

**ELKHORN PUBLIC SCHOOLS
BOARD OF EDUCATION
LAND ACQUISITION PUBLIC HEARING
Monday, June 1, 2015 6:30 PM
Administration Building
AGENDA**

- I. Call to Order
- II. Roll Call: J. Marasco, A. Parks, S. Zingler, A. Clark, R. Riggle, C. Burney
- III. Business:

This is the public hearing regarding the acquisition of private property by the Elkhorn Public School District for a proposed elementary school building site generally located north of West Center Road on the west side of Skyline Drive. The private property to be acquired is approximately 10.33 acres, more or less, of land owned by Linda R. Walker as shown on the tax records in the office of the Douglas County Treasurer. Notice of this hearing was published three times in the Douglas County Post Gazette, a legal newspaper published in and of general circulation in Douglas County, Nebraska, and designated as the official newspaper of the Elkhorn Public School District for the publication of notices. Notices were published on May 5, 2015, May 12, 2015 and May 19, 2015, the last publication being at least ten days prior to today's date. Notice of this public hearing was also provided to owner or known person having an interest by United States mail. A copy of the Notice published in the Douglas County Post Gazette will be attached to the minutes of this public hearing, as well as a copy of the Notice of Acquisition provided to each owner of the private property identified in the Notice. This public hearing relates to two separately owned pieces of property, which are part of the proposed acquisition of private property for public purposes. The specific properties, identified by street address, are as follows:

- Property owned by Linda R. Walker generally described as the eastern approximate 4.64 acres of Parcel No. 0110230009 and the eastern approximate 5.69 acres of Parcel No. 0110230003 located in the SE1/4 of the SW ¼ of Section 26, T15N, R10# in Douglas County, Nebraska.

Superintendent of Elkhorn Public Schools, Stephen Baker will address the Board and explain and discuss the nature of the proposed school project, the necessity for an elementary school project, the reason or reasons for selecting the particular location for the elementary school site, and the quantity of property necessary to fulfill the public purpose of an elementary school site.

Attorney for the School District, Dave Selby, will address the Board and the Public in attendance to explain 1) the power of the school district to exercise eminent domain under Nebraska statutes; 2) the right of each owner to have representation in negotiations with respect to each piece of property; 3) the obligation to negotiate in good faith; 4) the right of each property owner to representation by counsel; 5) the right to require compensation for the taking of such property be determined pursuant to the procedures for acquisition by eminent domain; 6) that the District will pay fair market value; and 7) that the District will purchase fee simple and any easements necessary.

It is at this point in the time of the public hearing when members of the public are invited to address the Board on any matters relating to the proposed action. We would ask that when addressing the Board, you attempt to keep your comments to five minutes, more or less, if you are an owner of property, and three minutes, more or less, if you are not an owner of property. First to speak will be the property owner or representative, followed by all others wishing to address the Board in this public hearing.

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The President will close the Public Hearing at the end of public comment and reconvene the Special Meeting and proceed to the next agenda item.

IV. Hearing Adjourned at

Following the adjournment of the Public Hearing the Board will convene the Regular Board Meeting schedule for June 1, 2015

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A G E N D A**

I. Call to Order

II. Roll Call

J. Marasco, C. A. Parks, S. Zingler, A. Clark, R. Riggle, C. Burney

III. Notices:

Open Meetings Act - The Board of Education makes available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. The Act is posted on the east wall of the Board meeting room.

Instructions for those who wish to speak during citizen comment time: The Board of Education recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and board meetings are conducted efficiently and in an organized manner, the Board shall set time aside for citizen participation at all regular monthly board meetings. To address the Board, citizens must provide their name and address on the sign-in sheet immediately upon entering the meeting, and when called, come forward to the table situated immediately in front of the board. Citizens may speak only one time and must limit comments to five (5) minutes or less if there are several members of the public present to speak. If you are planning to speak about a personnel or student matter involving an individual, please understand that board policies require that such concerns initially be directed to the administration for consideration. Board members will generally not respond to any questions you ask or comments you may make about individual staff members or students. You are cautioned that slanderous comments are not protected just because they are made at a board meeting. Please remember this is a public meeting for the conduct of the business of the Board of Education. Offensive language, personal attacks and hostile conduct will not be tolerated. The Board President may order persons who are disorderly to be removed from the meeting. Recording of the meeting is allowed, except for executive (closed) sessions, provided that the Board President is notified and that the recording device does not interfere with the meeting. (Policy 204.12)

IV. Citizen Comments: (Not to exceed 5 minutes per individual or 15 minutes per topic)

A. Citizen Comments (Please sign-in prior to addressing the Board)

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V. Monthly Reports:

- A. Good News Report
- B. Other

VI. Consent Agenda

(Note: Items on the consent agenda are considered routine and will be enacted under one motion. There will be no separate discussion of these items at the meeting unless a Board member requests an item to be removed from the agenda for separate action.)

- A. Approval of Agenda
- B. Approval of Minutes of the Monday, May 11, 2015 6:30 PM Regular Meeting
- C. Approval of Foreign Exchange Student – Host Family S. Smith ESHS/Student C. Ribrant
- D. Presentation of June bills for approval and payment

VII. Items Removed From the Consent Agenda for Separate Action

- A. _____
- B. _____

VIII. Business Items (Action Requested)

- A. Personnel Report and Recommendation(s) – Supt. S. Baker and Asst. Supt. B. Habrock
 - 1. Consider Contract Release(s)
 - 2. Consider Appointment Recommendations
 - 3. Personnel Update
- B. Consider Early Graduation Requests – EHS Principal D. Radicia and ESHS Principal M. Kalvoda
- C. Consideration of Motion to approve the acquisition of approximately 10.33 acres of property by the eminent domain authority of the District– Supt. S. Baker
- D. Consider approval of bid for construction of warehouse – Dir. of Business Support Services R. Lindquist

IX. Executive (Closed) Session

- A. Consideration of motion to enter executive (Closed) Session for the purpose of discussing land acquisition and land purchase price.

X. Reports/Discussion Items:

- A. Upcoming Board Member Events – All
- B. Other

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Prior to Regular Board Meeting/Land Acquisition Public Hearing - The School Board will hold a public hearing on the proposed acquisition of a future school elementary school site generally located north of West Center Road on the west side of Skyline Drive near 188th and Spring Street. Prior to the Board receiving public testimony Supt. S. Baker and Legal Counsel D. Young will present information on the proposed school site and the eminent domain process.

NEXT MEETING - The next regular meeting of the Board is scheduled for **Monday, July 13, 2015, at 6:30 PM, in the Board Room of the Administration Building, 20650 Glenn Street, Elkhorn, NE 68022**

NOTE: The **Board Agenda Explanation** contains pertinent notes and administration recommendations for the Regular Meeting, Monday, June 1, 2015.

IV. Citizen Comments - As of Friday, May 29, 2015, no member of the public has requested to address the Board.

V. Monthly Reports - The Board will receive a "Good News Report".

VI. Consent Agenda - The following items are recommended for approval on the consent agenda by the administration: Agenda, Minutes of the Monday, May 13, 2015 6:30 PM Regular Meeting, Foreign Exchange Student at ESHS and June bills as presented.

VIII. Business Items

A. Personnel Report and Recommendations - Supt. S. Baker and Asst. Supt. B. Habrock will request the Board takes action to consider any teacher release from contracts and new staff appointment(s).

B. Early Graduation - EHS Principal D. Radicia and ESHS Principal M. Kalvoda will present recommendations for early graduation requests for the 2015-2016 school year.

C. Land Acquisition - Supt. S. Baker will ask the Board to consider a motion to approve the acquisition of approximately 10.33 acres of property by the eminent domain authority of the District pursuant to 79-1095.

D. Warehouse Bid - Dir. of Business Support Services will share bid information for the construction of a warehouse (November 2014 Bond Issue) and recommend awarding a contract.

IX. Executive (Closed) Session - The Board will consider entering into a Closed Session for the purpose of discussing pending litigation and negotiations pertaining to the acquisition of land.

X. Reports/Discussion Items

A. Upcoming Board Member Events - The Board will confirm upcoming events and set dates for necessary committee meetings.

B. Other