

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 26, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk

The meeting of the Board of the Commissioners was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 19, 2006.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Commissioners meeting held on September 19, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 26, 2006.**

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through September 26, 2006. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. County Change of Zone No. 06049, requested by the Director of Planning, from AGR Agricultural Residential District to AG Agricultural District on property generally located southeast of the corner of Southwest 40th Street and Rokeby Road in Lancaster County, Nebraska. (See New Business Item 4A for correlating documentation.)

The Chair opened the public hearing.

The oath was administered to Mike DeKalb, Planning Department.

DeKalb stated the Planning Director initiated a change of zone from AGR (Agricultural Residential District) to AG (Agricultural District) on a 30-acre parcel located outside the three-mile jurisdiction. He added that it is in conformance with the Comprehensive Plan. Both Planning staff and Planning Commission recommended approval.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

B. County Change of Zone No. 06051, requested by the Director of Planning, to amend the County Zoning Resolution to correct the application fee for wireless telecommunications facilities. (See New Business Item 4B for correlating documentation.)

The Chair opened the public hearing.

The oath was administered to Brian Will, Planning Department.

Will stated the change of zone was to amend the application fees for wireless telecommunications facilities which will result in a reduction of fees. He explained that it will also make the application fees consistent with all other special permit administrative fees. Both Planning staff and Planning Commission recommended approval.

3) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

C. Amending Section XIII of County Resolution Number 02-30, Procedures for the regulation of on-site wastewater treatment systems in Lancaster County, by increasing various fees as provided in Attachment "A". (See New Business Item 4C for correlating documentation.)

The Chair opened the public hearing.

The oath was administered to Scott Holmes, Division Manager of Environmental Public Health with the Lincoln-Lancaster County Health Department.

Holmes stated the fees have been incorporated into their budget and as part of their process they involved regulated entities in discussions prior to bringing the fee increases to the County Board.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

D. Amending Article 2, Section 30, Appendix II and Appendix III of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, to increase the fees associated with construction permits and to provide consistency with the Federal and State Regulations on air quality, as provided in Attachments "A", "B", "C". (See New Business Item 4D for correlating documentation.)

E. Amending Resolution Number 5069, the Lancaster County Air Pollution Control Resolution, to increase the fee for open burning permits. (See New Business Item 4E for correlating documentation.)

Public Hearing Items 3D and 3E were heard together.

The Chair opened the public hearings.

Holmes referred to Item 3D stating two chemicals would be deregulated because they are no longer considered hazardous air pollutants under the Clean Air Act. He also stated there will be a fee increase relating to the review of construction permits.

3) **PUBLIC HEARINGS CONTINUED:**

The final change, Holmes stated, would be a five dollar increase for an industrial/commercial burn permit.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearings were closed.

4) **NEW BUSINESS:**

A. A resolution in the matter of County Change of Zone No. 06049, from AGR Agricultural Residential to AG Agricultural, requested by the Director of Planning, on property generally located at Southwest 40th Street and Rokeby Road, Lancaster County, Nebraska. (R-06-0101)

MOTION: Workman moved and Heier seconded approval of Resolution 06-0101 in the matter of County Change of Zone No. 06049, from AGR Agricultural Residential to AG Agricultural, requested by the Director of Planning, on property generally located at Southwest 40th Street and Rokeby Road, Lancaster County, Nebraska. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

B. A resolution in the matter of County Change of Zone No. 06051, a text amendment to the Lancaster County Zoning Resolution to correct the application fee for wireless telecommunications facilities, as provided in Attachment "A". (R-06-0103)

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0103 in the matter of County Change of Zone No. 06051, a text amendment to the Lancaster County Zoning Resolution to correct the application fee for wireless telecommunications facilities, as provided in Attachment "A". Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- C. A resolution in the matter of amending Section XIII of County Resolution No. 02-30, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County, to increase various fees, as provided in Attachment "A". (R-06-0098)**

MOTION: Stevens moved and Hudkins seconded approval of Resolution 06-0098 in the matter of amending Section XIII of County Resolution No. 02-30, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County, to increase various fees, as provided in Attachment "A". Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

- D. A resolution in the matter of amending Article 2, Section 30, Appendix II and Appendix III, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, as provided in Attachments "A", "B" and "C". (R-06-0099)**

- E. A resolution in the matter of amending Resolution No. 5069, the Lancaster County Air Pollution Control Program Resolution of 1993, to increase the fee for open burning permits, as provided in Attachment "A". (R-06-0100)**

MOTION: Hudkins moved and Stevens seconded approval of Resolution 06-0099 in the matter of amending Article 2, Section 30, Appendix II and Appendix III, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, as provided in Attachments "A", "B" and "C" and approval of Resolution 06-0100 in the matter of amending Resolution No. 5069, the Lancaster County Air Pollution Control Program Resolution of 1993, to increase the fee for open burning permits, as provided in Attachment "A". Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

- F. A resolution in the matter of withdrawing County Federal-Aid Bridge Replacement Project No. BRO-7055(100), Denton East. The portion of South 1st Street containing said project was annexed by the City of Lincoln effective June 12, 2006. (R-06-0102)**

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0102 in the matter of withdrawing County Federal-Aid Bridge Replacement Project No. BRO-7055(100), Denton East. The portion of South 1st Street containing said project was annexed by the City of Lincoln effective June 12, 2006. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

G. A resolution authorizing the installation of traffic signs at the following locations in Lancaster County, Nebraska: (R-06-0104)

- ▶ Install "STOP" signs on West Martell Road for eastbound and westbound traffic at the intersection of Southwest 126th Street and West Martell Road
- ▶ Install "STOP AHEAD" signs on West Martell Road, one 500 feet west of Southwest 126th Street for eastbound traffic and one 500 feet east of Southwest 126th Street for westbound traffic

MOTION: Stevens moved and Workman seconded approval of Resolution 06-0104 authorizing the installation of "STOP" signs on West Martell Road for eastbound and westbound traffic at the intersection of Southwest 126th Street and West Martell Road and the installation of "STOP AHEAD" signs on West Martell Road, one 500 feet west of Southwest 126th Street for eastbound traffic and one 500 feet east of Southwest 126th Street for westbound traffic. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

H. A subdivision agreement with Meadowlark Enterprises, LLC, County Final Plat No. 06057, Meadowlark Hills Addition, on property generally located at South 25th Street and Martell Road, Lancaster County, Nebraska. (C-06-0527)

MOTION: Heier moved and Workman seconded approval of a subdivision agreement with Meadowlark Enterprises, LLC, County Final Plat No. 06057, Meadowlark Hills Addition, on property generally located at South 25th Street and Martell Road, Lancaster County, Nebraska.

Stevens requested that a site map be included in future subdivision agreements.

ROLL CALL: Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

I. An interlocal agreement with the City of Lincoln for the land application of biosolids. The program will be funded by the City and the County, through the County Extension Office, will assist in providing educational support. This interlocal agreement supercedes and replaces the interlocal executed by the County on December 5, 2000, under County Contract No. C-00-0594. The new interlocal provides that the City will maintain insurance coverage on all manure spreaders utilized in the biosolids program. (C-06-0528)

4) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of an interlocal agreement with the City of Lincoln for the land application of biosolids. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

J. An agreement with Susan L. Kirchmann, Attorney at Law, for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County. Term of the agreement is October 1, 2006 through September 30, 2009. The County will pay \$156,000 for the services over the three year term. (C-06-0529)

Dennis Keefe, Lancaster County Public Defender, explained that the Indigent Defense Advisory Committee reviewed applications and made a recommendation to contract with Susan Kirchmann. He added that the Advisory Committee also recommended that the Board consider a second additional contract which could be placed on a future staff meeting agenda for discussion.

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Susan L. Kirchmann, Attorney at Law, for the representation of indigent parents and juveniles in the Separate Juvenile Court of Lancaster County. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

K. A cooperative agreement with the State of Nebraska, Department of Health and Human Services for child support enforcement (Lancaster County Child Support Referee) for the period of September 1, 2006 through August 31, 2011. (C-06-0530)

MOTION: Stevens moved and Workman seconded approval of a cooperative agreement with the State of Nebraska, Department of Health and Human Services for child support enforcement (Lancaster County Child Support Referee) for the period of September 1, 2006 through August 31, 2011. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

4) NEW BUSINESS CONTINUED:

- L. **A cooperative agreement by and among the Ethel S. Abbott Charitable Foundation, the Lower Platte South Natural Resources District and Lancaster County regarding the funding, construction and operation of a motocross facility on land owned by the Abbott Foundation and Lincoln Sports Foundation (LSF) in the vicinity of 7600 North 70th Street, Lincoln, Nebraska. (C-06-0531)**

Kristy Mundt, Deputy County Attorney, stated a provision should be included in the agreement stating Lincoln Sports Foundation (LSF) will be responsible for maintaining insurance on the motocross facility.

MOTION: Workman moved and Hudkins seconded approval of a cooperative agreement by and among the Ethel S. Abbott Charitable Foundation, the Lower Platte South Natural Resources District and Lancaster County subject to the inclusion of a provision that Lincoln Sports Foundation (LSF) will be responsible for maintaining insurance on the motocross facility. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

- M. **A cooperative agreement with the U.S. Department of the Interior U.S. Geological Survey for joint funding of water resources investigations. The agreement is for the operation and computation of records for four gaging stations, which are Salt Creek at Roca, Little Salt Creek near Lincoln, Stevens Creek near Lincoln and Rock Creek near Ceresco. The County will pay \$9,890 for the services. Term of the agreement is October 1, 2006 to September 30, 2007. (C-06-0532)**

MOTION: Hudkins moved and Stevens seconded approval of a cooperative agreement with the U.S. Department of the Interior U.S. Geological Survey for joint funding of water resources investigations. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

- N. **Recommendation from the Purchasing Agent to award a bid and issue a contract for equipment and accessory rental for all Lancaster County agencies to Nebraska Rents and Nebraska Machinery for daily use and as an emergency source in the event of a disaster. The total amount of the contract will be based on the needs of each agency. (B-06-0033)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval to award a bid and issue a contract for equipment and accessory rental for all Lancaster County agencies to Nebraska Rents and Nebraska Machinery for daily use and as an emergency source in the event of a disaster.

Hudkins asked if other machinery dealers/contractors had the opportunity to bid.

Bob Walla, Assistant Purchasing Agent, explained that he did conduct a follow-up as to the reason(s) other vendors didn't respond. He reported many replied that they didn't have time or didn't know the process. Walla stated they hope more vendors respond in the future.

ROLL CALL: Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

O. Approval of recommendations from the Pension Review Committee to make the following changes to the investment array for the 401(a) Lancaster County Retirement Plan and 457(b) Deferred Compensation Program administered by Nationwide Retirement Solutions (NRS), and to forward the recommendations to NRS for implementation:

1. Add the following funds:
 - a. Mid Cap Blend Fund - Fidelity Advisor Leveraged Co Stock A Fund.
 - b. Large Cap Growth Fund - American Funds The Growth Fund of America (Class R3).
 - c. High Yield Bond Fund - WM High Yield A Fund.
2. Close and remove the AIM Mid Cap Core Equity Fund (Class A) and map assets and deferrals to the Fidelity Advisory Leveraged Co Stock A Fund.
3. Close and remove the American Century Ultra Fund (Investment Class) and map assets and deferrals to the American Funds The Growth Fund of America (Class R3).
4. Close and remove the Dreyfus Appreciation Fund, Inc. and map assets and deferrals to the Davis New York Venture Fund (Class A).
5. Close and remove the Neuberger Berman High Income Fund (Investment Class) and map assets and deferrals to the WM High Yield A Fund.
6. The T. Rowe Price Growth Stock Fund (Class R) should not be added in the large cap growth category. Instead information on other suitable options in this category should be obtained from Nationwide Retirement Solutions.

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of changes to the investment array for the 401(a) Lancaster County Retirement Plan and 457(b) Deferred Compensation Program administered by Nationwide Retirement Solutions (NRS) and to forward the recommendations to NRS for implementation as recommended by the Pension Review Committee. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

P. Acceptance and approval of Deputy Sheriff Captain's temporary retirement buyout program application and agreement with George Edward Lahners, a Deputy Sheriff's Captain.

MOTION: Hudkins moved and Heier seconded to accept and approve the Deputy Sheriff Captain's temporary retirement buyout program application and agreement with George Edward Lahners, a Deputy Sheriff's Captain. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

5) **CONSENT ITEMS:** *These are items of business that are routine which 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:

1. County Treasurer's Report on 2003 Distress Warrants.

B. Request from Alissa C. Fay, an employee at Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.

MOTION: Heier moved and Stevens seconded approval of the Consent Items. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the meeting of the Board of Commissioners at 10:02 a.m.. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 26, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk

The meeting of the Board of Equalization was called to order at 10:02 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 19, 2006.**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on September 19, 2006. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 27 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Hudkins moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Workman, Hudkins, Stevens and Schorr voted aye. Heier abstained from voting. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Christian Record Services, Inc. Heart of Mary Church
Congregation of the Mother Coredeptrix
Lincoln Lancaster County Child Guidance Center
Sacred Heart Church
Sisters of Mary, Queen of Mercy

MOTION: Heier moved and Hudkins seconded approval of the motor vehicle tax exemptions. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **APPEALS FILED ON PENALTY ASSESSED ON PERSONAL PROPERTY FOR THE FOLLOWING:**

The Hair Salon
Joseph C. Hoesche
BeBeez Salon
J4K Cleaning

Norm Agena, County Assessor/Register of Deeds, gave a brief overview of the appeals. Recommendation was to deny the appeals.

MOTION: Stevens moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds to deny the protests and assess a 25 percent penalty against personal property for The Hair Salon and a ten percent penalty on personal property for Joseph C. Hoesche, BeBeez Salon and J4K Cleaning. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Heier moved and Stevens seconded adjournment of the meeting of the Board of Equalization at 10:06 a.m.. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

