

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 31, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners was called to order at 1:30 p.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 24, 2004.**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated August 24, 2004. Schorr, Hudkins, Heier and Stevens voted aye. Workman abstained from voting. Motion carried.

2) **SPECIAL PRESENTATIONS:**

The Chair requested that Special Presentations Items 2A and 2 C be heard together.

A. Appointment of the following individuals to the Lancaster County Visitors Promotion Committee:

- ▶ Nikki Smith, to complete the unexpired term of Jenny Higgins, ending June 30, 2006.
- ▶ Jim Pardington, to a four year term beginning July 1, 2004 and ending June 30, 2008.

2) **SPECIAL PRESENTATIONS CONTINUED:**

C. Appointment of John Klimple to the Lancaster County Visitors Promotion Committee to complete the unexpired term of Jerry Barnes, ending June 30, 2007.

Wendy Birdsall, Convention and Visitors Bureau Director, introduced Nikki Smith, Jim Pardington and John Klimple to the County Board.

MOTION: Heier moved and Hudkins seconded approval of the appointment of Nikki Smith, Jim Pardington and John Klimple to the Lancaster County Visitors Promotion Committee. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

B. Introduction of Shannon Tanaka, new Sales Development Manager for the Convention and Visitors Bureau - Wendy Birdsall, Convention and Visitors Bureau Director.

Birdsall introduced Shannon Tanaka to the County Board and stated she is a Sales Development Manager with an emphasis in sports marketing for the Convention and Visitors Bureau. She added that Tanaka is a former Nebraska athlete and was captain of the Nebraska soccer team.

C. Appointment of John Klimple to the Lancaster County Visitors Promotion Committee to complete the unexpired term of Jerry Barnes, ending June 30, 2007.

This item was moved forward on the agenda.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS: Approval of all claims processed through Tuesday, August 31, 2004.**

MOTION: Schorr moved and Hudkins seconded approval of all claims processed through August 31, 2004. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. An application for a Special Designated License from the Wine Merchants, Inc. to provide liquor beverage services for a wedding reception on Sunday, September 19, 2004 from 5 p.m. to 11:30 p.m. at Country Pines, located at 6305 West Adams Street in Lancaster County, Nebraska.**

Appearing on behalf of the Wine Merchants Inc. was Hans Maasdam.

Heier referred to a recommendation of denial from the Health Department and asked Maasdam if he was aware of the recommendation. He added that he didn't think the recommendation would have any effect on the serving of liquor.

Maasdam stated Wine Merchants was dispensing liquor only. No food would be involved on their part.

Heier asked the County Attorney's Office if the recommendation of denial would affect the special designated license.

Kristy Mundt, Deputy County Attorney, stated she would have to defer to the Health Department to answer any questions relating to their recommendation.

MOTION: Heier moved and Workman seconded approval of an application for a Special Designated License from the Wine Merchants, Inc. to provide liquor beverage services for a wedding reception on Sunday, September 19, 2004 from 5 p.m. to 11:30 p.m. at Country Pines, located at 6305 West Adams Street in Lancaster County, Nebraska. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

- B. An interlocal agreement with the State of Nebraska Probation Administration to facilitate the administration of the Drug Treatment Court for the District Court of Lancaster County through the provision of two drug treatment court probation officers, a part-time drug technician and a case manager. Term of the agreement is from September 1, 2004 through February 28, 2005. The County will pay up to \$56,753 for the services. (C-04-0416)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded approval of an interlocal agreement with the State of Nebraska Probation Administration to facilitate the administration of the Drug Treatment Court for the District Court of Lancaster County through the provision of two drug treatment court probation officers, a part-time drug technician and a case manager. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

C. A Harvest Project agreement with the Lincoln Area Agency on Aging (LAAA) for mental health, substance abuse and aging services to elderly residents of Lancaster County. LAAA will provide a specialized care manager to work 40 hours per week to assist in providing these services. Term of the agreement is July 1, 2004 to June 30, 2005. The County will pay \$52,400 for services. (C-04-0417)

MOTION: Heier moved and Workman seconded approval of a Harvest Project agreement with the Lincoln Area Agency on Aging (LAAA) for mental health, substance abuse and aging services to elderly residents of Lancaster County. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

D. An agreement with Diane Fern to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission for gender specific training for the State of Nebraska. Term of the agreement is from July 1, 2004 to June 30, 2005. The County will pay up to \$2,350 for the services. (C-04-0418)

MOTION: Schorr moved and Hudkins seconded approval of an agreement with Diane Fern to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission for gender specific training for the State of Nebraska. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

E. An agreement with Amanda Andrae to assist with the research and writing of a grant for the Office of Juvenile Mental Health's Families First and Foremost Family Resource Center. Term of this agreement is August 1, 2004 through August 31, 2004. The County will pay up to \$625 for the services. (C-04-0419)

