MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS TUESDAY, MAY 22, 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 May 18, 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

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

1) <u>MINUTES:</u> Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 15, 2012.

MOTION: Hudkins 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, May 22, 2012.

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. Recognition of County employees' service anniversaries.

The County Board recognized employees who celebrated 10, 15, 20, 25, 30, 35, 40 and 50-year service anniversaries.

B. Recognition of Dean Settle, Community Mental Health Executive Director.

Schorr gave a history of Dean Settle's career. The Clerk read the resolution for the record (Item 4A). Hudkins presented a plaque and copy of the resolution to Settle who expressed his appreciation.

SPECIAL PRESENTATIONS CONTINUED:

The Board praised Settle for his service to the County and his dedication to those aided by the Community Mental Health Center.

4) **NEW BUSINESS**:

A. A resolution in the matter of expressing the County's appreciation for the dedicated services of Dean Settle. (R-12-0039)

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

B. A special events permit application from Angry Cow Adventures for the Ride 2 Recovery bike ride on June 9, 2012.

Jim Craig, Angry Cow Adventures, said the event is based out of Hickman with proceeds going to returning wounded veterans.

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

C. Special designated license applications from WunderRosa Winery to provide liquor beverage service at events on June 9, June 15, June 16 and July 14, 2012, at 2361 Wittstruck Road, Roca.

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

D. An amusement license renewal application from Capital City Horse & Pony Club for an event on August 25, 2012, at 12900 N. 14th Street, Raymond.

Ken Lonowski, Capital City Horse & Pony Club, said the fundraiser event would help support the arena.

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

E. An amusement license renewal application from Josh Kadavy to operate a pumpkin patch on Fridays, Saturdays and Sundays during the period of September 21 to October 28, 2012, at 757 Bluff Road, Lincoln.

MOTION: Heier moved and Raybould seconded approval of the amusement license renewal application.

Josh Kadavy, JK Pumpkin Patch, discussed the previous year's success and the events and groups involved. The Board commended Kadavy for his work in establishing the pumpkin patch.

NEW BUSINESS CONTINUED:

Kadavy asked the Board to lower the insurance requirement from \$5,000,000 to \$2,000,000 as they did the prior year. Brittany Behrens, Deputy County Attorney, said a motion could be made to reduce the insurance as before.

FRIENDLY AMENDMENT: Smoyer offered a friendly amendment to the motion to lower the insurance requirement from \$5,000,000 to \$2,000,000. The maker and the seconder agreed.

ROLL CALL: Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

F. Approval of recommendations from the Juvenile Justice Prevention Fund Advisory Committee for the award of grants from the Juvenile Justice Prevention Fund totaling \$110,000 for the 2012-2013 budget year.

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

G. Appointment of Brad Roth and Stan Beeder to the Lancaster County Indigent Defense Advisory Committee for three-year terms expiring May 10, 2015.

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

H. Letter of acknowledgement that payments made under County Contract C-12-0235 will be escrowed through Northern Escrow, Inc.

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

 Approval of UCC filings and payment of filing fees for Prairieland Foods, LLC, under the Community Development Block Grant – Reuse Economic Development Loan Program Financing.

MOTION: Smoyer moved and Hudkins seconded approval of the UCC filings and payment of filing fees. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

J. A recommendation from the Purchasing Agent and the County Treasurer to award a bid to Continental Fire Sprinkler Company in the amount of \$2,266 for a security system with monitoring services. (B-12-0022)

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

K. A resolution between Lancaster County and the Nebraska Department of Roads for Project HRRR-STWD(092) – Pavement Marking to help prevent or minimize lane departure crashes on paved County roads. Estimated cost to the County is \$48,100. (R-12-0036)

NEW BUSINESS CONTINUED:

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

L. A resolution between Lancaster County and the Nebraska Department of Roads for Project HRRR-STWD(116) – Advance Railroad Signing Installation to help prevent or minimize rail-vehicular crashes on rural County roads. There is no cost to the County. (R-12-0037)

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

M. A resolution between Lancaster County and the Nebraska Department of Roads for Project HRRR-STWD(117) – Advance Railroad Pavement Markings to help prevent or minimize rail-vehicular crashes on rural County roads. Estimated cost to the County is \$1,822. (R-12-0038)

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

N. A contract between Dobson Brothers Construction Company, Lancaster County and the City of Lincoln for the annual supply of asphaltic concrete. The County will pay for products and services according to the pricing as listed in the contractor's proposal. Term of the contract is one year from the date of execution by all parties. (C-12-0244)

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

O. A contract between Constructors, Inc., Lancaster County and the City of Lincoln for the annual supply of asphaltic concrete. The County will pay for products and services according to the pricing as listed in the contractor's proposal. Term of the contract is one year from the date of execution by all parties. (C-12-0245)

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

P. A contract between Cather & Son's Construction, Inc., Lancaster County and the City of Lincoln for the annual supply of asphaltic concrete. The County will pay for products and services according to the pricing as listed in the contractor's proposal. Term of the contract is one year from the date of execution by all parties. (C-12-0246)

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

NEW BUSINESS CONTINUED:

Q. A contract between Pavers, Inc., Lancaster County and the City of Lincoln for the annual supply of asphaltic concrete. The County will pay for products and services according to the pricing as listed in the contractor's proposal. Term of the contract is one year from the date of execution by all parties. (C-12-0247)

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

R. An interlocal agreement between Lancaster County and Norris Public School District 160 for improvements to Princeton Road. The agreement is effective upon execution and will continue until December 31, 2013, or until the completion of the project. (C-12-0248)

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

S. A contract between Voss Electric Company, d/b/a Voss Lighting, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of light bulbs and ballasts. The County will pay for products and services according to the pricing as provided in State of Nebraska Contract 13270 OC. Term of the contract is May 1, 2012, to April 30, 2015. (C-12-0249)

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

T. A contract with VSA, Inc., for the annual supply of cassette tapes. The County will pay for products and services according to the pricing as listed in the contractor's proposal. Term of the contract is March 27, 2012, to March 26, 2013. (C-12-0250)

Item was held per the request of the County Attorney.

U. An agreement with Jay Nutter for the care and maintenance of Deitz Cemetery. Cost to the County is \$50 per mowing not to exceed \$200 per year. (C-12-0251)

MOTION: Heier moved and Smoyer seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier 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 the following:
 - 1. Ronald and Lynda McGill, as a donation, located on Davey Road east of N. 176th Street; Project CP-A-233. (C-12-0252)

CONSENT ITEMS CONTINUED:

- 2. Marion and Janella Eli, in the amount of \$2,857, located on S. 82nd Street between Roca Road and Saltillo Road; Project C55-S-404(4). (C-12-0253) (C-12-0254)
- B. Receive and place on file the following:
 - 1. County Sheriff monthly report for April 2012
 - 2. County Engineer quarterly report for January-March 2012

MOTION: Heier moved and Raybould seconded approval of the consent items. Hudkins, Raybould, Heier, Smoyer 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 a staff meeting on Thursday, May 24, 2012, 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, May 29, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.
- C. Public hearings will be held on 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.
- 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 10:11 a.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Lancaster County Clerk

MINUTES LANCASTER COUNTY BOARD OF EQUALIZATION

TUESDAY, MAY 22, 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 18, 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

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 10:11 a.m.

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 15, 2012.

MOTION: Hudkins moved and Smoyer 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 (Attachment A)

MOTION: Raybould moved and Smoyer 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:

Cathedral of the Risen Christ
Family Service Association of Lincoln
First United Methodist Church
Radiant Church
Southeast Nebraska Mobile Diagnostic Services
St. Peter's Catholic Church of Lincoln

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

St. Teresa Church

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

4) 2012 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY RECOMMENDED FOR APPROVAL (Attachment B)

Scott Gaines, Deputy County Assessor/Register of Deeds, said every four years organizations must reapply for exemption based on educational, charitable and religious use. The Assessor's Office reviews the applications and makes recommendations to the Board who makes the final decision.

MOTION: Heier moved and Hudkins seconded approval of the 2012 451 tax exemptions as outlined in Attachment B. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

5) 2012 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY RECOMMENDED FOR APPROVAL WITH A LATE FILING PENALTY (Attachment C)

Gaines recommended approval of these applications with the appropriate late filing penalties required by statute. The maximum penalty is \$100 per month.

MOTION: Raybould moved and Hudkins seconded approval of the 2012 451 tax exemptions with the late filing penalties as outlined in Attachment C. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

6) 2012 451 PARTIAL TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY RECOMMENDED FOR APPROVAL (Attachment D)

Gaines said partial approvals include properties with a specific portion used for an exempt purpose and other portions used for a taxable purpose. He reviewed each of the partial exemptions.

- Advisory Board Church of the Nazarene and Prairie Hill Learning Center would require a late filing penalty in addition to their partial approval.
- Faith Bible Church has a taxable portion of property used to house their security person.
- Lincoln Firefighters Reception Hall is used primarily for receptions.
- Union College has an apartment on one parcel that is rented to private individuals and not used for students.
- University of Nebraska Foundation has two parcels in Technology Park which have a portion of the property used for educational purposes.

MOTION: Heier moved and Smoyer seconded approval of the 2012 451 partial tax exemptions as outlined in Attachment D with late filing penalties for Advisory Board Church of the Nazarene and Prairie Hill Learning Center. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

7) 2012 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY RECOMMENDED FOR DENIAL (Attachment E)

Gaines said Central States Conference of Seventh-Day Adventists is recommended for denial because the land in question has not been developed for use yet. Friedens Evangelical Lutheran Church and University Park Jehovah's Witness have sold their properties to private individuals since their applications were submitted.

MOTION: Hudkins moved and Smoyer seconded denial of the 2012 451 tax exemptions for Central States Conference of Seventh-Day Adventists, Friedens Evangelical Lutheran Church and University Park Jehovah's Witness. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

Gaines said City Impact intends to remodel a building for their use, but the permits have not been obtained to start work yet. Gaines said he informed City Impact that denial would be recommended at this time, but they could reapply by July 1 if the property has been converted to an exempt use.

MOTION: Hudkins moved and Raybould seconded denial of the 2012 451 tax exemptions for City Impact (three parcels). Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

Gaines said the two parcels for Madonna Rehabilitation Hospital have been denied previously. The parcels are lots adjoining the Madonna Proactive facility; they are not being used at this time.

MOTION: Heier moved and Raybould seconded denial of the 2012 451 tax exemptions for Madonna Rehabilitation Hospital (two parcels). Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Gaines said Priestly Fraternity of St. Peter owns three parcels outside of town that are only used as pasture and not for religious purposes.

MOTION: Heier moved and Raybould seconded denial of the 2012 451 tax exemption for Priestly Fraternity of St. Peter. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

Gaines said Lincoln Izaak Walton League uses the property in question for promoting hunting, fishing and teaching of firearm safety. The application was listed under educational use; however, it appears to be primary recreational. Hudkins questioned if firearm safety classes were taught. Gaines said the application only listed "safe handling of firearms", and he questioned if it would be conditional based on statute.

MOTION: Heier moved and Raybould seconded denial of the 2012 451 tax exemptions for Lincoln Izaak Walton League. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

Gaines said Radix was previously approved but now its use is being questioned. The application lists religious use, including faith-based retreat services for youth and adults, presentations and seminars. The property now has an obstacle course, so recreational use versus religious use is unclear.

2012 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY RECOMMENDED FOR DENIAL CONTINUED:

Don Urbanovsky, neighbor of Radix/Victory Quest, felt the property use had changed. He discussed changes to the Radix and the Camp Gargano web sites and the links to Victory Quest. He felt the focus was more on the obstacle course rather than boot camps and religious events. Urbanovsky noted Camp St. Michael's inability to use the Camp Gargano facility. He provided copies of the web site pages discussed (Exhibit A).

Peter Katt, Attorney for Radix, said the original intention of the exemption application was for Christian athletic use. The concept was to bring in troubled dads and sons to heal "mind, body and soul" through physical activity. The project had been receiving support from a benefactor in Texas, but that benefactor can no longer offer the same support. They felt the facility needed to expand, and a recreational special permit is being processed. Currently there is no change in use; most of the promotion is being done in advance of the expectation of the permit being approved.

Raybould questioned the current federal tax classification. Katt said Radix is a 501(c)3 charitable organization. He said a restriction would be made so that Victory Quest may not use the facility for anything other than exempt purposes.

Smoyer asked if Radix would have the opportunity to reapply if it was denied today. Gaines said any of the current applications could still be changed if the Assessor or the Board requests a hearing to determine if the previously granted exemption remains appropriate based on change in ownership or use. Katt said the use has not changed; the special permit would not go before the Planning Commission until June 14.

Raybould questioned the basis for recommendation of denial. Gaines said the intention was to generate discussion on the application since it was unclear as to the extent of religious use. Raybould noted the YMCA is approved and their organization has recreational events that do not have religious pursuits. Gaines said the application lists it strictly as a religious use; it has not listed charitable use.

Schorr questioned the ownership of Victory Quest. Katt said Victory Quest is owned by Doug Pfeifer and Doug Barry. It is a separate entity from Radix and Camp Gargano. Radix is a nonprofit corporation with a Board of Directors.

Hudkins asked Gaines if the Assessor's Office maintained that there was a change in the property's use. Gaines said there is a change in use that is potentially occurring in greater magnitude. One of the statues states the property cannot be used for profit by the owner or user.

Brittany Behrens, Deputy County Attorney, said approval would be appropriate if the Board feels the information received indicates the primary use of the property is for religious purpose. The Assessor could monitor the situation to see if the use changes. However, if the Board feels the information is not sufficient, the item could be denied or held for one week for further discussion. She noted the items related to the special permit application would not be in place for a while.

MOTION: Raybould moved and Hudkins seconded approval of the 2012 451 tax exemption for Radix.

2012 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY RECOMMENDED FOR DENIAL CONTINUED:

Raybould felt there was not sufficient evidence to show the use had changed at this time.

Schorr said she had not heard mention of religious use in the discussion.

Smoyer said the web sites were void of any mention of religion. He said he would like more evidence, but there would be the option to revoke the exemption in the future.

ROLL CALL: Hudkins, Raybould and Smoyer voted aye. Heier and Schorr voted nay. Motion carried 3-2.

8) **ADJOURNMENT**

MOTION: Raybould moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:59 a.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

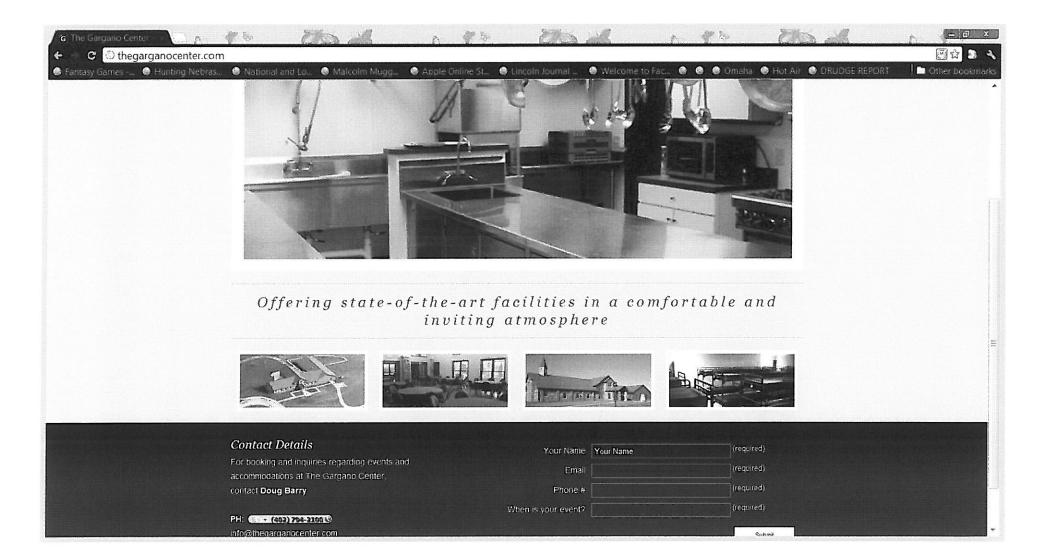
Dan Nolte

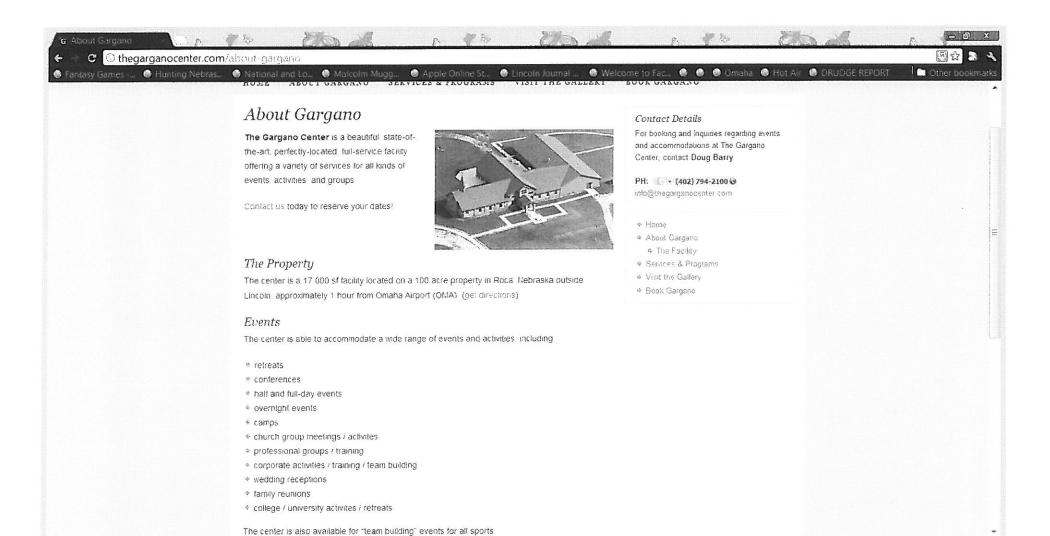
Lancaster County Clerk

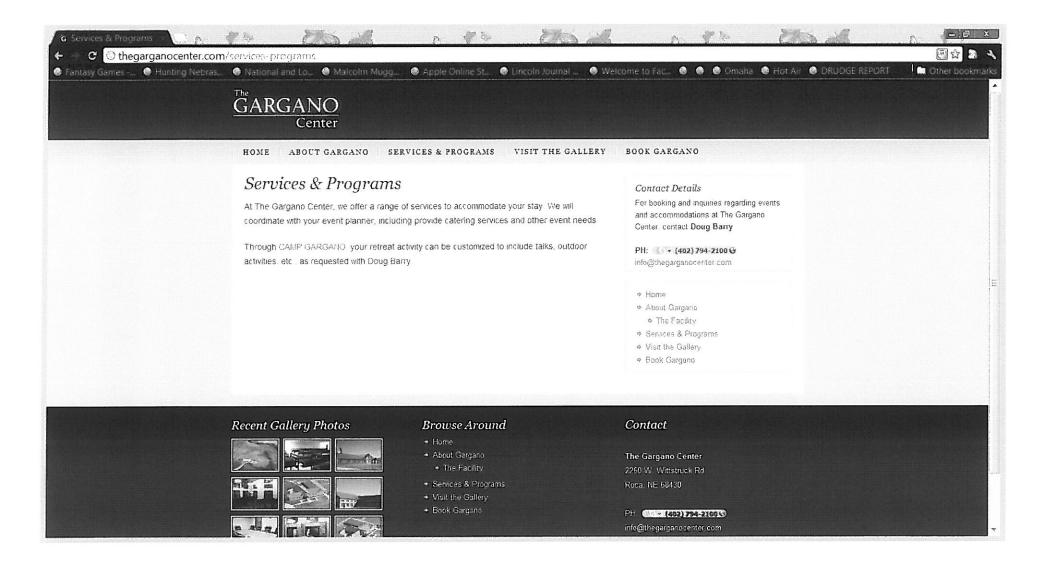
alte













Camp St. Michael

UPDATE 15 March 2012

Unfortunately, Camp St. Michael has to be CANCELLED for this year. The facility we were planning on using, Camp Gargano, has suddenly become unavailable. Although Mr. Barry and the RADIX staff operate the facility, they do not own it. They have been busy raising funds to keep the place operating, but have not been able to make the necessary financial goals. It remains to be seen whether they will be able to offer the campsite for us next year. Please keep them in your prayers!

We offer our sincere apologies for any difficulties this has caused. If you have any questions,

> please feel free to contact the Camp Director at: campstmichael@olgseminary.com



O Follow