

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 3, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

Commissioners present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Bob Workman

Commissioners absent: Larry Hudkins
Deb Schorr

Others present: Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Sue Glynn, 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.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 24, 2009.**

MOTION: Workman moved and Stevens seconded approval of the minutes. Workman and Heier voted aye. Stevens abstained from voting. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, March 3, 2009.**

MOTION: Stevens moved and Workman seconded approval of the claims. Workman, Stevens and Heier vote aye. Motion carried.

- 3) **SPECIAL PRESENTATION:**

- A. **Presentation of the Commissioners Award of Excellence for January, 2009, to William Stewart and Timothy Vorm with the Community Mental Health Center.**

Dean Settle, Community Mental Health Center Director, introduced the award recipients noting they both have many years of service to the County. Travis Parker, Community Mental Health Center Deputy Director, said Timothy Vorm is the Coordinator of the Homeless Program and

3) **SPECIAL PRESENTATION CONTINUED:**

William Stewart is the Coordinator of the Special Needs Program. He added these men have a wealth of knowledge and go above and beyond to help better the lives of consumers in Lancaster County. The nomination was then read into the record by the County Clerk. Both recipients thanked the County Board for their recognition and ongoing support.

4) **PUBLIC HEARING:**

- A. **County Change of Zone No. 08071, requested by the Director of Planning, to amend the Lancaster County Zoning Resolution to allow excavation and stone milling to be approved by special permit in the AG Agricultural and AGR Agricultural Residential zoning districts; to provide conditions governing said use; and to add a section relating to enforcement and revocation of special permits.**

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

The oath was administered to Mike DeKalb with the City-County Planning Department. He provided an overview of the resolution. He said following several public hearings in 2008, the County Board asked the Planning Department to come back with more precise guideline language. Meetings were held with stakeholders, neighbors, attorneys and various agencies interested in the issue. The proposed language was posted on the Planning Department's web site and comments were solicited. He said today's document is a result of this process. It outlines such things as submittal procedures, criteria, groundwater, grading, reclamation, operating hours, screening requirements, sign posting, etc. A bond requirement is also included for returning the land back to its finished state as proposed.

DeKalb noted this is a three-year package with annual reviews by Building & Safety. The Planning Commission unanimously recommended approval. A similar version of the resolution is scheduled for public hearing before the City Council next week.

In response to Stevens' inquiry regarding the three-year process, DeKalb said the this is similar to what is currently done with mobile homes. It is a special permit, whereby, conditions can be adjusted but reapplication is required every three years.

Heier said he was concerned about using wells to build ponds. DeKalb said this is keyed to the use of groundwater and the impact on surrounding neighbors. He added if a pond or lake is proposed, adequate water supply must be first demonstrated.

The oath was administered to Karen Kurbis. Kurbis thanked the Planning Department, City Council and County Board for their support with regard to this issue. She also expressed support of the proposed language, adding reclamation is definitely the number one priority. Heier thanked Kurbis, the neighbors and the Planning Department for their efforts.

4) **PUBLIC HEARING CONTINUED:**

The oath was administered to Phil Pfeiffer. He thanked the Planning Department for their efforts and indicated he was happy with finished product.

The Chair asked if anyone else wished to testify. No one appeared and the hearing was closed.

MOTION: Stevens moved and Workman seconded to direct the County Attorney's Office to prepare a resolution in support of County Change of Zone No. 08071. Stevens, Workman and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

- A. **A deed of reconveyance, regarding property located at 135 South Harrison Street, Hallam, Nebraska, and a release of all claims the County may have against RRJ, L.L.C., d/b/a Legacy Dairy and Creamery arising under the Project Financing Agreement dated April 11, 2006, including a Community Development Block Grant award of \$300,000 loaned to RRJ, L.L.C.**

MOTION: Stevens moved and Workman seconded approval of the deed of reconveyance.

Mike Lang, Mayor's Aide for Economic Development, appeared and provided a brief explanation of the process. He recommended the Board move forward with the deed.

Workman explained the County has issued Community Development Block Grants for years. He added these are federal dollars and a grant in the amount of \$300,000 was awarded to Legacy Dairy but the business failed due to supply problems and other issues. A new party would now like to continue with the business, although, the \$300,000 has been spent. Workman noted the County was subordinate on it claims against the original owner. He felt releasing the \$300,000 and allowing the new company to take control of the business would be the best solution.

Fox noted the motion should also include the release of all claims. He added the deed of reconveyance clears the title of the property so Prairieland can take over.

John Bergmeyer, an attorney representing First State Bank, thanked the County Board, Mike Lang and the County Attorney's office for its help with his process. Releasing the lien will help create something positive out of the situation.

Lang added that he has reviewed the financials of Prairieland Foods and is comfortable that they are currently successful and will be in the future. Workman added that he has also met the new operator who has a great track record.

5) **OLD BUSINESS CONTINUED:**

RETURN TO MOTION: Stevens clarified that his motion was for the deed of reconveyance and the release of all claims the County may have against RRJ, LLC. The seconder agreed with this clarification.

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

6) **NEW BUSINESS:**

- A. **A Memorandum of Understanding between the County of Lancaster and Prairieland Foods, L.L.C., regarding job creation in Hallam, Nebraska. (C-09-0099)**

MOTION: Stevens moved and Workman seconded approval of the Memorandum of Understanding. Stevens, Workman and Heier voted aye. Motion carried.

- B. **An application for a Special Events Permit from Jim Craig to hold a Mountain Bike Ride/Enduro around Panama on Sunday, March 15, 2009, beginning at 1:30 p.m.**

Jim Craig appeared and provided brief comments regarding the application.

MOTION: Stevens moved and Workman seconded approval of the Special Events Permit. Stevens, Workman and Heier voted aye. Motion carried.

- C. **An interlocal agreement between the City of Waverly and Lancaster County for sharing the costs of a concept study of a pedestrian facility on Canongate Road between Jamestown Street and Amberly Road. The County will pay one-half (½) of the study, not to exceed \$1,200. (C-09-0093)**

MOTION: Workman moved and Stevens seconded approval of the interlocal agreement. Stevens, Workman and Heier voted aye. Motion carried.

- D. **An amendment to an agreement with iXTEND for computer consulting services and the installation of the upgrade to the Enterprise One Financial Multi-Foundation environment software upgrade. The amendment increases the total amount of hours of service provided by iXTEND for the Enterprise One software upgrade from 240 to 340 hours. (C-09-0094)**

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

6) **NEW BUSINESS CONTINUED:**

- E. **A fourth amendment to an agreement with Evercom Systems, Inc., under County Contract Number C-03-0161, for telephone services for Lancaster County Corrections, the Lancaster Correctional Facility and the Youth Services Center. The amendment extends the agreement for an additional 60-day term beginning March 2, 2009 and ending May 1, 2009. (C-09-0095)**

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

- F. **An addendum to an agreement with Milliman, Inc., under County Contract Number C-07-0339, for consulting services for the Lancaster County medical and dental employee benefit plans. The addendum renews the agreement, pursuant to Paragraph 3 of the agreement, for an additional one year term beginning June 1, 2008, and ending May 31, 2009. (C-09-0096)**

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

- G. **A contract with Interstate Sealant & Concrete, Inc., for crack sealing at various locations in the County; Project 09-25. The work will begin early spring and the County will pay \$30,300 for such services. (C-09-0097)**

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

- H. **An appraisal contract between the County Engineer and Johnson Appraisal, L.L.C. for appraisal services, in the amount of \$4,250, in connection with the appraisal of right-of-way for a project located at North 70th Street and Alvo Road; Project No C55-G-408(3). (C-09-0098)**

MOTION: Workman moved and Stevens seconded approval of the appraisal contract. Stevens, Workman and Heier voted aye. Motion carried.

- I. **An amendment to an agreement with Tri-Supply for the annual supply of commercial laundry chemicals. The amendment provides for price increases of products as listed in Attachment "A". (C-09-0100)**

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

6) **NEW BUSINESS CONTINUED:**

- J. **A contract between Lancaster County and Election Systems and Software, Inc., for election related services and ballot printing. The term of the contract is for three years. The cost for the services is pursuant to Exhibits "A" and "B" of the contract. (C-09-0101)**

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

- K. **An amendment to the Project Agreement between the State of Nebraska Game and Parks Commission, the Lower Platte South Natural Resources District, and Lancaster County pursuant to the Federal Highway Administration Recreational Trails Program for design and construction of a Motocross Track at Abbott Sports Complex. The amendment extends the term of the original agreement to June 2, 2009. (C-09-0102)**

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

- L. **Recommendation from the Purchasing Agent and the County Engineer to award a bid for culvert replacement and maintenance to T.J. Osborn Construction, Inc., of Lincoln, Nebraska, in the amount of \$180,207. (B-09-0013)**

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

- M. **Recommendation from the Purchasing Agent and the County Engineer to award a bid for the grading of South 82nd Street to Japp Brothers Grading, L.L.C., of Kennard, Nebraska, in the amount of \$213,923.32. (B-09-0014)**

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

- N. **Recommendations from the Joint Budget Committee to approve Keno Human Services Prevention Fund Round 29 grant projects, in the total amount of \$76,424, to the following:**

- * **Bright Lights, in the amount of \$7,400, for Scholarships**
- * **Bryan/LGH Foundation, in the amount of \$3,750, for E.D. Connections**
- * **Campfire USA, in the amount of \$7,400, for Prevention Education**

6) **NEW BUSINESS CONTINUED:**

- * **Child Advocacy Center, in the amount of \$2,300, for Transportation/Spanish**
- * **Fresh Start Home, in the amount of \$7,400, for Transitional Living**
- * **Friendship Home, in the amount of \$3,749, for Children's Programs**
- * **Human Services Federation (A), in the amount of \$1,850, for Youth Poverty Curriculum**
- * **Human Services Federation (B), in the amount of \$3,500, for Economic Justice**
- * **Medical Translation/Interpretation, in the amount of \$1,875, for Year 3 Objectives**
- * **Lincoln Action Program (B), in the amount of \$7,500, for Financial Literacy**
- * **Lincoln Literacy Council, in the amount of \$7,500, for the F.L.A.I.R. Program**
- * **Matt Talbot Kitchen, in the amount of \$7,500, for the Homeless ID Project**
- * **St. Mark's Foundation, in the amount of \$7,500, for Kids Against Hunger**
- * **Samaritan Counseling Center, in the amount of \$7,200, for Prescott Outreach**

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

- O. **Appointment of Bob Workman to replace Bernie Heier on the District Energy Corporation Board of Directors pursuant to Section 3 of the District Energy Corporation Bylaws.**

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

- 7) **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 relating to road improvements between the County Engineer and the following:**

7) **CONSENT ITEMS CONTINUED:**

- * **Kenneth W. Haar and Christine M. Funk, in the amount of \$214, located 880 feet west of N.W. 126th Street on W. Mill Road; Project No. CP-E-220. (C-09-0103)**
- * **David and Delores Downs, in the amount of \$230.50, located at N.W. 27th Street and W. Branched Oak Road; Project No. CP-C-253. (C-09-0104)**
- * **Margaret A. Refshauge, Trustee, in the amount of \$415, located on N. 27th Street and Agnew Road; Project No. CP-B-74. (C-09-0105)**
- * **Joyce A. Urbanec, in the amount of \$739, located at NW 27th Street and West Branched Oak Road; Project No. CP-C-253. (C-09-0106)**

The County Attorney's Office requested the contract with Joyce Urbanec be held one week.

MOTION: Workman moved and Stevens seconded approval of the consent items excluding the right-of-way contract with Joyce A. Urbanec. Stevens, Workman and Heier voted aye. Motion carried.

8) **PENDING:**

- 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 placed on pending on November 4, 2008.)

9) **EMERGENCY ITEMS AND OTHER BUSINESS:**

Loretta Dietz appeared and provided comments relating to the future of Lancaster Manor. Her stated her preference was for the County to retain ownership and hire a qualified administrator.

10) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, March 5, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.

10) **ANNOUNCEMENTS CONTINUED:**

- B. The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m. on Tuesdays and rebroadcast at 1:30 p.m. and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the Internet 24 hours a day at <http://www.lancaster.ne.gov>. Click on 5 City-TV Video On Demand.

Informational only.

11) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 10:22 a.m. Workman, Stevens and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 3, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Bob Workman

Commissioners absent: Larry Hudkins
Deb Schorr

Others present: Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Scott Gaines, Deputy County Assessor/Register of Deeds
Sue Glynn, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:22 a.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 24, 2009.

MOTION: Workman moved and Stevens seconded approval of the minutes. Workman and Heier voted aye. Stevens abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 13 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Stevens moved and Workman seconded approval of 13 additions and deductions to the tax assessment rolls. Workman, Stevens and Heier voted aye. Motion carried.

- 3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

Catholic Social Services
Centerpointe, Inc. (2 exemptions)
Dialysis Center of Lincoln, Inc.
First Lutheran Church
Glad Tidings Assembly of God

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of the Motor Vehicle Tax Exemption applications. Workman, Stevens and Heier voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Equalization meeting at 10:24 a.m. Stevens, Workman and Heier voted aye. Motion carried.

Dan Nolte
County Clerk