

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, NOVEMBER 8, 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 November 4, 2016.

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

Others present: Kerry Eagan, Chief Administrative Officer; 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:

A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 1, 2016.

MOTION: Hudkins moved and Wiltgen seconded approval of the minutes. Avery, Hudkins, Schorr, Wiltgen and Amundson voted yes. Motion carried 5-0.

B. Approval of the minutes of the One and Six Year Road and Bridge Program public hearing held on November 1, 2016.

MOTION: Schorr moved and Hudkins seconded approval of the minutes. Hudkins, Schorr, Wiltgen, Avery and Amundson voted yes. Motion carried 5-0.

2) CLAIMS: Approval of all claims process through November 8, 2016.

MOTION: Wiltgen moved and Schorr seconded approval of the claims. Schorr, Wiltgen, Avery, Hudkins and Amundson voted yes. Motion carried 5-0.

3) SPECIAL PRESENTATION:

A. Commissioners' Award of Excellence – October Winner – Elisha Havick, Corrections, in the category of Productivity.

The Clerk read the nomination for the record. Brad Johnson, Interim Corrections Director, said Havick has been instrumental in facilitating the new electronic time system while performing her regular duties with a positive attitude. Schorr presented Havick with a plaque and, on behalf of the Board, thanked her for her service to the County. Havick thanked Johnson and her co-workers for the nomination. She also thanked her family and the Board for their support.

4) NEW BUSINESS:

- A. Special designated license application from Fraiche, Inc. d/b/a Chez Hay for a reception on November 26, 2016 at Prairie Creek Inn, 2400 South 148th Street, Walton, Lancaster County, Nebraska.**

MOTION: Wiltgen moved and Hudkins seconded approval of the special designated license. Wiltgen, Avery, Hudkins, Schorr and Amundson voted yes. Motion carried 5-0.

- B. Appointments to the Lincoln-Lancaster County Planning Commission:**
- 1. Sandra Washington for a term ending August 24, 2019**
 - 2. Deane Finnegan for a term commencing on January 1, 2017 and ending August 24, 2021.**

MOTION: Hudkins moved and Avery seconded approval of the appointments. Wiltgen, Schorr, Hudkins, Avery and Amundson voted yes. Motion carried 5-0.

- C. Resolution in the matter of striking uncollectible property tax from the tax list. (R-16-0073)**

MOTION: Schorr moved and Hudkins seconded approval of the resolution. Schorr, Hudkins, Avery, Wiltgen and Amundson voted yes. Motion carried 5-0.

- D. Mini-grant contract application and award with the Nebraska Office of Highway Safety in the amount of \$5,229 for the County Sheriff to perform selective overtime enforcement to participate in the "Click It or Ticket" mobilization. (C-16-0650)**

Terry Wagner, County Sheriff, stated this grant provides funding to cover overtime pay for this annual safety initiative.

MOTION: Wiltgen moved and Avery seconded approval of the application and award. Hudkins, Avery, Wiltgen, Schorr and Amundson voted yes. Motion carried 5-0.

- E. Agreement with Bob Cryne and Lancaster County on behalf of the Lancaster County Sheriff's Office, for training sessions to be conducted on November 2, 2016 and November 9, 2016. Cost to the County is \$900. (C-16-0651)**

MOTION: Hudkins moved and Schorr seconded approval of the agreement. Avery, Wiltgen, Schorr, Hudkins and Amundson voted yes. Motion carried 5-0.

- F. Contract between Nebraska Commission on Law Enforcement and Criminal Justice and Lancaster County Sheriff's Office, effective July 1, 2016, for providing services in conjunction with the Criminal Justice Information Systems Advisory Committee. The Commission will provide up to \$6,610 for the Sheriff's Office to purchase and install equipment in five vehicles. (C-16-0652)**

MOTION: Avery moved and Wiltgen seconded approval of the contract. Wiltgen, Hudkins, Avery, Schorr and Amundson voted yes. Motion carried 5-0.

