

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 15, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
5:00 P.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 May 11, 2012.

Commissioners present: Deb Schorr, Chair
Larry Hudkins, Vice Chair
Bernie Heier
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
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

Schorr announced it was National Law Enforcement Day and thanked officers for their service, particularly those who had died in the line of duty. Hudkins reminded everyone to vote today.

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 5:00 p.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 8, 2012.**

MOTION: Hudkins moved and Raybould 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, May 15, 2012.**

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

3) **PUBLIC HEARING:**

A. **An amusement license application from Dan Warren for an open air concert at 2601 Saltillo Road on May 26, 2012. (See 4A for correlating item.)**

The Chair opened the public hearing.

Dan Warren was administered the oath. He said the location of the event is split between agricultural and B1 zoning. He did not realize that open air concerts were not allowed in B1 zoning.

PUBLIC HEARING CONTINUED:

Schorr noted the timing of the event and asked Warren if he had alternative plans if the application was not approved. Warren said a mountain bike course was set up on the back of the property, but it was not listed on the application because he did not think a permit was needed to hold a private race. He estimated 50-70 riders would be using the track.

Brittany Behrens, Deputy County Attorney, was administered the oath. She explained the Board has the authority to take action on the amusement license application, but the City also has zoning jurisdiction since the property is within the three-mile radius. She recommended denial of the amusement license because the activities listed are in violation of zoning and would not be able to occur even if the Board approved the application. Behrens added that she was not aware of the bike race; the application only listed the open air concert. Revising the application would require another two weeks of public notice and a public hearing. Heier questioned if the amusement license or zoning would come first. Behrens said one does not trump the other; both pieces must be approved. Warren questioned if the event would need the same approval if it was not advertised and no admission was charged. He also questioned if the event could be pushed back onto the agricultural half of the property. Behrens said both issues would be determined by the City's zoning regulations.

Hudkins noted a similar event was held by the Near South Neighborhood in Stransky Park. He questioned how Warren received permission to host the event on this land. Warren said he had been by the property several times and previously offered to buy a piece of the land. The property owners did not want to sell the land but were agreeable to provide the land for an event as long as he was insured. Hudkins questioned if the application was even needed. Behrens said the amusement license is required when any applicant is proposing an event where there is going to be eating, drinking and dancing or a combination of any two or more of those activities. She said charging for the event is tied to the City's zoning restrictions.

Raybould encouraged Warren to proceed with the process but to consider alternative locations without the zoning restrictions. She questioned if the two weeks' notice could be waived if Warren submitted a new application. Behrens said it would be necessary to go through the notification process again since it is statutorily required.

Smoyer discussed the importance of providing complete information on the application. He asked Warren if he spoke to anyone regarding the Stransky Park event. Warren said the idea came from the Stransky Park event but he did not speak to anyone on it. He later found out City parks are exempt from the zoning. Smoyer asked if the date was negotiable. Warren said he paid for the insurance for the full year so rescheduling would be an option. Smoyer recommended talking to Building & Safety to work out their requirements.

Heier noted other requirements for approval, such as security or parking. He felt there should be more time allowed to plan for these things.

The Chair closed the public hearing.

4) NEW BUSINESS:

- A. An amusement license application from Dan Warren for an open air concert at 2601 Saltillo Road on May 26, 2012.**

NEW BUSINESS CONTINUED:

MOTION: Hudkins moved and Heier seconded denial of the amusement license application. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- B. **A special designated license application from Theresa M. White to provide liquor beverage service for an event at 2601 Saltillo Road on May 26, 2012.**

MOTION: Hudkins moved and Heier seconded denial of the special designated license application. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- C. **Authorization for release of escrow funds to Lancaster Manor Real Estate, LLC, in the amount of \$69,351.52. (C-12-0234)**

MOTION: Heier moved and Hudkins seconded approval to release the escrow funds. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- D. **A contract between Lancaster County and Dobson Brothers Construction Company to resurface various County roads in the amount of \$1,683,431.79; Project 12-30. The project shall be completed in the summer of 2012. (C-12-0235)**

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

- E. **An agreement between Logan Contractors Supply, Inc., and Lancaster County, on behalf of the Lancaster County Engineering Department, in the amount of \$3,780 per month, for a trailer-mounted polypatch applicator. The lease term will be one year from the date of execution with the option to renew for one additional year. (C-12-0238)**

Hudkins said he contacted the County Engineer regarding the cost of one month's rent, which is one-tenth of the total cost. He was told the machine has been used by Saunders County and the State, and leasing would provide the opportunity to try it for a month.

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

- F. **An amendment to County Contract C-09-0323 with Logan Contractors Supply, Inc., for the annual supply of rubberized asphalt joint sealant. The amendment renews the contract for an additional one-year term from June 30, 2012, to June 29, 2013, and adds modified asphalt pavement repair mastic at \$0.65 per pound. (C-12-0236)**

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

- G. **A contract with Graybar Electric for the annual supply of small miscellaneous household batteries. The County shall pay for products according to the pricing as listed in the contractor's proposal on an as needed basis. Term of the contract is one year from the date of execution by both parties. (C-12-0237)**

NEW BUSINESS CONTINUED:

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

- H. **An agreement with Great Plains Appraisal Company, on behalf of Wayne Kubert and Tom Kubert, to provide the services of a Referee Coordinator to coordinate referees who will hear all property tax protests for the 2012 tax year before the Lancaster County Board of Equalization. The coordinator is also responsible for ensuring all papers related to such protests along with written findings and recommendations are made available to the Board. The Referee Coordinator shall be reimbursed at a rate of \$720 per working day up to \$180,000. (C-12-0239)**

MOTION: Heier moved approval of the agreement.

FRIENDLY AMENDMENT: Raybould seconded with the request for a 3% reduction in the reimbursement rate. The seconder accepted the friendly amendment.

Tom Kubert, Great Plains Appraisal, said he has been working with the County Clerk's Office to revise the process and provide the best services for the money. In revising the process, 18.8% has already been cut off the projected labor cost. In 2009, at the County's request, Great Plains dropped the rates by 5% which have not been raised since. In the past 15 years, rates have only gone up 8% under this contract. Current rates are 65-70% below what is being charged to other clients. Based on reduced rates and savings found, Kubert stated Great Plains could not cut rates any further.

Hudkins said the referee coordinator is reimbursed at \$720 per day; a 3% reduction would be \$21.60 less per day. He asked if Kubert would accept \$700 per day. Kubert said the County's rate is already so far below what is charged to other clients, he could not go lower.

Schorr questioned Kubert on how many hours he worked during the BOE process. Kubert said the \$720 per day rate is based on an eight-hour day, but many days are longer.

Smoyer felt although the 3% cut is asked of all County Departments, it was unfair to expect this of a business like Great Plains, especially at this point in the process.

Behrens noted the Board could not unilaterally change the contract.

ROLL CALL ON THE AMENDED MOTION: Hudkins and Raybould voted aye. Heier, Smoyer and Schorr voted nay. Motion failed 2-3.

MOTION: Heier moved and Smoyer seconded to approve the agreement with the original pay rate. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- I. **A renewal of a maintenance agreement with Environmental Systems Research Institute, Inc. (ESRI) in the amount of \$16,100 for ArcGIS software used by the Lancaster County Engineer and County Assessor/Register of Deeds Geographic Information System (GIS). Term of the agreement is July 21, 2012, to July 20, 2013. (C-12-0240)**

NEW BUSINESS CONTINUED:

MOTION: Hudkins moved and Raybould seconded approval of the agreement renewal in the amount of \$16,100. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- J. **A memorandum of understanding between Region V Systems and Lancaster County for the purpose of defining the duties and responsibilities of Region V and the County in the development of a new service model for the provision of integrated primary care and community behavioral health services in Lancaster County. (C-12-0241)**

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

- K. **A political subdivision tort claim filed against Lancaster County Corrections by Lloyd E. Dennis Jr. for lost property in the amount of \$10.30.**

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

- L. **A political subdivision tort claim filed against Lancaster County Corrections by Kelly J. Walker for lost property in the amount of \$3,802.37.**

MOTION: Heier moved and Hudkins seconded approval of the tort claim in the amount of \$35 based on the department director's recommendation. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- 5) **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. **Right-of-way contracts between the County Engineer and Cheryl and James Brown, in the amount of \$3,781, located at S. 82nd Street and Saltillo Road; Project C55-S-404(4). (C-12-0242) (C-12-0243)**
- B. **Setting of public hearings for Tuesday, May 29, 2012, at 9:30 a.m. in Room 112 on the first floor of the County-City Building regarding the following:**
1. **A manager application for Nicholas Ganow in connection with the liquor license for Jasper's, 13940 O Street, Lincoln.**
 2. **A manager application for Brett Morgan in connection with the liquor license for Hidden Valley Golf Course, 10501 Pine Lake Road, Lincoln.**
 3. **An amusement license application from Robinette Farms to hold an event on June 16, 2012, at 17675 SW 14th Street, Martell.**

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

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

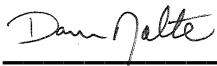
No one appeared for public comment.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold department budget hearings on Wednesday, May 16, 2012, beginning at 8:00 a.m., in Room 113 on the first floor of the County-City Building.
- B. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, May 17, 2012, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.
- C. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, May 22, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.
- D. 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 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.

8) **ADJOURNMENT**

MOTION: Raybould moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 5:40 p.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, MAY 15, 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 May 11, 2012.

Commissioners present: Deb Schorr, Chair
Larry Hudkins, Vice Chair
Bernie Heier
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
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 5:40 p.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 8, 2012.**

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 TO THE TAX ASSESSMENT ROLLS (See attached additions and deductions)**

MOTION: Heier moved and Raybould 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:**

Church of Jesus Christ of Latter-day Saints

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

4) **ADJOURNMENT**

MOTION: Raybould moved and Heier seconded to adjourn the Board of Equalization meeting at 5:42 p.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk

