

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 29, 2014
COUNTY-CITY BUILDING, ROOM 112
10:30 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 April 25, 2014.

Commissioners present: Larry Hudkins, Chair
Brent Smoyer, Vice Chair
Roma Amundson
Jane Raybould
Deb Schorr

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The Chair called the meeting to order at 10:31 a.m. and the location of the Nebraska Open Meetings Act was announced.

1) **PLEDGE OF ALLEGIANCE**

2) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 22, 2014.**

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

3) **CLAIMS: Approval of all claims processed through Tuesday, April 29, 2014.**

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

4) **SPECIAL PRESENTATION:**

A. **Commissioners' Award of Excellence for April 2014 to Deanna Covault, County Extension.**

The Deputy Clerk announced the item would be held until May 6, 2014.

5) **PUBLIC HEARINGS:**

A. **Class C liquor license for Topper Grill, LLC, d/b/a Dockside Bar & Grill, 10005 West Davey Road.**

PUBLIC HEARINGS CONTINUED:

The Chair opened the public hearing. No one appeared to testify. The Chair announced the public hearing would be held open one week.

**B. Class D liquor license for Casey's Retail Company, d/b/a Casey's General Store
2721, 4131 Old Woodlawn Road.**

The Chair opened the public hearing.

Michelle Crites, District Manager for Casey's General Stores, was administered the oath. She said the license is being changed to a Class D license to sell some of the newer beers that fall under a wine license and to satisfy requests for hard liquor. In response to Schorr's question, Crites said there were no plans to change the liquor license at any other Casey's locations in the County.

Terry Wagner, County Sheriff, explained that law enforcement has access to a more detailed violation history than the public. Because of this, applicants may inadvertently omit information in the section of the application asking for all citations or arrests, including misdemeanor and traffic. Raybould asked if the liquor license application provided direction on obtaining this type of information. Wagner said the State's form does not guide the applicant on this issue. He noted that omissions are not necessarily disqualifiers for a license; the information simply allows the Board to make a character judgment on the applicant. *(NOTE: Sheriff Wagner's comments pertain to omissions on the liquor license under Item 5A.)*

The Chair announced the public hearing would be held open one week.

6) NEW BUSINESS:

**A. Lease termination agreement between Lancaster County and Valmont Industries, Inc., as the successor-in-interest to Brownie Manufacturing Company, Inc.
(C-14-0212)**

Chris Heinrich, attorney with Harding & Shultz, appeared on behalf of Valmont Industries and provided a brief history of the lease agreement. In 1994, Brownie Manufacturing Company received some industrial development revenue bonds to finance property improvements. At that time, the property was deeded to Lancaster County as security for the bonds and a lease agreement was issued back to Brownie. In 2000, Brownie sold its assets to Valmont. In 2007, the bonds were paid in full, but the property was not deeded back at that time. Currently, Valmont is trying to sell a piece of the property to Waverly; in order to facilitate the transaction, the property needs to be deeded back to Valmont and the lease agreement needs to be terminated.

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

B. Quitclaim deed from Lancaster County to Valmont Industries, Inc., for property legally described as Lots 187, 188 and 154 of Irregular Tract in the Southeast Quarter of Section 16, Township 11 North, Range 8 East of the 6th Principal Meridian, Waverly, Lancaster County, Nebraska.

NEW BUSINESS CONTINUED:

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

- C. **Resolution authorizing the amendment of the lease agreement executed in connection with the \$1,765,000 Industrial Development Promissory Note, Series 2010 (Community Action Partnership of Lancaster and Saunders Counties Project) of the County of Lancaster, Nebraska. (R-14-0022)**

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

- D. **First amendment to a lease agreement dated March 2014 between U.S. Bank National Association (Lender), the County of Lancaster, Nebraska (County) and Community Action Partnership of Lancaster and Saunders Counties (Corporation), relating to \$1,765,000 Industrial Development Promissory Revenue Note, Series 2010 (Community Action Partnership of Lancaster and Saunders Counties Project). (C-14-0213)**

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

- E. **Utility Permit No. 1175 for Nebraska Link Holdings for the installation of fiber optic cable along NW 84th Street from W. Holdrege Street north to W. Adams Street, then east to NW 70th Street, north to W. Superior Street, then east to an existing cell tower at 5900 W. Superior Street. There is no cost to Lancaster County. (C-14-0214)**

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

- F. **Mini-grant contract application and award with the Nebraska Office of Highway Safety in the amount of \$1,930.52 to providing funding for Sheriff Deputies Curtis Reha and Jeremy Schwarz to attend the 20th Annual International Association of Chiefs of Police Training Conference on Drugs, Alcohol and Impaired Driving in Phoenix, Arizona, on July 28-30, 2014. (C-14-0215)**

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

- G. **Supplemental Agreement No. 2 between the City of Lincoln, Lancaster County and the State of Nebraska, Department of Roads for funding of the Lincoln South Beltway. (C-14-0216)**

Roger Figard, Public Works & Utilities, said the City of Lincoln was able to credit money from the I-80 and Antelope Valley projects to the City's cost share of the South Beltway. The County is not responsible for the 20% local share; however, it will be responsible for ownership and maintenance of any remaining portions of Highway 2 falling in the County when the South Beltway is done.

NEW BUSINESS CONTINUED:

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

- H. **Contract between Campbell's Nurseries & Garden Centers, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for miscellaneous landscape installation and maintenance service. (C-14-0217)**

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

- I. **Contract between Nebraska Nursery and Color Gardens, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for miscellaneous landscape installation and maintenance service. (C-14-0218)**

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

- J. **Contract between Lanoha Nurseries, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for miscellaneous landscape installation and maintenance service. (C-14-0219)**

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

- K. **Amendment to County Contract C-11-0301 with Peregrine Services for the printing and mailing of DMV and real estate statements for the County Treasurer. The amendment cancels services associated with DMV statement processing, Package 1. (C-14-0220)**

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

- L. **Amendment to County Contract C-13-0151 with Lincoln Journal Star for the annual requirements of publishing legal notices and all other verbiage necessary to conduct City and County business. The amendment renews the agreement for an additional one-year term from April 9, 2014, to April 8, 2015. (C-14-0221)**

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

- M. **Agreement with Lincoln Tree Service for the trimming, removal and general maintenance of trees at the abandoned and neglected Lancaster County cemeteries as listed in Attachment A. There is no cost to the County. (C-14-0222)**

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

NEW BUSINESS CONTINUED:

- N. **Agreement with Terry Briley for the care and maintenance of Evangelical Cemetery. Cost to the County is \$50 per mowing, not to exceed \$200 per year. (C-14-0223)**

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

- O. **Agreement with Milliman, Inc., for an actuarial review of the County's workers' compensation and general liability programs. The County shall pay \$7,500 for the services. Term of the agreement is February 1, 2014, to January 31, 2015. (C-14-0224)**

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

- P. **Agreement with the Board of Regents of the University of Nebraska, University of Nebraska at Omaha, for implementation, operation and evaluation of the Mentoring Program under the Second Chance Act Juvenile Offender Reentry Program. The County shall expend federal grant funds in an amount not to exceed \$97,873 for the services provided. Term of the agreement is March 1, 2014, to June 30, 2015. (C-14-0225)**

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

- Q. **Amendment to County Contract C-09-0597 with DeMars, Gordon, Olson, Zalewski and Wynner Law Firm for legal representation to indigent parties in child support and paternity proceedings. The amendment adds service fees as reimbursable costs under the agreement. (C-14-0226)**

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

- 7) **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. **Receive and place on file the March 2014 report for the County Sheriff.**

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

- 8) **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.

9) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, May 1, 2014, at 8:30 a.m., in the Bill Luxford Studio of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, May 6, 2014, at 11:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.
- C. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- 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 the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

10) **ADJOURNMENT**

MOTION: Schorr moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:58 a.m. Schorr, Raybould, Amundson, Smoyer and Hudkins voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 29, 2014
COUNTY-CITY BUILDING, ROOM 112
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 April 14, 2014.

Commissioners present: Larry Hudkins, Chair
Brent Smoyer, Vice Chair
Roma Amundson
Jane Raybould
Deb Schorr

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
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The Chair called the meeting to order at 10:58 a.m. and the location of the Nebraska Open Meetings Act was announced.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 22, 2014.**

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

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

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

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

**Child Guidance Center
Connecting Pointe Church of the Nazarene
Developmental Services of Nebraska
Lincoln Medical Education Partnership**

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

4) **APPEAL OF PROPERTY EXEMPTION STATUS:**

City of Lincoln

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended taxing the four parcels in the Olympic Heights subdivision and exempting the remaining parcels protested.

MOTION: Smoyer moved and Raybould seconded to tax the Olympic Heights parcels (11-18-121-028-000, 11-18-121-029-000, 11-18-121-027-000 and 11-18-121-026-000) and to exempt the remaining protested parcels (17-17-120-011-000, 17-17-120-001-000, 17-17-120-002-000, 17-17-120-003-000, 17-17-120-012-000, 17-19-309-002-000, 17-19-100-026-000, 17-19-100-016-000, 10-24-410-039-000, 10-24-247-003-000, 10-24-247-002-000, 10-25-232-003-000, 10-25-234-012-000, 10-24-241-001-000) based on the County Assessor's recommendation. Raybould, Amundson, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

MOTION: Schorr moved and Raybould seconded to adjourn the Board of Equalization meeting at 11:00 a.m. Amundson, Smoyer, Schorr, Raybould and Hudkins voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

