

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 5, 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: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
John Glynn, Chief Deputy County Clerk
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The location of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 29, 2007.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on May 29, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, June 5, 2007.**

MOTION: Hudkins moved and Heier seconded approval of all claims processed through June 5, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. A resolution in the matter of proclaiming the week of June 4, 2007 as 'Management Week' - Donna Barrett, Leadership Link President, and Colleen Andrews, Leadership Link President Elect (R-07-0037)

Appearing was Donna Barrett, Leadership Link President; Colleen Andrews, Leadership Link President Elect and Erik Hubl, Secretary of Leadership Link.

The Clerk read the resolution into the record.

MOTION: Heier moved and Schorr seconded approval of Resolution 07-0037 in the matter of proclaiming the week of June 4, 2007 as 'Management Week'. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Vacation of a portion of Rokeby Road at its intersection with Breagan Road and the railroad crossing located in the Southeast Quarter of Section 25, Township 9 North, Range 7 East, of the 6th P.M., and the Northeast Quarter of Section 36, Township 9 North, Range 7 East of the 6th P.M. in Lancaster County, Nebraska.

The Chair opened the public hearing.

The oath was administered to Don Thomas, County Engineer.

Thomas disseminated a GIS map (Exhibit 1) and gave an overview of the proposal to vacate a portion of Rokeby Road.

Schorr asked if neighboring property owners expressed concerns.

Thomas stated one of the neighbors living along Rokeby Road nearest the crossing was agreeable to the idea that the closing would not occur until such time 120th Street is relocated. He added that he was unsure if the second property owner was satisfied.

Thomas disseminated proposed language (Exhibit 2) to include in the resolution if the Board approves the vacation.

4) **PUBLIC HEARINGS CONTINUED:**

Workman read the proposed language as follows into the record: *The actual vacation and closure of the Rokeby Road rail crossing shall not occur until the parking area for trains between the existing 120th Street crossing and the Rokeby Road crossing is reduced as a result of the realignment of South 120th Street (south of Highway No. 2) and the South Beltway interchange construction or the railroad is abandoned.*

Stevens asked when the interchange would be completed.

The oath was administered to Lou Lenzen with the State of Nebraska, Department of Roads.

Lenzen stated the tentative plan was for construction to begin in 2012 with completion in 2016.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closing.

MOTION: Schorr moved and Hudkins seconded to direct the County Attorney's Office to draft a resolution approving the vacation of a portion of Rokeby Road at its intersection with Breagan Road and the railroad crossing located in the Southeast Quarter of Section 25, Township 9 North, Range 7 East, of the 6th P.M., and the Northeast Quarter of Section 36, Township 9 North, Range 7 East of the 6th P.M. in Lancaster County, Nebraska with the inclusion of the following language: The actual vacation and closure of the Rokeby Road rail crossing shall not occur until the parking area for trains between the existing 120th Street crossing and the Rokeby Road crossing is reduced as a result of the realignment of South 120th Street (south of Highway No. 2) and the South Beltway interchange construction or the railroad is abandoned. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

B. Request from Ron's Pub Inc. d/b/a Ron's Pub for an addition to licensed premise located at 13940 "O" Street, Suite B8, Lincoln, Lancaster County, Nebraska. This request is for a banquet hall (Oasis Room) next to Ron's Pub.

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

The oath was administered to Bob Creager, attorney representing Ron's Pub Inc., and Ron Skoda, owner of Ron's Pub Inc..

Creager provided a brief history of the area and stated there is a need to have a banquet hall to serve private parties and events.

In response to a question asked by Workman regarding a recent DWI, Skoda stated charges are pending.

The oath was administered to Terry Wagner, Lancaster County Sheriff.

Wagner reported that Skoda's DWI is pending and gave an overview regarding the offense. He also gave an overview regarding the DWI offense of Judy Swanson indicating charges are pending as well.

Creager stated he felt the Board made connections and judgments about the management of Ron's Pub Inc. when there is no factual basis to make the judgment.

Hudkins stated he is concerned about the standard management of the facility.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was recessed for one week.

4) **PUBLIC HEARINGS CONTINUED:**

C. County Special Permit No. 07011, Wild Acres Community Unit Plan, requested by Lyle Loth of ESP on behalf of Keith and Kathryn Stewart, for an AG Agricultural community unit plan consisting of 16 residential acreage lots on 270.58 acres with the 20 percent dwelling unit bonus being requested by preservation of ag land. This is on property generally located at North 14th Street and Ashland Road in Lancaster County, Nebraska.

