

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, SEPTEMBER 13, 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 September 9, 2016.

Commissioners present: Roma Amundson, Chair; Todd Wiltgen, Vice-Chair; Bill Avery and Deb Schorr

Commissioner absent: Larry Hudkins

Others present: David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

The 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, September 6, 2016.

MOTION: Wiltgen moved and Avery seconded approval of the minutes. Wiltgen and Avery voted yes. Amundson abstained. Hudkins and Schorr were absent. Motion carried 2-0 with one abstention.

2) CLAIMS: Approval of all claims process through September 13, 2016.

MOTION: Avery moved and Wiltgen seconded approval of the claims. Wiltgen, Avery and Amundson voted yes. Hudkins and Schorr were absent. Motion carried 3-0.

3) PUBLIC HEARING:

A. Regarding the adoption of Lancaster County Zoning and Subdivision Fee Schedules. (See correlating item 5A).

The public hearing was opened.

David Cary, Director, Lincoln-Lancaster County Planning Department, was administered the oath. He said the purpose of the update is to bring the application fee amounts for the County equal to those of the City. Cary told the Board there was a change to the fee schedule from the first version presented. He stated the community unit plan fee has been changed from "max per acre fee" to "max per lot fee" for consistency.

Wiltgen inquired if fee updates could be done annually in order to eliminate large increases such as these. Cary said historically the updates have been approximately every four years but felt Planning would be open for discussions if the Board would prefer yearly updates to the fee schedule.

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

The Chair closed the public hearing.

The Board took action on item 5A.

4) UNFINISHED BUSINESS:

- A. Agreement with FYZICAL Lincoln to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with Social Security Administration and may be eligible for retroactive Medicaid benefits. (C-16-0486)**

Sara Hoyle, Human Services Director, stated the business recently changed names and the contract reflects the new business name.

MOTION: Avery moved and Wiltgen seconded approval of the agreement. Wiltgen, Avery and Amundson voted yes. Hudkins and Schorr were absent. Motion carried 3-0.

5) NEW BUSINESS:

- A. Resolution adopting the Lancaster County Zoning and Subdivision Fee schedules as provided in Attachment "A". (R-16-0065)**

MOTION: Wiltgen moved and Avery seconded approval of the resolution. Avery, Wiltgen and Amundson voted yes. Hudkins and Schorr were absent. Motion carried 3-0.

- B. Resolution directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's Office to begin tax foreclosure proceedings. (R-16-0066)**

MOTION: Wiltgen moved and Avery seconded approval of the resolution. Wiltgen, Avery and Amundson voted yes. Hudkins and Schorr were absent. Motion carried 3-0.

Schorr entered the meeting at 9:10 a.m.

- C. Special event permit application from United States ATV Search & Rescue to hold the ATV – UTV – Dirt Bike Poker Run on Saturday, September 24, 2016 from 10:00 a.m. to 3:30 p.m.**

DJ Ginsberg, United States ATV Search & Rescue, provided an overview of the route for the event.

Avery questioned if the event complies with state regulations for the use of ATVs on public roads. Ginsberg said state statues were reviewed. He added the cities/villages of Greenwood, Davey, Ceresco and Ashland as well as the counties of Saunders and Cass have approved the event. Ginsberg noted the event is not a race or a gambling activity.

Ginsberg explained that US Search and Rescue is a group of volunteers that utilize all terrain vehicles to assist law enforcement in situations where additional support may be needed. The group has a nationally certified canine team and a boat with sonar. He said the event is a fundraiser for new equipment and specialized training and will familiarize the volunteers with some of the smaller communities in the area.

Ginsberg addressed the County Engineer's recommendations. He stated there will be crossing guards with high visibility clothing at intersections.

Terry Wagner, County Sheriff, said Deputy Drew Bolzer reviewed the special event permit applications and contacted the County Attorney's Office regarding state statute for ATV vehicles on public roads. He felt the Board would need to approve a resolution allowing ATVs to operate on roads in unincorporated areas in the County.

David Derbin, Deputy County Attorney, clarified state statute (§60-6,356) would allow the Board to adopt a resolution allowing ATV operation only in an unincorporated village not in a generally unincorporated area. He stated to allow the event the Board would need to close the involved roads to the public during the poker run.

Wiltgen questioned if the Board has the authority to close the county roads. Derbin said the Board has general supervision of the roads and for prior events did close small sections of County roads but this would be a very large closure.

Wiltgen asked Ginsberg if there had been communication with the Nebraska Department of Roads (NDOR) regarding the event crossing Highway 77. Ginsberg said NDOR did attend the Cass County Commissioners meeting and did not have any objection as long as crossing guards were in place. He stated the main concern of the other entities was insurance and he clarified that all cities, villages and counties were listed on the certificate of insurance.

Avery inquired what steps would be needed to close the roads. Derbin said he would need to coordinate the closures with the Sheriff and possibly the County Engineer's Office.

Wiltgen stated that he was not comfortable with closing large sections of County roads especially during harvest season.

Wagner clarified that the Sheriff's Office's recommendation to deny the application was in no way a reflection on the organization as they do great work and perhaps in the future with additional time to work through the issues, the event could be possible.

Schorr said it is her hope that the event could still happen with possible rerouting outside of Lancaster County.

MOTION: Wiltgen moved and Schorr seconded to deny the special event permit application. Schorr, Avery, Wiltgen and Amundson voted yes. Hudkins was absent. Motion carried 4-0.

- D. Special designated license application from Deer Springs Winery, LLC, for an event (dance and fundraiser) on September 30, 2016 from 1:00 p.m. to 9:00 p.m. at 16255 Adams Street, Lincoln, Nebraska.**

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

- E. Grant contract with the Asian Community and Cultural Center to provide funding in the amount of \$15,000 for the ACCC Youth Program. Term of the grant contract is July 1, 2016 through June 30, 2017. (C-16-0536)**

Hoyle provided an overview of the grant.

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

- F. Agreement between the State of Nebraska Department of Roads and Lancaster County for the provision of transportation services for the Lancaster County Public Rural Transit Program. Term of the agreement is July 1, 2016 through June 30, 2017. Funding is from the Federal Funding for Public Transportation Operating Assistance program and the State of Nebraska Department of Roads. The cost to Lancaster County shall be remaining eligible costs not paid by Federal and State funds and shall not exceed \$16,695. (C-16-0537)**

Mitch Sump, Lancaster County Rural Transit, said the funds were applied for in April with approval from the Nebraska Department of Roads in June.

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

- G. Network provider contract with the Regional Behavioral Health Authority (Region V) for the provision of certain behavioral mental health services at the Mental Health Crisis Center. The County shall be reimbursed up to \$1,172,103 for the services. Term of the agreement is July 1, 2016 through June 30, 2017. (C-16-0538)**

In response to Avery's inquiry regarding the funding, Wiltgen answered each county in the region provides funding as well as state dollars.

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

- H. Change order supplemental agreement to County Contract C-16-0268 with Constructors, Inc. for an increase of \$8,575 to provide items of work not in the current contract. (C-16-0540)**

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

- I. Amendment to County Contract C-16-0152 with Bugeaters Pest Control, LLC, for annual services of pest control (Bid No. 16-031). The amendment adds additional services for Lancaster County Engineering. The revised contract total with the additional services is estimated to be \$1,900. (C-16-0529)**

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

- J. Amendment to County Contract C-09-0137 with Legacy International, Inc. d/b/a Legacy Inmate Communications for inmate phone services for the County Correctional Facilities (Bid No. 09-016). The amendment revises pricing rates for the telephone services program which is on a fee/commission basis. (C-16-0530)**

Bob Walla, Purchasing Agent, told the Board it is a federal mandated requirement that fees for inmate phone services be set. He noted the rates took effect in June. The amount of commission received by the Youth Services Center from the company will actually increase. Schorr asked if this is true for the Adult Correctional Facility (ADF) as well. Walla stated the rates for the ADF changed in May but the commissions were not as high.

Wiltgen's inquired if families pay the fees and commission. Walla said the number of calls made determines the commission that Legacy pays to the County as the awarded vendor.

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

- K. Amendments to the following contracts for demolition (Bid No. 12-149). The amendments extend the contracts from September 10, 2016 through February 28, 2017. The estimated cost to the County for all contracts is not to exceed \$30,000.**

- 1. County Contract C-12-0442 with LeGrande Excavating, Inc. (C-16-0531)**
- 2. County Contract C-12-0443 with MWE Services, Inc. (C-16-0532)**

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

- L. Amendments to the following contracts for the annual requirements of pumping, hauling and disposal services for liquid waste products (Bid No. 13-173). The amendments renew the contracts from September 3, 2016 through September 2, 2017. The estimated cost to the County for all contracts is not to exceed \$2,100.**

- 1. County Contract C-13-0448 with A 1st Rate Pumping Services, Inc. (C-16-0534)**
- 2. County Contract C-13-0449 with Tan-Aire, Inc. (C-16-0535)**

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

- M. Reappointment of Jack Coogan, Phillip Nalley and Rachel Warman to the Lincoln-Lancaster County Air Pollution Advisory Board with terms to expire September 1, 2019.**

MOTION: Wiltgen moved and Schorr seconded approval of the reappointments. Wiltgen, Avery, Schorr and Amundson voted yes. Hudkins 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 for August, 2016:**
 - 1. Assessor/Register of Deeds**
 - 2. Clerk of the District Court**
 - 3. Records and Information Management**

 - B. Utility Permit No. 1476 allowing Lincoln Electric System (LES) to relocate utilities on Rokeby Road from South 84th Street to South 98th Street. There is no cost to the County. (C-16-0533)**

 - C. Right-of-way contracts between Lancaster County and the following:**
 - 1. Milton and Carol Talcott, Co-Trustees, Rokeby Road, South 84th – 98th Streets, Tracts 5 and 6, as a donation. (6 contracts) (C-16-0541) (C-16-0542) (C-16-0543) (C-16-0544) (C-16-0545) (C-16-0546)**
 - 2. Lincoln Federal Bancorp, Inc., Rokeby Road, South 84th – 98th Streets, Tract 3, at no cost to the County. (3 contracts) (C-16-0547) (C-16-0551) (C-16-0552)**
 - 3. Lincoln Electric System, Rokeby Road, South 84th – 98th Streets, Tract 7, at no cost to the County. (3 contracts) (C-16-0548) (C-16-0553) (C-16-0554)**
 - 4. Lincoln Electric System, Rokeby Road, South 84th – 98th Streets, Tract 10, at no cost to the County. (3 contracts) (C-16-0549) (C-16-0555) (C-16-0556)**

MOTION: Avery moved and Wiltgen seconded approval of the consent items. Avery, Schorr, Wiltgen and Amundson voted yes. Hudkins 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.

Gary Aldridge, 7112 South 45th Street, Lincoln, Nebraska, appeared and commented on grant funding, taxes and the national debt.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 15, 2016 at 8:30 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, September 20, 2016 at 9:00 a.m., in the 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 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.

9) **ADJOURNMENT**

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

Dan Nolte

Dan Nolte, County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, SEPTEMBER 13, 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 September 9, 2016.

Commissioners present: Roma Amundson, Chair; Todd Wiltgen, Vice-Chair; Bill Avery and Deb Schorr

Commissioner absent: Larry Hudkins

Others present: David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 9:53 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, September 6, 2016.

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

2) PUBLIC HEARING:

A. Motor Vehicle Tax Exemption Applications (See correlating item 3)

**Bryan Medical Center
Christ United Methodist Church
Congregation of Benedictine Sisters
Lincoln Baptist Church
Madonna Rehabilitation Hospital
St. Peter's Catholic Church
St. Thomas Aquinas Church**

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.

3) ACTION ON MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:

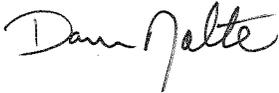
MOTION: Schorr moved and Wiltgen seconded approval of the motor vehicle exemptions. Schorr, Wiltgen, Avery and Amundson voted yes. Hudkins was absent. Motion carried 4-0.

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 Wiltgen seconded to adjourn the Lancaster County Board of Equalization meeting at 9:55 a.m. Schorr, Wiltgen, Avery and Amundson voted yes. Hudkins was absent. Motion carried 4-0.



Dan Nolte, County Clerk

