

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 2, 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
Ray Stevens

Commissioners Absent: Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:36 a.m.

- 1) **MINUTES:** **Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 25, 2007.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on September 25, 2007. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

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

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through October 2, 2007. Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- 3) **OLD BUSINESS:**

A. A resolution in the matter of County Special Permit No 07033, requested by Mark Hunzeker on behalf of Greg Sanford, for authority to do mining and extraction of soil on approximately 159.39 acres, more or less, generally located on the east side of North 56th Street/Highway 77 between Branched Oak Road and Davey Road in Lancaster County, Nebraska. (R-07-0089)

3) **OLD BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0089 in the matter of County Special Permit No 07033, requested by Mark Hunzeker on behalf of Greg Sanford, for authority to do mining and extraction of soil.

Mark Hunzeker, attorney representing applicant, Greg Sanford, explained that a contractor has come forward indicating he has a contract with the State of Nebraska, Department of Roads to haul dirt to them for the Interstate project during nighttime hours. He said due to issues relating to the soil quality from some of the other sites they are prepared to enter into a contract to use the dirt from Mr. Sanford's site if they can receive County Board approval to operate during nighttime hours. Hunzeker asked the Board to reconsider their previous action taken on September 25, 2007 and allow for operation during nighttime hours pursuant to a contract being presented.

Hudkins asked if the dirt would be used for county, state or governmental projects.

Hunzeker stated that was his understanding.

Extensive discussion took place regarding the procedure to reconsider previous action taken on September 25th.

Tom Fox, Deputy County Attorney, stated he would need to review the special permit section of the zoning regulations in order to make a determination as to procedure.

MOTION: Heier moved and Hudkins seconded to reconsider Resolution 07-0089 and to place the item back on the agenda for October 9, 2007.

Heier withdrew his motion and the seconder concurred.

MOTION: Hudkins moved and Heier seconded to reconsider action taken on Tuesday, September 25, 2007, relating to County Special Permit No. 07033. Heier, Hudkins and Workman voted aye. Stevens voted no. Motion carried.

MOTION: Hudkins moved and Heier seconded to direct the County Attorney's Office to investigate County Special Permit No. 07033 regarding the possibility of changing the hours of operation and to report back to the County Board on Thursday, October 4, 2007.

3) **OLD BUSINESS CONTINUED:**

FRIENDLY AMENDMENT: Heier offered a friendly amendment that the contract with the State of Nebraska, Department of Roads be presented at either the Thursday Staff Meeting (October 4, 2007) or the County Board meeting on Tuesday, October 9, 2007.

The maker of the motion accepted the friendly amendment.

FRIENDLY AMENDMENT: Stevens offered a friendly amendment requesting the applicant or the attorney representing the applicant to provide the County Board with written clarification of the request.

The maker of the motion accepted the friendly amendment.

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

4) **NEW BUSINESS:**

A. An application for a Special Designated License from D J Salia Investment Properties to provide liquor beverage service at a wedding reception on Saturday, October 13, 2007 from 4 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lancaster County, Nebraska.

Appearing was Bill Krejci, representing the applicant.

In response to a question asked by Hudkins, Krejci stated the Responsible Hospitality course had been completed.

MOTION: Heier moved and Stevens seconded approval of an application for a Special Designated License from D J Salia Investment Properties to provide liquor beverage service at a wedding reception on Saturday, October 13, 2007 from 4 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lancaster County, Nebraska, subject to the recommendation from the County Engineer that no parking be allowed along West Adams Street. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- B. A grant contract with Cedars Youth Services, Inc., to provide funding for the Teaching and Learning with Children (TLC) Housing Program, in the amount of \$88,750, and the Children/Youth Emergency Shelter Services Program, in the amount of \$197,539. Total amount of the grant shall be \$286,289 and the term of the grant contract is from July 1, 2007 to June 30, 2008. (C-07-0392)**

MOTION: Stevens moved and Hudkins seconded approval of a grant contract with Cedars Youth Services, Inc., to provide funding for the Teaching and Learning with Children (TLC) Housing Program and the Children/Youth Emergency Shelter Services Program. Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

- C. A grant contract with the League of Human Dignity, Inc., to provide funding for The Center for Independent Living Program, in the amount of \$51,296, and the Barrier Removal Program, in the amount of \$18,023. The total amount of the grant contract is \$69,319 and the term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0393)**

MOTION: Hudkins moved and Stevens seconded approval of a grant contract with the League of Human Dignity, Inc., to provide funding for The Center for Independent Living Program and the Barrier Removal Program. Heier, Hudkins, Stevens and Workman voted aye. Motion carried.

- D. A grant contract with Legal Aid of Nebraska to provide funding for the Domestic Violence Project, in the amount of \$29,599. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0394)**

MOTION: Stevens moved and Hudkins seconded approval of a grant contract with Legal Aid of Nebraska to provide funding for the Domestic Violence Project. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- E. Change Order Number 3 to a contract between Lancaster County and Pyramid Roofing for roof replacement at Lancaster Manor. The change order is an increase in the amount of \$2,800 for installation of 7/16" OSB on 14 dormers on the lower story of the building. The total contract price will be \$137,128. (C-07-0395)**

MOTION: Hudkins moved and Stevens seconded approval of Change Order Number 3 to a contract between Lancaster County and Pyramid Roofing for roof replacement at Lancaster Manor. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- F. A cooperative agreement with the U.S. Department of the Interior U.S. Geological Survey for joint funding of water resources investigations. The agreement is for the operation and computation of records for four gaging stations, which are Salt Creek at Roca, Little Salt Creek near Lincoln, Stevens Creek near Lincoln and Rock Creek near Ceresco. The County will pay \$10,125 for the services and the term of the agreement is October 1, 2007 to September 30, 2008. (C-07-0396)**

MOTION: Heier moved and Stevens seconded approval of a cooperative agreement with the U.S. Department of the Interior U.S. Geological Survey for joint funding of water resources investigations. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- G. A contract in which Lancaster County and the City of Lincoln are contracting with Jacobsen Fire Equipment Company, using cooperative purchasing with the State of Nebraska (Contract Number 18820-04), to provide and deliver fire extinguisher service and replacement to all Lancaster County and City of Lincoln facilities. The term of the contract is from October 15, 2007 to June 30, 2009. Each County department using the services will be billed separately for the services they use according to the prices in State of Nebraska Contract Number 18820-04. (C-07-0397)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of a contract in which Lancaster County and the City of Lincoln are contracting with Jacobsen Fire Equipment Company, using cooperative purchasing with the State of Nebraska (Contract Number 18820-04), to provide and deliver fire extinguisher service and replacement to all Lancaster County and City of Lincoln facilities. Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

H. An amendment to the contract with Nebraska Machinery, under County Contract No C-06-0611, for equipment and accessory rental for Lancaster County and the City of Lincoln, at rates as specified in the contract. The amendment extends the term of the contract for an additional year between November 1, 2007 and October 31, 2008. (C-07-0398)

MOTION: Hudkins moved and Stevens seconded approval of an amendment to the contract with Nebraska Machinery, under County Contract No C-06-0611, for equipment and accessory rental for Lancaster County and the City of Lincoln, at rates as specified in the contract. Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

I. An interlocal agreement with the City of Hickman for one Sheriff's Deputy for law enforcement services within the corporate limits of the City of Hickman. Term of the agreement is from September 1, 2007 to August 31, 2008 and the County will be reimbursed up to \$65,336.18. (C-07-0401)

MOTION: Hudkins moved and Stevens seconded approval of an interlocal agreement with the City of Hickman for one Sheriff's Deputy for law enforcement services within the corporate limits of the City of Hickman. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

J. An interlocal agreement with the City of Hickman for the provision of law enforcement services within the City, as needed by the City. The Sheriff shall assign one deputy for duty and provide one sheriff's cruiser. The term of the agreement is from November 1, 2007 to October 31, 2008. The County shall be reimbursed at the deputy's overtime rate for the services provided and shall be reimbursed 48.5 cents per mile for the cruiser maintenance. (C-07-0402)

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of an interlocal agreement with the City of Hickman for the provision of law enforcement services within the City, as needed by the City. Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

K. An agreement with Joyce Schmeeckle, Ph.D. to evaluate and complete quarterly progress reports for the Drug Free Communities Grant, the Prevention Block Grant and the Youth Gambling Grant, as part of the Lancaster County Human Services Department. Term of the agreement is from October 1, 2007 to September 30, 2008 and the County shall pay up to \$22,000 for the services. (C-07-0403)

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Joyce Schmeeckle, Ph.D. to evaluate and complete quarterly progress reports for the Drug Free Communities Grant, the Prevention Block Grant and the Youth Gambling Grant, as part of the Lancaster County Human Services Department. Heier, Hudkins, Stevens and Workman voted aye. Motion carried.

L. An agreement with Geotechnical Services Inc for geotechnical exploration services on the site of the New Lancaster County Jail Facility. The services shall be completed by November 1, 2007 and the cost to the County is \$2,055. (C-07-0404)

Tom Fox, Deputy County Attorney, recommended approval subject to a certificate of insurance for workers' compensation.

MOTION: Heier moved and Stevens seconded approval of an agreement with Geotechnical Services Inc. for geotechnical exploration services on the site of the New Lancaster County Jail Facility subject to receipt of certificate of insurance relating to Workers' Compensation insurance. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

M. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Lincoln Lumber for 360 rolls of 50' wood slat snow fence, in the amount of \$11,566.80. (B-07-0059)

4) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval to award a bid to Lincoln Lumber for 360 rolls of 50' wood slat snow fence, in the amount of \$11,566.80, as recommended by the Purchasing Agent and County Engineer. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

N. Request from Tammy L. Collins for early retirement for disability, in accordance with Section 6.3 of the Lancaster County Employees Retirement Plan.

MOTION: Stevens moved and Heier seconded approval of a request from Tammy L. Collins for early retirement for disability, in accordance with Section 6.3 of the Lancaster County Employees Retirement Plan. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

5) **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. Right-of-way contracts for a road project between the County Engineer and the following:

- * **Sharon DeNino, in the amount of \$811, located on So. 162nd Street near Pine Lake Road; Project CP-Q-196. (C-07-0399)**
- * **and Douglas B. Rath, Trustee, and Kimberly K. Rath, Trustee, in the amount of \$2,386, located at N.W. 70th and W. Superior Streets; Project C55-M-407(1). (C-07-0400)**

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

- * **Alma Jeannette Hummel, Lancaster Manor**
- * **Megan A. Osborne, Lancaster Manor**

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

6) **ADJOURNMENT:**

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

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 2, 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
Ray Stevens

Commissioners Absent: Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Scott Gaines, Deputy County Assessor/Register of Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:11 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 25, 2007.**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on September 25, 2007. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 24 additions and deductions to the tax assessment rolls per Attachments "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**BryanLGH Medical Center
Immaculate Heart of Mary Church
Lakeview Rest Home, Inc.**

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

4) **APPEAL REGARDING DENIAL OF A HOMESTEAD EXEMPTION FOR THE FOLLOWING:**

Mary Lucile Primmer

Scott Gaines, Deputy County Assessor/Register of Deeds, stated the applicant passed away June, 2007. He further explained that the statute requires that the applicant own and occupy the property between January 1st through August 15th of every year. Gaines said if the owner passes away but has a surviving spouse or minor child that continues to occupy the home after that point, the exemption may be granted, however, the provision does not apply in the appeal before the Board.

Mary Pamela Wilkens, daughter of Mary Primmer, appeared and gave a brief background.

MOTION: Heier moved and Hudkins seconded denial of the appeal relating to a homestead exemption for Mary Lucile Primmer. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **REVIEW OF 2007 TAX EXEMPTION FOR THE FOLLOWING:**

Nebraska Synod of the Evangelical Lutheran Church in America

Gaines stated the issue is regarding the use of the property noting that concern has been expressed by the public that there appears there is no utilization of the property at the current time. Offered into the record by Gaines were seven photographs (Exhibits 1 through 7) of the property taken on September 19, 2007.

Jean Poppert, Director of Business and Finance for Sheridan Lutheran Church, appeared on behalf of Nebraska Synod of the Evangelical Lutheran Church in America. She explained that when Lord of Life Church ceased worshipping the property reverted back to the Synod per the constitution of the Church. She stated since that time the building has been used by Sheridan Lutheran Church as well as other Lutheran churches within the city. Poppert said the building is used for weekly Bible studies, monthly meeting of Sojourners groups, meeting place for young adult groups (ages 20 to 35) as well as youth groups, meeting place for Boy Scouts and retreats.

Hudkins asked who is responsible for maintenance and upkeep of the property.

Poppert stated volunteers from Sheridan Lutheran Church currently take care of the property.

Hudkins asked if anyone pays to use the building.

Poppert stated no.

Hudkins asked about future use.

In response, Poppert stated Sheridan Lutheran Church is looking at a building project two to three years in the future. She stated she sees the location as their future youth group area, educational Sunday school area, meeting place for Bible studies and womens' circle groups. Offered into the record by Poppert was a letter dated October 2, 2007 from Lee Griess, Assistant to the Bishop, Nebraska Synod, Evangelical Lutheran Church in America (Exhibit 8).

Gaines asked if a calendar of events is kept.

Poppert stated the receptionist at Sheridan Lutheran keeps a calendar and schedules events for the Lord of Life location.

Gaines reiterated that the concerns expressed were that it appears to be abandoned property due to the unkempt appearance and removal of signage.

Poppert stated the individual who has been doing much of the mowing talked to neighbors who indicated they preferred that grass on the surrounding area remain taller so that debris wouldn't blow around. They prefer it be native grass and kept a little taller. She added the area around the building has been mowed and maintained.

MOTION: Hudkins moved and Heier seconded to grant the 2007 tax exemption for the Nebraska Synod of the Evangelical Lutheran Church in America (Parcel I.D. 16-16-400-010-000). Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

6) **ADJOURNMENT:**

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

Dan Nolte
County Clerk