

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 7, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Commissioners Absent: Bob Workman, Chair

Others Present: Kristy Bauer, 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 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 31, 2007.**

MOTION: Hudkins moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting held on July 31, 2007. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, August 7, 2007.**

MOTION: Stevens moved and Hudkins seconded approval of all claims processed through August 7, 2007. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. Region V Regional Prevention Center Annual Report - Sandy Morrissey, Director of Region V Prevention Coalition.

Sandy Morrissey, Director of Region V Prevention Coalition, appeared and presented the annual report for the Regional Prevention Center. Also disseminated was a mission statement by the Southeast Nebraska Methamphetamine and Other Drug Advisory Board (Exhibit 1).

4) **PUBLIC HEARINGS:**

A. 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. (See New Business Item 5A for correlating documentation.)

The Vice 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 an overview of the proposed change indicating a meeting was held on August 6th with some of the area residents to try to address concerns. He stated Ed Zimmer, Planning Department, suggested a solution of renaming "Woodlawn Road" to "Old Woodlawn Road". Hill stated because the street/road is west of 1st Street, it would need to be preceded by a "W" to indicate that it's west. He stated he submitted the name change to the street name committee and asked them to respond by August 13th so he can report back to the County Board on August 14th.

The Clerk administered the oath to Dennis Roth, Emergency Communications/911.

Roth gave an overview regarding duplication or similarity of street names when dispatching emergency services.

4) **PUBLIC HEARINGS CONTINUED:**

The Clerk administered the oath to the following individuals who appeared in opposition to changing the name of "Woodlawn Road" to "W Humphrey Avenue":

- Michael Sherbeck, 6601 Northwest 42nd Street, Lincoln, Nebraska
- John Zakovec, 4801 Northwest Highway 34, Lincoln, Nebraska
- Gene Kruse, 6700 Northwest 48th Street, Lincoln, Nebraska
- Larry Frost, 6031 Northwest 12th Street, Lincoln, Nebraska
- Carol Hudkins, 8600 Northwest 112th Street, Malcolm, Nebraska

Sherbeck stated he was representing the homeowners living in the area of the proposed change and presented an overview of the historical significance of retaining the name of "Woodlawn Road". He indicated the neighbors would prefer the following options: 1) "Woodlawn Road"; 2) "Old Woodlawn Road"; or 3) "W. Woodlawn Road".

Frost appeared and gave a brief presentation regarding the historical significance relating to Woodlawn Dairy.

Senator Carol Hudkins appeared and pointed out street names which currently exist that are pronounced the same, but are spelled differently. She also stated that Mark Brohman, Executive Director of the Nebraska Environmental Trust, attended the meeting held on August 6th and spoke to the fact that every senator purchased butter from Woodlawn Dairy in 1934. Senator Hudkins stated she would appreciate the County Board's consideration of the solution offered by the Planning Department.

Submitted into the record by Commissioner Hudkins was a letter dated August 6, 2007 from Mark A. Brohman, Executive Director of the Nebraska Environmental Trust, regarding the proposed street name change and historical significance of Woodlawn Dairy (Exhibit 2).

Discussion took place regarding access to nearby businesses.

The Vice Chair recessed the public hearing for one week.

5) **NEW BUSINESS:**

- A. A resolution in the matter of Street Name Change No. 07002 to change the name of Woodlawn Road to West Humphrey Avenue and naming the realignment of Northwest 40th Street and Northwest 48th Street. (R-07-0067)**

This item was held for one week.

- B. A resolution instituting eminent domain proceedings against Douglas B. and Kimberly K. Ruth, Trustees, relating to Project C55-M-407(1), Tract No. 4 (Northwest 70th Street between West Adams and West Superior Streets). (R-07-0068)**

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0068 instituting eminent domain proceedings against Douglas B. and Kimberly K. Ruth, Trustees, relating to Project C55-M-407(1), Tract No. 4 (Northwest 70th Street between West Adams and West Superior Streets).

Hudkins stated he would like a report from the County Engineer to see if there have been changes since the August 2nd Staff Meeting.

*NOTE: Item held for until the end of the meeting.

- C. A resolution in the matter of approving the 2007-2008 annual cost of living increase for Unrepresented Classified County Employees, in the amount of two and one-half percent (2.5%), for employees in the "C" and "E" classifications, and a two percent (2%) for employees in the "X" Classification, effective the pay period beginning August 16, 2007. (R-07-0069)**

MOTION: Hudkins moved and Stevens seconded approval of Resolution 07-0069 in the matter of approving the 2007-2008 annual cost of living increase for Unrepresented Classified County Employees, in the amount of two and one-half percent (2.5%), for employees in the "C" and "E" classifications, and a two percent (2%) for employees in the "X" Classification, effective the pay period beginning August 16, 2007. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. A resolution in the matter of adopting a scale of wages for job classifications covered by the 2007-2008 agreement between the County of Lancaster and Local 2468 of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME). The scale of wages will take effect for the pay period beginning August 16, 2007 and will remain in effect until the beginning of the first pay period in September, 2008. (R-07-0070)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 07-0070 in the matter of adopting a scale of wages for job classifications covered by the 2007-2008 agreement between the County of Lancaster and Local 2468 of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME). Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

E. An application for a Special Designated License from J J Kat, Inc. d/b/a Brewsky's Food & Spirits to provide liquor beverage service at a wedding reception on Saturday, August 25, 2007 from 4 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lancaster County, Nebraska.

Brian Kitten, Brewsky's Food & Spirits, appeared and gave a brief overview of the application.

MOTION: Hudkins moved and Schorr seconded approval of an application for a Special Designated License from J J Kat, Inc. d/b/a Brewsky's Food & Spirits to provide liquor beverage service at a wedding reception on Saturday, August 25, 2007 from 4 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lancaster County, Nebraska. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

F. Partial release of an easement between Lancaster County and the City of Lincoln d/b/a Lincoln Electric System, Windstream Nebraska Inc., Time-Warner Entertainment - Advance/Newhouse releasing the west ten feet of the south 150.02 feet of Outlot A, Finigan View 1st Addition and the south 15 feet of the west 65.50 feet of Outlot A, Finigan View 1st Addition, Lincoln, Lancaster County, Nebraska. (C-07-0301)

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded approval of a partial release of an easement between Lancaster County and the City of Lincoln d/b/a Lincoln Electric System, Windstream Nebraska Inc., Time-Warner Entertainment - Advance/Newhouse releasing the west ten feet of the south 150.02 feet of Outlot A, Finigan View 1st Addition and the south 15 feet of the west 65.50 feet of Outlot A, Finigan View 1st Addition, Lincoln, Lancaster County, Nebraska.

Stevens asked what the County Engineer recommended and requested the item be held for an opinion from the County Engineer.

Both the maker of the motion and the seconder concurred to hold the item per a recommendation from the County Engineer.

G. An interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 28 juveniles and two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home detention. Term of the agreement is July 1, 2007 to June 30, 2008. The County will pay up to \$141,870.81 for the services. (C-07-0302)

MOTION: Stevens moved and Schorr seconded approval of an interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 28 juveniles and two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home detention. Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

H. An agreement with Lutheran Family Services of Nebraska, Inc. for non-physician substance abuse treatment services for males 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-07-0303)

This item was held at the request of the County Attorney's Office.

5) **NEW BUSINESS CONTINUED:**

I. An interlocal agreement with the State of Nebraska Probation Division for electronic monitoring services as part of the operation of the Lancaster County Juvenile Drug Court. Term of the agreement is July 1, 2007 through June 30, 2008. The County will pay \$9,000 for the services. (C-07-0304)

MOTION: Stevens moved and Schorr seconded approval of an interlocal agreement with the State of Nebraska Probation Division for electronic monitoring services as part of the operation of the Lancaster County Juvenile Drug Court. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

J. An agreement with the State of Nebraska Probation Administration (Department) for the services of a drug technician to expedite juvenile drug testing results order by the Separate Juvenile Court of Lancaster County. Term of the agreement is July 1, 2007 through June 30, 2008. The County will pay \$6,225 for such services. (C-07-0305)

MOTION: Stevens moved and Schorr seconded approval of an agreement with the State of Nebraska Probation Administration (Department) for the services of a drug technician to expedite juvenile drug testing results order by the Separate Juvenile Court of Lancaster County. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

K. An agreement between Lancaster County and Lorena Pulgarin for project coordinator services for the Medical Translation and Interpretation Project. Term of the contract is from July 1, 2007 to June 30, 2008. The County's payment for such services will not exceed \$20,000. (C-07-0307)

This item was held at the request of the County Attorney's Office.

5) **NEW BUSINESS CONTINUED:**

L. A lease agreement with Ross Products Division and Lancaster County, on behalf of Lancaster Manor, for nutrition feed pumps and disposable pump sets to be used with the leased pumps. The agreement is effective upon execution by both parties and includes a 60 day termination provision. Pricing for the pump sets is attached to the agreement as Exhibit "A". (C-07-0308)

MOTION: Hudkins moved and Stevens seconded approval of a lease agreement with Ross Products Division and Lancaster County, on behalf of Lancaster Manor, for nutrition feed pumps and disposable pump sets to be used with the leased pumps. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

M. A labor agreement with the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), Local 2468 for a one year period beginning August 16, 2007. (C-07-0309)

MOTION: Hudkins moved and Schorr seconded approval of a labor agreement with the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), Local 2468 for a one year period beginning August 16, 2007. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

N. Recommendation from the Lancaster County Personnel Policy Board to request to amend Rule 19.2 of the Personnel Rules - Vacation Leave, effective August 16, 2007.

MOTION: Stevens moved and Hudkins seconded approval of a recommendation from the Lancaster County Personnel Policy Board to request to amend Rule 19.2 of the Personnel Rules - Vacation Leave, effective August 16, 2007. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

O. A political subdivision tort claim filed against the Lancaster County Corrections Department by Daniel Stueck for lost property, in the amount of .41 cents.

MOTION: Stevens moved and Hudkins seconded to accept the recommendation of the Corrections Director and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Daniel Stueck for lost property. Heier, Schorr, Stevens and Hudkins 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 Clerk's Monthly Report for July, 2007.**
- 2. Clerk of the District Court's Monthly Report for July, 2007.**

B. Setting of a public hearing for Tuesday, August 14, 2007 at 7 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding Lancaster County's Proposed Budget for Fiscal Year 2007-2008.

C. Setting of public hearings for Tuesday, August 21, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. Amend Sections VI, IX, XV and XXIX of County Resolution No. 03-0007, Regulations for the Operation of Body Art and Piercing Establishment in Lancaster County, Nebraska by increasing various fees as provided in Attachment "A". (A copy of the proposed amendments is on file in the County Clerk's Office.)

2. Amend Section XIII of County Resolution No. 02-30, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County, Nebraska, by increasing various fees as provided in Attachment "A". (A copy of the proposed amendments is on file in the County Clerk's Office.)

3. Amend Section X of County Resolution No. 06-0005, Procedures for the Inspection of On-Site Water Supply Systems and On-Site Wastewater Treatment Systems prior to the sale, transfer or conveyance of property in Lancaster County, Nebraska by increasing various fees as provided in Attachment "A". (A copy of the proposed amendments is on file in the County Clerk's Office.)

6) **CONSENT ITEMS CONTINUED:**

4. Amend County Resolution No. 5069: Lancaster County Air Pollution Control Resolution to increase the fee for open burning permits charged to business and industry as provided in Attachment "A". (A copy of the proposed amendments is on file in the County Clerk's Office.)

5. Amend Article 1, Section 6 and Article 2, Section 30 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards to increase the fees associated with air quality construction permits and for notification fees for the National Emissions Standards for Hazardous Air Pollutants Asbestos Projects as provided in Attachments "A" and "B". (A copy of the proposed amendments is on file in the County Clerk's Office.)

D. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:

- ▶ **Sara L Ondracek, with Risk Management**
- ▶ **Eric Ross, with the County Engineering Department**
- ▶ **John A Vik, with the Sheriff's Office**

E. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Maahs Farms, Inc., in the amount of \$87, on Van Dorn Street 786 feet east of South 176th Street; Project CP-J-30. (C-07-0306)

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

The Board of Commissioners meeting was recessed at 10:45 a.m. and reconvened at 10:50 a.m..

RETURNING TO NEW BUSINESS ITEM 5B:

Stevens withdrew his previous motion regarding New Business Item 5B: Resolution 07-0068 in the matter of eminent domain proceedings. The seconder concurred.

Board consensus was to hold New Business Item 5B for one week.

7) **ADJOURNMENT:**

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

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 7, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Commissioners Absent: Bob Workman, Chair

Others Present: Norm Agena, County Assessor/Register of Deeds
Kristy Bauer, Deputy County Attorney
Dan Nolte, County Clerk

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 31, 2007.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on July 31, 2007. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 6 additions and deductions to the tax assessment rolls per Attachments "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Eastridge Presbyterian Church
Sisters of Mary, Queen of Mercy
Trinity United Methodist Church**

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

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

Miriam I Navarro

MOTION: Hudkins moved and Stevens seconded approval to send notice of an assessed valuation change for property taxation purposes to Miriam I Navarro. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

5) **APPEALS FILED ON LATE FILED HOMESTEAD EXEMPTIONS FOR THE FOLLOWING INDIVIDUALS:**

Florin E. & Patricia Makovicka	Bruce M. & Pamela Branigan
Pauline T. Smith	Donald J. & Norma J. Buhr
Max D. McHale	Cathrine & Michael A. Hayes
Robert L. & Sharon K. Evans	Glenn & Sandra Payne
Robert E. Adkisson	Douglas Learned
Ellen L. Ilgenfritz	John & Charlotte Huck
Eunice Dovel	Greta E. Royal
Donald W. & Sandra J. Miller	Florence A. Kitchen
Mildred Arnold Langley	Donald E. & Charlotte Falos
Connie Seaton	Ve Q. Le & Nghia T. Tran
Drusella Schwartzman	Donna Almerly
William Beard	Lawrence D. Johnson

Norm Agena, County Assessor/Register of Deeds, explained Neb. Rev. Stat. §77-3513 allows the County Board to extend the filing deadline for homestead exemptions to or on or before July 20th. He said all of the individuals listed on the agenda filed prior to July 20th and were not delinquent in filing the previous year. Recommendation was to extend the filing deadline on or before July 20, 2007 for the applicants as listed.

Norma Buhr appeared and gave a brief explanation regarding her late filing.

MOTION: Hudkins moved and Schorr seconded to accept the recommendation of the County Assessor/Register of Deeds and extend the filing deadline for homestead exemptions to July 20, 2007 and grant homestead exemptions for the following: Florin E. & Patricia Makovicka, Pauline T. Smith, Max D. McHale, Robert L. & Sharon K. Evans, Robert E. Adkisson, Ellen L. Ilgenfritz, Eunice Dovel, Donald W. & Sandra J. Miller, Mildred Arnold Langley, Connie Seaton, Drusell Schwartzman, William Beard, Bruce M. & Pamela Branigan, Donald J. & Norma J. Buhr, Cathrine & Michael A. Hayes, Glenn & Sandra Payne, Douglas Learned, John & Charlotte Huck, Greta E. Royal, Florence A. Kitchen, Donald E. & Charlotte Falos, Ve Q. Le & Nghia T. Tran, Donna Almery and Lawrence D. Johnson. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:50 a.m.. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

Dan Nolte
County Clerk