

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, MAY 3, 2016
9:00 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 April 29, 2016.

Commissioners present: Todd Wiltgen, Vice Chair; Bill Avery, Larry Hudkins and Deb Schorr

Commissioner absent: Roma Amundson, Chair

Others present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Ann Taylor, County Clerk's Office

The Vice Chair called the meeting to order at 9:00 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, April 26, 2016.

Schorr arrived at the meeting at 9:02 a.m.

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

2) CLAIMS: Approval of all claims process through May 3, 2016.

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

3) NEW BUSINESS:

A. Special designated license applications from Seward Grocery, LLC, d/b/a Pac N Save for receptions on May 21 and 28, 2016 at Prairie Creek Inn, 2400 South 148th Street, Walton, Nebraska.

Gayle Richards, Seward Grocery, LLC, d/b/a Pac N Save, appeared to answer questions about the events.

Schorr asked whether the applicant has previously worked with Prairie Creek Inn and inquired about what types of training their servers have participated in. Richards said Prairie Creek Inn is a new venue for their business. She said their employee bartenders have several years of experience but have not participated in hospitality training.

NEW BUSINESS CONTINUED:

Hudkins asked whether Pac N Save would be willing to enroll their employees in the hospitality training course offered through the Lincoln-Lancaster County Health Department (LLCHD). Richards said they would.

Avery asked whether Prairie Creek Inn is in compliance with County zoning laws. Richards said she believes the venue is in compliance. Wiltgen noted the property has a historic designation and falls within the zoning requirements.

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

B. Special designated license application from Meier's Wine, Inc. d/b/a Meier's Cork N' Bottle for a reception on May 29, 2016 at Roca Ridge Events, 5265 Prairie Sage Drive, Roca, Nebraska.

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

C. Special designated license application from Nissen Wine, Inc. for the Cattlemen's Ball of Nebraska on June 4, 2016 to be held at 26969 Homestead Expressway, Princeton, Nebraska.

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

D. Recommendation from the Purchasing Department and Emergency Management to award a contract to FDI Consulting, Inc. for the Southeast Region Emergency Management Debris Management Plan. The total cost of the contract is \$28,000.

Jim Davidsaver, Emergency Management Director, appeared and gave an overview of the contract. He said there will be no cost to the County as the contract is part of the State Homeland Security Grant Program with federal money administered by the State at the regional level.

MOTION: Schorr moved and Hudkins seconded approval of the recommendation. Schorr, Hudkins and Avery voted aye. Wiltgen abstained from voting. Amundson was absent. Motion carried 3-0, with one abstention.

E. Recommendation from the Purchasing Department and County Engineer to award a contract to Constructors, Inc. for paving and resurfacing. The total cost of the contract is \$3,212,261.84.

NEW BUSINESS CONTINUED:

Pam Dingman, County Engineer, appeared and said she is not recommending award of all components of this bid. She said the new paving came in approximately \$500,000 under the engineering estimate and she recommended award of that portion of the bid. The asphalt overlay came in \$300,000 over the engineering estimate and she recommended rejection of that component, extending the completion date to June 1, 2016, and rebidding that portion of the bid.

Dingman displayed a map of the Proposed Highway Improvement Program for Fiscal Year 2016 (Exhibit A), as shown in the 1 and 6 Year Road and Bridge Construction Program for Fiscal Year 2016, noting projects involving Old Cheney Road, West Denton Road, and Bluff Road were shown in the 1 and 6 Year Road and Bridge Construction Program and were included in the Bridge and Special Road Fund. Along with this bid, the County has an interlocal agreement with the City of Waverly to extend the paving from North 148th Street to the Interstate 80 viaduct. Dingman said this provided the City of Waverly the opportunity to participate in a larger bid and to get better pricing for the construction within its jurisdiction. It also provided continuity for the paving in the eastern part of the County. In addition, the County has entered into a cooperative purchasing agreement with Seward County who bid its portion of West Denton Road along with the County's bid. This was also intended to provide better pricing and continuity of paving.

In response to a question from Schorr, Dingman said June 1st date is when the asphalt overlay is to be completed. Schorr asked whether that puts work significantly behind. Dingman said the department is behind this year mainly because of its work with the Federal Emergency Management Agency (FEMA) related to flood events. She said work on the interlocal agreements also took more time than originally anticipated. Dingman said the current contract asks that the asphalt for the new pavement be completed by November 1, 2016.

Hudkins inquired about overlay around Branched Oak Lake. Dingman said that is included in the 1 and 6 Year Road and Bridge Construction Program and said she is still negotiating with the Nebraska Department of Roads (NDOR) for the cost share.

Wiltgen asked Dingman about timing for the paving of Bluff Road. Dingman said the Camp Creek Threshers (Antique Machinery and Threshing Association), which is located two miles east of the City of Waverly on Bluff Road, hold an event in the summer and said the contract stipulates that construction of that section won't take place until after that event. She noted the City of Waverly is also making substantial drainage improvements on Bluff Road. Wiltgen asked how long she anticipates the construction of the road to take. Dingman estimated it to take six weeks, although, it will be dependent on the weather.

Hudkins asked whether the contract provides for incentives if the contractor finished on time or ahead of schedule. Dingman said while the budget does not include incentives, there are penalties for going past the completion date.

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

NEW BUSINESS CONTINUED:

- F. Recommendation from the Purchasing Department and County Engineer to award a contract to Yost Excavating, Inc. for H-207 channel repair. The total cost of the contract is \$137,244.44.**

Dingman pointed out the location of County Bridge H-207, which is the largest bridge in Lancaster County, on the map of Proposed Highway Improvement Program for Fiscal Year 2016 (see Exhibit A), noting it sustained substantial damage to the southwest abutment from last year's flooding. She said County Engineering had to acquire right-of-way for this project in addition to coordinating with the U.S. Army Corps of Engineers and FEMA. Dingman said the project came in about \$100,000 under the estimate. The project was not in the County Engineer's budget but reimbursement of the cost of right-of-way acquisition, design and construction is anticipated to be 75% from FEMA and 12.5% from the Nebraska Emergency Management Agency (NEMA). The remainder will be funded by County Engineering.

In response to a question from Schorr, Dingman explained the County did not have sufficient right-of-way to do the work.

Wiltgen asked how the cost will be made up if the reimbursement does not occur. Dingman said it will have to be made up through the County Engineer's maintenance budget.

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

- G. Contract with Benesch to provide professional engineering services for material testing on County Bridge X-205. The County will pay a lump sum fee of \$7,350.**

Dingman said this bridge, which is located outside of Firth, Nebraska, is in extremely poor condition and will be the first bridge the department will have constructed in three years. She noted the cost will deplete the department's sinking fund for bridge construction.

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

- H. Agreement with Great Plains Appraisal Company, on behalf of Wayne Kubert and Tom Kubert, to provide the services of a referee coordinator to coordinate referees who will hear all property tax protests for the 2016 tax year before the Lancaster County Board of Equalization. The referee coordinator shall be reimbursed at a rate of \$95 per hour, with the total compensation not to exceed \$180,000.**

David Derbin, Deputy County Attorney, noted the County is still waiting on a certificate of insurance and said if the contract is approved, it should be contingent upon receipt of that document.

NEW BUSINESS CONTINUED:

Avery asked how long Great Plains Appraisal Company has held the contract. Derbin said it has been several years. He said they also provide other professional services to the County.

Avery asked whether the contract has ever been placed out for public bid. Derbin said he is not sure, adding it is a professional service and is not required to be put out for public bid. Avery said he raised this issue last year and has still not received a satisfactory answer. Derbin said going for a public bid at this point would be difficult as there are deadlines that must be met. He said the services could be bid going forward, if that is the Board's direction, and said he can work with the Purchasing Department to formulate the specifications.

Hudkins said he believes Great Plains has done a good job but agrees the contract should be bid.

Avery said the Board doesn't know if this is good pricing because there are no comparisons. Derbin pointed out that the contract price is the same as last year.

Bob Walla, Purchasing Agent, appeared and said he will place it on his calendar for review and will check back with the Board in January, 2017, to see if there is interest in bidding the contract. He added the request for proposal (RFP) process can take several months to complete.

Avery asked why an RFP was not done this year. Walla said it would have required direction from the County Board in order to start the process.

Wiltgen believed it was the Board's intent to explore an RFP based off a similar discussion held last year. He asked Walla to follow-up with the Board in January.

MOTION: Schorr moved and Hudkins seconded approval of the agreement, subject to receipt of the certificate of insurance.

Schorr noted the \$95 per hour rate is specifically for the referee coordinator and said the referees are paid a variety of rates based upon their expertise. Avery contended that is also a problem with the process because the referees determine what they will be paid. He said many make more than that amount. Wiltgen said that issue can also be addressed but said he believes the Board of Equalization (BOE) will be at a huge disadvantage if the contract is rejected at this stage. Derbin concurred and said the BOE would essentially be working as the referee coordinator.

Cori Beattie, Deputy County Clerk, said she can provide a spreadsheet showing last year's referee rates. She added, to her knowledge, none of the referees had a rate over \$95. Avery said he recalled one at \$125 per hour. He also said he resented being placed in a situation where he feels obligated to vote in a certain manner to avoid messing the system up for the whole year.

ROLL CALL: Schorr and Wiltgen voted aye. Avery and Hudkins voted no. Amundson was absent. Motion failed 2-2 (due to the lack of a majority).

The Vice Chair indicated the matter will need to be brought back for discussion when all five Commissioners are present.

NEW BUSINESS CONTINUED:

- I. **Amendment to a contract between Voss Electric d/b/a Voss Lighting, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of light bulbs and ballasts. The amendment extends the agreement for an additional one-year term, beginning May 1, 2016 through April 30, 2017. Cost to the County is not to exceed \$1,500.**

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

- J. **Amendment to County Contract C-15-0219 between DeAngelo Brothers and Lancaster County for noxious weed control (spraying and mowing) for the City of Lincoln landfills. The County will pay for products and services according to the line item pricing as listed in the contractor's proposal. The amendment extends the agreement from May 19, 2016 through May 18, 2017. Cost to the County is not to exceed \$12,000.**

Brent Meyer, Noxious Weed Control Superintendent, appeared and explained that costs will be reimbursed by the City of Lincoln.

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

- K. **Settlement agreement and release of claims with Jeanette Greer.**

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

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

Gary Aldridge, 7112 South 45th Street, Lincoln, NE, appeared and commented on the 2016 Session's Legislative Bill (LB) 742 (Change county population thresholds).

- 5) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Tuesday, May 5, 2016 at 7:30 a.m., in the Bill Luxford Studio (Room 113) 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, May 10, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.**

ANNOUNCEMENTS CONTINUED:

- C. The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, May 10, 2016 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding amendments to the Lancaster County General Assistance Guidelines.
- D. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- E. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesdays (1:30 p.m. and 7:00 p.m.), Wednesdays (12:00 a.m.-midnight) and Saturdays (3:30 p.m.) 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.

6) ADJOURNMENT

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting at 9:47 a.m. Hudkins, Schorr, Avery and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte, County Clerk

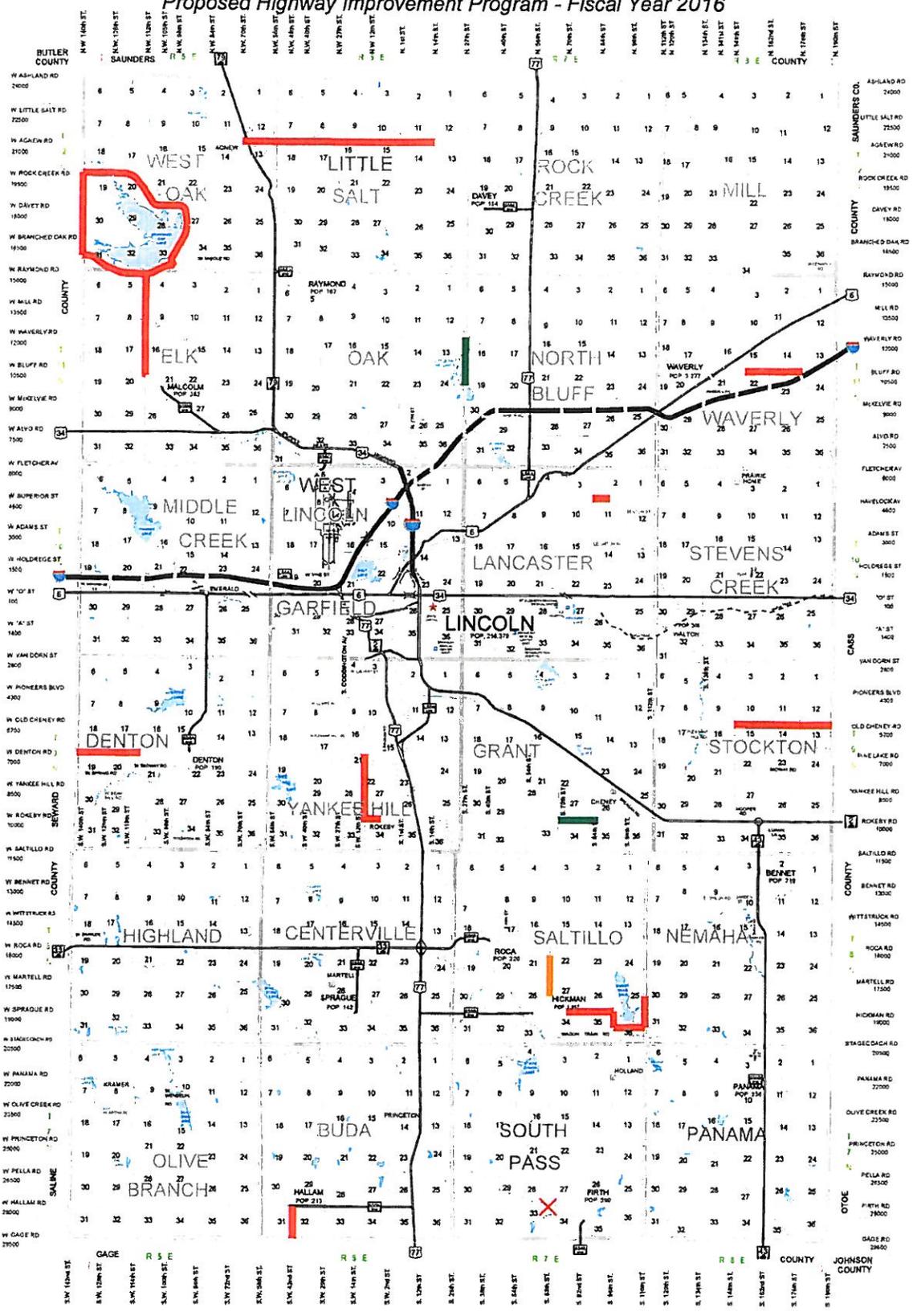
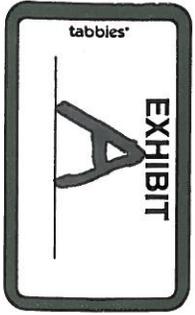


PAMELA L. DINGMAN
COUNTY ENGINEER

LANCASTER COUNTY, NEBRASKA

KENNETH D. SCHROEDER
COUNTY SURVEYOR

Proposed Highway Improvement Program - Fiscal Year 2016



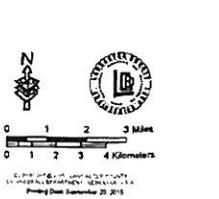
- INTERSTATE HIGHWAY
- U.S. HIGHWAY
- STATE HIGHWAY
- PAVED ROAD
- GRAVEL ROAD
- DIRT ROAD
- DAM WITH ROAD ON TOP
- ROAD MAINTAINED BY ADJOINING COUNTY
- RAILROAD
- MUNICIPAL TRAIL
- CEMETERY

- COUNTY BOUNDARY
- TOWNSHIP LINE
- SECTION LINE
- UNINCORPORATED VILLAGE
- INCORPORATED VILLAGE OR CITY
- SUBDIVISION
- MAJOR PARK
- RIVER OR CREEK
- LAKE OR POND
- RESERVOIR WITH DAM
- WETLANDS

SOURCE:
Lancaster County Records, Lancaster County Engineering Department
1992 Lancaster County Map, Lancaster County Engineering Department
2007 Lancaster County Map, Lancaster County Engineering Department
2001 Lancaster County Map, Lancaster County Engineering Department
City Limits for Lincoln, City of Lincoln-Lancaster County Planning Department
Census Bureau TIGER/Line Data, U.S. Department of Commerce
Digital Aerial Orthophotography, Nebraska Department of Natural Resources
U.S.G.S. Topographic Quadrangles, U.S. Department of the Interior

LANCASTER COUNTY ENGINEERING DEPARTMENT
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Lincoln, Nebraska 68528
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- PROPOSED IMPROVEMENTS**
- PAVING
 - GRADING
 - ENGINEERING
 - RIGHT OF WAY
 - BRIDGES



Printed Date: September 23, 2015

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, MAY 3, 2016
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 April 29, 2016.

Commissioners present: Todd Wiltgen, Vice Chair; Bill Avery, Larry Hudkins and Deb Schorr

Commissioner absent: Roma Amundson, Chair

Others present: Scott Gaines, County Assessor/Register of Deeds Office; Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Ann Taylor, County Clerk's Office

The Vice Chair called the meeting to order at 9:47 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, April 26, 2016.

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

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

In response to a question from Avery, Scott Gaines, County Assessor/Register of Deeds Office, said the University of Nebraska Foundation parcels are related to the Technology Park land that was recently sold to a private investor. He explained lot discounting was removed on the advice of the County Attorney's Office and bare land values increased substantially. Gaines said many of those values were appealed to the Tax Equalization and Review Commission (TERC) and were settled. He said these values reflect what the market was in 2013.

Norm Agena, County Assessor/Register of Deeds, appeared and said there were no hearings before TERC on these parcels. He said the County Assessor's Office stipulated to value once additional information was received.

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

3) PUBLIC HEARING:

A. MOTOR VEHICLE TAX EXEMPTION APPLICATIONS

**Child Guidance Center
Cornhusker Council, Boy Scouts of America
First Lutheran Church
Lincoln Literacy Council**

The Chair opened the public hearing.

No one appeared to testify in support, opposition or in a neutral position.

The Chair closed the public hearing.

MOTION: Schorr moved and Hudkins seconded approval of the motor vehicle exemptions. Schorr, Avery, Hudkins and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

4) PUBLIC COMMENT: Those wishing to speak on items relating to County Board of Equalization business not on the agenda may do so at this time.

No one appeared for public comment.

5) ADJOURNMENT

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting at 9:53 a.m. Avery, Hudkins, Schorr and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte, County Clerk

