

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JULY 17, 2007**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**8:30 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  
Dan Nolte, County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 8:30 a.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 10, 2007.**

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on July 10, 2007. Hudkins, Schorr, Heier and Workman voted aye. Stevens abstained from voting. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, July 17, 2007.**

**MOTION:** Heier moved and Stevens seconded approval of all claims processed through July 17, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

**A. Issuance by the Lancaster County Fairgrounds Joint Public Agency of its Limited Tax Facility Bonds, Series 2007 in the maximum principal amount of \$8,000,000, pursuant to the Joint Public Agency Act, to pay the costs of constructing an additional livestock pavilion, a roof for the existing outdoor area with a connecting building housing meeting rooms, a cafeteria and storage, additional parking, concrete flooring in an existing building, certain additional equipment and fencing, together with related improvements at the Agency's existing facilities, located at 4100 North 84<sup>th</sup> Street, Lincoln, Nebraska.**

The Chair opened the public hearing.

Schorr declared a conflict of interest because Alan Wood, attorney representing the Agricultural Society, is a law partner of her husband. She stated she would not participate in the discussion or vote on the matter.

The oath was administered to Alan Wood, attorney representing the Lancaster County Agricultural Society and the Lancaster Event Center.

Wood stated they are asking the County Board to give its endorsement to a Limited Tax Facility Bond, in the amount of \$8,000,000, for the purpose of making improvements to the Lancaster Event Center at 84<sup>th</sup> and Havelock Avenue. He stated \$6,000,000 would be used for building and steel, \$1,000,000 for parking, concrete and street improvements and another \$1,000,000 for equipment and other related construction costs.

Wood referred to a letter from Kurt Micek, independent auditor for the Agricultural Society, explaining that they are putting together a framework which will provide for the establishment of a reserve account inside the accounting system of the Agricultural Society and Event Center so that they can build a capital construction renovation and repair reserve account. The goal, he said, is to move away from a requirement to ask the County Board for a capital construction renovation and repair levy.

The oath was administered to Ron Snover, Managing Director of the Event Center.

Snover stated the Event Center is booked 52 weeks per year and added that events are turned away weekly because the facility is not large enough or it is already booked. He said the expansion would allow them to host some small and large horse shows by covering the outdoor arena.

3) **PUBLIC HEARINGS CONTINUED:**

Snover reported that break out rooms would be added as well as upgrading the restroom facilities and concession areas. The county fair, he said, has outgrown the facilities as well.

The oath was administered to Bruce Bailey with Design Associates of Lincoln, Nebraska.

Bailey disseminated and gave a brief overview of documentation regarding the design and modifications relating to the expansion (Exhibit 1).

The oath was administered to Scott Keene with Ameritas Investment Corporation.

Keene stated the financing will be a 20 year level amortization in which the outstanding Series 2000 bonds are refunded. The refunding and the new money portion, he said, will be less than \$10,000,000 allowing them to issue the bonds on a bank qualified basis which will include banks as potential buyers of the bonds and which will improve the demand for the bonds and lower the interest rates. Keene stated at current interest rates a level 20 year amortization would have a true interest cost of approximately 4.7 percent. On an \$8,000,000 construction project the County's current valuation at an Agricultural Society levy of approximately point four three cents.

Workman stated there has been previous discussion regarding a cash reserve and asked if it would affect any arbitrage on the bond.

Keene responded there would be no impact regarding the taxability or any arbitrage rebate requirements associated with the financing.

The oath was administered to Mike Hershberger with Watts and Hershberger P.C. C.P.A..

Hershberger gave a PowerPoint presentation regarding the final audited numbers for the year ended November 30, 2006 including the approved numbers for 2007, the proposed budget for 2008 and the projected results for 2009 if the expansion project occurs.

Stevens stated he would like to see the Agricultural Society's actual expenses on a year to date basis.

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

3) **PUBLIC HEARINGS CONTINUED:**

Meyer stated the County has not received any year to date numbers, however, the audited numbers could be compared to what were budgeted.

**Proponents**

The oath was administered to Andrew Goodman with the Iowa Nebraska Equipment Dealers Association.

Goodman appeared in favor of the expansion and presented a two minute video regarding the types of events which could be brought to the area. He added they have brought the Husker Lawn and Leisure show to the Event Center for the past five years.

The oath was administered to Debbie Brehm, 10400 Yankee Hill Road, Lincoln, Nebraska, and Diane Olsen, 2833 North Cotner Boulevard, Lincoln, Nebraska.

Olsen stated she manages approximately 50 horse events per year of which 27 are scheduled at the Event Center. She stated she would like to hold all of the events there, but due to limited space she cannot. Olsen stated the expansion would allow the Quarter Horse Association and numerous other livestock associations to hold events there.

Brehm stated she and her daughter show horses on a national basis and the expansion would allow some of the regional horse shows to be hosted in Nebraska. Submitted into the record by Brehm was documentation entitled *Economic Impact of a Horse Show on Your Community* (Exhibit 2).

The oath was administered to Kyle Fischer representing the Chamber of Commerce and the Lincoln Convention and Visitors Bureau.

Fischer stated both the Lincoln Chamber of Commerce Board and the Convention and Visitors Bureau is supportive of and endorses the objective of making sure all facilities and attractions are living up to market opportunities. He said they support the Event Center expansion plans, however, they would suggest that the County Board take the opportunity to align the effort with the information gathered in Legislative Bill 435. Fischer stated they also feel the project should be completed on budget and that the end result maintains or enhances the fiscal operating condition of the Event Center.

3) **PUBLIC HEARINGS CONTINUED:**

The oath was administered to Coby Mach, Lincoln Independent Business Association.

Mach stated the Lincoln Independent Business Association supports the expansion project, however, they would like assurances that the expansion will not exceed \$8,000,000 and that the Event Center will become self sufficient.

The oath was administered to Carrie Marcus with Lambert Hospitality Management.

Marcus appeared to endorse the Event Center expansion project. She indicated they have seen increased room rates and occupancy due to events being hosted at the Event Center.

Discussion took place regarding the establishment of a cash reserve fund.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

**MOTION:** Hudkins moved and Heier seconded to authorize issuance by the Lancaster County Fairgrounds Joint Public Agency of its Limited Tax Facility Bonds, Series 2007 in the maximum principal amount of \$10,000,000 and to include refinancing.

Stevens expressed concerns regarding whether the issuance of bonds is the best use of property tax dollars in the County and cited budget cuts with regard to the Lincoln-Lancaster Women's Commission, personnel and Sheriff's vehicles which he feels are of a higher priority.

**ROLL CALL:** Heier, Hudkins and Workman voted aye. Stevens voted no. Schorr abstained from voting due to a conflict of interest. Motion carried.

3) **PUBLIC HEARINGS CONTINUED:**

**B. County Change of Zone No. 06065, requested by the Director of Planning at the request of the Lancaster County Board of Commissioners, for a text amendment to allow race tracks, drag strips and motor sport facilities in the 'AG' zoning district by special permit. (See New Business Item 5C for correlating documentation.)**

The Chair opened the public hearing.

The oath was administered to Mike DeKalb, Planning Department.

DeKalb gave an overview regarding the change of zone stating that Planning Commission recommended approval. He added that the Health Department has a proposed amendment relating to the section pertaining to noise.

The oath was administered to Scott Holmes, Environmental Public Health Division Manager.

Holmes stated the Health Department is proposing a different noise metric based on the work of the Motorsports Task Force and in consultation with Dr. Dominique Chéenne, Director of Acoustics, Audio Arts and Acoustics Department, Columbia College in Chicago, Illinois. He stated the original measure was the Leq measure, however the NPL (Noise Pollution Level) measure does a better job identifying the kinds of noises, durations and frequencies that people find to be irritating. Holmes stated they have suggested a substitute noise measure in the language of the text. In addition, he said, they proposed a specific level of an NPL using the baseline levels which already exist in the area. As a result, a ten decibel increase for daytime hours of 10 a.m. to 6 p.m. and a six decibel increase for evening hours of 6 p.m. to 10 p.m. has been recommended.

Holmes stated additional language is also proposed regarding professional sound assessment to add that noise monitoring can be done through a demonstration or simulation at site using a digitally recorded level of sound and calibrated to the noise level which would be experienced and reproduced using speakers and generator equipment and measurements taken near the site.

