

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 6, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on March 2, 2012.

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

Others present: Kerry Eagan, Chief Administrative Officer
Brittany Behrens, 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, February 28, 2012.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Hudkins, Raybould, Heier and Smoyer voted aye. Schorr abstained. Motion carried 4-0 with one abstention.

2) **CLAIMS: Approval of all claims processed through Tuesday, March 6, 2012.**

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

3) **SPECIAL PRESENTATIONS:**

A. **Presentation of the Commissioners Award of Excellence for January 2012 to Jason Workman, Youth Services Center.**

The Clerk read the nomination for the record. Sheli Schindler, Youth Services Center Director, commended Workman on his job performance. Workman accepted a plaque from Heier and expressed his appreciation.

B. **Presentation on Nebraska's Centennial Mall – Susan Larson Rodenburg and Patty Pansing Brooks.**

SPECIAL PRESENTATIONS CONTINUED:

Susan Larson Rodenburg, Fund Development Coordinator for the Lincoln Parks Foundation, thanked the County Board for their commitment to the Centennial Mall project. She said the Lancaster County Board designated \$100,000 for the project a few years ago, which helped start the project. The video presentation was postponed until the end of the meeting. *(Note: The County's funding for this project will come from the Visitors Improvement Fund, which consists of lodging tax dollars as opposed to property tax dollars.)*

4) PUBLIC HEARINGS:

A. Adoption of the 2009 edition of the International Residential Code. (See 5A for correlating item.)

The Chair opened the public hearing. Fred Hoke, Director of Building and Safety, and Mel Goddard, Chief Building Inspector, were administered the oath. Goddard reviewed the Code updates, which include changes to carbon monoxide detector requirements, inspection requirements for new structures, and discontinued use of vapor barriers with sheet rock. In response to Raybould's question, Hoke said the changes would be effective immediately upon approval for the County but would not be effective until 15 days after the City's approval. Heier asked if changes would apply to construction already in progress. Hoke and said it would be based on when the permit was filed; Goddard noted they would still recommend the new changes. The Chair closed the public hearing.

5) NEW BUSINESS:

A. A resolution in the matter of adopting the 2009 edition of the International Residential Code. (R-12-0017)

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

B. A special events permit application from Angry Cow Adventures for the Mountain Bike Enduro Ride on March 25, 2012.

Jim Craig, Angry Cow Adventures, discussed the upcoming schedule of events.

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

C. A special events permit application from the UNL Cycling Team for the Tour de Husker bicycle race on March 24, 2012.

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

D. A special events permit application from Flatwater Cycling for the Flatwater MTB Enduro bicycle race on August 4, 2012.

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

NEW BUSINESS CONTINUED:

- E. **A resolution in the matter of amending the adoption of a policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by County elected officials, appointed officials, employees and volunteers. This resolution removes the U.S. Savings Bond previously awarded to the County Commissioners Annual Award of Excellence recipient. (R-12-0018)**

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

- F. **A resolution directing the County Engineer to conduct a study regarding vacating the north five feet of Portsche Lane, north of Lot 16 Irregular Tract and adjacent to Lot 2, Portsche Heights 4th Addition and Lot 5, Block 1, Portsche Heights 3rd Addition, all located in the Northeast Quarter of Section 22, Township 9 North, Range 7 East, Lancaster County, Nebraska. (R-12-0019)**

MOTION: Hudkins moved and Raybould seconded approval of the resolution with a correction that the study regards vacating the "south" five feet of Porsche Lane. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- G. **A resolution regarding the proposed sale of County property generally located at S. 68th Street and Wagon Train Road, Hickman, Lancaster County, Nebraska, which includes declaring the property surplus, determination of fair market value and setting the sale date of the property for March 29, 2012. (R-12-0020)**

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

- H. **A recommendation from the Purchasing Agent and the County Engineer to award a contract to H.R. Bookstrom Construction, Inc., in the amount of \$166,545 for culvert replacement and maintenance. (B-12-0008)**

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

- I. **A recommendation from the Purchasing Agent and the County Engineer to award a contract to Brandt Excavating Company, in the amount of \$47,469.87 for erosion control at bridges. (B-12-0009)**

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

- J. **A utility relocation agreement between Lancaster County and Norris Public Power District to relocate utility facilities to accommodate the grading of Havelock Avenue from 1200 feet west of N. 162nd Street to N. 176th Street; Project C55-J-403(2). The County's share of the total project cost shall not exceed \$7,150.26. (C-12-0109)**

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

NEW BUSINESS CONTINUED:

- K. **An amendment to County Contract C-11-0730 with Natural Resources Conservation Service, US Department of Agriculture, to allow soil boring tests on a portion of W. Stagecoach Road as part of the design work for the Upper Salt Creek Site 3-A flood water-retarding road structure. The amendment extends the term of the contract to April 30, 2012, to allow adequate time to conduct the soil boring tests. (C-12-0111)**

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

- L. **An amendment to a lease agreement with Clean and Sober Living for sober living units. The amendment renews the agreement for an additional nine-month period to December 31, 2012. (C-12-0124)**

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

- M. **A contract with Vogel Paint and Wax Company, Inc., using cooperative purchasing with the State of Nebraska for the annual supply of traffic paint. Pricing for the products will be pursuant to State of Nebraska contract 13162 OC. Term of the contract is January 9, 2012, to December 31, 2012. (C-12-0110)**

