed the public hearing.

4) NEW BUSINESS:

- A. Resolution in the matter of County Change of Zone No. 14001, requesting a change of zone from AG Agricultural to AGR Agricultural Residential on property generally located at S. 72nd Street and Roca Road, Lancaster County, Nebraska. (R-14-0017)**

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

- B. Request to hire uniformed employees of the Lincoln Police Department for security and assistance for the Lancaster County Election Commissioner on Election Days (May 13 and November 4, 2014). (C-14-0153)**

Dave Shively, Election Commissioner, said police officers are being requested for election days as they have been in the past, but now a contract is required for the service.

NEW BUSINESS CONTINUED:

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

C. Amusement license renewal application from Event King, LLC, for an event at 5895 West Sprague Road on August 22, 2014.

Brooke Schulz, Director of Marketing for Froggy Radio, said the event went well last year and there were no complaints. She presented a thank you note received from one of the neighbors (Exhibit A).

Smoyer noted the initial application showed an association with red9; however, red9 is now closed and the special designated license will only involve Bluestem Landscaping & Vineyard.

Raybould questioned the expiration date of June 7, 2014, on the food handler's permit. Schulz said the permit would be renewed this Thursday.

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

D. Special designated license application from Bluestem Landscaping & Vineyard to provide alcoholic beverage service for an event at 5895 West Sprague Road on August 22, 2014.

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

E. Resolution in the matter of prohibiting smoking and the use of electronic cigarettes in all buildings, offices, vehicles and equipment owned or leased by the County of Lancaster. (R-14-0015)

Judy Halsted, Health Department Director, said this would add to the existing resolution language relating to electronic cigarettes. The same restrictions are being brought forth for the City of Lincoln and the Public Building Commission.

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

F. Resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to the General Fund Election Commissioner Budget. The amount to be transferred is \$275,000. (R-14-0016)

Dennis Meyer, County Budget & Fiscal Director, said the Election Commissioner Budget must be amended due to the special elections that took place since these costs were not built into the budget. In response to Raybould's question, Meyer said the jurisdictions must pay for the special elections.

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

NEW BUSINESS CONTINUED:

- G. Agreement between United Seeds, Inc., the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for the annual supply of grass seed. (C-14-0154)**

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

- H. Contract with Hood Masters, Inc., for the annual requirements of kitchen exhaust hood and equipment cleaning services for Lancaster County Corrections. The agreement is effective upon execution through January 23, 2015. (C-14-0155)**

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

- I. Amendment to County Contract C-12-0480 with Paramount Linen, Inc. The amendment transfers services previously provided at the Community Mental Health Center to the Mental Health Crisis Center. (C-14-0156)**

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

- J. Amendment to County Contract C-12-0012 between Feinstein Institute for Medical Research and Lancaster County, on behalf of the Community Mental Health Center, for the "Recovery After the Initial Schizophrenia Episode" (RAISE) project. The amendment extends the agreement from September 21, 2013 to March 31, 2014, and sets the funding at \$7,276 for the new term. (C-14-0151)**

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

- K. Agreement with CenterPointe for administration and operation of the Psychiatric Residential Rehabilitation program on behalf of Lancaster County. Term of the agreement is April 1, 2014, to June 30, 2014. (C-14-0157)**

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

- L. Utility Permit No. 1164 for Nebraska Link Holdings for the installation of fiber optic cable along NW 126th Street from W. Superior Street north approximately 1 ½ miles. There is no cost to Lancaster County. (C-14-0158)**

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

- M. Surveying agreement with K & M Land Surveying, Inc., in the amount of \$7,300 for survey work on Pine Lake Road from S. 112th Street to S. 148th Street. (C-14-0163)**

NEW BUSINESS CONTINUED:

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

- N. Amendment to County Contract C-13-0269 with Creative Payment Solutions for electronic payments services for the Lancaster County Treasurer. The amendment renews the agreement for an additional one-year term from June 18, 2014, to June 17, 2015. (C-14-0159)**

Andy Stebbing, County Treasurer, said the service helps automate the check process, saving time and money.

Michelle Raphael, County Treasurer's Office, said the vendor agreed to a renewal without a price increase.

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

- O. Amendment to County Contract C-12-0630 with the Nebraska Department of Health and Human Services for child support enforcement services provided by the Lancaster County Child Support Referee. The amendment increases the amount paid to Lancaster County from \$147,022 to \$149,522. (C-14-0160)**

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

- P. Agreement between April Hilpert-Whitney and Lancaster County, on behalf of the Lancaster County Department of Community Corrections, to provide Safety Training Option Program (STOP) instruction to participants eligible to participate in the Lancaster County Traffic Diversion Program. The County shall pay \$100 per STOP class instructed. Term of the agreement is April 1, 2014, to June 30, 2015. (C-14-0161)**

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

- Q. Space rental agreement between the Lancaster Event Center and Lancaster County, on behalf of the Lancaster County Clerk, for meeting space within the Event Center to be used for hearings between June 23 and July 14, 2014. (C-14-0152)**

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

- R. Agreement with Bryan Physician Network to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. (C-14-0164)**

NEW BUSINESS CONTINUED:

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

S. Pending litigation (executive session).

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

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 Gary and Susan Kuck, NW 12th Street and W. Rock Creek Road, for \$347.50. (C-14-0162)

B. Receive and place on file the following:

- 1. Report on the all-mail special election conducted by the Lancaster County Election Commissioner for Lincoln Public Schools on Tuesday, February 11, 2014.**
- 2. Report on the all-mail special election conducted by the Lancaster County Election Commissioner for the City of Hickman on Tuesday, March 11, 2014.**
- 3. February 2014 report for the County Sheriff.**

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

Donald D. Olson, 318 County Road 29, discussed the destruction done to his property during the County's removal of snow fence and the need for better road maintenance (Exhibit B).

Pam Dingman, County Engineer, said she met with Olson at his residence and agreed there was a need for road maintenance. She felt a written process and protocol for snow fence should be put in place and customer service practices should be reviewed. One of her current projects is developing a procedure manual for the department.

Coordination of efforts with Saunders County was discussed. Dingman said road maintenance coordination with surrounding counties has traditionally been set up in 1½-mile increments around the border. She said the boundary is defined as to who is responsible, but she would try to better coordinate with Saunders County.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, March 27, 2014, at 8:30 a.m., in the Bill Luxford Studio of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, April 1, 2014, 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.

The Chair recessed the meeting at 11:17 a.m.

The Chair reconvened the meeting at 11:19 a.m.

RETURNING TO ITEM 4S:

MOTION: Schorr moved and Raybould seconded to enter executive session at 11:19 a.m. for the purpose of pending litigation and to protect the public interest.

The Chair restated the motion for the record.

ROLL CALL: Schorr, Raybould, Amundson and Smoyer voted aye. Hudkins was absent. Motion carried 4-0.

MOTION: Schorr moved and Raybould seconded to exit executive session at 11:37 a.m. Raybould, Amundson, Schorr and Smoyer voted aye. Hudkins was absent. Motion carried 4-0.

8) **ADJOURNMENT**

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



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 25, 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 March 21, 2014.

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

Commissioners absent: Larry Hudkins, Chair

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 Chair called the meeting to order at 11:17 a.m. and the location of the Nebraska Open Meetings Act was announced.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 18, 2014.**

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

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

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

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

Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints
Developmental Services of Nebraska
Dialysis Center of Lincoln
Lincoln Church of Christ
Madonna Rehabilitation Center
Priestly Fraternity of St. Peter

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

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

4) **ADJOURNMENT**

MOTION: Raybould moved and Amundson seconded to adjourn the Board of Equalization meeting at 11:19 a.m. Schorr, Raybould, Amundson and Smoyer voted aye. Hudkins was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



I would like ~~to~~ to thank you for the way Frey Fest was handled at your venue. Although I didn't find them until the next morning, the complimentary tickets were a very nice gesture. The traffic was handled well, and everyone I encountered going in and out of the neighborhood were very

helpful and friendly. The music was loud enough I could enjoy it from my deck, but not ~~at~~ loud I couldn't go to sleep when I wanted to. ☺ The few remaining cars the next day were a good learning opportunity for my kids - "these are the smart people who know when they need someone else to drive" Thanks again for a class act - I look forward to future events you may host. Brad & Lori Kreifers
5901 Kiowa Rd.

March 25 2014

402.784.3816

Donald D Olson

318 CR 29

Velparaino no. 68045

I'm here to complain about Lancaster County Road and Engineering Dept.

On the night of March 18 we had snow on March 19th at 1:15 pm I came upon the road crew in my field causing total destruction: 3 pecks and one 2 1/2 ton truck taking snow fence down. I asked if they could do this when ground conditions were dryer. one person said his boss told them to do it.

On 3.20.14 I called engineering wanted to talk to head person. they said Jan Dignman was out of office then put me through to Ken Schroeder so I stopped by Engineering hoping Jan would be there.

Ken came out to talk to me. I said don't you have a private office Bob Jacobs was there also I ask if they had rules + regulations for the County to follow. they said yes they both said we shouldn't be out there.

I called my senator Johnson. his office replied saunders County didn't have anything to do with snow fences they don't put them up or townships.

when I wanted grader ditch clean out
Lancaster County Dept wouldn't do this for
me. it was so full of gravel & dirt water would
run into my fields. so I went to saunter County
they came out clean out ditch for me and
made a larger drive on top of hill

this is a perfect example of discrimination
and harassment on Lancaster County part.

I bought a lot of debris was left in my
field we always have to clean up after them
this could cause a flat tire lodge in to field
Equitment, causing a lot of expense.

I talk to state govt about this he said since
it's County he can't do anything but if a
individual would do this by driving onto my property
he'd get them for Criminal trespassing ^{and destruction of property} & I say
your people are hiding behind the County, to shield
themselves to harass & discriminate against me.

also our road have very little maintenance
Compared to our township road.

from W W 84TH 6 ten mile east on rock creek road
there was snow fence there also on crop grass they
didn't remove that also just west of W W 84TH
a farmer removed all cover crop they didn't
put up snow fence there. to protect all people
living on that road.

would like the Commission to work with
me.
—thanks you