Holmes stated a section has been included to allow the regulatory noise levels to be exceeded for a specified number of events if approved by the County Board by a public hearing.

### 3) **PUBLIC HEARINGS CONTINUED:**

The final change, Holmes said, is a requirement that any motorsports facility install a continuous noise monitoring device on their property which will record data 24 hours a day, seven days a week with access to the data by the Health Department.

Discussion followed regarding NPL levels and continuous noise monitoring devices.

The following individuals were administered the oath and provided testimony relating to the text amendment:

- **Martha Minchow**, 8181 Davey Road, Lincoln, Nebraska, appeared in support of the text amendment. (Submitted written testimony - Exhibit 3) **Clerk's Note:** Mrs. Minchow asked those individuals present who were in support of the text amendment to stand. Approximately 50 to 60 people stood.
- **John Baumgartner**, 6030 Davey Road, Lincoln, Nebraska, expressed his concern and stated he favors a noise monitoring device/system as proposed.
- **Julie Marshall**, 7931 Anna Place, Lincoln, Nebraska, indicated she supports language, specifically Section 'F', regarding the prohibition of a motorsports complex within one mile of a cemetery.
- **Marlene Tracy**, 17500 North 84 Street, Lincoln, Nebraska, indicated she is accustomed to the peace and quiet of living on an acreage and is concerned about the noise a motorsports facility could bring to the area.
- **Patricia Petersen**, 16900 Northwest 19 Street, Raymond, Nebraska, expressed concern regarding quality of life. She added that her family experiences the noise of a private motocross track near their property.
- **Karen Kurbis**, 17500 North 84 Street, Lincoln, Nebraska, expressed concern regarding the degradation of the current soundscape. Submitted for the record was documentation picturing the existing quality of life for farmers and acreage owners (Exhibit 4) and documentation regarding concerns regarding motorsports along with excerpts from the Lincoln Municipal Code (Exhibit 5).
- **Carol Brown**, 2201 Elba Circle, Lincoln, Nebraska, appeared and indicated she favors motorsports. She also added that she lives within one mile of the state fairgrounds where motorsports are held and the sound does not bother her.
- **Jeff Atkinson**, 1800 Branched Oak Road, Davey, Nebraska disseminated a packet of informational material on NHRA (National Hot Rod Association) (Exhibit 6). He stated the County Board should make every effort to set rules and regulations to attract motorsports and feels the text amendment is not conducive to such a setting. Atkinson added he feels the hours of operation should be 8 p.m. to Midnight.
- **Joel Ludwig**, 219 4<sup>th</sup> Street, Garland, Nebraska, stated he feels the text amendment is not favorable as it is presented. Submitted for the record was documentation regarding a sound test take on July 15, 2007 (Exhibit 7).

### 3) **PUBLIC HEARINGS CONTINUED:**

- **Jim McNeil**, 515 C Street, Lincoln, Nebraska, in favor of motorsports.
- **Shannon McGovern**, 3821 Madison Avenue, Lincoln, Nebraska, disseminated documentation regarding a drag race track sound restriction survey (Exhibit 8). McGovern recommended no restrictions regarding sound. He also stated he feels the hours of operation should be extended to Midnight.
- **Ally Milligan**, 15986 North 40 Street, Lincoln, Nebraska, appeared in favor of the text amendment. She stated it isn't only cars they are concerned about; it is also p.a. systems and noise from music in vehicles. She stated she lived near a racetrack in Ohio which was very noisy at certain times of the year and it dictated when she woke up, when she went to bed and what and when she could conduct certain activities.
- **Wes McClure**, 17500 North 84 Street, Lincoln, Nebraska, stated he supports the text amendment, however, it does need to be flexible enough for everyone to work with.
- **Phyllis Larson**, 17575 North 70 Street, Lincoln, Nebraska, stated she feels a motorsports facility should be located in an area that is already noisy. She added that noise tests should be conducted by professionals.

Schorr referred to independent testing conducted by Dr. Dominique Chéene, Director of Acoustics, Audio Arts and Acoustics Department, Columbia College in Chicago, Illinois, with an unknown vehicle and asked if the results of that test would fit in with the standards as proposed by the text amendment.

The oath was administered to Dr. Chéene.

Dr. Chéene gave a brief overview regarding the procedure used for conducting the test and stated due to his schedule he has not been able to compile the data for a final report. He did state that the highest level recorded was approximately 129 dB's with a very high L10. He stressed that he has not been able to compile the data but feels under many, many conditions that type of noise would not be an issue when far away.

In response to a question asked by Workman regarding a ten decibel increase, Dr. Chéene stated the NPL would only increase as the statistical distribution of the data increases. He further explained that if the noise is constant, a change of that noise, by becoming louder, would create a very even change in NPL, but a few short, loud noises in the spectral data would actually increase the NPL higher than simply an increase in the sound pressure level.



### 3) **PUBLIC HEARINGS CONTINUED:**

- **Dr. Dominique Chéene** stated he feels that anything which effects the environment should be treated as pollution. Submitted into the record was a one dollar contribution (Exhibit 9) to the applicant toward the cost of an engineering study.
- **Mark Hunzeker**, attorney representing Greg Sanford, stated the text amendment is not friendly toward motorsports. He stated the entire structure of the amendment, including the noise provisions, is setup to discourage and make nearly impossible location of any sort of motorsports facility within the County. Submitted into the record was a copy of comments, dated July 10, 2007, from Gordon Bricken, regarding Lancaster County's proposed noise standard (Exhibit 10); a copy of Gordon Bricken's resume (Exhibit 11); a list of noise studies for motorized racing from Gordon Bricken and Associates (Exhibit 12); a letter from Wayne McCurtry, dated July 9, 2007, regarding the proposed sound amendment (Exhibit 13) and a letter from Bruce Bohrer, dated July 16, 2007 to the County Board regarding proposed noise standards.
- **Phil Pfeiffer**, 15400 North 56 Street, Lincoln, Nebraska, appeared in support of the text amendment.

In conclusion, DeKalb clarified that the County Board and staff did not try to design anything hostile to motorsports in Lancaster County. He stated they tried to take an existing ordinance/resolution and modify it to fit a rural circumstance and build a provision designed to be flexible and address the issues that they were aware of. He stated the proposal was designed to be consistent with the City of Lincoln as well as being designed to be flexible with the ability to make adjustments. DeKalb added the proposal also attempted to address the known issues.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

### 4) **OLD BUSINESS:**

- A. A license agreement between Lancaster County and Lyle D. and Alice K. Sittler to construct a fence for the retention of livestock upon County property along road right-of-way located on the south side of West Bennet Road to one-half mile west of Southwest 72<sup>nd</sup> Street. There will be no cost to the County. (C-07-0284)**

4) **OLD BUSINESS CONTINUED:**

At the request of the County Attorney, the item was deferred.

5) **NEW BUSINESS:**

**A. A resolution in the matter of an application for Corporate Manager for Rita R. Skoda in connection with a Class C (Spirits, Wine, Beer On & Off Sale) liquor license for Ron's Pub Inc. d/b/a Ron's Pub located at 13940 "O" Street, Suite 8, Lincoln, Lancaster County, Nebraska. (R-07-0052)**

**MOTION:** Stevens moved and Schorr seconded approval of Resolution 07-0052 in the matter of an application for Corporate Manager for Rita R. Skoda in connection with a Class C (Spirits, Wine, Beer On & Off Sale) liquor license for Ron's Pub Inc. d/b/a Ron's Pub located at 13940 "O" Street, Suite 8, Lincoln, Lancaster County, Nebraska. Schorr and Stevens voted yes. Workman voted no. Hudkins and Heier were absent from voting. Motion carried.

**B. A resolution in the matter of County maintenance of the following roads located in the Meadow View subdivision: (R-07-0054)**

- **Approximately 1,092 feet of Southwest 80<sup>th</sup> Street**
- **Approximately 690 feet of Southwest 80<sup>th</sup> Circle**
- **Approximately 394 feet of West Walin Lane**

**MOTION:** Stevens moved and Schorr seconded approval of Resolution 07-0054 in the matter of County maintenance of roads located in the Meadow View subdivision as outlined. Schorr, Stevens and Workman voted aye. Hudkins and Heier were absent from voting. Motion carried.

