

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 13, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Others Present: Kristy Bauer, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The location announcement of the Nebraska Open Meetings Act was given and the meeting of the Board of 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, March 6, 2007.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the meeting of the Board of Commissioners held on March 6, 2007. Hudkins, Stevens, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, March 13, 2007.**

MOTION: Heier moved and Hudkins seconded approval of all claims processed through March 13, 2007. Hudkins, Heier, Stevens and Workman voted aye. Schorr was absent from voting. Motion carried.

The Chair requested New Business Item 50 be moved forward on the agenda.

NEW BUSINESS ITEM 50:

Setting of salary for Chris Seifert at \$52,000 as attorney in the Lancaster County Attorney's Office, effective March 12, 2007.

(Commissioner Schorr entered the Hearing Room at 9:35 a.m..)

MOTION: Hudkins moved and Stevens seconded approval to set the salary for Chris Seifert at \$52,000 as attorney in the Lancaster County Attorney's Office, effective March 12, 2007. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Kerry Eagan, Chief Administrative Officer, suggested the Board also give approval for the purchase of a computer from the County Attorney's budget for Seifert.

Workman stated they would need to add the item to the agenda as an emergency item.

MOTION: Heier moved approval of the purchase of a computer for Chris Seifert, Deputy County Attorney, from the County Attorney's budget.

Eagan stated the County Attorney's Office could proceed with ordering the computer and that the item would be placed on the March 15th Staff Meeting agenda for approval.

3) **SPECIAL PRESENTATIONS:**

A. Donation of \$12,000 to the Good News Jail and Prison Ministries of Fairfax, Virginia from the Inmate Benefit Fund - Mike Thurber, Corrections Director, and Rev. Tom Beatty.

Mike Thurber, Corrections Director, appeared with Brenda Fisher, Program Director, and gave a brief overview of the Inmate Benefit Fund, noting that the recommendation was to use the \$12,000 donation toward services provided by the Good News Jail and Prison Ministries.

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

B. The Annual 2006 Commissioners Award of Excellence was presented to the team of Amy Munsterman, Lauralee Woodruff and Audrey Bakula with the Lancaster County Community Mental Health Center.

C. The 2006 Annual Honorable Mention Commissioners Award of Excellence was presented to Jim Spanel with Community Corrections.

4) **PUBLIC HEARINGS:**

A. Automatic renewal of the following retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution No. R-00-0148, adopted December 12, 2000 for which the County Clerk has received no protests:

Bennet Hideaway Bed & Breakfast	Lincoln Izaak Walton League
Blue Collar Liquor	Major Oil
Branched Oak Marina	Marina Bay Grill
Casey's General Store	Mike's 66 & Towing Company
Castaways Bar & Grill/Pawnee Marina	Outpost Tavern
Crooked Creek Golf Club	Pla-Mor Ballroom
Deer Springs Winery	Prime Country Winery
Dusty's Bar & Grill	Raymono's Pizza Plus
Emerald Mini-Mart	Shoemaker's Stop Truck South
Firethorn Golf Club	Silver Spoke Saloon
HiMark Golf Club	Toni's Corner
Hidden Valley Golf Course & Club	U-Stop Convenience Shop
Hillcrest Country Club	Veterans FW 3606
James Arthur Vineyards	Yankee Hill Country Club
Kabredlos #117	

The Chair opened the public hearing and asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Heier moved and Hudkins seconded approval of the automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution No. R-00-0148, adopted December 12, 2000 for which the County Clerk has received no protests. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

B. County Miscellaneous No. 06016, requested by the Director of Planning, for a text amendment to the Lancaster County Land Subdivision Regulations as follows: (See New Business Item 5A for correlating documentation.)

a. Set a one-year time period within which applications that have been deferred at the applicants' request are presented to the Planning Commission or County Board for final action or they automatically expire.

b. Delete the filing deadline before a preliminary plat may be scheduled on the Planning Commission agenda.

4) **PUBLIC HEARINGS CONTINUED:**

- c. Delete the provision that a preliminary plat shall be effective for ten years and authorize the Planning Director to determine if a new preliminary plat may be required after five years rather than the County Board.
- d. Reword procedures regarding filing the Planning Commission's findings within seven days with the County Clerk.
- e. Change public hearing notice dates when signs are posted and notices appear in the newspaper to be consistent with the City's notification requirements.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The Clerk administered the oath to Ray Hill, Planning Department.

Hill gave a brief overview of the proposal.

In response to a question asked by Schorr, Hill explained that the language is written so that the Planning Director notifies applicants 30 days prior to expiration.

Discussion took place regarding deletion of the provision that a preliminary plat be effective for ten years and the authorization of the Planning Director to determine if a new preliminary plat be required after five years rather than the County Board.

Heier stated he feels the appeal process should come back to the County Board.

Stevens clarified that the new proposal would delete the provision that a preliminary plat be effective for ten years. The five-year review, he explained, has always been included in the language, however, instead of the County Board making the determination relating to a new preliminary plat it is proposed that the Planning Director make the determination.

Discussion continued regarding the appeal process and deletion of the provision.

Stevens inquired whether there are provisions in the current code that any decision of the Planning Director may be appealed.

Kristy Bauer, Deputy County Attorney, stated there isn't a 'catch all' provision, however, language is included in the specific sections relating to the appeal process.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

C. County Change of Zone No. 06070, requested by the Director of Planning, for a text amendment to the Lancaster County Zoning Resolution as follows: (See New Business Item 5B for correlating documentation.)

- a. Set a one-year period within which applications that have been deferred at the applicants' request are presented to the Planning Commission or County Board for final action or they automatically expire.
- b. Change public hearing notice dates when signs are posted and notices appear in the newspaper to be consistent with the City's notification procedures.
- c. Clarify the procedures for special permits and community unit plans and correct typing errors.
- d. Clarify that no buildings or uses may be permitted in a yard via an administrative amendment by the Planning Director.
- e. Relocate the provisions for pre-existing special permits.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the proposal.

Hill presented County Change of Zone No. 06070.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

A. A resolution in the matter of County Miscellaneous No. 06016, text amendments to the Lancaster County Subdivision Regulations, requested by the Director of Planning, to amend Chapter 3, Sections 3.06, 3.07, 3.08 and 3.09 and to add Section 3.21, as provided in Attachment "A". (R-07-0015)

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of Resolution 07-0015 in the matter of County Miscellaneous No. 06016, text amendments to the Lancaster County Subdivision Regulations, requested by the Director of Planning, to amend Chapter 3, Sections 3.06, 3.07, 3.08 and 3.09 and to add Section 3.21, as provided in Attachment "A".

AMENDMENT TO MOTION: Heier moved and Hudkins seconded to omit the following provision: *Delete the provision that a preliminary plat shall be effective for only ten years and authorize the Planning Director to determine if a new preliminary plat may be required after five years rather than the County Board.*

In response to a question asked by Stevens, Heier stated the purpose of deleting the provision is because it takes all authority away from the County Board and gives it to the Planning Director.

Both Heier and Hudkins agreed that the provision should be deleted for further for review and modification at a Staff Meeting.

AMENDED AMENDMENT: Hudkins moved and Heier seconded to amend the amended motion that the deletion of the provision that a preliminary plat shall be effective for only ten years and authorize the Planning Director to determine if a new preliminary plat may be required after five years rather than the County Board be placed on a Staff Meeting agenda for further review and modification.

ROLL CALL ON THE AMENDED AMENDMENT: Hudkins and Heier voted yes. Stevens, Schorr and Workman voted no. Motion failed.

ROLL CALL ON ORIGINAL AMENDMENT: Hudkins and Heier voted yes. Stevens, Schorr and Workman voted no. Motion failed.

AMENDMENT: Hudkins moved to direct the County Attorney's Office prepare language regarding a 'catch all' provision relating to the appeal process.

Bauer suggested that the provision be done through a text amendment if the Board desires a 'catch all' provision in the County Zoning and Subdivision Regulations and indicated the appeal provision is already included in the resolution for County Miscellaneous No. 06016 under Section 3.09.

Hudkins withdrew the amendment.

ROLL CALL ON ORIGINAL MOTION: Stevens, Schorr and Workman voted yes. Hudkins and Heier voted no. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- B. A resolution in the matter of County Change of Zone No. 06070, text amendments to the Lancaster County Zoning Resolution, requested by the Director of Planning, to amend Sections 13.001, 13.003, 14.005, 22.003 and 22.005 and to add Sections 13.002 and 22.019, as provided in Attachment "A". (R-07-0016)**

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. 07-0016 in the matter of County Change of Zone No. 06070, text amendments to the Lancaster County Zoning Resolution, requested by the Director of Planning, to amend Sections 13.001, 13.003, 14.005, 22.003 and 22.005 and to add Sections 13.002 and 22.019, as provided in Attachment "A". Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- C. A resolution in the matter of an application for Corporate Manager for Matthew J. Schafers in connection with a Class I (Spirits, Wine, Beer On Sale Only) liquor license for Lincoln Izaak Walton League Building Corp. d/b/a Izaak Walton League located at 10801 South 134th Street, Lancaster County, Nebraska. (R-07-0017)**