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Workman seconded approval of an agreement with Amanda Andrae to assist with the research and writing of a grant for the Office of Juvenile Mental Health's Families First and Foremost Family Resource Center. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

F. An amendment to an agreement between the Lancaster County Youth Services Center and the State of Nebraska, Department of Health and Human Services for detention services for youth committed to, or placed with the State's Office of Juvenile Services. The parties wish to extend the term of the agreement from August 31, 2004 to September 30, 2004. (C-04-0420)

MOTION: Heier moved and Schorr seconded approval of an amendment to an agreement between the Lancaster County Youth Services Center and the State of Nebraska, Department of Health and Human Services for detention services for youth committed to, or placed with the State's Office of Juvenile Services. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

G. A resolution authorizing the installation of a "School Bus Stop Ahead" sign on North 162nd Street, 500 feet north of the driveway at 17105 North 162nd Street for southbound traffic. (R-04-0105)

MOTION: Workman moved and Heier seconded approval of Resolution 04-0105 authorizing the installation of a "School Bus Stop Ahead" sign on North 162nd Street, 500 feet north of the driveway at 17105 North 162nd Street for southbound traffic. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

H. A resolution in the matter of approving a County Board policy regarding computers: selection, acquisition and use. (R-04-0106)

At the request of the County Attorney's Office this item was held.

I. A resolution in the matter of the final allocation of levy authority to all political subdivisions subject to County levy authority. (R-04-0107)

MOTION: Hudkins moved and Workman seconded approval of Resolution 04-0107 in the matter of the final allocation of levy authority to all political subdivisions subject to County levy authority.

5) **NEW BUSINESS CONTINUED:**

Heier indicated the Lincoln Independent Business Association (LIBA) inquired about the Highland Fire District. He stated it is not the Highlands which was incorporated into the City. It is a separate district in southwest Lancaster County.

ROLL CALL: Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

J. Adoption of "Revised Attachment A" to Resolution 04-0102 adopting the Fiscal Year 2005 Budget" reflecting the changes to set the County tax rate at 27.97 cents per \$100 of value with the certified valuation of Lancaster County.

MOTION: Workman moved and Schorr seconded approval of the adoption of a "Revised Attachment A" to Resolution 04-0102 adopting the Fiscal Year 2005 Budget" reflecting the changes to set the County tax rate at 27.97 cents per \$100 of value with the certified valuation of Lancaster County. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the County Engineer to award a bid for repair to the Hallam Patrol Station, to Don McKinney, Inc., in the amount of \$37,306. (B-04-0036)

MOTION: Hudkins moved and Workman seconded approval of the recommendation from the Purchasing Agent and the County Engineer to award a bid for repair to the Hallam Patrol Station, to Don McKinney, Inc., in the amount of \$37,306.

Hudkins asked if he was correct that the building located in Hallam would be rebuilt in the same spot with the proceeds from the insurance.

Don Thomas, County Engineer, stated that was correct and added that the building would have a new roof, overhead doors, passage door and new windows. He indicated the original stone structure withstood the tornado.

ROLL CALL: Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

L. Recommendation from the Purchasing Agent and the Sheriff's Office to award a bid for one 2004 mobile communications/command center vehicle to Meginnis Ford Company, in the amount of \$84,335. (B-04-0037)

MOTION: Heier moved and Hudkins seconded approval of the recommendation from the Purchasing Agent and the Sheriff's Office to award a bid for one 2004 mobile communications/command center vehicle to Meginnis Ford Company, in the amount of \$84,335.

Terry Wagner, Sheriff, indicated the funds being used to obtain the vehicle are from the 2003-2004 Federal Local Law Enforcement Block Grant. He stated the vehicle would be used for major incidents such as disasters, crime scenes or accidents.

ROLL CALL: Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

M. Request from Thomas Huston, on behalf of B & J Partnership, Ltd., for a refund of tax payment on property located at 737 P Street, Lincoln, Nebraska.

Kristy Mundt, Deputy County Attorney, explained that the request is for the second half of the taxes involved with the Salvation Army building which the County Board acted on on August 3rd, 2004. She said B & J Partnership has since filed suit appealing the County Board's decision to deny the first half. Mundt indicated all the issues are the same and that the County Attorney's Office would recommend denial of the request. She added that the County Attorney's Office would also like to make all evidence of the August 3, 2004 meeting a part of the record.

Clerk's Note: Evidence referred to above includes Exhibit A - Salvation Army Building Property Tax Refund Time Line, Exhibit B - Affidavit of Michael J. Tavlin and Exhibit C - Certification documents and return receipt in relation to notice of valuation change.

MOTION: Schorr moved and Hudkins seconded to deny the request from Thomas Huston, on behalf of B & J Partnership, Ltd., for a refund of tax payment on property located at 737 P Street, Lincoln, Nebraska and make all evidence of the August 3, 2004 Board of Commissioners meeting a part of the record. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

N. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- ▶ Lincoln Water System, in the amount of \$86.16, for water service at Midtown Center located 2966 "O" Street.
- ▶ Cole Layer Trumble Company, in the amount of \$25,000, for services rendered per a contract relating to the property tax system (ORION).
- ▶ Sinclair Hille Architects, in the amount of \$5,493.76, for architect services for the Sheriff's garage.

Total payment request is \$30,579.92.

MOTION: Schorr moved and Heier seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Lincoln Water System, in the amount of \$86.16, to Cole Layer Trumble Company, in the amount of \$25,000 and to Sinclair Hille Architects, in the amount of \$5,493.76. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

O. A political subdivision tort claim filed against Lancaster County by Gordon Chapelle, in the amount of \$400, for damage to a walnut tree.

MOTION: Heier moved and Hudkins seconded approval of a political subdivision tort claim filed against Lancaster County by Gordon Chapelle, in the amount of \$400, for damage to a walnut tree.

Schorr offered an amendment to the motion that the approval be subject to the signature of the claimant on a release as drafted by the County Attorney.

Both the maker of the motion and the seconder concurred.

Gordon Chapelle, claimant, appeared and thanked the County Board for their approval. He stated he purchased the farm in 1962 and the tree existed at that time. Mr. Chapelle added that his association with Bob Jacobs of the County Engineering Department has been very good.

CLARIFICATION OF MOTION: Heier moved and Hudkins seconded approval of a political subdivision tort claim filed against Lancaster County by Gordon Chapelle, in the amount of \$400, for damage to a walnut tree subject to obtaining the signature of the claimant on a release as drafted by the County Attorney.

5) **NEW BUSINESS CONTINUED:**

ROLL CALL: Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

P. Approval of a policy relating to the Commissioners' Award of Excellence.

MOTION: Workman moved and Hudkins seconded approval of a policy relating to the Commissioners' Award of Excellence. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Q. Reappointment of Bob Workman to the Board of Directors of the Nebraska Association of County Officials (NACO) for a two year term beginning January 1, 2005 and ending December 31, 2007.

MOTION: Hudkins moved and Heier seconded approval of the reappointment of Bob Workman to the Board of Directors of the Nebraska Association of County Officials (NACO) for a two year term beginning January 1, 2005 and ending December 31, 2007. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

R. Amendment of notice of termination of agreements for services to residents of Lancaster County with developmental disability, changing the effective date from September 30, 2004 to December 31, 2004 with the following contractors:

- ▶ Community Alternatives Nebraska (99-2032)
- ▶ Region V Services (99-1739)
- ▶ Martin Luther Homes (99-1773)
- ▶ Vital Services, Inc. (99-1838)
- ▶ Transfiguration (99-1679)
- ▶ Developmental Services of Nebraska, Inc. (99-1707)
- ▶ ServiceLinc, Inc. (C-00-0041)

MOTION: Schorr moved and Hudkins seconded approval of the amendment of notice of termination of agreements for services to residents of Lancaster County with developmental disability, changing the effective date from September 30, 2004 to December 31, 2004 with Community Alternatives Nebraska (99-2032), Region V Services (99-1739), Martin Luther Homes (99-1773), Vital services, Inc. (99-1838), Transfiguration (99-1679), Developmental Services of Nebraska, Inc. (99-1707) and ServiceLinc, Inc. (C-00-0041). Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which 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. Setting of a public hearing for Tuesday, September 7, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building to set the final tax request at a different amount than the prior year. The request is for both Lancaster County and the Rural Library for Lancaster County.

B. Setting of a public hearing for Tuesday, September 14, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding Comprehensive Plan Amendment 04020, requested by the Director of Planning on behalf of the Nebraska Department of Roads, to amend the Mobility and Transportation element of the 2025 Lincoln/Lancaster County Comprehensive Plan, to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status beginning at the planned South Beltway interchange just south of Saltillo Road and ending at Interstate 80.

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ Cardwell Woods Association Inc. at 7510 Cardwell Circle; Project STPE-3305(9). This is a donation. (C-04-0421)
- ▶ Robert E. Rohrbaugh, in the amount of \$17,070.38, at 5705 West Denton Road; Project STPE-3305(9). (C-04-0422)
- ▶ Thomas W. and Connie J. Sundling, in the amount of \$5,133, at 2200 West Denton Road; Project STPE-3305(9). (C-04-0423)
- ▶ Rosemary E. Wiese at Northwest 70th and West Superior Streets; Project C55-M-407(1). These are donations. (3 contracts) (C-04-0424 through C-04-0426)

MOTION: Hudkins moved and Schorr seconded approval of the Consent Items. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 2:07 p.m.. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 31, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:07 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 24, 2004.**

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting dated August 24, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 3 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Workman moved and Schorr seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS FOR THE FOLLOWING:**

**The Catholic Bishop of Lincoln, Inc.
Lincoln Lutheran School Association**

MOTION: Heier moved and Hudkins seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Equalization meeting at 2:08 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk