

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 24, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Bob Workman, Chair
Deb Schorr
Ray Stevens

Commissioners Absent: Bernie Heier, Vice Chair
Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Ann Taylor, County Clerk's Office

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

The County Board expressed their condolences to family and friends of John Glynn, Chief Deputy County Clerk.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 17, 2007.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting held on July 17, 2007. Stevens, Schorr and Workman voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, July 24, 2007.**

MOTION: Schorr moved and Stevens seconded approval of all claims processed through July 24, 2007. Schorr, Stevens and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. A request for an addition to licensed premise from Dustin and Sharon Duba d/b/a Dusty's Bar & Grill located at 109 1st Street, Kramer, Lancaster County, Nebraska.

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

No one appeared.

The hearing was recessed for one week.

B. County Special Permit No. 07019, Brock Estates Community Unit Plan, requested by Civil Design Group on behalf of Jeffrey and Denise Fredrick, on property generally located at Northwest 12th Street and West Raymond Road, Lancaster County, Nebraska. (See New Business Item 5A for correlating documentation.)

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

The oath was administered to Mike Eckert with Civil Design Group.

Eckert gave a brief overview of the proposal explaining that the community unit plan consists of four residential acreage lots on 75.011 acres.

In response to a question asked by Stevens, Eckert stated there is no access off of Raymond Road.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

3) **PUBLIC HEARINGS CONTINUED:**

C. County Special Permit No. 143A, requested by US Cellular, to allow an amendment to extend the height of the existing 180 foot tower to 225 feet for wireless facilities capable of accommodating at least three carriers, on property generally located one-quarter mile south of the intersection of Southwest 86th Street and West Roca Road (Highway 33), Lancaster County, Nebraska. (See New Business Item 5B for correlating documentation.)

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

The oath was administered to Paul Reinhardt with U.S. Cellular.

Reinhardt stated U.S. Cellular would like to provide better service to those customers in the Denton area and improve coverage along Highway 86 and Highway 83. He further stated there is an existing tower located at 16300 Southwest 86th Street, Denton, Nebraska. He stated U.S. Cellular is requesting that the County allow for the extension of the existing tower to 225 feet which would give it an overall structure height of 230 feet. Reinhardt stated the closest setback is the south property line and is 115.23 feet.

In response to a question asked by Schorr, Reinhardt stated the lighting will be white during the day and medium red at night.

Schorr also asked if U.S. Cellular met with the Hickman City Council.

Reinhardt stated they did have a community meeting, however, they did not meet with the Hickman City Council.

Stevens stated the application indicates a height of 225 feet and asked why Reinhardt referred to an overall structure height of 230 feet.

Reinhardt stated the actual structure of the tower is 225 feet, however, the zoning regulations require them to include any antennae height for the overall structure height. He stated there is a five foot lightning rod included making the overall height 230 feet.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **OLD BUSINESS:**

- A. Reconsideration of agenda item 3(A) of the Tuesday, July 17, 2007 Lancaster County Board of Commissioners agenda, specifically regarding the 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, as opposed to \$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 84th Street, Lincoln, Nebraska.**

Board consensus was to hold the item for one week.

5) **NEW BUSINESS:**

- A. A resolution in the matter of County Special Permit No. 07019, Brock Estates Community Unit Plan, requested by Civil Design Group on behalf of Jeffrey and Denise Fredrick, on property located at Northwest 12th Street and West Raymond Road in Lancaster County, Nebraska. (R-07-0059)**

MOTION: Stevens moved and Schorr seconded approval of Resolution 07-0059 in the matter of County Special Permit No. 07019, Brock Estates Community Unit Plan, requested by Civil Design Group on behalf of Jeffrey and Denise Fredrick, on property located at Northwest 12th Street and West Raymond Road in Lancaster County, Nebraska. Schorr, Stevens and Workman voted aye. Motion carried.

- B. A resolution in the matter of County Special Permit No. 143A, requested by U.S. Cellular, to extend the height of the existing 180 foot tower to 225 feet for wireless facilities, capable of accommodating at least three carriers, on property located one-quarter mile south of the intersection of Southwest 86th Street and West Roca Road (Highway 33), Lancaster County, Nebraska. (R-07-0060)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of Resolution 07-0060 in the matter of County Special Permit No. 143A, requested by U.S. Cellular, to extend the height of the existing 180 foot tower to 225 feet for wireless facilities, capable of accommodating at least three carriers, on property located one-quarter mile south of the intersection of Southwest 86th Street and West Roca Road (Highway 33), Lancaster County, Nebraska. Schorr, Stevens and Workman voted aye. 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-07-0061)

Mike DeKalb, Planning Department, stated the resolution should include the recommendation of the Planning Commission, the change to Item 'F' from one mile to one-half mile and the recommendations from the Health Department relative to noise.