MOTION: Heier moved and Stevens seconded approval of Resolution 07-0017 in the matter of an application for Corporate Manager for Matthew J. Schafers in connection with a Class I (Spirits, Wine, Beer On Sale Only) liquor license for Lincoln Izaak Walton League Building Corp. d/b/a Izaak Walton League located at 10801 South 134th Street, Lancaster County, Nebraska. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

- D. An amendment to an agreement with the Lancaster County Medical Society, under County Contract No. C-06-0519, enrolling qualified Lancaster County General Assistance clients in national pharmaceutical discount programs and related services, such as clerical assistance and training of staff at the Community Mental Health Center. The parties wish to amend the agreement to provide the Community Mental Health Center with clerical assistance in enrolling clients at the Mental Health Center in such medication assistance programs. The amendment is effective April 1, 2007 and the County will pay \$1,300 per month for the additional services. (C-07-0085)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of an amendment to an agreement with the Lancaster County Medical Society, under County Contract No. C-06-0519, enrolling qualified Lancaster County General Assistance clients in national pharmaceutical discount programs and related services, such as clerical assistance and training of staff at the Community Mental Health Center. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

E. An addendum to an agreement with Milliman, Inc., under County Contract No. C-04-0345, for consulting services for the Lancaster County medical and dental employee benefit plans. The addendum authorizes Milliman to perform an actuarial review of the County Workers' Compensation and General Liability programs. The County will pay \$12,000 for the additional services. (C-07-0086)

MOTION: Heier moved and Stevens seconded approval of an addendum to an agreement with Milliman, Inc., under County Contract No. C-04-0345, for consulting services for the Lancaster County medical and dental employee benefit plans. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

F. An agreement with Ross Engineering, in the amount of \$4,491, for surveying services for the County Engineer relating to Project C55-M-405(1), located on West A Street from Southwest 84th Street to the Burlington Northern Santa Fe Railroad. (C-07-0088)

MOTION: Hudkins moved and Heier seconded approval of an agreement with Ross Engineering, in the amount of \$4,491, for surveying services for the County Engineer relating to Project C55-M-405(1), located on West A Street from Southwest 84th Street to the Burlington Northern Santa Fe Railroad. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

G. An agreement with Allen Surveying Services, in the amount of \$3,540, for surveying services for the County Engineer relating to Project C55-W-403(2), located at the intersection of Southwest 2nd Street and West Panama Road. (C-07-0089)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Allen Surveying Services, in the amount of \$3,540, for surveying services for the County Engineer relating to Project C55-W-403(2), located at the intersection of Southwest 2nd Street and West Panama Road. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

H. An agreement with WNK Surveying, in the amount of \$3,275, for surveying services for the County Engineer relating to Project BR-3380(4), Waverly Northwest (Bridge A-136). (C-07-0090)

MOTION: Schorr moved and Stevens seconded approval of an agreement with WNK Surveying, in the amount of \$3,275, for surveying services for the County Engineer relating to Project BR-3380(4), Waverly Northwest (Bridge A-136). Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

I. A cooperative education training agreement with Southeast Community College (SCC) to permit an SCC student to work at the Lancaster County Election Office. The student will work for nine weeks beginning March 5, 2007 for a minimum of 12 hours per week and be compensated \$8.393 an hour. (C-07-0094)

MOTION: Hudkins moved and Heier seconded approval of a cooperative education training agreement with Southeast Community College (SCC) to permit an SCC student to work at the Lancaster County Election Office.

Bauer clarified that the student working at the Election office is currently a temporary employee there. The employment status will not change and there will be no additional liability.

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

5) **NEW BUSINESS CONTINUED:**

J. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to Shanahan Brothers Construction, Inc., for grading construction at various locations within the County, in the amount of \$651,032.37; Project No. 07-29. (B-07-0015)

MOTION: Schorr moved and Stevens seconded approval to award a bid to Shanahan Brothers Construction, Inc., for grading construction at various locations within the County, in the amount of \$651,032.37; Project No. 07-29. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to L.J. Webb Contractor, Inc., in the amount of \$136,362, for culvert replacement and maintenance; Project No. 07-23. (B-07-0016)

MOTION: Heier moved and Stevens seconded approval to award a bid to L.J. Webb Contractor, Inc., in the amount of \$136,362, for culvert replacement and maintenance; Project No. 07-23. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

L. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to Gana Trucking and Excavating, Inc., in the amount of \$60,310, for channel repair at County Bridge G-222; Project No. 06-02. (B-07-0017)

MOTION: Stevens moved and Hudkins seconded approval to award a bid to Gana Trucking and Excavating, Inc., in the amount of \$60,310, for channel repair at County Bridge G-222; Project No. 06-02. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

M. An agreement between the Lancaster County Engineer and Gana Trucking and Excavating, Inc., in the amount of \$60,310.88, for repair of County Bridge No. G-222 located near the intersection of North 98th Street and Salt Creek; Project No. 06-02. (C-07-0087)

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Hudkins seconded approval of an agreement between the Lancaster County Engineer and Gana Trucking and Excavating, Inc., in the amount of \$60,310.88, for repair of County Bridge No. G-222 located near the intersection of North 98th Street and Salt Creek; Project No. 06-02. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

N. Recommendation from the Purchasing Agent and County Sheriff to issue an order through WatchGuard Video, in the total amount of \$29,334, for six in-car overhead camera systems. Prices have been established by State of West Virginia Contract No. DPS 0655A. (B-07-0018)

MOTION: Stevens moved and Hudkins seconded approval to issue an order through WatchGuard Video, in the total amount of \$29,334, for six in-car overhead camera systems.

Terry Wagner, County Sheriff, gave a brief overview of the purchase.

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

O. Setting of salary for Chris Seifert at \$52,000 as attorney in the Lancaster County Attorney's Office, effective March 12, 2007.

Item moved forward on the agenda.

P. Appointment of the following individuals to the Lincoln-Lancaster County Women's Commission:

- **Sonja Smith, to a two-year term expiring March 1, 2009**
- **Monica Huapaya, to complete an unexpired term ending January 1, 2008**

MOTION: Stevens moved and Schorr seconded approval of the appointments of Sonja Smith and Monica Huapaya to the Lincoln-Lancaster County Women's Commission. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

6) **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 Assessor/Register of Deeds Monthly Report for February, 2007.**
- 2. Clerk of the District Court's Monthly Report for February, 2007.**
- 3. Lancaster Manor's Monthly Report.**
- 4. Records and Information Management's Monthly Report for February, 2007.**

B. Setting of a public hearing for Tuesday, March 27, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Change of Zone No. 07005, requested by Michael Vrchota, to allow the subdivision of Lot 43 creating an east lot and a west lot on property generally located at the northwest corner of Southwest 84th Street and West Pioneers Boulevard, Lancaster County, Nebraska.

C. Request from Richard J. Lutz, an employee with Community Corrections, to voluntarily participate in the Lancaster County Retirement Program having met the requirements.

D. A leasehold contract relating to road improvements between the Lancaster County Engineering Department and Dennis L. and Malinda Buel, in the amount of \$10, on South 82nd Street from Panama to Hickman Roads; Project C55-SX-404(2). (C-07-0091)

E. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ **Dennis L. and Malinda Buel, in the amount of \$67.50, located on South 82nd Street from Panama to Hickman Roads; Project C55-SX-404(2). (C-07-0092)**
- ▶ **Dorothy K. Maher, in the amount of \$2,863, at approximately North 134th Street and Agnew Road; Project CP A-135. (C-07-0093)**

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

7) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the meeting of the Board of Commissioners at 10:55 a.m.. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 13, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Others Present: Norm Agena, County Assessor/Register of Deeds
Kristy Bauer, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The meeting of the Board of Equalization was called to order at 10:55 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 6, 2007.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the meeting of the Board of Equalization held on March 6, 2007. Hudkins, Stevens, Heier and Workman voted aye. Schorr abstained from voting. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 58 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Social Services
Madonna Rehabilitation Hospital (2 exemption applications)
Parkview Child Development Services, L.L.C.
Sisters of St. Francis
Temple Baptist Church**

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

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

Krueger Holding Company L.L.C., R.C. Krueger Development Co., Inc. & Krueger #1

Norm Agena, County Assessor/Register of Deeds, gave a brief overview of the notice of assessed valuation change.

MOTION: Stevens moved and Hudkins seconded to accept the recommendation of the County Assessor/Register of Deeds and send notice of assessed valuation change for property taxation purposes for Krueger Holding Company L.L.C., R.C. Krueger Development Co., Inc. and Krueger #1. Schorr, Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the meeting of the Board of Equalization at 10:59 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk