

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, NOVEMBER 4, 2008**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Deb Schorr  
Ray Stevens

Commissioners Absent: Larry Hudkins

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 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 28, 2008.**

**MOTION:** Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting held on October 28, 2008. Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, November 4, 2008.**

**MOTION:** Heier moved and Stevens seconded approval of all claims processed through November 4, 2008. Stevens, Schorr, Heier and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

**A. County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (See New Business Item 4A for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to testify in favor of the proposal.

The oath was administered to Mike DeKalb, Planning Department.

DeKalb gave an overview regarding the proposal noting both Planning Staff and Planning Commission recommended denial of the change of zone.

The oath was administered to Michael and Judith Rosecrans, applicants.

Judith Rosecrans stated the change of zone would allow for parking and storage of recreational vehicles and boats outside the city limits. She also discussed visibility and access.

In response to a question asked by Heier regarding aesthetics, Michael Rosecrans stated the majority of the property can't be seen from the highway due to the way the land slopes.

Schorr commented that she requested the Planning Department to review the County's zoning requirements to seek a mechanism allowing for greater support to small, home-based businesses. She said the Planning Department is still reviewing those requirements and while it would not have any effect on the application before them, she would be voting against it. Schorr explained that if the Board were to approve the change of zone it could set a precedent for the other initiative which would more encompass all types of home-based businesses.

Heier suggested they recommend to the applicants that they delay action.

Discussion followed regarding alternatives to the application for change of zone, such as a special permit, and the possibility of waiving the filing fee associated with a special permit if the change of zone were withdrawn by the applicant at some point.

The applicants, Michael and Judith Rosecrans, requested County Change of Zone No. 08050 be placed on pending.

3) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

The Chair requested New Business Item 4A be moved forward on the agenda.

4) **NEW BUSINESS:**

**A. A resolution in the matter of County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (R-08-0093)**

**MOTION:** Schorr moved and Stevens seconded to place County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, on pending.

Stevens stated by placing the item on pending it would enable the applicants to pursue other avenues and allow the County Board to ask the County Attorney's Office if the filing fee could be waived on a special permit in lieu of the filing fee for the change of zone. He added he would like the item to be placed on pending for a specified time frame.

**ROLL CALL:** Heier, Schorr, Stevens and Workman voted aye. Motion carried.

**RETURNING TO PUBLIC HEARING ITEM 3B:**

**B. County Miscellaneous No. 08012, requested by the Director of Planning, to amend Title 26 of the Lincoln Municipal Code relating to the Lancaster Subdivision Ordinance. (See New Business Item 4B for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to testify in favor of the proposal.

The oath was administered to Mike DeKalb, Planning Department.

3) **PUBLIC HEARINGS CONTINUED:**

DeKalb gave an overview regarding the following amendments to Title 26:

- 1) Move the notice of hearing requirement to the General Provisions chapter
- 2) Update the section on expiration of applications
- 3) Add a section on process for amending the text of the Land Subdivision Ordinance
- 4) Allows any opaque ink for signatures.

He referred to Attachment "A" of Resolution No. R-08-0094 noting that Section 9.05(b) (Notice of Hearing) was clarified to reflect preliminary plat hearings instead of final plat hearings.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

The Chair requested New Business Item 4B be moved forward on the agenda.

4) **NEW BUSINESS:**

**B. A resolution in the matter of County Miscellaneous No. 08012, requested by the Director of Planning, to amend various sections of Chapters 3, 8 and 9 as provided in Attachment A. (R-08-0094)**

**MOTION:** Stevens moved and Heier seconded approval of Resolution No. R-08-0094 in the matter of County Miscellaneous No. 08012, requested by the Director of Planning, to amend various sections of Chapters 3, 8 and 9 as provided in Attachment A.

Tom Fox, Deputy County Attorney, requested the resolution be approved subject to the inclusion of Section 9.05 (b) regarding the preliminary plat.

Both the maker of the motion and the seconder agreed to include Section 9.05(b) regarding preliminary plat.

**ROLL CALL:** Heier, Schorr, Stevens and Workman voted aye. Motion carried.

4) **NEW BUSINESS:**

- A. A resolution in the matter of County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (R-08-0093)**

Item moved forward on the agenda.

- B. A resolution in the matter of County Miscellaneous No. 08012, requested by the Director of Planning, to amend various sections of Chapters 3, 8 and 9 as provided in Attachment A. (R-08-0094)**

Item moved forward on the agenda.

- C. A resolution authorizing the installation of a driveway right warning sign on South 134th Street 500 feet north of 10801 South 134th Street for southbound traffic. (R-08-0092)**

**MOTION:** Stevens moved and Heier seconded approval of Resolution No. R-08-0092 authorizing the installation of a driveway right warning sign on South 134th Street 500 feet north of 10801 South 134th Street for southbound traffic. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

- D. Interlocal agreements with Dodge, Jefferson, Nemaha, Polk and Thayer counties for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Lancaster County will be reimbursed \$236 per youth, per day. The agreements are effective upon execution and have 30-day termination provisions. (C-08-0582) (C-08-0583) (C-08-0584) (C-08-0585) (C-08-0590)**

**MOTION:** Heier moved and Stevens seconded approval of interlocal agreements with Dodge, Jefferson, Nemaha, Polk and Thayer counties for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Lancaster County will be reimbursed \$236 per youth, per day. Stevens, Schorr, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- E. An addendum to a contract between Lancaster County and Alamar Uniforms, found at County Contract Number C-07-0296, for the purchase of body armor second chance vests by the Sheriff's Office. The addendum renews the agreement for an additional one-year term beginning August 15, 2008 and ending August 14, 2009. (C-08-0586)**

**MOTION:** Heier moved and Stevens seconded approval of an addendum to a contract between Lancaster County and Alamar Uniforms, found at County Contract Number C-07-0296, for the purchase of body armor second chance vests by the Sheriff's Office. Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- F. A cooperative reimbursement agreement with the State of Nebraska, Department of Health and Human Services for child support enforcement services provided by the Lancaster County Attorney's Office for the period of October 1, 2008 through September 30, 2013. (C-08-0587)**

**MOTION:** Stevens moved and Schorr seconded approval of a cooperative reimbursement agreement with the State of Nebraska, Department of Health and Human Services for child support enforcement services provided by the Lancaster County Attorney's Office for the period of October 1, 2008 through September 30, 2013. Schorr, Heier, Stevens and Workman voted aye. Motion carried.

- G. A subdivision agreement between Lancaster County and Jeffrey and Denise Fredrick, regarding Final Plat No. 08023, Brock Estates Addition, on property generally located at Northwest 17<sup>th</sup> Street and West Raymond Road. (C-08-0588)**

**MOTION:** Heier moved and Schorr seconded approval of a subdivision agreement between Lancaster County and Jeffrey and Denise Fredrick, regarding Final Plat No. 08023, Brock Estates Addition, on property generally located at Northwest 17<sup>th</sup> Street and West Raymond Road. Heier, Schorr, Stevens and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

**H. A dental services agreement with Justin Villafane, D.D.S. for dental services at the Lancaster County Corrections Department for individuals housed in the County adult jail facilities. Mr. Villafane is a licensed dentist and will be paid \$100 per hour for general services, \$80 per hour for instructing medical staff in dental clinic practice and \$100 per hour for time in preparation of trial or in court testimony. Term of the agreement is October 16, 2008 to October 15, 2010 and includes a 120-day termination clause. (C-08-0589)**

**MOTION:** Heier moved and Stevens seconded approval of a dental services agreement with Justin Villafane, D.D.S. for dental services at the Lancaster County Corrections Department for individuals housed in the County adult jail facilities. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

**I. A Western States Contracting Alliance Participating Addendum for copy/printing services and products between Lancaster County, the City of Lincoln, the Public Building Commission and OfficeMax, Inc.. On July 8, 2008 the County awarded a bid from OfficeMax in conjunction with the Western States Contracting Alliance for copy/printing services. Terms and conditions of the addendum govern such services between Lancaster County and OfficeMax. (C-08-0591)**

**MOTION:** Stevens moved and Heier seconded approval of a Western States Contracting Alliance Participating Addendum for copy/printing services and products between Lancaster County, the City of Lincoln, the Public Building Commission and OfficeMax, Inc.. Stevens, Heier, Schorr and Workman voted aye. Motion carried.

**J. An addendum to the Investment Selection Directives for the Lancaster County Employees 457(b) and 401(a) plans with Prudential Retirement. (C-08-0592)**

Kerry Eagan, Chief Administrative Officer, stated several hundred dollars were discovered in a fund which had been eliminated. He explained the addendum directs Prudential to reinvest those monies into a similar category of investment.

**MOTION:** Schorr moved and Stevens seconded approval of an addendum to the Investment Selection Directives for the Lancaster County Employees 457(b) and 401(a) plans with Prudential Retirement. Heier, Schorr, Stevens and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

**K. Approval of Plan-at-a-Glance No. 006371 for the Lancaster County 401(a) Retirement Plan and the Plan-at-a-Glance No. 006372 for the Lancaster County 457(b) Deferred Compensation Program with Prudential Retirement. (C-08-0593)**

Eagan referred to both plans stating Plan-at-a-Glance No. 006372 for the 457(b) Deferred Compensation had no changes, however, the Plan-at-a-Glance No. 006371 for the 401(a) Retirement Plan had some slight changes upon review. Recommendation was to approve Plan-at-a-Glance No. 6372 and to also approve Plan-at-a-Glance No. 006371 subject to the changes.

**MOTION:** Schorr moved and Heier seconded approval of Plan-at-a-Glance No. 006372 for the Lancaster County 457(b) Deferred Compensation Program and Plan-at-a-Glance No. 006371 for the Lancaster County 401(a) Retirement Plan, as revised on November 3, 2008, and to authorize the Chair to execute the document.

(Commissioner Stevens exited at 10:10 a.m..)

In response to a question asked by Workman, Eagan explained the 457 Deferred Compensation Program is a supplement to the 401(a) Retirement Plan.

**ROLL CALL:** Schorr, Heier and Workman voted aye. Steven was absent from voting. Motion Carried.

(Commissioner Stevens entered at 10:12 a.m..)

In addition, Eagan suggested the attorney with Kutak Rock, who is providing legal services regarding the retirement plans, review the service and trust agreements. He stated there would be additional charges for the review, however, it would be money well spent to have a specialist in retirement law review the additional documents.

Schorr clarified that they would not be using County taxpayer dollars to cover those additional costs.

Eagan stated they would be using revenue sharing dollars.

Board consensus was to request the attorney with Kutak Rock to review the additional documents.

4) **NEW BUSINESS CONTINUED:**

**L. Recommendation from the Purchasing Agent and the Lancaster County Engineer's Shop to award a bid to Nebraska Machinery Company, in the amount of \$182,536, for one four-wheel drive articulated motor grader. (B-08-0050)**

**MOTION:** Heier moved and Schorr seconded approval to award a bid to Nebraska Machinery Company, in the amount of \$182,536, for one four-wheel drive articulated motor grader as recommended by the Purchasing Agent and the Lancaster County Engineer's Shop. Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**M. Recommendation from the Purchasing Agent and the selection committee to award a bid to CBM Food Service, Inc., in the amount of \$968,059, for correctional food services. (B-08-0051)**

**MOTION:** Schorr moved and Heier seconded approval to award a bid to CBM Food Service, Inc., in the amount of \$968,059, for correctional food services as recommended by the Purchasing Agent and the selection committee.

In response to a question asked by Stevens regarding the term of the contract, Bob Walla, Assistant Purchasing Agent, stated the term would be three years with an option to renew for three additional one-year renewals.

Workman asked when the contract begins.

Walla responded December 2, 2008.

**ROLL CALL:** Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**N. A mini-grant application and award through the Nebraska Office of Highway Safety, Department of Motor Vehicles for the Lancaster County Sheriff's Office for selective overtime enforcement in the "Click It or Ticket" campaign. The Nebraska Office of Highway Safety is promoting a zero tolerance for safety belt and child restraint violations with the statewide campaign. The County will set up and maintain a safety checkpoint in November, 2008. The funding assistance will provide reimbursement for overtime salaries. An estimated 120 hours of overtime compensation is requested for an approximate cost of \$5,100.**

4) **NEW BUSINESS CONTINUED:**

Terry Wagner, Lancaster County Sheriff, gave an overview regarding New Business Items 4N and 4O.

**MOTION:** Stevens moved and Heier seconded approval of a mini-grant application and award through the Nebraska Office of Highway Safety, Department of Motor Vehicles for the Lancaster County Sheriff's Office for selective overtime enforcement in the "Click It or Ticket" campaign. Schorr, Heier, Stevens and Workman voted aye. Motion carried.

**O. A mini-grant application and award through the Nebraska Office of Highway Safety, Department of Motor Vehicles for the Lancaster County Sheriff's Office for selective overtime enforcement in the "You Drink and Drive, You Lose" program, a statewide effort to reduce the number of impaired drivers during the holiday season. The County will set up and maintain a sobriety checkpoint in December, 2008. The overall focus is to increase the detection of impaired driving violations and other alcohol related violations. The funding assistance will provide reimbursement for overtime salaries. An estimated 80 hours of overtime compensation is requested for an approximate cost of \$3,440.**

**MOTION:** Stevens moved and Heier seconded approval of a mini-grant application and award through the Nebraska Office of Highway Safety, Department of Motor Vehicles for the Lancaster County Sheriff's Office for selective overtime enforcement in the "You Drink and Drive, You Lose" program, a statewide effort to reduce the number of impaired drivers during the holiday season. Heier, Schorr, Stevens and Workman voted aye. Motion carried.

**P. A political subdivision tort claim filed against Lancaster County by Ahmed A. Boshara for damaged property for an amount between \$3,433.81 to \$4,109.32.**

**MOTION:** Stevens moved and Schorr seconded approval of a political subdivision tort claim filed against Lancaster County by Ahmed A. Boshara for damaged property for an amount of \$1,700, subject to the claimant signing a release in full of all claims. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

**Q. Request from Carol Hultgrien for a refund of the 2008 accelerated real property taxes, in the approximate amount of \$58.80.**

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of the request.

**MOTION:** Schorr moved and Stevens seconded approval of the request from Carol Hultgrien for a refund of the 2008 accelerated real property taxes, in the approximate amount of \$58.80. Stevens, Heier, Schorr and Workman voted aye. Motion carried.

**RETURNING TO NEW BUSINESS ITEM 4A:**

The Chair referred to New Business Item 4A (County Change of Zone No. 08050) and the placement of the item on pending. He stated the policy, under County Resolution R-06-0026, is to leave an issue on pending for no longer than six months without action by the Board.

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. Receive and Place on File:**

1. **County Treasurer's Report on 2007 Distress Warrants.**
2. **County Attorney's quarterly report from July 1, 2008 through September 30, 2008.**
3. **Accountants' Report and Financial Statements for the Airport Authority of the City of Lincoln, Nebraska - June 30, 2008 and 2007.**

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

6) **OTHER BUSINESS:**

Fox stated Tuesday, November 11<sup>th</sup> is a County holiday and offices will be closed. He asked if the Board would be agreeable to acting on consent items and any emergency items at their Staff Meeting on Thursday, November 13<sup>th</sup> and reminded the Board the contract for correctional food service will be returned soon and will need to be signed as soon as possible.

Eagan recommended that the claims be approved on Thursday (November 13, 2008) and if there are other items they could be listed as 'Action Items'. He further stated if it is an advertised public meeting, he didn't believe they would be violating any state statutes, as long as the item is on the agenda with adequate notice.

Board consensus was to approve all claims processed through November 11, 2008 on Thursday, November 13, 2008 and to consider any consent items as 'Action Items'.

7) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 10:37 a.m.. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

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Dan Nolte  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, NOVEMBER 4, 2008  
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  
Deb Schorr  
Ray Stevens

Commissioners Absent: Larry Hudkins

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 10:37 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 28, 2008.**

**MOTION:** Stevens moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on October 28, 2008. Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 4 additions to the tax assessment rolls per Attachment "A".**

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

3) **APPEAL FILED ON PENALTIES FOR 2006 AND 2007:**

**WSM Industries**

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended denial of the appeal and explained the business reported their personal property taxes timely for the 2008 tax year, however, they also reported 2006 and 2007 which were past due. He said the penalty on the 2006 and 2007 tax years is mandatory and there is no authority within the statute to waive it.

**MOTION:** Heier moved and Stevens seconded to accept the recommendation of the Deputy County Assessor/Register of Deeds and deny the appeal filed on late filing penalty on 2006 and 2007 personal property for WSM Industries. Heier, Schorr, Stevens and Workman voted aye. Motion carried.

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

**Michael and Sandra Jo Roche and Jennifer Baker  
Wilderness View Townhomes LLC**

**MOTION:** Stevens moved and Schorr seconded to send notice of assessed valuation change for property taxation purposes to Michael and Sandra Jo Roche and Jennifer Baker, and Wilderness View Townhomes LLC. Schorr, Stevens, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:40 a.m.. Stevens, Heier, Schorr and Workman voted aye. Motion carried.

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Dan Nolte  
County Clerk