

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 14, 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 August 10, 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) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 7, 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, August 14, 2012.**

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

3) **PUBLIC HEARINGS:**

- A. **County Change of Zone No. 12020, from AG Agriculture District to AGR Agriculture Residential District, requested by Scott Samuelson, on property generally located at S. 96th Street and Stagecoach Road. (See 4A for correlating item.)**

The Chair opened the public hearing.

Sara Hartzell, Planning Department, was administered the oath.

PUBLIC HEARINGS CONTINUED:

Hartzell discussed the criteria that the Planning Department considers for the change of zone.

- Comprehensive Plan map and language: The property is shown on the future land use map as low density residential/acreages. It is not within Lincoln's growth area or Hickman's one-mile jurisdiction.
- Paved roads: Gravel roads surrounding the property are low traveled roads. There are about 50 trips per day on Stagecoach Road and a little over 100 trips per day on S. 96th Street.
- Water availability: The property is within the Lancaster County Rural Water District 1. Currently there is no water service to the property. However, the service is about 1.4 miles away and there are other acreages nearby, so it could be added. Available wells show pumping rates between 10 and 49 gallons per minute. The Health Department suggests a minimum of five gallons per minute, so it is reasonable to expect the owner to be able to add a well.
- Soil conditions for wastewater management: Part of the land could have a lagoon or a lateral system. The rest of the land would need to have a lagoon.
- Emergency services: The firehouse in Hickman is within about 3.5 miles, which would be adequate.
- Ag productivity: Overall, the land is not considered prime farmland. There are about nine acres of dry land crops and 6.5 acres of pasture or grass. There is extensive parcelization already in this general area.

Hartzell recommended approval since the property meets all the criteria for a change of zone. She noted the Planning Commission also voted 5-0 for approval.

The Chair closed the public hearing.

4) NEW BUSINESS:

- A. **A resolution in the matter of County Change of Zone No. 12020, from AG Agricultural to AGR Agricultural Residential, requested by Scott Samuelson, on property generally located at S. 96th Street and Stagecoach Road in Lancaster County, Nebraska. (R-12-0064)**

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

- B. **Special designated license applications from WunderRosa Winery to provide alcoholic beverage service for events at 2361 Wittstruck Road, Roca, on September 8, September 15, and October 6, 2012.**

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

- C. **An amusement license renewal application from Ling Quang Buddhist Center to hold an event at 3175 W. Pleasant Hill Road, Lincoln, on Saturday, September 1, 2012.**

Terry Wagner, County Sheriff, said this event was held last year with no reported problems. He noted the Buddhist Center has a noise variance permit from the Health Department.

NEW BUSINESS CONTINUED:

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

- D. **A request from the Personnel Department to create the classification of AFSCME – County Engineer – Pay Plan ‘G’ and FOP #77 – Juvenile Detention Officers – Pay Plan ‘Y’.**

Brittany Behrens, Deputy County Attorney, clarified that the item should also include a request to revise the Facility Manager classification. She asked the Board to include it in the motion.

MOTION: Heier moved and Hudkins seconded approval of the request to create the classifications, including the revision of the Facility Manager classification. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- E. **A resolution in the matter of adopting the pay plans for Unrepresented Classified County Employees in the “C,” “E,” and “X” Classifications. (R-12-0065)**

MOTION: Hudkins moved approval of the resolution. (The motion was not seconded.)

MOTION: Raybould moved and Heier seconded to hold the resolution for further review.

Raybould said she would like to hold the resolution since the Board has not seen the complete fiscal note for Items 5E and 5F. She said the number does not include payroll tax calculations.

Schorr said the Budget and Fiscal Office stated that a 1% salary increase equates to \$150,000-\$160,000.

Hudkins withdrew his motion so the Board could vote on Raybould’s motion first.

ROLL CALL: Raybould voted aye. Smoyer, Hudkins, Heier and Schorr voted nay. Motion failed 1-4.

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

Raybould reiterated that it was important to have the exact amount before moving forward.

Schorr said she agreed to transfer a portion of the RTSD (Railroad Transportation Safety District) levy so funds could be allocated to unrepresented employees who have fallen behind in raises compared to union employees.

ROLL CALL: Hudkins, Heier, Smoyer and Schorr voted aye. Raybould voted nay. Motion carried 4-1.

- F. **A resolution in the matter of approving the 2012-2013 annual cost of living increase for Unrepresented Classified County Employees in the amount of two percent (2%), effective the pay period beginning August 23, 2012. (R-12-0066)**

MOTION: Heier moved and Smoyer seconded approval of the resolution.

NEW BUSINESS CONTINUED:

Don Thomas, County Engineer, asked the Board to favorably consider the pay increase.

Smoyer felt it was important to give unrepresented employees the appropriate raise since they have not received much the last few years. He noted the County has 330 fewer employees than in 2009.

Raybould agreed that employees deserve the raise, but she did not feel the County could afford an increase. She expressed concern about balancing the budget in the future.

Joe Kelly, County Attorney, thanked the Board for considering the raise for the unrepresented employees.

Heier said there is \$4,500,000 used for funding non-mandated services. He felt non-mandated services would need to be considered for cuts and eventually taxes may need to be raised.

Hudkins said the raise is an effort to maintain equality for employees. He added, even though 1.6 cents was transferred from the RTSD, there is still money for approved projects and future study.

Terry Wagner said the unrepresented employees do not share a community of interest with the union employees. He worried that the disparity in wages would imply the need to move the unclassified employees toward a union.

ROLL CALL: Hudkins, Heier, Smoyer and Schorr voted aye. Raybould voted nay. Motion carried 4-1.

- G. **An agreement with Steven M. Keller to provide non-exempt employees in the Security Guard classification compensatory time off in lieu of compensation for hours worked in excess of 40 hours per week. The County will pay the employee at the rate of one and one-half hours for each overtime hour which the employee works up to a maximum accrual of 20 hours of compensatory time. (C-12-0453)**

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

- H. **A labor agreement with the Lancaster County Deputy Sheriff's Association, Fraternal Order of Police, Lodge 29, for a two-year period beginning August 23, 2012, to August 31, 2014. (C-12-0454)**

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

- I. **Approval of a mini-grant contract application and award in the amount of \$1,545.75 from the Nebraska Office of Highway Safety to the Lancaster County Sheriff's Office to cover registration, lodging and transportation for a deputy to attend Crash Data Retrieval Analyst training. (C-12-0455)**

Terry Wagner introduced Jeff Bliemeister as the new Chief Deputy Sheriff. Bliemeister discussed his history with law enforcement.

NEW BUSINESS CONTINUED:

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

- J. **An interlocal agreement between Lancaster County and Seward County for the repair of Lancaster County Bridge No. N-63, located at SW 140th Street between W. Van Dorn Street and W. Denton Road. Seward County will reimburse Lancaster County for one-half of the total project cost. (C-12-0456)**

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

- K. **A contract with Bluff Gravel Company for the production of limestone rock, gravel and ice control material on an as needed basis. The County will pay for products listed in Line Item 3 of the contractor's proposal. Term of the contract is July 1, 2012, to June 30, 2013. (C-12-0457)**

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

- L. **A contract with Western Sand & Gravel Company for the production of limestone rock, gravel and ice control material on an as needed basis. The County will pay for products listed in Line Items 3 and 4 of the contractor's proposal. Term of the contract is July 1, 2012, to June 30, 2013. (C-12-0458)**

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

- M. **A contract with Lyman-Richey Corporation for the production of limestone rock, gravel and ice control material on an as needed basis. The County will pay for products listed in Line Items 3 and 4 of the contractor's proposal. Term of the contract is July 1, 2012, to June 30, 2013. (C-12-0459)**

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

- N. **An agreement with LeGrande Excavating, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for snow and ice removal services. The County will pay for products and services according to the line item pricing as listed in the contractor's proposal. Term of the agreement is one year from the date of execution by all parties. (C-12-0460)**

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

NEW BUSINESS CONTINUED:

- O. **An agreement with Mr. Yards and More, LLC, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for snow and ice removal services. The County will pay for products and services according to the line item pricing as listed in the contractor's proposal. Term of the agreement is one year from the date of execution by all parties. (C-12-0461)**

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

- P. **An amendment to County Contract C-12-0429 with Yant Equipment for the removal and replacement of concrete pavement near the Lancaster County Engineering Shop. The amendment provides for \$9,275 in additional work. (C-12-0462)**

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

- Q. **An amendment to County Contract C-08-0665 between Recycling Enterprises of Nebraska, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for recycling services. The amendment renews the agreement for an additional one-year term from August 1, 2012, to July 31, 2013. (C-12-0463)**

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

- R. **An amendment to County Contract C-09-0492 with Rochester Armored Car for armored car services. The amendment terminates services to the Lancaster County DMV office effective August 1, 2012. (C-12-0464)**

MOTION: Heier moved and Hudkins seconded approval of the amendment.

Schorr questioned if a different armored car service would be used. Bob Walla, Assistant Purchasing Agent, said the County Treasurer's Office decided to have an employee do the work; the location was specifically listed in the contract so an amendment was needed to remove it.

Hudkins verified with Walla that other locations would still use the armored car service. Walla said the amendment only applies to the West O location.

Heier withdrew his motion so the matter could be discussed further with the County Treasurer. The seconder concurred.

NEW BUSINESS CONTINUED:

- S. **An agreement with the University of Nebraska, Board of Regents and the Lincoln Housing Authority for operation of the Nutrition Education Program to address the nutritional needs of certain limited income persons living in urban housing in Lancaster County. The County will pay \$23,373 for the services which will be provided by the University. The Housing Authority will pay \$10,519 for the services, combined with \$9,650 from the United States Department of Agriculture (USDA) Supplemental Nutrition Assistance Program. Term of the agreement is September 1, 2012, to August 31, 2013. (C-12-0465)**

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

- T. **A contract with Aging Partners (AP) for the Harvest Project, the provision of mental health, substance abuse and aging services to elderly residents of Lancaster County. AP will provide one Traditional Community Support Care Manager and one Emergency Support Manager, each to work 40 hours per week to assist in the provision of services. The County will pay up to \$139,000 for the services. Term of the contract is July 1, 2012, to June 30, 2013. (C-12-0466)**

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

- U. **An amendment to County Contract C-11-0505 with the Regional Behavioral Health Authority for an online resource library for non-profit agencies in Lancaster County. The amendment extends the end date of the grant contract to December 31, 2012. (C-12-0467)**

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

- V. **A network provider contract with the Regional Behavioral Health Authority (Region V) for the provision of certain behavioral mental health services at the Community Mental Health Center. The County shall be reimbursed up to \$3,201,565 for the services. Term of the agreement is July 1, 2012, to June 30, 2013. (C-12-0468)**

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

- W. **An agreement with Counseling Affiliates of Nebraska, LLC, for specialized services at the Community Mental Health Center and the Lancaster County Mental Health Center Sex Offender Treatment Program to assist with mental health services. The County will pay up to \$7,500 per month for the services provided. Term of the agreement is July 1, 2012, to June 30, 2013. (C-12-0469)**

NEW BUSINESS CONTINUED:

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

- X. **An interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 32 juveniles and two probation officers to supervise juveniles who are ordered by the separate Juvenile Court of Lancaster County to pre-adjudication or pre-disposition monitoring during home detention. The County will pay up to \$145,000 for the services. Term of the agreement is July 1, 2012, to June 30, 2013. (C-12-0470)**

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

- Y. **An amendment to interagency agreement C-10-0241 between the State of Nebraska, Department of Motor Vehicles (DMV) and Lancaster County, on behalf of the Lancaster County General Assistance Office. The agreement provides access to the DMV database for personal information on individuals. The Lancaster County General Assistance office intends to use the personal information to verify information provided by persons requesting assistance in the course of evaluating an applicant's eligibility for assistance. The County shall be responsible for all fees associated with use of the database. Term of the amendment is June 8, 2012, to June 8, 2014. (C-12-0471)**

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

- Z. **A grant contract with Heartland Big Brothers Big Sisters in the amount of \$10,000 to provide funding for the High Risk Youth program. Term of the grant contract is July 1, 2012, to June 30, 2013. (C-12-0472)**

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

- AA. **A grant contract with Christian Heritage in the amount of \$12,500 to provide funding for the Destination Dad program. Term of the contract is July 1, 2012, to June 30, 2013. (C-12-0473)**

MOTION: Raybould moved and Hudkins seconded approval of the contract. Raybould, Heier, Smoyer, Hudkins 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:***

CONSENT ITEMS CONTINUED:

- A. Receive and place on file the following:
1. County Assessor/Register of Deeds monthly report for July 2012
 2. County Records & Information Management monthly report for July 2012
 3. Annual Inventory of County Real Property

MOTION: Raybould moved and Smoyer seconded approval of the consent items. Heier, Smoyer, Hudkins, Raybould 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 not hold a staff meeting on Thursday, August 16, 2012, due to their attendance at a legislative management retreat. The next staff meeting is tentatively scheduled for Thursday, August 23, 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, August 21, 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, August 28, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding the following:
1. Keno Fund Projects (on file with the County Budget and Fiscal Office)
 2. Lancaster County's Proposed Budget for Fiscal Year 2012-2013
- D. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- E. 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.

8) **ADJOURNMENT**

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

Dan Nolte

Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 14, 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 August 13, 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 10:15 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 7, 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 (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) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

BryanLGH Medical Center
Capital Humane Society
Capitol City Christian Church
Lincoln-Lancaster County Child Guidance Center
Lincoln Action Program
Grace Lutheran Church

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

**Immanuel Communities
St. Thomas Aquinas Church**

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

4) NOTICE OF TAXABLE STATUS:

City of Lincoln (six notices)

Scott Gaines, Deputy County Assessor/Register of Deeds, said the six properties were purchased by the City of Lincoln for private development. This notifies the City that the properties will remain on the tax roll.

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

5) 2012 LATE FILED HOMESTEAD EXEMPTION APPLICATIONS:

**Stanley & Debbie Barnett
Rosalind Belgrave
Melva Buhrdorf
Maria Gies
Ken & Karen Glover
Maxine Goetsch
Lon & Katherine Hoppel
Sherry Krull
John & Donna Linhardt
Margaret Mertens
William Mohler
Janis & Vanda Neimanis
Ngoc Guye & Thu Pham
Meredith O'Connel
Daniel Ohlrich
Irene Shipe
Jeanne Svoboda
Vern & Jill Thompson
Rex & LueCinda Wamsley**

Gaines recommended approval of all the applications as they met the statute requirements. Exemption statutes state the filing deadline is June 30; however, a waiver may be granted for applicants who file by July 20. The only condition is the waiver cannot be done two years in a row.

John Lindhardt commended the Assessor's staff that assisted with his homestead filing.

MOTION: Heier moved and Smoyer seconded approval of the 2012 late filed homestead exemption applications. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

6) **ADJOURNMENT**

MOTION: Raybould moved and Heier seconded to adjourn the Board of Equalization meeting at 10:20 a.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk

