

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 17, 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
Larry Hudkins
Deb Schorr

Others present: Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Sue Glynn, County Clerk's Office
Kerry Eagan, 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, March 10, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, March 17, 2009.**

MOTION: Hudkins moved and Stevens seconded approval of all claims. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- 3) **SPECIAL PRESENTATION:**

A. Introduction of Randy Bartelt, Good News Jail & Prison Ministries Chaplain for the Lancaster County Jail and Use of \$12,000 from the Inmate Benefit Fund for the Corrections Chaplaincy Program - Mike Thurber, Corrections Director.

SPECIAL PRESENTATION CONTINUED:

Randy Bartelt, Good News Jail and Prison Ministries Chaplain, discussed the services that are provided through the Corrections Chaplaincy Program. He said things are going well and they have a fair number of participants from the jail population.

Mike Thurber, Corrections Director, requested authorization to use \$12,000 from the Inmate Benefit Fund for the program.

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

4) **PUBLIC HEARING:**

- A. County Miscellaneous No. 09002, requested by William F. Austin on behalf of the Emerald Sanitary & Improvement District No. 6 of Lancaster County, Nebraska, to acquire 1.5 acres, more or less, by condemnation, for a water well site on property generally located at S.W. 98th Street and West "O" Street. (See New Business Item 5A for correlating documentation.)**

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

Schorr indicated she has a conflict of interest, as her husband is a law partner in the firm that represents the applicant. She stated she will abstain from voting on this issue.

Bill Austin, attorney for the applicant, was sworn in. Austin stated he was there with Tim Engler from the law firm of Harding and Schultz and said both represent Emerald and Sanitary Improvement District No. 6. Austin explained that State Statutes require a review by the Zoning Committee and approval from the County Board of Commissioners, which is the governing body.

Dennis Allen, the landowner was sworn in and indicated his concerns were that the value of the land is more than being offered, the time frame for negotiations and that the access road would be at the crest of a hill near a bridge.

Tom Fox, Deputy County Attorney, appeared and indicated Nebraska Revised Statute §31-736 provides for acquisition by purchase, condemnation, or otherwise and said the resolution will need to be corrected to reflect this.

The Chair asked Dan Nolte, County Clerk, to also read # 5A under New Business for correlating documentation.

5) **NEW BUSINESS:**

- A. A resolution in the matter of County Miscellaneous No. 09002, a request for approval to acquire land by condemnation for a water well site by Emerald Sanitary and Improvement District No. 6 on property generally located at S.W. 98th and West "O" Streets. (R-09-0013)**

MOTION: Hudkins moved and Workman seconded approval to hold the resolution for one week to allow the County Attorney to make necessary corrections. Stevens, Workman, Hudkins voted aye. Schorr abstained from voting. Motion carried.

- B. A resolution in the matter of waiving potential conflicts of interests that may exist for the Lancaster County Attorney as a result of the Board of Equalization remaining as a named party in the special value appeals pending before the Tax Equalization and Review Commission for tax years 2007 and 2008. (R-09-0014)**

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

- C. An interlocal agreement with the Village of Firth for one Sheriff's deputy to provide law enforcement services within the corporate limits of the Village of Firth. The term of the agreement is April 1, 2009 through March 31, 2010. The County shall be reimbursed at the overtime rate of pay for the deputy assigned to duty. The County shall also be paid 55 cents per mile for the Sheriff's vehicle used in the provision of these services. (C-09-0116)**

Terry Wagner, County Sheriff, appeared and stated this is continuation of an agreement with the Village of Firth.

Hudkins commented he has received positive comments regarding the work being done by the Sheriff's Office.

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

- D. An agreement between Lancaster County and Japp Brothers Grading, L.L.C., for grading South 82nd Street, Project No. 09-21. The work shall commence on or before May 18, 2009 and be completed within 60 working days. The cost to the County is \$213,923.32. (C-09-0117)**

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

5) **NEW BUSINESS CONTINUED:**

- E. **An agreement between Lancaster County and T.J. Osborn Construction, Inc., for culvert replacement and maintenance, Project No. 09-01. The work shall be completed by August 28, 2009 and the cost to the County is \$180,207. (C-09-0118)**

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

- F. **An agreement between Lancaster County and Theisen Construction, Inc., for bridge wingwall repair at County Bridge Numbers C-253, E-156 and N-157, in the amount of \$54,990. (C-09-0119)**

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

- G. **An agreement between Lancaster County and Theisen Construction, Inc., for repair of County Bridge No. R-184, in the amount of \$19,342. (C-09-0120)**

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

- H. **An agreement between Lancaster County and Theresa Whisler for the preparation of transcripts relating to 2008 greenbelt disqualification hearings. Term of the agreement will be from the date of execution until the services are completed, but in no case later than April 30, 2009. (C-09-0121)**

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

- I. **A surveying agreement with WNK Surveying, in the amount of \$5,120, for surveying services for the County Engineer relating to Project No. BR-3270(4) located at Panama Road and So. 82nd Street (Bridge X-117); Project No. C55-S-404(3) located on So. 82nd Street from Hickman to Roca Road; and Project No. C55-F-406(1) located on Alvo Road from No. 1st to No. 14th Streets. (C-09-0122)**

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

5) **NEW BUSINESS CONTINUED:**

- J. Credit card application with Wells Fargo for the Lancaster County Sheriff's Office, and with the name of Aaron J. Crooks on the face of the credit card. (C-09-0124)**

Terry Wagner, County Sheriff, appeared and discussed spending limits. He noted this is a transfer to a new name, not a new card.

MOTION: Stevens moved and Hudkins seconded approval of the credit card application. Stevens, Schorr, Workman, Hudkins and Heier voted aye. Motion carried.

- K. Recommendation from the Purchasing Agent and the County Engineer to award a bid for repair of County Bridge No. A-58 to Theisen Construction, Inc., in the amount of \$18,694. (B-09-0017)**

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

- L. Recommendation from the Purchasing Agent and the Corrections Department to award a bid for a 2009 Chevrolet Express Passenger Van to Sid Dillon Chevrolet, in the amount of \$24,997. (B-09-0018)**

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

- M. Recommendation from the Purchasing Agent and the County Engineer to award a bid for erosion control at drainage structures to Brandt Excavating, Inc., in the amount of \$201,740.79. (B-09-0019)**

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

- N. A political subdivision tort claim filed against the Corrections Department by Patrick B. Golding for lost property in the amount of \$54.73.**

MOTION: Stevens moved and Schorr seconded to accept the recommendation from the Corrections Director and approve payment in the amount of \$38.53. Schorr, Hudkins, Workman, Stevens and Heier 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: Records and Information Management's monthly report for February, 2009.**
- B. **Right-of-way contract for a road project between the County Engineer and the Lower Platte South Natural Resources District, located at N.W. 27th Street and W. Branched Oak Road; Project No. CP-C-253. This is a land donation. (C-09-0123)**

MOTION: Stevens moved and Schorr seconded approval of the consent items. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

7) **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.)**

No action was taken.

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

Heier asked if there was anyone who wished to speak on any item not listed on the agenda.

Hudkins stated it was widely reported that Lancaster Manor was losing money on a monthly basis and that by March reserves would be depleted and the County would have to draw on General Funds to sustain the Manor. He said February financials show a positive posting of nearly \$300,000. Hudkins said he believes problems at the Manor are in the billing and accounting area and urged the Commissioners to hire an experienced Comptroller.

Dennis Meyer, Budget and Fiscal Officer, appeared and said cash flow fluctuates month to month. He agreed the Manor has billing issues and said staff is trying to "get up to speed".

EMERGENCY ITEMS AND OTHER BUSINESS CONTINUED:

The following people came forward to express their support of the County continuing to operate Lancaster Manor: Terry Gardner, John Krejci; Courtney Flannigan - Elliott; and Kim Kasper. Krejci submitted written remarks and a copy of his recent letter to the Lincoln Journal Star editor regarding this issue for the record (Exhibit A).

9) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, March 19, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.**
- 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.**

10) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded to adjourn the meeting at 10:34 a.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 17, 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
Larry Hudkins
Deb Schorr

Others present: Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Sue Glynn, County Clerk's Office
Kerry Eagan, 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 Equalization meeting held on Tuesday, March 10, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 22 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. Stevens, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

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

Cedars Youth Services
Christ's Place
City Impact
Developmental Services of Nebraska, Inc.
First Free Methodist Church (a.k.a. Living Faith Free Methodist Church)
Northern Lighthouse
Priestly Fraternity of St. Peter d/b/a Our Lady of Guadalupe Seminary
Sisters of St. Francis
Tabitha, Inc. (5 Applications)
Temple Baptist Church

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

4) **ADJOURNMENT:**

MOTION: Schorr moved Stevens seconded to adjourn the meeting at 10:44 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk