

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 5, 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: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Kristy Bauer, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:32 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Commissioners meeting held on Tuesday, April 28, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, May 5, 2009.**

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

- 3) **SPECIAL PRESENTATION:**

A. **Recognition of Kit Boesch, Lancaster County Human Services Director, as the recipient of the 2009 Spirit of the Good Samaritan Award.**

3) **SPECIAL PRESENTATION CONTINUED:**

Scott Stuckey, President of Samaritan Counseling Center; Dick Vautravers, Treasurer of Samaritan Counseling Center; and Eileen Vautravers, Medical Consultant and Board Member of Samaritan Counseling Center, appeared with Kit Boesch. Stuckey said Good Samaritan Awards were presented to Swanson Russell, St. Mark's United Methodist Church, Westminster Presbyterian Church and Kit Boesch at their annual fund raiser, which raised money for people who could not afford counseling services. Stuckey said the award honors an individual, business or community organization that exemplifies the spirit of the good Samaritan by responding to the needs of others with hope, healing and a helping hand, and the Samaritan Counseling Center felt Boesch exemplified this in many ways. Stuckey presented the award to Boesch.

Boesch accepted the award, thanked the Samaritan Counseling Center and praised the collaborative efforts by many in the community.

Workman and Hudkins commended Boesch for her dedication.

4) **PUBLIC HEARINGS:**

- A. **An Addition to Premise/Reconstruction for License Class IB 56700, requested by Dusty's Bar & Grill for an addition to licensed premise located at 109 1st St, Kramer, Lancaster County, Nebraska. This request is for a one story irregular shaped building approximately 42' x 61' including a beer garden approximately 20' x 24'.**

The Chair opened the public hearing and asked if anyone wanted to testify. No one appeared.

Stevens explained that the application and Sheriff's letter indicate the item is a request for a beer garden and not a direct modification of the building.

Heier asked if the item needed to be brought back on the following week's meeting.

Kerry Eagan said the procedure for extending the public hearing only applies to new applications. Since this is not a new application, it does not need to be held for another week.

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 to prepare a resolution including the addition of the beer garden. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

- B. **In the matter of prohibiting and making unlawful trapping in and along Lancaster County road right-of-way and, pursuant to Neb. Rev. Stat. §37-248, making such trapping punishable as a Class III misdemeanor and a mandatory fine of at least \$50 upon conviction. (See New Business Item 5A for correlating documentation.)**

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

The oath was administered to Don Thomas, County Engineer. Thomas asked for support of this resolution to protect employees who may encounter traps as they work in ditches.

Schorr added this would also protect inmates who are picking up trash in right-of-way areas.

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

5) **NEW BUSINESS:**

- A. **A resolution in the matter of prohibiting and making unlawful trapping in and along Lancaster County road right-of-way and, pursuant to Neb. Rev. Stat. §37-248, making such trapping punishable as a Class III misdemeanor and a mandatory fine of at least \$50 upon conviction. (R-09-0022)**

MOTION: Stevens moved and Hudkins seconded approval of the resolution.

Hudkins expressed his appreciation of the State Legislature giving counties the option to decide on this issue. He felt, in Lancaster County where trash pickup is promoted along right-of-ways, it is common sense to pass this resolution.

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

- B. **An application for a Special Designated License from Red9, LLC, to provide liquor beverage service for a reception located at 5895 W Sprague Road, Crete, Lancaster County, Nebraska, on June 6, 2009, from 9:00 a.m. to 1:00 a.m.**

MOTION: Stevens moved and Hudkins seconded approval of the Special Designated License with incorporation of the County Engineer's Office recommendations relative to parking. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- C. **Four applications for Special Designated Licenses from Kerry's Restaurant and Catering, Inc., to provide liquor beverage service for a bar/restaurant located at Branched Oak, 10005 W Davey Road, Raymond, Lancaster County, Nebraska, from 8:00 a.m. to 1:00 a.m. on the following dates: May 21 to May 25, 2009, May 28 to May 31, 2009, June 4 to June 7, 2009, and June 11 to June 14, 2009.**

MOTION: Hudkins moved and Stevens seconded approval of the Special Designated Licenses.

Stevens noted Kerry's Restaurant is in the process of obtaining a permanent license and the Special Designated Licenses would serve as a temporary license, as stated in the Sheriff's letter.

Terry Wagner, County Sheriff, agreed and added that his office checked with York County and found no problems with the establishment in McCool Junction.

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

- D. **A grant contract between Lancaster County and the City of Lincoln on behalf of the Lincoln Police Department to provide funding to enhance Lancaster County's coordinated community response to Latina, African American and refugee women who have been experiencing domestic violence, dating violence, sexual assault or stalking, and to provide assistance to such victims in immigration matters in the amount of \$33,731. The term of the grant contract is from January 1, 2009, to December 31, 2010. (C-09-0190)**

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

- E. **An agreement with Community Alternatives Nebraska to provide document shredding services to the Lancaster County Records and Information Management Department. The County will pay Community Alternatives \$0.064 per pound of paper that is shredded. The agreement is effective upon execution by both parties and continues through June 30, 2010. (C-09-0191)**

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

5) **NEW BUSINESS CONTINUED:**

- F. **A cooperative purchasing agreement between Lancaster County, the City of Lincoln and Shredding Solutions for document shredding services for County departments. The term of the agreement is between August 1, 2008, and July 31, 2009. The County will pay \$0.06 per pound of paper that is shredded. (C-09-0192)**

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

- G. **An agreement between Lancaster County and Wadlow Rozanek Funeral Home (Primary Vendor) for the Transport of Dead Bodies. Term of the agreement is from May 1, 2009, to April 30, 2012. The County will pay for the services according to the prices listed in the Contractor's proposal. (C-09-0188)**

MOTION: Stevens moved and Hudkins seconded approval of the agreement.

Schorr noted the contract does contain the "No Solicitation Clause" on Page 3, Number 6.

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

- H. **An agreement between Lancaster County and Capital City Transfer Services, Inc., (Secondary Vendor) for the Transport of Dead Bodies. Term of the agreement is from May 1, 2009, to April 30, 2012. The County will pay for the services according to the prices listed in the Contractor's proposal. (C-09-0193)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement.

Stevens expressed his appreciation to two Lincoln Police Officers and a member of the community who wrote letters in support of this company.

ROLL CALL: Stevens, Workman, Schorr, Hudkins 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:*

6) **CONSENT ITEMS CONTINUED:**

A. **Receive and place on file the following:**

1. **County Engineer's quarterly report for January, February and March, 2009**
2. **County Clerk's monthly report for April, 2009**

MOTION: Stevens moved and Schorr seconded approval of the consent items. Workman, Schorr, Hudkins, Stevens 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.)**

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

Kim Kaspar, President of the American Federation of State, County & Municipal Employees (AFSCME), appeared and expressed concern about the Lincoln Independent Business Association (LIBA) receiving updates on Lancaster Manor when the Union is not, as well as LIBA's recommendation that the County implement a hiring freeze. Stevens stated there were no new updates beyond what Kaspar already knew.

With regard to the hiring freeze, Schorr said this was not new information as LIBA has suggested a hiring freeze the last two to three years. Stevens said no action has been taken on a hiring freeze and, if and when it is discussed, it will be done in a public forum as part of an agenda. Hudkins said the County tried a hiring freeze about three to four years ago, but with so many 24/7 departments, the Board was approving a new hire at almost every meeting. Hudkins added a hiring freeze may need to be considered, but he would like to explore other options first.

Workman explained that LIBA has met with the County Board on a monthly basis for many years to discuss issues of mutual concern. The Board meets with other groups as well so LIBA is not getting any special attention.

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

Melvin Moore, appeared and said ASCFME should be added to the meetings list. In addition, he discussed his concerns about people who are picked up for driving while intoxicated (DWI). Moore agreed they should be punished, but they should also be brought back into the community by continuing to work and providing for their families. Stevens suggested Moore speak with State Senators since they ultimately make the laws. He also noted the County Community Corrections Department has started a house arrest program that does allow people to go to work. Moore said he is aware that this is a State issue and appreciates what the County has done; however, certain things could be included in the Union contract that would help employees.

9) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, May 7, 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 Schorr seconded to adjourn the Board of Commissioners meeting at 10:06 a.m. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

**Dan Nolte
Lancaster County Clerk**

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 5, 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: Scott Gaines, Deputy County Assessor/Register of Deeds
Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Kristy Bauer, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:06 a.m.

- 1) **MINUTES:** Approval of the Minutes of the Board of Equalization meeting held on Tuesday, April 28, 2009.

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

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 61 additions and deductions to the tax assessment rolls per Attachment "A".

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

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

Lincoln Lancaster Child Guidance Center
Southeast Nebraska Mobile Diagnostic Services, Inc. (three applications)

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

MOTION: Stevens moved and Schorr seconded approval of the motor vehicle tax exemption applications.

Workman asked about approval of Southeast Nebraska Mobile Diagnostic Services, Inc., since their exemptions were held last week. Kristy Bauer of the County Attorney's Office stated she was not aware of any reason to hold them this time.

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

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:08 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk