

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 15, 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 July 11, 2014.

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

Commissioners absent: Jane Raybould

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 Chair called the meeting to order at 10:35 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 meetings held on Tuesday, July 8, 2014.**

MOTION: Smoyer moved and Amundson seconded approval of the minutes. Amundson, Smoyer and Hudkins voted aye. Raybould and Schorr were absent. Motion carried 3-0.

3) **CLAIMS: Approval of all claims processed through Tuesday, July 15, 2014.**

MOTION: Amundson moved and Smoyer seconded approval of the claims. Amundson, Smoyer and Hudkins voted aye. Raybould and Schorr were absent. Motion carried 3-0.

4) **PUBLIC HEARINGS:**

- A. **County Change of Zone No. 14015, from AG Agricultural District to I Industrial District, on property generally located at S. 148th Street and Hooper Road. (See 5A and 5B for correlating items.)**

The Chair opened the public hearing.

Schorr entered the meeting at 10:30 a.m.

PUBLIC HEARINGS CONTINUED:

Sara Hartzell, County Planner, was administered the oath. She said, in 2011, there was a Comprehensive Plan amendment to change the land use in this area from Agricultural to Industrial and Commercial. Currently around five acres are zoned Commercial; the change would add 15-20 Commercial acres with the larger area possibly used for an industrial employer with limited service requirements. Hartzell explained there are two types of Industrial Centers: light (office, retail, light manufacturing and contractors) and heavy to moderate (high impact businesses such as manufacturing, processing and assembly). Special permits are required for businesses with higher impact on adjacent properties. She felt the Planning Commission would not recommend approval of any special permit uses along Hooper Road and S. 148th Street where there would likely be future residential development. Hartzell noted that the applicant signed a zoning agreement stating he would provide a preliminary plat showing such things as shared access with limited access points and sign limits of 100 square feet. In response to Schorr's question, Hartzell felt the zoning agreement could be used in other County areas. In response to Hudkins' question, Hartzell said details on the entrance would be worked out in the preliminary plat. She noted discussion with the Bennet Planning Commission who expressed concern over property uses. Although the area falls outside Bennet's jurisdiction, it is standard practice to contact those within two miles of a zoning jurisdiction.

Lyle Loth, ESP Engineers, was administered the oath. He said Roland Meyer, the applicant, has signed a conditional zoning agreement; adjoining property owners will be contacted regarding the preliminary plat; and the County Engineer's Office has been communicated with on access points. In response to Amundson's question, Loth said current businesses in the area include a lawn service, seed dealer, RV storage facility and welding shop.

Ron Maas, Chair of the Bennet Planning Commission, was administered the oath and thanked the County for keeping Bennet informed of the changes. He expressed concern over fire protection and discussed possible options.

The Chair closed the public hearing.

- B. Manager application for Thomas Trainor in connection with a Class CK liquor license for Sesostris Temple, 1050 Saltillo Road, Roca. (See 5C for correlating item.)**

The Chair opened the public hearing. No one appeared to testify, so the Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. Resolution in the matter of County Change of Zone No. 14015, requesting a change of zone from AG Agricultural to I Industrial on property generally located at S. 148th Street and Hooper Road, Lancaster County, Nebraska. (R-14-0037)**

MOTION: Smoyer moved and Schorr seconded approval of the resolution. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- B. Conditional zoning agreement in connection with County Change of Zone No. 14015. (C-14-0355)**

NEW BUSINESS CONTINUED:

MOTION: Schorr moved and Smoyer seconded approval of the agreement. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- C. **Resolution in the matter of a manager application for Thomas Trainor in connection with a CK liquor license for Sesostris Temple, 1050 Saltillo Road, Roca, Lancaster County, Nebraska. (R-14-0038)**

MOTION: Schorr moved and Smoyer seconded approval of the resolution. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- D. **Amusement license renewal application from Raymond United Methodist Church to operate a swap meet at 11505 N. 14th Street, Raymond, on August 23, 2014.**

MOTION: Amundson moved and Smoyer seconded approval of the amusement license renewal. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- E. **Authorization for the County Engineer to sign the 2014 Federal Funds Purchase Program (FFPP) Certification.**

MOTION: Schorr moved and Amundson seconded approval of the authorization. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- F. **Petition to vacate public way with release and waiver of rights and title and quitclaim deed to City of Lincoln regarding W. Prospector Court from the west right-of-way of S. 1st Street west 1615.59 feet.**

MOTION: Amundson moved and Smoyer seconded approval of the petition. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- G. **Partial release of easements within The Preserve at Cross Creek 3rd Addition and The Preserve at Cross Creek 5th Addition as shown on Exhibits A and B. (C-14-0356)**

MOTION: Smoyer moved and Amundson seconded approval of the partial release of easements. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- H. **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 2014-2015 budget year.**

MOTION: Schorr moved and Smoyer seconded approval of the recommendations. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- I. **2012 sub-recipient agreement for the 2012 State Homeland Security Program from the Nebraska Emergency Management Agency (NEMA). Term of the agreement is September 1, 2012, to August 31, 2014. (C-14-0357)**

NEW BUSINESS CONTINUED:

Mark Hosking, Interim Emergency Management Director, said \$8,625 would be returned to the State since the funds were not used within the grant period. The money will be used for a State program.

MOTION: Smoyer moved and Amundson seconded approval of the agreement. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- J. **Interlocal agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department, and Lancaster County, on behalf of the Lancaster County Corrections Community Service Program, to conduct roadside litter pickup along County roads by inmates. The City will pay the County based on \$0.50 per mile of roadside litter pickup not to exceed \$2,400 for the period of July 1, 2014, to December 31, 2014. Depending on available funding, the parties may agree in writing to increase the total amount paid to the sum of \$3,500. All funding shall come from the Litter Reduction and Recycling Fund 2014 Cleanup Grant. (C-14-0358)**

MOTION: Amundson moved and Smoyer seconded approval of the agreement. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- K. **Contract between ImageScapes, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of sod and sod replacement and installation. Term of the contract is for one year from the date of execution with the option to renew for three additional one-year terms. (C-14-0359)**

MOTION: Schorr moved and Amundson seconded approval of the contract. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- L. **Contract with Kenwood USA Corporation for the annual supply of public safety communications equipment. Term of the contract is from the date of execution until October 29, 2014. (C-14-0360)**

MOTION: Smoyer moved and Amundson seconded approval of the contract. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- M. **Interlocal agreement with Educational Service Unit (ESU) No. 18 for educational services to youth detained at the Youth Services Center. The County will reimburse the ESU up to \$925,640 for the services provided. Term of the agreement is August 1, 2014, to July 31, 2015. (C-14-0361)**

MOTION: Schorr moved and Smoyer seconded approval of the agreement. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- N. **Agreement with CEDARS Youth Services for tracker services for adolescents placed in the Lancaster County Juvenile Drug Court. The County will pay up to \$25,000 for the services. Term of the agreement is July 1, 2014, to June 30, 2015. (C-14-0362)**

NEW BUSINESS CONTINUED:

MOTION: Amundson moved and Smoyer seconded approval of the agreement. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- O. **Agreement with the Administrative Office of the Nebraska Supreme Court for administration of the Adult Drug Court for the District Court of Lancaster County. The Administrative Office of the Courts will pay the County \$246,839 for the services. Term of the agreement is July 1, 2014, to June 30, 2015. (C-14-0363)**

MOTION: Amundson moved and Smoyer seconded approval of the agreement. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- P. **Grant contract with the Nebraska Crime Commission in the amount of \$176,156 for the Coordinated Response to Reducing Violence Against Women in Lancaster County. The County will provide an in-kind match of \$56,791 and the Lincoln Police Department and Family Violence Council will provide \$14,961 for a total project cost of \$247,908. (C-14-0364)**

MOTION: Smoyer moved and Schorr seconded approval of the contract. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- Q. **Settlement agreement and release of claims with Mark Kennedy as personal representative of the Estate of Jonathan Kennedy. (C-14-0365)**

MOTION: Amundson moved and Schorr seconded approval of the agreement. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- R. **Setting the annual salary of Gwen Thorpe, Deputy Chief Administrative Officer of the Lancaster County Board of Commissioners, in the amount of \$90,196, effective July 10, 2014.**

MOTION: Amundson moved and Smoyer seconded approval of the salary. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- S. **Political subdivision tort claim filed against Lancaster County Corrections by Henrionce Cope for lost property in the amount of \$30.**

MOTION: Smoyer moved and Amundson seconded denial of the tort claim based on the Corrections Director's recommendation. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- T. **Political subdivision tort claim filed against Lancaster County Corrections by Lawrence Harris for lost property in the amount of \$35.**

MOTION: Smoyer moved and Schorr seconded denial of the tort claim based on the Corrections Director's recommendation. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

NEW BUSINESS CONTINUED:

- U. **Political subdivision tort claim filed against Lancaster County Corrections by Andrew Litke for lost property in an undisclosed amount.**

MOTION: Smoyer moved and Amundson seconded denial of the tort claim based on the Corrections Director's recommendation. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- V. **Political subdivision tort claim filed against Lancaster County Corrections by Michael Roach for lost property in the amount of \$1,000.**

MOTION: Smoyer moved and Amundson seconded denial of the tort claim based on the Corrections Director's recommendation. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- W. **Political subdivision tort claim filed against Lancaster County Corrections by Kathryn Spencer for lost property in the amount of \$50.**

MOTION: Smoyer moved and Amundson seconded denial of the tort claim based on the Corrections Director's recommendation. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

- 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. **Receive and place on file the June 2014 report for County Records & Information Management.**
- B. **Setting of a public hearing on Tuesday, July 22, 2014, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding an application for an addition to a Class IB liquor license for Merle's Food & Drink, 8250 West O Street.**

MOTION: Schorr moved and Smoyer seconded approval of the consent items. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

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

Jane Kinsey, Spokesperson for the Watchdogs of Lincoln Government, said an e-mail was sent on June 27 to the County Commissioners saying the ground under the new County Jail is settling, preventing doors from operating properly and leaving part of the facility unusable. She said the information was provided by someone with firsthand knowledge.

PUBLIC COMMENT CONTINUED:

Kerry Eagan, Chief Administrative Officer, said the e-mail was forwarded to Mike Thurber, Corrections Director. Eagan asked Thurber to further investigate and report to the County Board, and no evidence has been found to substantiate the anonymous complaints.

Schorr stated that Thurber made it clear there was no settling occurring. She noted the current population of 670 inmates.


Hudkins asked Kinsey to divulge her source so the issue could be properly addressed. Kinsey said the information came from a structural engineer involved in the project. Hudkins noted that some doors were adjusted to work properly prior to taking possession of the facility, but this cost was covered by the contractor. He informed Kinsey of the monthly JPA meetings where bills for the Jail are reviewed before anything is paid.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster Board of Commissioners will hold a special staff meeting on Tuesday, July 15, 2014, at 9:30 a.m., in the Bill Luxford Studio of the County-City Building (555 S. 10th Street, Lincoln). In addition, the regular staff meeting will be held on Thursday, July 17, 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 tour the Lancaster County Adult Reporting Center on Tuesday, July 15, 2014, at 4:30 p.m., at Trabert Hall (2202 S. 11th Street, Lincoln).**
- C. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, July 22, 2014, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.**
- 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 the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.**

9) **ADJOURNMENT**

MOTION: Schorr moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 11:17 a.m. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 15, 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 July 11, 2014.

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

Commissioners absent: Jane Raybould

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 Chair called the meeting to order at 11:17 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, July 8, 2014.**

MOTION: Smoyer moved and Amundson seconded approval of the minutes. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

2) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS:**

MOTION: Schorr moved and Smoyer seconded approval of the additions and deductions. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

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

American Legion, Department of Nebraska
Angelic Temple Church of God in Christ
CEDARS Youth Services
Eastridge Presbyterian Church
Epona Horse Rescue

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

MOTION: Amundson moved and Smoyer seconded approval of the motor vehicle tax exemption applications. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

Daniel & Laree Olson

Scott Gaines, Deputy County Assessor/Register of Deeds, said a home was discovered on the property that had been built without a permit. The applicants will be notified of the valuation change and allowed a 30-day protest period.

MOTION: Schorr moved and Smoyer seconded approval to send the notice. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

5) **ADJOURNMENT**

MOTION: Schorr moved and Amundson seconded to adjourn the Board of Equalization meeting at 11:19 a.m. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