Schorr stated she would be voting against the resolution because she believes the sound requirements are too restrictive and would preclude any type of motorsports activity or venue in the County.

MOTION: Stevens moved and Workman seconded approval of Resolution 07-0061 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.

Tom Fox, Deputy County Attorney, stated it was his understanding there were changes to the Health Department's recommendations relating to paragraph A-12, paragraph 'C', 'D' and 'D-8'. He stated those paragraphs should include that the Health Department will review and recommend for approval or denial the sound assessment brought forward by an applicant and the proposed water, sewer and drainage facilities.

5) **NEW BUSINESS CONTINUED:**

FRIENDLY AMENDMENT: Stevens offered a friendly amendment to include the changes as recommended by the Health Department relating to Paragraphs A-12, C, D and D-8.

The seconder concurred.

ROLL CALL: Stevens and Workman voted aye. Schorr voted no. Motion carried.

D. A resolution in the matter of extending the deadline for hearing protests regarding real property in Lancaster County from July 25, 2007 to August 10, 2007, pursuant to Neb. Rev. Stat. §77-1502(1). (R-07-0062)

MOTION: Schorr moved and Stevens seconded approval of Resolution 07-0062 in the matter of extending the deadline for hearing protests regarding real property in Lancaster County from July 25, 2007 to August 10, 2007, pursuant to Neb. Rev. Stat. §77-1502(1). Stevens, Schorr and Workman voted aye. Motion carried.

E. A resolution authorizing the installation of the following traffic signs in Lancaster County: Remove the bump signs and speed advisory plates installed under County Resolution R-99-1636; remove the weight limit signs from each end of Bridge A-136; and remove the narrow bridge signs from Agnew Road for eastbound and westbound traffic in advance of Bridge A-136. (R-07-0063)

MOTION: Stevens moved and Schorr seconded approval of Resolution 07-0063 authorizing the installation of the following traffic signs in Lancaster County: Remove the bump signs and speed advisory plates installed under County Resolution R-99-1636; remove the weight limit signs from each end of Bridge A-136; and remove the narrow bridge signs from Agnew Road for eastbound and westbound traffic in advance of Bridge A-136. Stevens, Schorr and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

F. An agreement with Saint Monica's Substance Abuse Treatment for Women for non-physician substance abuse treatment services for females placed in the Lancaster County Adult Drug Court. Term of the agreement is July 1, 2007 through June 30, 2008. The County will pay up to \$28,120 for the services. (C-07-0289)

MOTION: Stevens moved and Schorr seconded approval of an agreement with Saint Monica's Substance Abuse Treatment for Women for non-physician substance abuse treatment services for females placed in the Lancaster County Adult Drug Court. Schorr, Stevens and Workman voted aye. Motion carried.

G. A contract between Lancaster County and Bland and Associates, P.C., in the amount of \$203,468, for auditing services for Lancaster County and the Public Building Commission. The contract term is for three years and is effective upon execution by both parties. (C-07-0290)

MOTION: Stevens moved and Schorr seconded approval of a contract between Lancaster County and Bland and Associates, P.C., in the amount of \$203,468, for auditing services for Lancaster County and the Public Building Commission. Schorr, Stevens and Workman voted aye. Motion carried.

H. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for Project MOAST. The County will receive \$37,307 of which \$7,607 is the County's match share. Term of the grant award is July 1, 2007 to June 30, 2008. (C-07-0291)

MOTION: Schorr moved and Stevens seconded approval of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for Project MOAST. Schorr, Stevens, and Workman voted aye. Motion carried.

I. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the HUB Project, a central access point for young adults. The County will receive \$102,633 of which \$56,200 is the County's match share. Term of the grant award is July 1, 2007 to June 30, 2008. (C-07-0292)

MOTION: Stevens moved and Schorr seconded approval of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the HUB Project, a central access point for young adults. Stevens, Schorr and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

J. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Skills and Asset Building in Juvenile Justice programs. The County will receive \$33,880 of which \$3,880 is the County's match share. Term of the grant award is July 1, 2007 to June 30, 2008. (C-07-0293)

MOTION: Schorr moved and Stevens seconded approval of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Skills and Asset Building in Juvenile Justice programs. Schorr, Stevens and Workman voted aye. Motion carried.

K. Approval and acceptance of a quitclaim deed from Norma and Roy Cast for the County in Section 28, Township 11 North, Range 5 East. This is a voluntary conveyance to clear title to a parcel of land and is being made without consideration to be paid to the Cast's.

MOTION: Stevens moved and Schorr seconded approval and acceptance of a quitclaim deed from Norma and Roy Cast for the County in Section 28, Township 11 North, Range 5 East. Schorr, Stevens and Workman voted aye. Motion carried.

L. Request from Joy L. Kokes for a refund of real property taxes.

Norm Agena, County Assessor/Register of Deeds, recommended denial of the request. He stated Ms. Kokes did file a protest with the Tax Equalization and Review Commission (TERC) in 2006 and her valuation was reduced. Agena stated they cannot make the adjustment for 2006 until his office receives a certificate from TERC, but noted that the value for 2007 has been adjusted.

Stevens stated the value was reduced to \$142,438 in 2006 and asked if the taxpayer would receive a refund for 2006.

Agena stated there would be a refund after the certificate is received from TERC.

Joy Kokes appeared and gave an overview regarding the reasons she was requesting a refund of taxes for 1997 through 2006.

In response to questions asked by Stevens, Michelle Slack with the County Assessor's Office/Register of Deeds stated she didn't know if Ms. Kokes had filed a protest prior to 2006.

5) **NEW BUSINESS CONTINUED:**

Schorr clarified that it is Nebraska State Statute which limits the number of years that overpayment of taxes may be refunded.

Agena stated that was correct; the statute stipulates refunds may be made for the current year and two years prior. He added that they did make a stipulation to Ms. Kokes prior to the 2006 TERC hearing which she did not accept, however, TERC placed the Assessor's stipulated value of \$142,438 on the property.

Schorr stated it appeared that Ms. Kokes wants a credit in advance of the normal process of the Assessor's Office.

Agena stated he could not make any changes to the value until the certificate is received from TERC.

MOTION: Schorr moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the request from Joy L. Kokes of real property taxes pursuant to Neb. Rev. St. Stat. §77-1304.01. Stevens, Schorr and Workman voted aye. Motion carried.

M. Recommendation from the Visitors Promotion Committee for a grant of \$500,000 from the Lancaster County Visitor Improvement Fund to the Lancaster County Agricultural Society for expansion of the Lancaster Event Center.

MOTION: Schorr moved and Workman seconded to accept the recommendation from the Visitors Promotion Committee for a grant of \$500,000 from the Lancaster County Visitor Improvement Fund to the Lancaster County Agricultural Society for expansion of the Lancaster Event Center.

Schorr stated the funds are Lodging Tax Funds, not property tax dollars. She stated they are including stipulations that include an annual report from the Agricultural Society and a 90-day moratorium on additional requests from the fund until new guidelines and stipulations are in place.

Stevens noted that the \$500,000 is to be allocated over a period of five years.

MOTION: Schorr moved to authorize the recommendation from the Visitors Promotion Committee to grant the \$500,000.

5) **NEW BUSINESS CONTINUED:**

The maker of the motion withdrew the motion indicating she previously declared a conflict of interest because her husband is a law partner of the attorney representing the Agricultural Society.

Board consensus to hold the item for one week.

- 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 Attorney's Quarterly Report for April 1, 2007 through June 30, 2007.**
- 2. Records & Information Management's Monthly Report for June, 2007.**
- 3. Weed Control Authority's Monthly Report for June, 2007.**
- 4. Weed Control Authority's Monthly Report for June, 2007 for the Combined Weed Program with the City of Lincoln.**
- 5. 2007-2008 Mayor recommended Annual Operating Budget for the City of Lincoln.**

- B. Setting of a public hearing for Tuesday, August 7, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Street Name Change No. 07002, requested by the Director of Planning, to rename 'Woodlawn Road' as 'West Humphrey Avenue' and to name the realignment of Northwest 40th Street and Northwest 48th Street.**

- C. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Norma and Wayne Hagaman, Darrell and Denise Egger and Diane Brown, in the amount of \$4,855, .21 miles west of North 112th Street and Old Cheney Road; Project CP-P-152. (C-07-0288)**

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

7) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 10:30 a.m.. Schorr, Stevens and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 24, 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
Deb Schorr
Ray Stevens

Commissioners Absent: Bernie Heier, Vice Chair
Larry Hudkins

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Ann Taylor, County Clerk's Office

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 17, 2007.**

MOTION: Schorr moved and Stevens seconded approval of the minutes of the Board of Equalization dated July 17, 2007. Stevens, Schorr and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 83 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, Stevens and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**American Legion, Department of Nebraska
Immaculate Heart of Mary
Lincoln Lancaster Child Guidance Center**

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

4) **PROPERTY VALUATION PROTEST FILED BY VIRGINIA RUSSELL ON
PROPERTY LOCATED AT 3976 DUNN AVENUE, LINCOLN, NEBRASKA:**

Kerry Eagan, Chief Administrative Officer, explained there was a specific request to set the value relating to the protest prior to the end of the week. He stated the protestor indicated there was a closing on the property in which they wanted the lower value to possibly influence the amount of the escrow fund that would be charged for the property.

MOTION: Schorr moved and Stevens seconded to accept the referee's recommendation of \$83,500 regarding Parcel I.D. # 09-01-433-003-000 (Protest # 2007-REF-181). Schorr, Stevens and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:33 a.m.. Stevens, Schorr and Workman voted aye. Motion carried.

Dan Nolte
County Clerk