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

The oath was administered to Lyle Loth with E.S.P. Consulting Engineers.

Loth, appearing on behalf of Keith and Kathryn Stewart, disseminated new site plans (Exhibit 3) with modifications as recommended and approved by the Planning Commission. He also addressed the following conditions:

- ▶ Access to 14th Street by Wild Acres Road which was moved 370 feet to the north.
- ▶ Undersized culverts which were increased in size to reduce the head water requirement.
- ▶ Flood pool elevation of the lake and minimum opening elevations for abutting lots.
- ▶ Extension of two roadways (Wild Acre Road to the west and Ashland Road to the north).
- ▶ Reduction in size relating to Lot 15 and Lot 16.

Discussion took place regarding sixty foot right-of-way with Loth indicating the Stewart's would likely not object to increasing the right-of-way from 50 feet to 60 feet.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Stevens moved and Schorr seconded to direct the County Attorney's Office to draft a resolution approving County Special Permit No. 07011, Wild Acres Community Unit Plan, on property generally located at North 14th Street and Ashland Road in Lancaster County, Nebraska with the modified site plans as submitted by Lyle Loth.

4) **PUBLIC HEARINGS CONTINUED:**

FRIENDLY AMENDMENT: Heier moved and Hudkins seconded to request 60 foot right-of-way along Ashland Road, North 14th Street and North 1st Street. Heier, Schorr, Hudkins and Workman voted aye. Stevens voted no. Motion carried.

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

D. Receiving public input regarding any project for which the Lancaster County Board of Commissioners intends to use Keno Funds. A list of the projects can be obtained from the County Budget and Fiscal Office.

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

The oath was administered to Dennis Meyer, Budget & Fiscal Officer.

Meyer disseminated documentation regarding projects for which Keno funds have been allocated (Exhibit 4) noting that approximately \$105,000 has not been allocated.

Discussion took place regarding funds designated for Arbor Road. Thomas stated he thought \$220,000 to \$230,000 had been designated for Arbor Road.

Board consensus was to increase the allocation for Arbor Road from \$200,000 to \$250,000.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

- A. An application for a special designated license from Ken's Liquor Inc. to provide liquor beverage service in connection with a wedding reception on Saturday, July 14, 2007 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.**

MOTION: Heier moved and Hudkins seconded approval of an application for a special designated license from Ken's Liquor Inc. to provide liquor beverage service in connection with a wedding reception on Saturday, July 14, 2007 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- B. An amendment to an interlocal agreement, under County Contract No. C-05-0120, with the State of Nebraska, Department of Roads for Project No. C55-S-401(6), Hickman viaduct. The parties wish to amend the contract to more accurately reflect the anticipated construction schedule. (C-07-0205)**

MOTION: Stevens moved and Heier seconded approval of an amendment to an interlocal agreement, under County Contract No. C-05-0120, with the State of Nebraska, Department of Roads for Project No. C55-S-401(6), Hickman viaduct. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- C. A contract between the Lancaster County Engineering Department and Pavers, Inc., in the amount of \$1,452,333.96, for asphalt paving and resurfacing on various County roads. The work will begin on or before May 29, 2007 and will be completed by October 26, 2007. (C-07-0206)**

MOTION: Stevens moved and Heier seconded approval of a contract between the Lancaster County Engineering Department and Pavers, Inc., in the amount of \$1,452,333.96, for asphalt paving and resurfacing on various County roads. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. Amendment No. 1 to the network provider contract with the Region Behavioral Health Authority (Region V), under County Contract No. C-06-0590, for the provision of certain mental health, substance abuse and related behavioral mental health services at the Community Mental Health Center. The amendment increases the maximum capacity of service for day treatment and decreases the maximum capacity of service for med management. The total amount that the County will be reimbursed does not change. (C-07-0207)

MOTION: Schorr moved and Stevens seconded approval of Amendment No. 1 to the network provider contract with the Region Behavioral Health Authority (Region V), under County Contract No. C-06-0590, for the provision of certain mental health, substance abuse and related behavioral mental health services at the Community Mental Health Center. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

E. Renewal of an agreement between Lancaster County and Ameritas Group for the administration of the Lancaster County self-insured dental plan beginning January 1, 2008 through December 31, 2008. (C-07-0208)

MOTION: Heier moved and Hudkins seconded approval of the renewal of an agreement between Lancaster County and Ameritas Group for the administration of the Lancaster County self-insured dental plan beginning January 1, 2008 through December 31, 2008. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

F. Renewal of an agreement between Lancaster County and Ameritas Group for the administration of the Lancaster County self-insured vision plan beginning January 1, 2008 through December 31, 2008. (C-07-0209)

MOTION: Hudkins moved and Schorr seconded approval of the renewal of an agreement between Lancaster County and Ameritas Group for the administration of the Lancaster County self-insured vision plan beginning January 1, 2008 through December 31, 2008. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

G. A renewal application for the adult day services license with the Nebraska Department of Health and Human Services for the Midtown Center in connection with the Community Mental Health Center (CMHC). The County will pay \$175 for the renewal license. (C-07-0210)

MOTION: Stevens moved and Heier seconded approval of a renewal application for the adult day services license with the Nebraska Department of Health and Human Services for the Midtown Center in connection with the Community Mental Health Center (CMHC). Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

H. A policy holder release form, in the amount of \$6,650, to the Continental Western Insurance Company relating to Bond/Policy No. CA 2375674-25 for an auto accident involving a 2001 Dodge 1500 pickup. (C-07-0211)

MOTION: Stevens moved and Schorr seconded approval and authorization for the County Board to sign a policy holder release form, in the amount of \$6,650, to the Continental Western Insurance Company relating to Bond/Policy No. CA 2375674-25 for an auto accident involving a 2001 Dodge 1500 pickup. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

I. A restructured promissory note with Affinity Production Company, LLC, whereby Affinity Production Company, LLC will begin repayment of a community development block grant funded economic development loan, in the amount of \$147,039, beginning July 15, 2007. (C-07-0212)

Tom Fox, Deputy County Attorney, requested the item be held.

5) **NEW BUSINESS CONTINUED:**

J. An agreement between Lancaster County and 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 2007 tax year which are before the Lancaster County Board of Equalization. The coordinator is also responsible for ensuring that all papers related to such protests along with written findings and recommendations are made available to the Board. The referee coordinator shall be reimbursed at a rate of \$760 per working day up to \$100,000. (C-07-0213)

MOTION: Stevens moved and Schorr seconded approval of an agreement between Lancaster County and 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 2007 tax year which are before the Lancaster County Board of Equalization. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

K. An addendum to a contract between Lancaster County and Theresa Whisler for the preparation of transcripts relating to 2007 greenbelt disqualifications. The addendum extends the term of the contract and the deadline for completion of services to June 29, 2007 and waives liquidated damages during the extension period. (C-07-0214)

John Glynn, Deputy County Clerk, gave an overview regarding the addendum explaining that Ms. Whisler has had difficulty hearing the individuals testifying. He added that transcripts have been completed through May 8, 2007. Estimated completion date is Friday, June 8th.

MOTION: Hudkins moved and Stevens seconded approval of an addendum to a contract between Lancaster County and Theresa Whisler for the preparation of transcripts relating to 2007 greenbelt disqualifications. The addendum extends the term of the contract and the deadline for completion of services to June 29, 2007 and waives liquidated damages during the extension period. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

L. Request from Thomas Lamb, attorney representing Ron Skoda, for reconsideration of County Board action taken on May 29, 2007 regarding an application for an amusement license and an application for a Special Designated License relating to an event to be held on June 16, 2007 at 13940 "O" Street, Lancaster County, Nebraska.

In response to a question from the County Board, Fox stated they would need to reconsider each item separately.

The Chair asked if there was a motion to reconsider the items.

No motion made.

Schorr asked if the party would be held if the application for the Special Designated License was not approved.

Creager stated his client indicated he would not hold the party without the Special Designated License.

The Chair asked again if there was a motion to reconsider the items.

No motion was made to reconsider. Previous action taken on May 29, 2007 to deny the application for an amusement license and to deny an application for a Special Designated Permit stands.

6) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 11:07 a.m.. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 5, 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
Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
John Glynn, Chief Deputy County Clerk
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 11:07 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 29, 2007.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on May 29, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 66 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Stevens moved and Schorr 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:**

**The Catholic Bishop of Lincoln
Christian Church (Disciples of Christ) in Nebraska
Salvation Army**

MOTION: Heier moved and Stevens 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:**

Todd A. Lewis (5 notices)

Norm Agena, County Assessor/Register of Deeds, explained that a market value adjustment was not made in 2006. The notices to be sent out will correct that error.

MOTION: Heier moved and Hudkins seconded to sent out notice of assessed valuation change for property taxation purposes on Parcel ID 07-01-100-006-000; Parcel ID 07-01-100-007-000; Parcel ID 07-01-100-008-000; Parcel ID 07-01-100-009-000 and Parcel ID 07-01-100-010-000 for Todd A Lewis. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 11:10 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk