

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, AUGUST 12, 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 August 8, 2014.*

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

Others present: Kerry Eagan, 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, August 5, 2014.**

**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, August 12, 2014.**

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

3) **PUBLIC HEARINGS:**

- A. **County Change of Zone No. 14019, from AG Agricultural District to AGR Agricultural Residential District, on property generally located at SW 56<sup>th</sup> Street and W. Denton Road.**

The Chair opened the public hearing.

Steve Henrichsen, Planning Department, was administered the oath. He said the property is surrounded by acreage subdivisions on all three sides. While it was not designated as low density residential on the Comprehensive Plan, it met all criteria for acreage development.

**PUBLIC HEARINGS CONTINUED:**

Henrichsen said accompanying Special Permit 14017 is for a 10-lot subdivision with an extension of the road network from the south up to W. Denton Road. A few standard conditions were added to the permit. Henrichsen stated that both the Planning Department and the Planning Commission recommend approval.

Mike Eckert, Civil Design Group, was administered the oath. He said all the details have been discussed, including access locations. He noted there is an undersized culvert in Denton causing a lot of backwater; however, the location and minimum openings set on the lots should prevent this from being a problem. Eventually, the boxed culvert will be increased in size and a lot of the backwater will be eliminated.

The Chair closed the public hearing.

**B. County Special Permit No. 14017, to develop the Bronco Hills Estates Community Unit Plan, on property generally located at SW 56<sup>th</sup> Street and W. Denton Road.**

The Chair opened the public hearing.

Mike Eckert said the special permit allows for creation of a preliminary plat that meets design standards for the three-acre lots.

The Chair closed the public hearing.

**4) NEW BUSINESS:**

**A. Resolution in the matter of County Change of Zone No. 14019, requesting a change of zone from AG Agricultural to AGR Agricultural Residential on property generally located at SW 56<sup>th</sup> Street and W. Denton Road, Lancaster County, Nebraska. (R-14-0043)**

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

**B. Resolution in the matter of County Special Permit No. 14017, requesting authority to develop the Bronco Hills Estates Community Unit Plan, generally located at SW 56<sup>th</sup> Street and Denton Road, Lancaster County, Nebraska. (R-14-0044)**

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

**C. Resolution in the matter of fixing the date, time and place for a public hearing regarding a request to vacate the thirty foot wide portion of S. 10<sup>th</sup> Street lying contiguous and adjacent to the west line of Block 18, Princeton, Lancaster County, Nebraska. (R-14-0045)**

**NEW BUSINESS CONTINUED:**

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

**D. Amusement license renewal for Kramer Bar & Grill to hold a street dance at 11365 W. Kramer Street, Kramer, on August 23, 2014, from 5:00 p.m. to 1:00 a.m.**

Amundson expressed concern over a fuel tank around the area of the event. Pam Dingman, County Engineer, said the County does have an above ground fuel tank in the area, as well as other items. She said snow fence would be installed around the area in a 25-foot radius as listed in the County Engineer's recommendations to the applicant.

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

**E. Special events permit for Kramer Bar & Grill to hold a street dance at 11365 W. Kramer Street, Kramer, on August 23, 2014, from 5:00 p.m. to 1:00 a.m.**

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

**F. Special designated license for Kramer Bar & Grill to hold a street dance at 11365 W. Kramer Street, Kramer, on August 23, 2014, from 5:00 p.m. to 1:00 a.m.**

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

**G. Agreement with the University of Nebraska, Board of Regents and the Lincoln Housing Authority for operation of the Nutrition Education Program to address the nutritional needs of certain limited income persons living in urban housing in Lancaster County. The County will pay \$24,355 for the services provided by the University. The Housing Authority will pay \$10,519 for the services, combined with \$10,911 from the United States Department of Agriculture (USDA) Supplemental Nutrition Assistance Program. Term of the agreement is September 1, 2014, to August 31, 2015. (C-14-0395)**

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

**H. Utility Permit No. 1198 for Nebraska Link, LLC, for the installation of fiber optic cable from Lincoln to Murdock with 8½ miles located in Lancaster County. There is no cost to Lancaster County. (C-14-0396)**

Hudkins encouraged the County Engineer's Office to monitor the installation of the cable.

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

**NEW BUSINESS CONTINUED:**

- I. **Contract between Hamilton Equipment Company, Lancaster County and the City of Lincoln for the annual requirements of construction and landfill equipment repair. Term of the contract is one year from the date of execution by all parties. (C-14-0397)**

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

- J. **Contract between NMC, Inc., Lancaster County and the City of Lincoln for the annual requirements of construction and landfill equipment repair. Term of the contract is one year from the date of execution by all parties. (C-14-0398)**

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

- K. **Contract between Truck Center Companies, Lancaster County and the City of Lincoln for the annual requirements of construction and landfill equipment repair. Term of the contract is one year from the date of execution by all parties. (C-14-0399)**

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

- L. **Contract between Titan Machinery, Inc., Lancaster County and the City of Lincoln for the annual requirements of construction and landfill equipment repair. Term of the contract is one year from the date of execution by all parties. (C-14-0400)**

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

- M. **Contract between Murphy Tractor & Equipment Company, Inc., Lancaster County and the City of Lincoln for the annual requirements of construction and landfill equipment repair. Term of the contract is one year from the date of execution by all parties. (C-14-0401)**

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

- N. **Contract between Snap-On Industrial, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for small hand and power tool accessories. The County will pay for products and services according to State of Nebraska Contract 14033 OC. The agreement is effective through September 19, 2015, with the option to renew for two additional two-year terms. (C-14-0402)**

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

**NEW BUSINESS CONTINUED:**

- O. **Amendment to a City of Lincoln agreement with Millard Sprinklers for the annual requirements of irrigation systems, repair maintenance services. The amendment adds Lancaster County as a party to the original agreement. (C-14-0403)**

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

- P. **Contract between EnviroTech Services, Inc., Lancaster County and the City of Lincoln for the annual supply of de-icer material. The County will pay for products and services according to State of Nebraska Contract 13601 OC. The contract is effective through May 31, 2015, with the option to renew for three additional one-year terms. (C-14-0404)**

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

- Q. **Agreement with Dry Clean City for uniform cleaning for the County Sheriff and Corrections on an as needed basis. Term of the agreement is four years from the date of execution by both parties. (C-14-0405)**

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

- R. **Contract with Alamar Uniforms for the annual requirements of body armor second chance vests on an as needed basis. Term of the contract is four years from the date of execution by both parties. (C-14-0406)**

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

- S. **Agreement with Southeast Community College to conduct on-site food handling and food preparation instruction for Lancaster County Corrections inmates. The County will pay up to \$2,388.24. The Session 1 program will be conducted from August 19, 2014, to September 18, 2014. (C-14-0407)**

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

- T. **Contract between the Nebraska Department of Health and Human Services Division of Children and Family Services and Lancaster County, on behalf of the County Attorney's Office, to provide funding to assist the County Attorney in the preparation and filing of termination of parental rights in accordance with Nebraska Revised Statute §43-292. The Department of Health and Human Services will pay the County \$104,500. Term of the contract is July 1, 2014, to June 30, 2015. (C-14-0408)**

**NEW BUSINESS CONTINUED:**

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

- U. **Grant contract with Voices of Hope to provide funding for the project coordinator of the Violence Against Women program, "A Coordinated Response to Reducing Domestic Violence." The County will expend federal grant funds in the amount of \$55,026. (C-14-0409)**

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

- 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. **Receive and place on file the following:**

- 1. **July 2014 report for the County Clerk**
- 2. **July 2014 report for the Clerk of the District Court**
- 3. **July 2014 report for the County Assessor/Register of Deeds**
- 4. **July 2014 report for County Records & Information Management**
- 5. **Annual inventory of County real property**

- B. **Setting of a public hearing on Tuesday, August 19, 2014, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln), regarding the automatic renewal of Class C liquor licenses.**

- C. **Setting of public hearings on Tuesday, August 26, 2014, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln), regarding Lincoln-Lancaster County Health Department amendments:**

- 1. **Section XIII of County Resolution R-13-0062, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County, Nebraska, by increasing various fees and clarifying refund of fees.**
- 2. **Sections VI, XV and XXIX of County Resolution R-13-0063, Regulations for the Operation of Body Art and Piercing Establishments in Lancaster County, Nebraska, by increasing various fees and clarifying where such funds shall be deposited.**
- 3. **Section XI of County Resolution R-13-0064, Procedures for the Inspection of On-site Water Supply Systems and On-site Wastewater Treatment Systems Prior to the Sale, Transfer, or Conveyance of Property in Lancaster County, Nebraska, by increasing various fees and clarifying refund of fees.**
- 4. **County Resolution R-13-0072, Lincoln-Lancaster County Air Pollution Regulations and Standards, Article 1, Section 6, to increase the fees for asbestos project notifications, area sources of hazardous air pollutants and emergency electrical generators.**

**CONSENT ITEMS CONTINUED:**

5. **County Resolution R-13-0073, Lancaster County Air Pollution Control Resolution, Section 13, to increase the fee for open burning permits for industrial or commercial businesses and clarifying where such funds shall be deposited.**

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

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

Jesse Myles, Pastor of No Greater Love Christian Fellowship Church, expressed his concern over his church being assessed property taxes. He said the church property was purchased in May 2012 and there was nothing to indicate any back taxes were owed; he thought the church was operating under exempt status. Since then, he found out taxes are owed for 2012 and 2013. Myles referenced an exemption change notice sent to Reach Out Christian Center (the previous property owner) in 2012 that was copied to him, stating he never received his copy due to a typographical error on the addressed envelope. He noted that around \$3,300 total is owed.

Scott Gaines, Deputy County Assessor/Register of Deeds, said the property was purchased from Reach Out Christian Center, a previously exempt organization, in 2012. When his office received notice that ownership had changed, the exemption removal was scheduled on an upcoming Board of Equalization meeting and notice was sent to Reach Out Christian Center. Although it is not required by State statute, the purchaser of the property is normally copied on the notice of exemption status change. At the time No Greater Love purchased the property, no property taxes would have been due; once the exemption was removed for 2012, the property again became taxable. No Greater Love would have needed to apply for exemption by the August 1, 2012, deadline and then again in 2013 based on State statute. Since that did not happen, there is no exemption for 2012 or 2013, but exemption was applied for and granted in 2014. He added that property acquired after the exemption deadline is allowed by statute to apply by November 1. Gaines clarified that the only error in address was on the one courtesy mailing from the County Clerk's Office; the property records show the correct address for the church. Any other mailing should have gone to the correct address, including the 2012 tax statement.

Hudkins encouraged Myles to contact his local State Senator regarding the statute requirements on exemptions.

Brittany Behrens, Deputy County Attorney, stated that statutes do not require a notice of exemption change be sent to the new property owner and legally an exemption cannot be granted when no application is submitted. The responsibility for paying taxes lies with the property owner and the Board has no legal authority to waive the taxes.

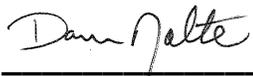
It was noted that the Board sent a letter in May 2014 responding to Myles' previous request for a waiver of past due property taxes.

7) **ANNOUNCEMENTS:**

- A. The Lancaster Board of Commissioners will not hold a staff meeting on Thursday, August 14, 2014, due to their attendance at a legislative retreat. The next staff meeting is tentatively scheduled for Thursday, August 21, 2014, at 8:30 a.m., in the Bill Luxford Studio (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, August 19, 2014, 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@lancaster.ne.gov](mailto: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](http://lancaster.ne.gov) under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

8) **ADJOURNMENT**

**MOTION:** Schorr moved and Amundson seconded to adjourn the Board of Commissioners meeting at 11:25 a.m. Schorr, Raybould, Amundson, Smoyer and Hudkins voted aye. Motion carried 5-0.



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Dan Nolte  
Lancaster County Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, AUGUST 12, 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 August 8, 2014.*

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  
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 11:25 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, August 5, 2014.**

**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**

**MOTION:** Raybould moved and Amundson 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:**

**Christ Lutheran Church**  
**Nebraska Heart Hospital**  
**North American Martyrs Church/School**

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

- 4) **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.

5) **ADJOURNMENT**

**MOTION:** Schorr moved and Amundson seconded to adjourn the Board of Equalization meeting at 11:27 a.m. Schorr, Raybould, Amundson, Smoyer and Hudkins voted aye. Motion carried 5-0.



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Dan Nolte  
Lancaster County Clerk