**C. A resolution in the matter of County Change of Zone No. 06065 for a text amendment to Article 4, Section 4.007, and Article 13 of the Lancaster County Zoning Resolution to allow race tracks, drag strips and motor sports facilities by special permit in the 'AG' Agricultural District under certain conditions. (R-07-0056)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved to express the County Board's intent to utilize the proposed amendment as brought forward by the Health Department and refer it to a Thursday Staff Meeting for further review.

There was no second and the motion failed.

**MOTION:** Schorr moved and Heier seconded to approve Resolution 07-0056 in the matter of County Change of Zone No. 06065 for a text amendment subject to removing language relating to sound measurement (Item D, Page 4) to be inserted within two weeks.

Schorr withdrew her motion and the seconder concurred.

**MOTION:** Heier moved and Hudkins seconded to approve Resolution 07-0056 in the matter of County Change of Zone No. 06065 for a text amendment subject to the inclusion of the proposed amendments as suggested by the Health Department and also subject to amending Item 'F' being changed to read as follows: *The boundary of the property legally described in the application shall be located at least one-half mile away from existing cemeteries, hospitals and churches, and residential areas, rural use/acreage areas, schools and parks and open space as designated by the Comprehensive Plan.* Hudkins, Stevens, Heier and Workman voted aye. Schorr voted no. Motion carried.

**D. A program resolution with the State of Nebraska, Department of Roads for replacement of horizontal curve signage on Lancaster County roads; Project No HRRR-STWD(79). The County's estimated share of cost is zero. (R-07-0057)**

**MOTION:** Schorr moved and Stevens seconded approval of Resolution 07-0057 with the State of Nebraska, Department of Roads for replacement of horizontal curve signage on Lancaster County roads; Project No HRRR-STWD(79). Stevens, Schorr and Workman voted aye. Motion carried. Heier and Hudkins were absent from voting. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**E. An agreement with L.A. Young, Inc. for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Term of the agreement is July 1, 2007 through June 30, 2008. The County will pay \$55 per hour for no more than 22 hours per week between July 1, 2007 and August 31, 2007. The County will pay \$55 per hour for no more than 26 hours per week between September 1, 2007 and June 30, 2008. (C-07-0279)**

**MOTION:** Stevens moved and Schorr seconded approval of an agreement with L.A. Young, Inc. for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Schorr, Stevens and Workman voted aye. Heier and Hudkins were absent from voting. Motion carried.

**F. A contract with Interstate Brands Corp. d/b/a Wonder Bread using cooperative purchasing with the State of Nebraska (Contract Number 11553) to provide and deliver bread and related bakery products to Lancaster Manor. Term of the contract is from May 14, 2007 to December 31, 2007. (C-07-0280)**

**MOTION:** Schorr moved and Stevens seconded approval of a contract with Interstate Brands Corp. d/b/a Wonder Bread using cooperative purchasing with the State of Nebraska (Contract Number 11553) to provide and deliver bread and related bakery products to Lancaster Manor. Schorr, Stevens and Workman voted aye. Heier and Hudkins were absent from voting. Motion carried.

**G. An interlocal agreement between Lancaster County and Otoe County for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Otoe County will pay Lancaster County at a rate of \$244.50 per youth, per day. The agreement is effective upon execution by both parties and has a 30 day termination provision. (C-07-0281)**

**MOTION:** Stevens moved and Workman seconded approval of an interlocal agreement between Lancaster County and Otoe County for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Stevens and Workman voted yes. Schorr voted no. Heier and Hudkins were absent from voting. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**H. An amendment to an interlocal agreement with the Village of Sprague to authorize the County to rename streets within the Village's one-mile zoning jurisdiction in accordance with the uniform addressing system for Lancaster County. The County will be able to rename streets which will assist emergency services when responding to residences within the County. (C-07-0282)**

Tom Fox, Deputy County Attorney, recommended Provision 1 be amended by interlineation to read as follows: *The Village grants authority to the County to assign addresses and to rename streets within its one mile zoning jurisdiction, outside the Village's corporate limits.*

**MOTION:** Stevens moved and Schorr seconded approval of an amendment to an interlocal agreement with the Village of Sprague to authorize the County to rename streets within the Village's one-mile zoning jurisdiction in accordance with the uniform addressing system for Lancaster County with the interlineation as specified by the County Attorney's Office. Stevens, Schorr and Workman voted aye. Hudkins and Heier were absent from voting. Motion carried.

**I. A resolution in the matter of Street Name Change No. 07001, requested by the Director of Planning, to rename certain streets in the unincorporated villages of Walton, Kramer, Martell, Prairie Home, Princeton and Rokeby in Lancaster County, Nebraska. (R-07-0055)**

**MOTION:** Schorr moved and Stevens seconded approval of Resolution 07-0055 in the matter of Street Name Change No. 07001, requested by the Director of Planning, to rename certain streets in the unincorporated villages of Walton, Kramer, Martell, Prairie Home, Princeton and Rokeby in Lancaster County, Nebraska. Schorr, Stevens and Workman voted aye. Hudkins and Heier were absent from voting. Motion carried.

(Commissioner Hudkins entered the hearing room at 1:30 p.m..)

5) **NEW BUSINESS CONTINUED:**

**J. Utility Permit No. 885 for Action Plumbing and Heating Company to add fire protection to the Holland Reformed Church, located on Panama Road, in Holland, Nebraska. This will be at no cost to Lancaster County. (C-07-0283)**

**MOTION:** Stevens moved and Schorr seconded approval of Utility Permit No. 885 for Action Plumbing and Heating Company to add fire protection to the Holland Reformed Church, located on Panama Road, in Holland, Nebraska. Schorr, Hudkins, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

**K. An agreement with Region V Systems to purchase 75 Meridian telephones from the County for \$150. The telephones are declared surplus and not usable by the County pursuant to Neb. Rev. Stat. §23-3115. (C-07-0285)**

**MOTION:** Schorr moved and Stevens seconded approval of an agreement with Region V Systems to purchase 75 Meridian telephones from the County for \$150. Hudkins, Stevens, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

**L. Grant of a permanent easement by Lancaster County to the City of Lincoln, Windstream, Time-Warner Entertainment - Advance/Newhouse, Aquila, Lincoln Electric System and Lancaster County in consideration for mutual benefits for the purpose of constructing, operating and maintaining existing and future utilities under, across and through the north 530 feet of South 88th Street as specifically set forth and legally described in the easement and Exhibit "A" of the easement. (C-07-0286)**

**MOTION:** Schorr moved and Stevens seconded approval to grant a permanent easement by Lancaster County to the City of Lincoln, Windstream, Time-Warner Entertainment - Advance/Newhouse, Aquila, Lincoln Electric System and Lancaster County in consideration for mutual benefits for the purpose of constructing, operating and maintaining existing and future utilities under, across and through the north 530 feet of South 88th Street as specifically set forth and legally described in the easement and Exhibit "A" of the easement. Hudkins, Stevens, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**M. A resolution in the matter of the vacation of a portion of the north 530 feet of South 88th Street, north of Taliesin Drive located in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. (R-07-0053)**

**MOTION:** Schorr moved and Hudkins seconded approval of Resolution 07-0053 in the matter of the vacation of a portion of the north 530 feet of South 88th Street, north of Taliesin Drive located in the Southwest Quarter of Section 2, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

Stevens referred to Page 2 of the resolution and requested the inclusion of language indicating that the land is to be sold to adjacent property owners at fair market value.

Fox submitted a corrected resolution in which the last sentence states that *"the land is be sold to adjacent property owners at fair market value subject to any restrictions and easements, including utility easements."*

Both the maker of the motion and the seconder concurred with the correction.

**ROLL CALL:** Schorr, Stevens, Hudkins and Workman voted aye. Heier was absent from voting. Motion carried.

**N. An application and agreement for nutrition services with the State of Nebraska, Department of Education Nutrition Services System. The application is under the Adult Care Food Program on behalf of the Community Mental Health Center. Term of the agreement is July 1, 2007 through June 30, 2008. The State will reimburse the County up to \$26,000 for the program. (C-07-0287)**

**MOTION:** Stevens moved and Hudkins seconded approval of an application and agreement for nutrition services with the State of Nebraska, Department of Education Nutrition Services System. The application is under the Adult Care Food Program on behalf of the Community Mental Health Center. Schorr, Stevens, Hudkins and Workman voted aye. Heier was absent from voting. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**O. Recommendation from the Purchasing Agent and the Clerk of the District Court to award an order for office furniture to All Makes Office Equipment Company, in the approximate amount of \$13,544.37. (B-07-0041)**

**MOTION:** Hudkins moved and Stevens seconded approval to award an order for office furniture to All Makes Office Equipment Company, in the approximate amount of \$13,544.37, as recommended by the Purchasing Agent and the Clerk of the District Court. Schorr, Stevens, Hudkins and Workman voted aye. Heier was absent from voting. Motion carried.

**P. A political subdivision tort claim filed against the Lancaster County Corrections Department by Vicki J. Sievers for lost property, in the amount of \$2.80.**

**MOTION:** Schorr moved and Hudkins seconded to accept the recommendation of the Director and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Vicki J. Sievers. Stevens, Schorr, Hudkins and Workman voted aye. Heier was absent from voting. Motion carried.

**Q. A political subdivision tort claim filed against the Lancaster County Corrections Department by Graylin Gray for alleged Constitutional rights violations, in the amount of \$1,050,000.**

**MOTION:** Schorr moved and Hudkins seconded to accept the recommendation of the Director and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Graylin Gray. Schorr, Hudkins, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

**R. A political subdivision tort claim filed against the Lancaster County Sheriff's Office by Michael DoRan for property sold by the County, in the amount of \$2,800.**

Michael DoRan, claimant, appeared and gave a brief overview regarding the claim.

**MOTION:** Schorr moved denial of the political subdivision tort claim filed against the Lancaster County Sheriff's Office by Michael DoRan.



5) **NEW BUSINESS CONTINUED:**

The motion failed for lack of a second.

**MOTION:** Hudkins moved and Stevens seconded to place the political subdivision tort claim filed by Michale DoRan against the Lancaster County Sheriff's Office on a Thursday Staff Meeting for further information from the Sheriff and the County Attorney's Office. Schorr, Hudkins, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

**S. Reappointment of Larry Hudkins to the Lincoln-Lancaster County Public Building Commission for a four year term beginning August 1, 2007 and ending July 31, 2011.**

**MOTION:** Schorr moved and Stevens seconded approval of the reappointment of Larry Hudkins to the Lincoln-Lancaster County Public Building Commission for a four year term beginning August 1, 2007 and ending July 31, 2011. Hudkins, Stevens, Schorr and Workman voted aye. Heier was absent from voting. 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 June, 2007.**
- 2. State of Nebraska, Department of Roads Surface Transportation Program for Fiscal Years 2008-2013 and Beyond.**

**MOTION:** Stevens moved and Schorr seconded approval of the Consent Item. Hudkins, Stevens, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 1:53 p.m.. Hudkins, Schorr, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

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Dan Nolte  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, JULY 17, 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  
Larry Hudkins  
Deb Schorr  
Ray Stevens

Commissioners Absent: Bernie Heier, Vice Chair

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 1:53 p.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 10, 2007.**

**MOTION:** Schorr moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on July 10, 2007. Hudkins, Schorr and Workman voted aye. Stevens abstained from voting. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 53 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**American Red Cross  
Catholic Bishop of Lincoln  
Cedars Youth Services  
Gates of Praise  
Lincoln Literacy Council  
St. Peter's Catholic Church of Lincoln  
St. Teresa Church  
Sisters of Mercy  
Southeast Nebraska Mobile Diagnostic Services, Inc.**

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

4) **LANCASTER COUNTY ASSESSOR/REGISTER OF DEEDS REPORT OF CORRECTIVE ACTION NEEDED FOR OVERVALUED AND UNDERVALUED PROPERTIES PURSUANT TO NEB. REV. STAT. § 77-1315.01:**

**Hartland Homes, Inc.**

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

**MOTION:** Hudkins moved and Schorr seconded to send notice regarding corrective action needed for overvalued and undervalued property for Hartland Homes, Inc.. Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

5) **SETTING OF VALUES RELATING TO NEWLY APPROVED GREENBELT EXEMPTION APPLICATIONS PURSUANT TO NEB. REV. STAT §77-1345.01:**

**MOTION:** Hudkins moved and Schorr seconded approval of setting of values relating to approved greenbelt exemption applications pursuant to Neb. Rev. Stat. §77-1345.01. Stevens, Hudkins, Schorr and Hudkins voted aye. Motion carried.

6) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 1:57 p.m.. Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

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Dan Nolte  
County Clerk