- G. Acceptance of a temporary retirement buyout program application and agreement between Lancaster County, Nebraska and Kirk H. Price, an employee of the Lancaster County Sheriff's Office and a member of Fraternal Order of Police (FOP), Lodge 29. Mr. Price's resignation is effective January 5, 2017. (C-16-0653)**

MOTION: Schorr moved and Hudkins seconded approval of the application and agreement. Avery, Schorr, Hudkins, Wiltgen and Amundson voted yes. Motion carried 5-0.

- H. Labor agreement with Fraternal Order of Police, Lodge #32 (Corrections), for a two-year period beginning August 18, 2016. (C-16-0654)**

Doug McDaniel, Human Resources Director, said the labor agreement covers the corrections officers is for two years with a 2.5% wage increase each year.

MOTION: Schorr moved and Hudkins seconded approval of the agreement. Hudkins, Wiltgen, Schorr, Avery and Amundson voted yes. Motion carried 5-0.

- I. Letter of Understanding with Willdan Energy Solutions to perform a preliminary energy audit of selected County buildings. There is no cost to the County. (C-16-0655)**

MOTION: Hudkins moved and Schorr seconded approval of the letter of understanding. Schorr, Avery, Wiltgen, Hudkins and Amundson voted yes. Motion carried 5-0.

Sara Hoyle, Human Services Director, provided an overview of items J thru L.

- J. Grant contracts with Lincoln-Lancaster County Child Guidance Center. Term of the contracts are from July 1, 2016 through June 30, 2017.**
 - 1. In the amount of \$50,000 for their Outpatient Service program. (C-16-0656)**
 - 2. In the amount of \$2,200 and \$10,000 to provide mental health assessments and services for the Juvenile Diversion program. (C-16-0657) (C-16-0658)**
 - 3. In the amount of \$48,000 to provide mental health services to adolescents at North Star and Northeast Public High Schools through their School-Based Therapy program. (C-16-0659)**

MOTION: Wiltgen moved and Avery seconded approval of the grant contracts. Avery, Hudkins, Schorr, Wiltgen and Amundson voted yes. Motion carried 5-0.

- K. Grant contract with The Mediation Center, Inc., in the amount of \$40,000 to provide support and consultation to a Restorative Justice Coach at Lincoln Public Schools, and to provide training for volunteer mediators. Term of the contract is from July 1, 2016 through June 30, 2017. (C-16-0660)**

MOTION: Hudkins moved and Schorr seconded approval of the grant contract. Hudkins, Schorr, Wiltgen, Avery and Amundson voted yes. Motion carried 5-0.

- L. Grant contract with OMNI Behavioral Health in the amount of \$65,000 to provide Functional Family Therapy to youths in the Truancy Diversion Program. Term of the contract is July 1, 2016 through June 30, 2017. (C-16-0661)**

MOTION: Schorr moved and Wiltgen seconded approval of the grant contract. Schorr, Wiltgen, Avery, Hudkins and Amundson voted yes. Motion carried 5-0.

- M. Contract between Jennifer M. Brown, M.A., L.A.D.C., L.M.H.P and Lancaster County, on behalf of the Lancaster County Mental Health Crisis Center, for certified alcohol and drug abuse counselor services. The rate of payment for services is provided in Section 4 of the agreement. Term of the contract is from July 1, 2016 through June 30, 2017. (C-16-0662)**

MOTION: Schorr moved and Wiltgen seconded approval of the contract. Wiltgen, Avery, Hudkins, Schorr and Amundson voted yes. Motion carried 5-0.

- N. Amendment to County Contract C-16-0120 with Christy Merryman to provide educational coordination of the Celebrating Families Program in the Lancaster County Adult Drug Court. The amendment increases the maximum number of hours the contractor may work to the lesser of 30 hours per week at \$30 per hour or \$3600 per month. (C-16-0663)**

MOTION: Schorr moved and Avery seconded approval of the amendment. Avery, Hudkins, Schorr, Wiltgen and Amundson voted yes. Motion carried 5-0.

- O. Amendment to County Contract C-16-0031 with Audio Marketing Solutions, Inc., d/b/a Americom Communications Corporation for electronic video surveillance equipment and installation. The amendment reflects revised equipment pricing for the contract. (C-16-0642)**

MOTION: Hudkins moved and Wiltgen seconded approval of the amendment. Hudkins, Schorr, Wiltgen, Avery and Amundson voted yes. Motion carried 5-0.

- P. Amendment to County Contract C-10-0590 with Bob Barker Company, Inc., for the annual supply of Corrections staff clothing, inmate clothing and accessories (Bid No. 10-168). The amendment extends the contract from November 16, 2016 through February 15, 2017. The estimated expenditures for this extension period shall not exceed \$19,500. (C-16-0648)**

MOTION: Avery moved and Wiltgen seconded approval of the amendment. Wiltgen, Avery, Hudkins, Schorr and Amundson voted yes. 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 report:**
 - 1. **Assessor/Register of Deeds – October, 2016**
 - 2. **County Clerk – October, 2016**
 - 3. **Records & Information Management – October 2016**
 - 4. **County Treasurer Report of 2015 Distress Warrants**
- B. **Utility Permit No. 1492 allowing Windstream Nebraska, Inc., to replace underground cable adjacent to Rokeby Road from South 27th Street to South 40th Street. There is no cost to the County. (C-16-0647)**
- C. **2016 Certification of County Highway Superintendent for Determining Department of Roads Incentive Payment from January 1, 2016 to December 31, 2016.**

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

Gary Kuck, 692 West Lakeshore Drive, Lincoln, Nebraska, presented the Board with information pertaining to property he owns along North 27th Street (Exhibit A). He discussed the Interlocal agreement between the City of Lincoln and Lancaster County that sets the standard right-of-way width for properties within three miles of the City.

Teri Pope-Gonzales, 349 South 1st Street, Lincoln, Nebraska, appeared and commented on construction of bridges and various items.

Gary Aldridge, 7112 South 45th Street, Lincoln, Nebraska, appeared and commented on Election Day and the Lincoln Journal Star's news coverage.

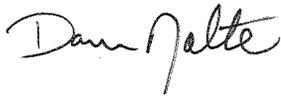
7) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 10, 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 attend the Tri-County meeting with Douglas and Sarpy Counties on Monday, November 14, 2016 at 9:00 a.m. at Metropolitan Community College (5300 N. 30th Street, Omaha).**

- C. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, November 15, 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.
- 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.

8) ADJOURNMENT

MOTION: Wiltgen moved and Schorr seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:54 a.m. Wiltgen, Schorr, Hudkins, Avery and Amundson voted yes. Motion carried 5-0.

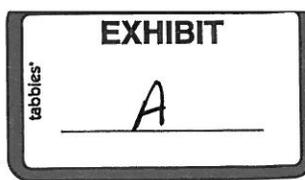


Dan Nolte, County Clerk



LANCASTER

COUNTY



Pamela L. Dingman, P.E.

County Engineer

ENGINEERING

DEPARTMENT

Kenneth D. Schroeder, R.L.S.
Deputy County Surveyor

September 13, 2016

CERTIFIED MAIL

Kuck Investment Partners, LP
692 W. Lakeshore Dr.
Lincoln, NE. 68528

RE: Project No.: C-55-G-407 (2)
Tract No.: 1

Dear Mr. & Mrs. Kuck:

Reference is made to our past offer of compensation for right-of-way required by Lancaster County on the above identified project. Your affected real estate is legally described as:

A part of Lot 20, Irregular Tracts, located in the SE $\frac{1}{4}$, of Section 24, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of said SE $\frac{1}{4}$; thence North 89 Degrees, 27 Minutes, 48 Seconds West, with the north line of said SE $\frac{1}{4}$, a distance of 60.00 feet to a point; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 60.00 feet west of and parallel with the east line of said SE $\frac{1}{4}$, a distance of 1398.53 feet to a point of intersection with the right-of-way as conveyed and recorded in Instrument No. 92-9059, as filed with the Lancaster County Register of Deeds Office; thence South 89 Degrees, 39 Minutes, 45 Seconds East, with said existing right-of-way line, perpendicular to the east line of said SE $\frac{1}{4}$, a distance of 27.00 feet to a point, said point being located 33.00 feet west of as measured perpendicular to the east line of said SE $\frac{1}{4}$; thence South 00 Degrees, 20 Minutes, 15 Seconds West, 33.00 feet west of and parallel with the east line of said SE $\frac{1}{4}$, a distance of 1265.59 feet to a point of intersection with the south line of said SE $\frac{1}{4}$; thence South 89 Degrees, 14 Minutes, 09 Seconds East, with the south line of said SE $\frac{1}{4}$, a distance of 33.00 feet to a point of intersection with the east line of said SE $\frac{1}{4}$; thence North 00 Degrees, 20 Minutes, 15 Seconds East, with the east line of said SE $\frac{1}{4}$, a distance of 2664.16 feet to the point of beginning.

Containing 2.89 acres, more or less, of which 2.02 acres, more or less, is existing county road right of way, making a net additional right of way of 0.87 acres, more or less.

Lancaster County as a result of negotiations, wishes to inform the Owner that fencing costs are not being paid to the Owner as part of this Last and Best Letter and the removal and replacement of existing fence will be treated as part of construction and not as a damage item to the Owner.

Our last and best offer of compensation for the right-of-way to be acquired is as follows:

Fee Simple	\$ 5,220.00
0.87 acres @ \$ 6,000.00/Acre	
Statutory Easement	\$ 1,212.00
2.02 acres @ \$ 6,000.00/Acre x 10%	
Diminution of Value (Tree Loss)	\$ 9,000.00
Title Extension Fee	\$ <u>55.00</u>
TOTAL COMPENSATION	\$ 15,487.00

As of this date, our negotiator has been unable to reach a mutually agreeable settlement. We would appreciate an acceptance of our offer.

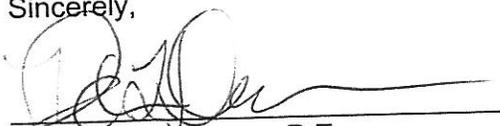
However, if you do not make an attempt to contact this office in the near future towards consummating this transaction, we will assume this acquisition will have to be made through the process of Eminent Domain.

Please be assured our only purpose in initiating Eminent Domain proceedings would be to assure ourselves the right-of-way will be available to meet our construction schedule.

In the event it becomes necessary to initiate Eminent Domain proceedings, consummation of the transaction will still be possible any time prior to the commencement of the hearing process.

A more comprehensive explanation of the Eminent Domain procedure is enclosed for your information. If you have any questions, please feel free to contact this office at 402-441-7681 Monday through Friday between the hours of 8:00am and 4:30pm.

Sincerely,



Pamela L. Dingman, P.E.
Lancaster County Engineer
Encl.

LANCASTER COUNTY
 ROAD AND BRIDGE CONSTRUCTION PROGRAM
 FISCAL YEAR 2016

ROADS

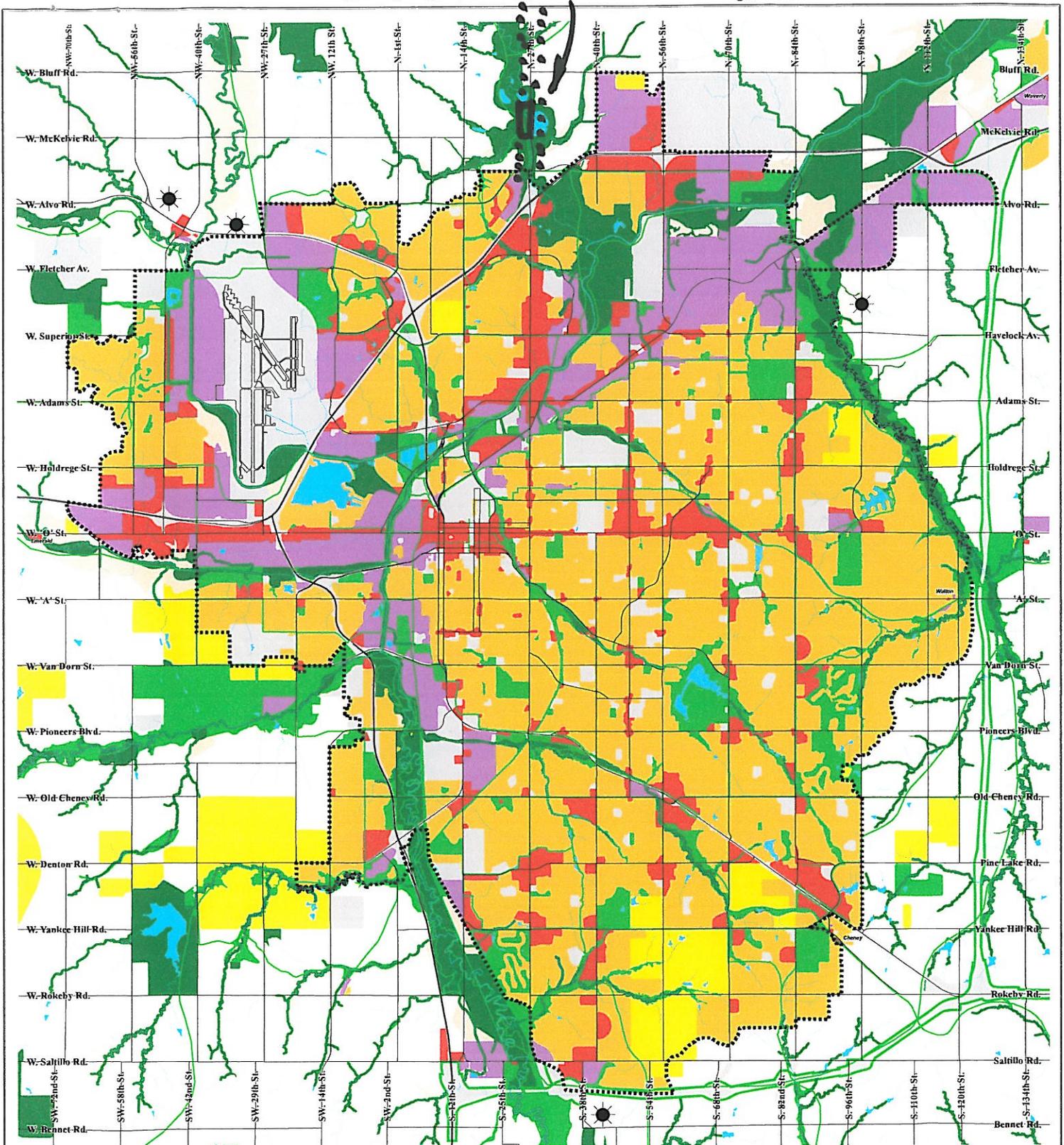
PROJECTS CARRIED OVER FROM FISCAL 2012

ROAD OR STREET	PROJECT NO.	CLASSIFICATION	EXISTING SURFACE	A.D.T. LATEST COUNT	TOWNSHIP	LOCATION FROM SECTIONS	LENGTH	TYPE OF IMPROVEMENT	DESIGN STANDARD	ESTIMATED COST
N. 27 th St.	C55-G-407(2)	Local	Gravel	166-255	North Bluff	W-18,19	1.5 Miles	ROW	ROA-1	120,000 (C)

(C) County

\$120,000

NORTH 37th St. AREA OF NOW 605T



2040 LINCOLN AREA FUTURE LAND USE PLAN

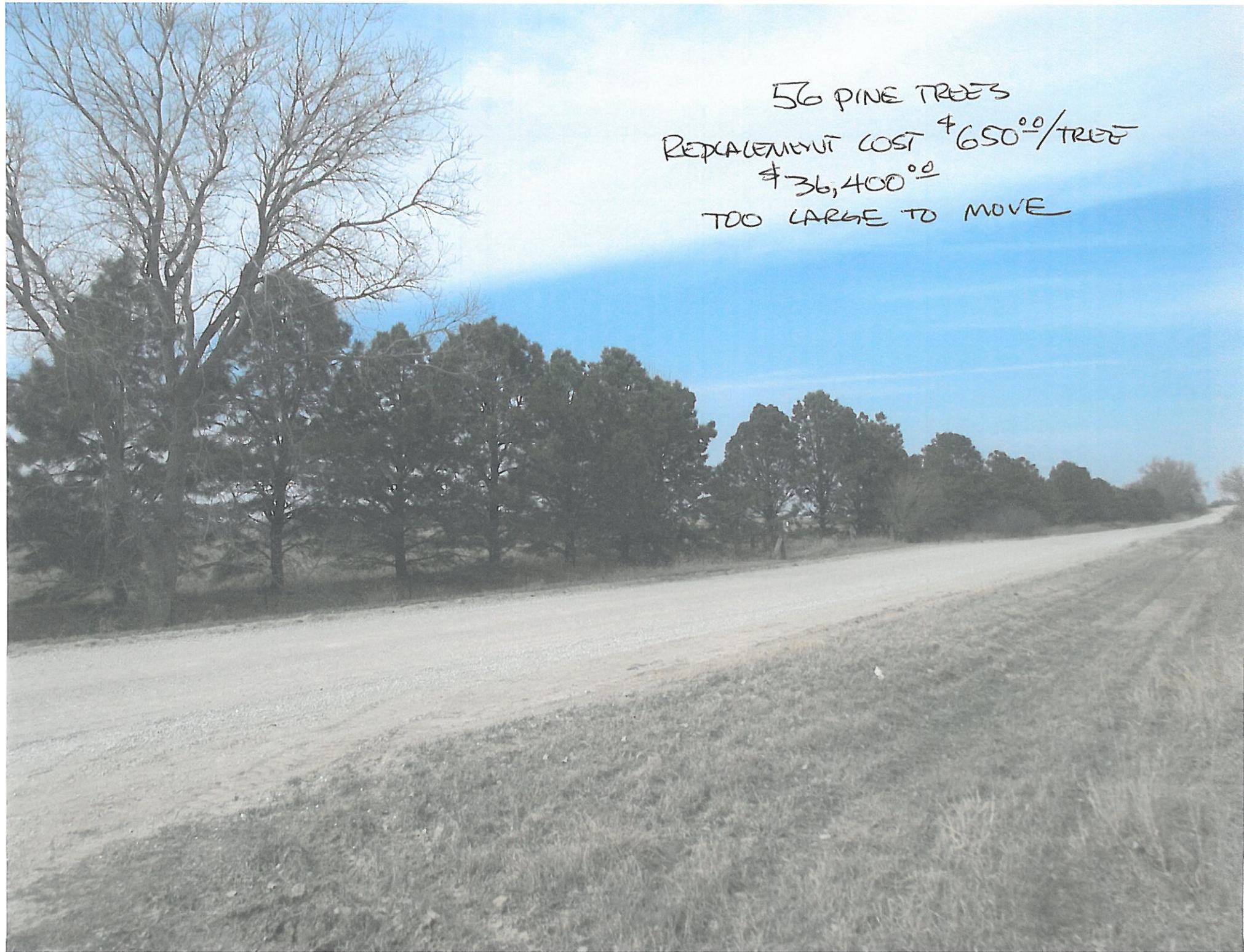
- | | | |
|--|------------------------------|-------------------------|
| Agricultural | Commercial | Green Space |
| Residential - Urban Density | Industrial | Environmental Resources |
| Residential - Low Density | Public & Semi-Public | Lakes & Streams |
| Potential Large Employer Opportunity Areas | Agricultural Stream Corridor | Future Service Limit |

The location of each land use designation is generalized. The appropriateness of a particular zoning district for a particular piece of property will depend on a review of all of the elements of the Comprehensive Plan. Please consult other sources for exact locations of environmental resources such as wetlands, native prairie and floodplain. Not all of these resources are displayed on this figure.

The incorporated town plans are displayed on this figure. In many circumstances the land use categories in the town plans were different from the categories used in the Lincoln Lancaster County Plan, so some adjustments were made for the purposes of this display. These communities and their specific adopted plans should be consulted as the source for decisions within their zoning jurisdictions.



56 PINE TREES
REPLACEMENT COST \$650⁰⁰/TREE
\$36,400⁰⁰
TOO LARGE TO MOVE



REC'D

C-06-0060
FEB 10, 2006

LANCASTER COUNTY CLERK

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed by and between the parties hereto as follows:

1. The City and County hereby adopt the following right-of-way and construction standards for unimproved county roads located within the three-mile zoning jurisdiction of the City of Lincoln classified as rural principal arterial, rural minor arterial, rural major collector and rural minor collector in the City of Lincoln – Lancaster County Comprehensive Plan. For the purposes of this Agreement a county road is deemed to be improved if the road is engineered and final graded to accommodate a 50 mph speed for sight distance.

A. Right-of-way Standards:

- (i) Standard width - 120 feet expanding to 130 feet at intersections.
Plus needed easements (Temporary and Permanent)
- (ii) Location - Right-of-way will generally be acquired evenly on both sides of the existing centerline; except where project specific considerations necessitate more or less right-of-way on one side to preserve existing houses, tree masses etc. At major intersections the right-of-way of 130 feet will be 70 feet approaching and 60 feet departing the intersection.
- (iii) Financing - The County will pay for all rights-of-way or easements acquired under this agreement.
- (iv) Title - All land acquired shall be held in the name of the County for public right-of-way, until annexed by the City.

B. Design and Construction Standards (*See Appendix, attached hereto and incorporated by this reference):

- (i) Grading - The county road and right-of-way shall be graded as near as practical to the typical section approved by the City and County in this agreement.
- (ii) The County Road Design shall be engineered to meet our City Urban Design Standards profile, grade, drainage, hydrology and flood standards.
- (iii) Paving Construction – Pavement shall be shifted 12 feet plus or minus to one side or the other from the centerline to accommodate two lanes minimum 24 feet) of rural paving – in Exhibit A, Phase I, See Figure 1, attached hereto and incorporated by this reference.
- (iv) Financing – The County shall pay for the design and construction cost for grading the road (as near as practical) to its full width, installing urban culverts and rural paving.

2. Administration. The terms and conditions of this Agreement shall be administered by the County Engineer in cooperation with the Director of Public Works and Utilities. This Agreement does not create any separate legal or administrative entity.

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, NOVEMBER 8, 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 November 4, 2016.

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

Others present: Scott Gaines, Assessor/Register of Deeds Office; Kerry Eagan, Chief Administrative Officer; 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 9:54 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, November 1, 2016.

MOTION: Hudkins moved and Wiltgen seconded approval of the minutes. Avery, Hudkins, Schorr, Wiltgen and Amundson voted yes. Motion carried 5-0.

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

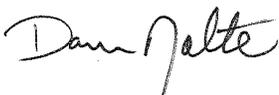
MOTION: Schorr moved and Wiltgen seconded approval of the additions and deductions. Hudkins, Schorr, Wiltgen, Avery and Amundson voted yes. Motion carried 5-0.

3) 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.

4) ADJOURNMENT

MOTION: Schorr moved and Wiltgen seconded to adjourn the Lancaster County Board of Equalization meeting at 9:56 a.m. Schorr, Wiltgen, Avery, Hudkins and Amundson voted yes. Motion carried 5-0.



Dan Nolte, County Clerk

