

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 19, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners present: Deb Schorr, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, 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 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting and the minutes of the jail tour held on Tuesday, April 12, 2011.**

MOTION: Heier moved and Smoyer seconded approval of the minutes. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, April 19, 2011.**

MOTION: Raybould moved and Hudkins seconded approval of the claims. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

3) **SPECIAL PRESENTATIONS:**

A. **Commissioners Award of Excellence for February 2011, to Brenda Reining, Community Corrections.**

The Clerk read the nomination for the record. Kim Etherton, Community Corrections Director, commended Brenda Reining for her work, noting she was the first person hired in her department. Reining thanked Etherton for the award and accepted a plaque from Smoyer.

4) **PUBLIC HEARINGS:**

A. **A Class I liquor license from Sandbar, LLC, d/b/a Branched Oak Marina Sandbar & Grill, 10001 W. Davey Road, Raymond, Lancaster County, Nebraska.**

The Chair opened the public hearing.

4) **PUBLIC HEARINGS CONTINUED:**

Dave Warneke, owner of Sandbar, LLC, was administered the oath. Warneke said the business would be run by his fiancé and himself, noting her waitressing experience and his experience in the convenience store business. The business would be open this summer on weekends with a possible expansion to Thursday or Wednesday; hours would be from 11:00 a.m. to as late as 11:00 p.m. In response to Hudkins' question, Warneke said both he and his fiancé have had hospitality training.

Terry Wagner, County Sheriff, was administered the oath. He noted a few traffic violations were omitted from the application. Wagner said most applicants overlook listing these offenses, but applicants are required to list all violations on the application. Hudkins asked if there was anything more serious. Wagner said all other offenses had been listed. Raybould asked Wagner if he was comfortable with the offenses listed. Wagner said his job is to point out any automatic disqualifiers, of which there were none. Beyond that, the decision is up to the Board.

John Austin was administered the oath. He expressed his support for approval of the license.

The Chair announced the public hearing would be held open one week and the applicant would not need to be present. She asked Warneke to submit an amended application listing the two speeding tickets omitted.

B. An amusement license application from Josh Kadavy to operate a pumpkin patch on Fridays, Saturdays and Sundays beginning the last week in September through the last week in October, 2011, at 757 Bluff Road, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing.

Josh Kadavy was administered the oath. He stated the pumpkin patch is located in the County off N. 14th Street and Bluff Road; it is not within City limits. Hours of operation would be 10:00 a.m. to 9:00 p.m. and include activities such as a hayrack ride, petting zoo, corn toss, hayloft, pedal trikes and inflatable bounce house. Hudkins asked Kadavy to describe the layout, noting the division of property by the creek. Kadavy said the original outline shows the existing drive, which goes through a ditch, on the west side of the property. The parking lot would be along the drive with the activities and corn maze behind the lot. The pumpkin patches and house would be on the east side of the creek. He discussed putting a drive next to his house if the existing drive is denied; however, he felt this would not allow for sufficient parking. *(Note: Kadavy incorrectly referenced east and west during the testimony.)* Hudkins asked Kadavy if he would agree to certain conditions, such as making it right turn only out of the drive and regrading the drive to road level. Kadavy was agreeable to both conditions. Heier asked about the cost of placing a culvert in the creek. Kadavy said he received three estimates, with the lowest being \$350; adding dirt work would be another \$350. Heier questioned insurance cost. Kadavy said his cheapest quote was around \$2,000 for a \$2,000,000 policy. The agencies did not think it was necessary to have a \$5,000,000 policy and would have to outsource for more. He agreed to obtain an estimate for a \$5,000,000 policy.

Don Thomas, County Engineer, was administered the oath. He said the present driveway is not meant to handle a large amount of traffic; making it right turn only would not solve the problem due to the short site distance. Thomas stated his office would not grant a permit for the east drive, but they would grant one for the west side. Schorr asked about raising the east drive. Thomas said site distance would still be an issue. Hudkins noted there would only be extra traffic for a few months. He verified with Thomas the distance of a half mile from the west property line to N. 14th Street.

4) **PUBLIC HEARINGS CONTINUED:**

Brittany Behrens, Deputy County Attorney, was administered the oath. She said the property falls under the City's three-mile jurisdiction and agricultural zoning. The activities proposed in addition to having the pumpkin patch would require the amusement license, as well as a text amendment from the City allowing agricultural activities as a special condition. She recommended the Board wait to take action until the process has been finalized with the City regarding the text amendment.

Mike DeKalb, County Planner, was administered the oath. He said the Planning Department has initiated a text amendment to the agricultural zoning provision of the City zoning ordinance. It would permit conditional use of agricultural attractions if an amusement license were approved by the County Board. The text amendment will go before the Planning Commission on May 5; if approved, it would be in front of City Council three weeks later. The process should be complete around mid June. Hudkins questioned if the County needed to do any text changing. DeKalb said the County already has text regarding conditional use under the amusement license provision or agricultural zoning.

Kadavy said he received a letter from the Planning Commission outlining acceptable attractions. He said he is restricted on the inflatable bounce house, admission charge, and use of concessions.

Schorr expressed concern over the site line for those unfamiliar with driving in that area if the drive were place in the original planned area.

The Board consensus was to hold the item based on the County Attorney's opinion.

The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **An amusement license application from Josh Kadavy to operate a pumpkin patch on Fridays, Saturdays and Sundays beginning the last week in September through the last week in October, 2011, at 757 Bluff Road, Lincoln, Lancaster County, Nebraska.**

Item was held.

- B. **A recommendation from the Purchasing Agent and the Community Corrections Director to award a contract to Redwood Toxicology Laboratory, Inc., at an estimated cost of \$23,436 per year, for the annual supply of drug testing kits and supplies. (B-11-0022)**

MOTION: Heier moved and Raybould seconded approval of the recommendation.

Heier exited the meeting.

John Austin discussed the reuse of supplies at the Airpark Corrections Center.

ROLL CALL: Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent from the vote. Motion carried 4-0.

5) **NEW BUSINESS CONTINUED:**

- C. **A recommendation from the Purchasing Agent and the Corrections Director to award a contract to Gene Steffy Chrysler, Jeep, Dodge, at an estimated cost of \$23,994, for the purchase of a 2011 Dodge ¾ Ton Crew Cab Pickup. (B-11-0023)**

Bob Walla, Assistant Purchasing Director, said previously vehicles have been purchased from the State of Nebraska contract, but this year more bidding has been done. He noted a savings of \$3,700 in this instance by selecting a vehicle with less features.

Hudkins asked if trade in value is considered. Walla said it is not unless something is traded in; then it becomes part of that specific bid. Hudkins asked if past depreciation of a particular vehicle is considered. Walla said it is not because vehicles usually go to surplus and there is very little value.

Heier returned to the meeting.

Raybould thanked Mike Thurber, Corrections Director, for allowing this vehicle to be used for snow removal around the City-County buildings.

MOTION: Hudkins moved and Smoyer seconded approval of the recommendation. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- D. **A contract of assignment between the County, the District Energy Corporation and K2 Real Estate Development, LLC, assigning the County's rights as landowner under Nebraska Revised Statute §46-1207.01(2) to allow K2 to petition the Department of Health and Human Services to reclassify 145 water wells on the new jail property. (C-11-0196)**

Tom Fox, Deputy County Attorney, said the contract language is still being reviewed so the item would need to be held another week. Heier said he would like to discuss this item during potential litigation (Item 5Q).

- E. **A memorandum of understanding between Lancaster County, on behalf of Lancaster County Corrections, and Community Action Partnership of Lancaster and Saunders Counties, concerning the Second Chance Act Adult Mentoring Reentry Project. Term of the memorandum is one year from the date of execution. (C-11-0197)**

Mike Thurber, Corrections Director, said Community Action Partnership approached Corrections to obtain a second chance grant. Aaron Bowen, Chief Operating Officer of Community Action Partnership, said there has been an increase in offenders approaching his organization for employment help. This project would start with people during incarceration and continue after release. The target is a minimum of 60 individuals, both male and female, incarcerated for a variety of offenses. The \$300,000 grant is from the Department of Justice for two years. It should start October 1. Schorr said the Board would provide a letter of support. Raybould commended the program and noted studies supporting these types of programs. Bowen said his organization is working with the University of Nebraska-Lincoln Center on Children, Families, and the Law to develop an evaluation component. This will help determine the success of the program.

MOTION: Hudkins moved and Raybould seconded approval of the memorandum of understanding. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- F. **A contract between Praeses, LLC, and Lancaster County for Management of inmate telephone services. The County will pay for services according to the Placer County Sheriff's Office Agreement and Attachment A. Term of the contract is April 19, 2011, to September 27, 2013. (C-11-0198)**

MOTION: Heier moved and Hudkins seconded approval of the contract. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- G. **A contract between Swarco Reflex, Inc., and Lancaster County for the annual supply of glass pavement marking beads. The County will pay for products and services pursuant to State of Nebraska Contract No. 12943 OC. Term of the contract is February 17, 2011, to February 28, 2012. (C-11-0199)**

MOTION: Heier moved and Hudkins seconded approval of the contract. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- H. **An amendment to County Contract No. C-08-0257 between First Choice Vending, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for snack food vending services at various locations. The amendment renews the contract for an additional one-year term from June 1, 2011, to May 31, 2012. (C-11-0200)**

MOTION: Hudkins moved and Smoyer seconded approval of the amendment. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- I. **An amendment to County Contract No. C-11-0030 between Ferrellgas, Lancaster County and the City of Lincoln for annual requirements of propane. The amendment removes Line Item No. 5 from the supplier's response. (C-11-0201)**

Hudkins asked for details on Line Item No. 5. Bob Walla, Assistant Purchasing Agent, said he did not have the information with him, but he agreed to research the information and forward it to the Board.

MOTION: Raybould moved and Hudkins seconded approval of the amendment. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- J. **An agreement with Reinhardt Contracting, Inc., for annual requirements of excavating and dozing services using cooperative purchasing with the City of Lincoln. The County will pay for services according to the line item pricing as listed in the contractor's proposal. Term of the agreement is four years from the date of execution. (C-11-0202)**

Bob Walla, Assistant Purchasing Agent, clarified that two companies were being approved for this work: Hansen Construction Company and Reinhardt Contracting. He said a set hourly rate is used and other charges up to \$25,000 are allowed.

MOTION: Hudkins moved and Smoyer seconded approval of the agreement for Hansen Construction Company and Reinhardt Contracting. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- K. **An interlocal agreement with the Village of Firth for replacement of a culvert 60 feet west of Nemaha Street on the north side of Firth. There is no cost to the County. (C-11-0203)**

Don Thomas, County Engineer, said the agreement is the result of an old annexation, which only annexed half the roadway. This causes work to fall partially under Firth and partially under the County.

MOTION: Hudkins moved and Smoyer seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- L. **An agreement between Carlson Software and Lancaster County, for computer software crossgrading and migration services for the Lancaster County Engineering Department's survey software application. The County will pay \$2,290 for the services provided. Term of the agreement is April 1, 2011, to August 25, 2011. (C-11-0204)**

MOTION: Heier moved and Hudkins seconded approval of the agreement. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- M. **An amendment to County Contract No. C-11-0108 between Lancaster County and Saint Monica's Substance Abuse Treatment for Women, for non-physician trauma informed substance abuse treatment services for females placed in the Lancaster County Adult Drug Court. The amendment changes the term of the agreement to October 1, 2010, to September 30, 2011. (C-11-0205)**

MOTION: Raybould moved and Hudkins seconded approval of the amendment. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- N. **A service provider agreement between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of the Community Mental Health Midtown Center, for adult daycare services. Term of the agreement is May 1, 2011, to April 30, 2012. (C-11-0206)**

MOTION: Raybould moved and Hudkins seconded approval of the agreement. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- O. **An interlocal agreement between the Nebraska Secretary of State, Records Management Division, and Lancaster County to provide microfilm imaging services. The State will pay Lancaster County for microfilm imaging services at a rate of \$0.02 per image, \$11.69 per roll to duplicate 215' x 16 mm microfilm and \$12.26 per roll to duplicate 110' x 35 mm microfilm. The term of the agreement is one year from the date of execution. (C-11-0207)**

MOTION: Smoyer moved and Hudkins seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- P. **A political subdivision tort claim filed against Lancaster County Corrections by Jeremiah Paulsen for damaged property in the amount of \$60.**

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Raybould seconded denial of the tort claim based on the department director's recommendation. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

Q. Potential litigation (executive session).

The Chair announced the item would be held until the end of the meeting.

6) **CONSENT ITEMS:** *These are routine business items that 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. **A right-of-entry contract between Lancaster County and Burlington Northern Santa Fe Railway Company, relating to Burlington Northern Santa Fe's entry upon County property to reconstruct the Saltcreek railway bridge near Hickman, Nebraska. (C-11-0208)**
- B. **Receive and place on file the County Sheriff's monthly report for March 2011.**

MOTION: Hudkins moved and Smoyer seconded approval of the consent items. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

7) **PUBLIC COMMENT:**

Jane Svoboda appeared to discuss various items.

John Austin asked when the new County jail would be finished. Schorr said it would be around mid Spring of 2012. Austin asked if inmates were held in other counties. Schorr said the Lancaster County facility is overcrowded so inmates are transferred to other counties. Heier said 69 inmates are currently in other jails at a cost of over \$1,000,000 per year.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 21, 2011, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, April 26, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.**
- C. **A public hearing will be held on Tuesday, April 26, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding an amusement license application from Linh Quang Buddhist Center, Inc., for events on Saturday, May 14; Saturday, August 13; and Saturday, September 3, 2011, located at 3175 W. Pleasant Hill Road, Lincoln, Lancaster County, Nebraska.**

8) **ANNOUNCEMENTS CONTINUED:**

D. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday at 1:30 and 6:30 p.m. and on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and on the internet at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.

E. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

The Chair recessed the meeting at 10:37 a.m.

The Chair reconvened the meeting at 10:39 a.m.

Hudkins exited the meeting.

RETURNING TO ITEM 5Q:

MOTION: Heier moved and Smoyer seconded to enter executive session for the purpose of potential litigation and to protect the public interest at 10:39 a.m. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

MOTION: Heier moved and Smoyer seconded to exit the executive session at 10:55 a.m. Raybould, Heier, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.

9) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:55 a.m. Heier, Raybould, Smoyer and Schorr voted aye. Hudkins was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 19, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING**

Commissioners present: Deb Schorr, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, 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 10:37 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 12, 2011.**

MOTION: Hudkins moved and Raybould seconded approval of the minutes. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

2) **ADDITIONS AND DEDUCTIONS: Approval of four additions and deductions to the tax assessment rolls per Attachment "A".**

MOTION: Heier moved and Hudkins seconded approval of the additions and deductions. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

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

**Alzheimer's Association – Great Plains Chapter
Child Guidance Center
Christ United Methodist Church
Cristo Rey Catholic Church**

MOTION: Raybould moved and Smoyer seconded approval of the motor vehicle tax exemptions. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **ADJOURNMENT**

MOTION: Hudkins moved and Heier seconded to adjourn the Board of Equalization meeting at 10:39 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk