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

- N. **An agreement with All Needs Computer & Mailing Services, Inc., for mailing services for the Lancaster County Election Commission. The County shall pay for products and services according to the contractor's proposal. Term of the agreement is one year from the date of execution by both parties. (C-12-0112)**

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

- O. **An agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steve McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the Primary Election to be held on Tuesday, May 15, 2012. The agreement shall continue until May 18, 2012. The County will pay \$53 per polling location for the delivery service. (C-12-0113)**

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

- P. **An agreement with B&B Lawn Service for noxious weed control services for the Lancaster County Noxious Weed Control Authority. The County will pay for services according to pricing as listed in the contractor's proposal. Term of the agreement is March 1, 2012, to February 28, 2013. (C-12-0114)**

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

NEW BUSINESS CONTINUED:

- Q. **An agreement with Chem-Trol for noxious weed control services for the Lancaster County Noxious Weed Control Authority. The County will pay for services according to pricing as listed in the contractor's proposal. Term of the agreement is March 1, 2012, to February 28, 2013. (C-12-0115)**

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

- R. **An agreement with Lee's Lawn Maintenance for noxious weed control services for the Lancaster County Noxious Weed Control Authority. The County will pay for services according to pricing as listed in the contractor's proposal. Term of the agreement is March 1, 2012, to February 28, 2013. (C-12-0116)**

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

- S. **An agreement with All Care Grounds Management for noxious weed control services for the Lancaster County Noxious Weed Control Authority. The County will pay for services according to pricing as listed in the contractor's proposal. Term of the agreement is March 1, 2012, to February 28, 2013. (C-12-0117)**

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

- T. **An agreement with Mr. Yards and More, LLC, for noxious weed control services for the Lancaster County Noxious Weed Control Authority. The County will pay for services according to pricing as listed in the contractor's proposal. Term of the agreement is March 1, 2012, to February 28, 2013. (C-12-0118)**

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

Schorr said the public could help report noxious weeds by going to www.lancaster.ne.gov, clicking on Weed Control Authority and selecting the link to the Weed Watcher Program.

- U. **An amendment to County Contract C-11-0083 between WM Healthcare Solutions, Inc., Lancaster County and the City of Lincoln for infectious waste pickup and disposal on an as needed basis. The amendment renews the agreement for an additional one-year term from March 8, 2012, to March 7, 2013. (C-12-0119)**

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

- V. **An amendment to County Contract C-10-0006 between New Heights Tree Service, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for annual tree trimming requirements. The amendment renews the agreement for an additional one-year term from January 25, 2012, to January 24, 2013. (C-12-0120)**

NEW BUSINESS CONTINUED:

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

- W. **An amendment to County Contract C-09-0138 between Commonwealth Electric Company of the Midwest, Lancaster County, the City of Lincoln and Lincoln-Lancaster County Public Building Commission for the annual requirements of emergency and large project electrical services. The amendment renews the agreement for an additional one-year term from April 1, 2012, to March 31, 2013. (C-12-0121)**

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

- X. **An amendment to County Contract 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 three months from June 1, 2012, to August 31, 2012. (C-12-0122)**

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

- Y. **An amendment to County Contract C-09-0514 between First Choice Vending and Lancaster County for vending services at the Lancaster County Correctional Facilities. The amendment renews the contract for an additional seven months from February 2, 2012, to August 31, 2012. (C-12-0123)**

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

- Z. **An office policy regarding letters for County Board signature and use of County Board letterhead.**

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

- 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-way contract between the County Engineer and Verl and Marlene Mulder, in the amount of \$433, located on S. 148th Street south of Pella Road; Project CP-Y-74. (C-12-0125)**
- B. **Receive and place on file the February 2012 reports for the County Clerk and the Clerk of the District Court.**

CONSENT ITEMS CONTINUED:

- C. Setting of public hearings for Tuesday, March 20, 2012, at 9:30 a.m. in Room 112, on the first floor of the County-City Building regarding the following:
1. County Change of Zone 12001, requested by Lakehouse Farms, LLC, to amend the Lancaster County Zoning Resolution to add "Market Garden" as a special permitted use in the AG and AGR zoning districts.
 2. County Special Permit 12003, requested by Lakehouse Farms, LLC, for authority to operate a Market Garden with a restaurant as an accessory use, on property generally located at N. 112th Street and Branched Oak Road.

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

- 7) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

J. Rock Johnson discussed the integration of behavioral health with primary health services and the Community Mental Health Center Planning Committee recommendations. She suggested developing a task force composed of 75% mental health service consumers and advocates. She stressed the importance of involving people in the changes at the Community Mental Health Center.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Tuesday, March 6, 2012, at 10:30 a.m., or immediately following the Lancaster County Board of Equalization meeting, 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, March 13, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.
- C. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 411 and on the internet at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.
- D. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

9) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:14 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 6, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on March 2, 2012.

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

Others present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Brittany Behrens, 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 10:14 a.m.

1) **MINUTES**: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 28, 2012.

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Hudkins, Raybould, Heier and Smoyer voted aye. Schorr abstained. Motion carried 4-0 with one abstention.

2) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS** (See attached additions and deductions)

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

3) **ADJOURNMENT**

MOTION: Smoyer moved and Raybould seconded to adjourn the Board of Equalization meeting at 10:15 a.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

