MINUTES LANCASTER COUNTY BOARD OF EQUALIZATION TUESDAY, JULY 11, 2000 COUNTY COMMISSIONERS CHAMBERS FIRST FLOOR, COUNTY-CITY BUILDING 1:30 P.M.

Commissioners Present: Kathy Campbell, Chair

Bernie Heier Larry Hudkins Linda Steinman Bob Workman

Others Present: Robin Hendricksen, Deputy County Assessor

Kerry Eagan, Chief Administrative Officer Dave Johnson, Deputy County Attorney

Bruce Medcalf, County Clerk

Gwen Thorpe, Deputy County Clerk

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 27, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of

Equalization meeting dated June 27, 2000. Hudkins, Heier, Workman and

Steinman voted aye. Campbell abstained. Motion carried.

2) ADDITIONS AND DEDUCTIONS:

Approval of 15 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman,

Hudkins and Workman voted aye. Motion carried.

3) MOTOR VEHICLE TAX EXEMPTIONS:

The American Legion, Department of Nebraska

MOTION: Steinman moved and Workman seconded approval of a motor vehicle tax

exemption for the American Legion, Department of Nebraska. Steinman,

Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:

Setting of a public hearing for Tuesday, July 25, 2000 at 2:30 p.m. for notice of valuation change for omitted or undervalued property for the following:

DOT Inc. Walgreens

MOTION:

Steinman moved and Heier seconded to set a public hearing for Tuesday, July 25, 2000 at 2:30 p.m. in the County Commissioners Chambers, on the first floor of the County-City Building, regarding notice of valuation change for omitted or undervalued property for DOT Inc. and Walgreens. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting at 1:35 p.m. The meeting was reconvened at 3:30 p.m.

5) **GREENBELT STATUS**:

Spilker Family LTD Partnership

Don Spilker, representing the Spilker Family LTD Partnership, stated the property is farm ground and has always been farmed. He indicated that some of the soil is sold from a small portion of the property.

Robin Hendricksen, Chief Deputy County Assessor, displayed pictures of the property and indicated it was the feeling of the Assessor's Office that the ground is used for land mining.

Hudkins asked about the location of the property.

Spilker said that the property is located west of the landfill.

He also commented that approximately one-third of the property cannot be farmed, however, the remaining portion is in crops or will be planted in wheat this fall.

Hendricksen suggested that action be deferred for two weeks so that he may meet with Mr. Spilker and visit the property.

It was the consensus of the Board to defer action for two weeks to allow Robin Hendricksen, Chief Deputy County Assessor, and Bob Workman, County Commissioner to visit the property.

6) **ADJOURNMENT**

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Bruce Medcalf	
County Clerk	

MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS TUESDAY, JULY 11, 2000 COUNTY COMMISSIONERS CHAMBERS FIRST FLOOR, COUNTY-CITY BUILDING 1:30 P.M.

Commissioners Present: Kathy Campbell, Chair

Bernie Heier Larry Hudkins Linda Steinman Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer

Dave Johnson, Deputy County Attorney

Bruce Medcalf, County Clerk

Gwen Thorpe, Deputy County Clerk

1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 27, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated June 27, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

2) <u>CLAIMS:</u> Approval of all claims processed through Tuesday, July 11, 2000.

MOTION: Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) SPECIAL PRESENTATIONS:

A. A resolution proclaiming Monday, July 10 through Friday, July 21, 2000 as the food collection period for "CAMPAIGN AGAINST HUNGER". (R-00-81)

The Chair read Resolution 00-81 into the record.

MOTION: Steinman moved and Heier seconded approval of Resolution 00-81. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

B. The Corporate Run Spirit Award was presented to Lancaster County by Ann Ringlein, Corporate Run Director.

4) PUBLIC HEARINGS:

A. Continuation of a public hearing regarding an application for a Class M (Bottle Club) liquor license from Rasmussens on the Lake, L.L.C. doing business as P.O. Pears on the Lake, located at 10005 West Davey Road, in Lancaster County, Nebraska.

The Chair reconvened the public hearing.

Bob Jergensen, applicant, appeared and played a videotape showing the extension of the outside beer garden and the fencing surrounding that area.

There was no further testimony and the hearing was closed.

MOTION: Steinman moved and Heier seconded approval of the application. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

B. An application for a Class E (Beer Off Sale Only) liquor license from Pawnee Lake Marina, located at 3805 Northwest 105th Street, in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony in favor of the application.

The Clerk administered the oath to John Ostransky.

John Ostransky, applicant, appeared and indicated he would like to continue the off sale liquor license for the remainder of the year. He added that he would like to add a sand volleyball court and beer garden next year.

In response to a question asked by Hudkins regarding previous experience, Ostransky stated he bartended on a part-time basis when he was in the Marine Corps, however, h e has never worked in a liquor establishment.

Workman inquired about drunk driving problems in the area.

Terry Wagner, County Sheriff, indicated the area has no more problems than any of the other lakes.

Ostransky commented about the Sheriff's findings regarding his driving record stating that he had one accident in 1998 which was a roll over with a semi-truck. He explained he was traveling at a speed of five miles per hour on a slick road and that he was never ticketed. As for the remaining violations, he said he went to the Department of Motor Vehicles to obtain an abstract of his driving record, and none of the violations appeared.

Campbell suggested that Ostransky visit with Sheriff Wagner regarding the violations.

The Chair asked if anyone wished to testify in opposition or in a neutral position.

No one appeared and the public hearing was closed.

It was noted that action would take place on Tuesday, July 18, 2000.

C. An application for an amusement license from Ron Talbert to operate a private park, known as Broken Spoke Park, for an outdoor assembly area. The applicant has amended the application to request that five events be held between Saturday, July 15th and Sunday, December 31st, 2000, with hours of operation from 11 a.m. to 11 p.m. Location of Broken Spoke Park is 201 West South Street in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify in favor of the application.

The Clerk administered the oath to Ron Talbert.

Ron Talbert, applicant, appeared and distributed documentation regarding Broken Spoke Park (Exhibit A).

Pictures of the following were also displayed:

- * Main entrance located on South Street
- * 50' by 25' stage
- * Assembly area
- * Power system

Talbert said the property consists of approximately 30 acres with 18 of those acres possibly being used for parking. He said they would try to specialize in events such as car shows and concerts.

It was also noted that they would develop the area in stages:

- * Assembly area
- * Campground
- * Flea market area

Talbert stated the site is approximately one mile away from any residential area and one-half mile from Highway 2 and Highway 77 making accessibility easier.

He said they have no plans to obtain a liquor license, however, if someone wanted to lease the park and serve liquor they could do so through a Special Designated License.

Regarding security, Talbert indicated that Corporate Security had assisted with developing a plan as shown in Exhibit A.

In response to a question asked by Steinman, Talbert stated 150 feet of the property is within city limits.

Workman commented that an amusement license usually specifies vendors and events.

Talbert stated he was unable to book events and vendors because the amusement license has not been approved.

Dave Johnson, Deputy County Attorney, clarified that the sale of alcohol on the premises would need Board approval, as well as City Council approval.

He also noted concern about the burden on law enforcement if there are conflicting events.

Johnson also stated that the certificate of occupancy had not been issued.

Steinman asked if the individual sponsoring the production should be the one to apply for an amusement license.

Johnson stated that there is no rule as to whether the owner of the property or the owner of the business should apply for the license.

Campbell stated she felt it was more of a land use issue than it is an amusement issue. She suggested that the hearing be continued for a week and to ask the County Attorney for a definition of an amusement license.

The Chair recessed the public hearing for one week to allow further review by the County Attorney and the Sheriff's Office.

D. Comprehensive Plan Amendment 94-38, requested by the Director of Planning at the request of the Public Works & Utilities Department and the Lower Platte South Natural Resources District, to amend the 1994 Lincoln/Lancaster County Comprehensive Plan to incorporate the Beal Slough Basin Storm Water Master Plan by reference as an approved component of the Comprehensive Plan.

The Chair opened the public hearing and asked if anyone wished to provide testimony in favor of the amendment.

Steve Masters, Public Works & Utilities, gave a brief history on the Beal Slough Storm Water Master Plan and noted the following issues were identified by the public:

- Possible negative property value impact
- Reconstruction of roads on Yankee Hill Road and 70th Street
- Potential for flooding and property damage which occurs during heavy rains
- Degree and adequacy of maintenance which occurs within the channel and in the watershed

Art Zygielbaum, Beal Slough Committee, addressed the following committee recommendations:

- Found all the projects acceptable for the lower and middle basins
- Revise the Beal Slough Master Plan to exclude any specific depictions of projects in the upper basin (above 56th Street)
- Increase the priority of some projects to mitigate flooding problems, especially near 40th Street and Highway 2
- Recommend that the City Council approve the amendment to the Comprehensive Plan by adopting the Beal Slough Master Plan by reference

He also noted the following findings:

- Flood models and overall engineering used in the development of the Master Plan are essentially sound
- Specific projects were indicated in the upper slough without a thorough study of alternatives

John Cambridge, Olsson & Associates, discussed flow rates and noted that there is a reduction in flow rate due to other projects within the basin. He said they are not making flooding worse on Salt Creek.

Mary Jo Livingston, Beal Slough Committee, thanked everyone involved and urged the County Board to approve the amendment.

The Chair asked if anyone else wished to testify.

Wayne Pauley, President of the Southwood Place Association, appeared in favor of the amendment, noting that his property abuts Beal Slough.

Ken Reitan, 2310 South Canterbury Lane, stated he was speaking as an opponent because there were not enough details about the plan released to the public. He stated he is a member of the Wachiska Audubon Society and the Friends of Wilderness Park and that neither organization was notified of the meetings earlier in the year. He stated he is concerned about the environmental and aesthetic effects of the work involved in the project.

Campbell declared a conflict of interest because she resides in the basin.

No one else appeared and the hearing was closed.

MOTION: Steinman moved and Heier seconded approval. Steinman, Workman, Heier and Hudkins voted aye. Campbell abstained. Motion carried.

5) **NEW BUSINESS**:

A. An application for a Special Designated License from MGC Inc., doing business as Crooked Creek Golf Club, located at 134th and "O" Streets, to hold golfing events on Sunday, July 30th from 8 a.m. to Noon; on Sunday, August 20th from 8:30 a.m. to Noon and on Sunday, September 17th from 8 a.m. to Noon.

MOTION: Steinman moved and Heier seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

B. An application for a Special Designated License from the Nebraska State Board of Agriculture to have a beer garden for exhibitors, spectators and participants in association with the Americruise car show on Friday, July 21st and Saturday, July 22nd from 8 a.m. to 6 p.m. and on Sunday, July 23rd from Noon to 4 p.m. at the 4-H Exhibit Hall, located in State Fair Park.

MOTION: Steinman moved and Heier seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

C. A contract with Long View Estates, Inc. to pave Southwest 40th Street from the north line of Van Dorn Street to the north line of West High Ridge Road. Long View Estates, Inc. will pay the bid price upon notification by the County that the paving is completed. Term is date of execution to the date of completion and payment. (C-00-321)

MOTION: Steinman moved and Hudkins seconded approval. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

D. Contract documents for Project 00-46 - asphaltic concrete resurfacing and paving. The County will contract with S.P. Olson to pave Arbor Road from North 56th Street west 0.24 mile under Project C55-G-408(1); to pave Cannongate Road from Amberly Road north 0.75 mile to Jamestown Street under Project C55-H-403(1) and the asphaltic concrete resurfacing of Amberly Road from Highway 6 east 0.6 mile to Ash Hollow Creek under Project C55-H-403(3). The County will pay \$307,004.55 and the work will be completed by September 1, 2000. (C-00-341)

MOTION: Workman moved and Steinman seconded approval. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

E. Approval of an agreement between Lancaster County and the State of Nebraska, Department of Roads for Federal and State Transit Operating Assistance under Project RPT-C551(201). The County will pay \$17,498, the State will pay \$17,498 and the Federal share shall be \$15,000. The project will expand transportation services for the benefit of the general public in nonurbanized areas. (C-00-343)

MOTION: Steinman moved and Heier seconded approval. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

F. Temporary license agreements for Touch America, Inc. and AT&T to install a telecommunications system consisting of (6) two inch HDPE pipe within an existing AT&T private easement from the Seward County line to the Saunders County line. (C-00342)

Dave Johnson, Deputy County Attorney, requested that approval be subject to receiving signed originals.

MOTION: Steinman moved and Heier seconded approval subject to receiving signed originals. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

G. A contract with Nebraska Legal Services, Inc. to provide indigent parents and juveniles with legal representation in Juvenile Court, beginning July 1, 2000 and ending June 30, 2001. The County will pay up to \$160,000 in abuse or neglect cases; \$54,000 for law violations and \$17,000 in cases for Status Offenses. (C-00-349)

MOTION: Steinman moved and Heier seconded approval. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

H. An addendum to an agreement, executed August 18, 1998, with Cornhusker Place, Inc. for funds to renovate the quiet rooms at Cornhusker Place. The addendum extends the length of the contract through and including January 1, 2001. The County will pay \$40,000 for the work. (C-00-319)

MOTION: Hudkins moved and Workman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- I. A resolution authorizing the installation of traffic signs in Lancaster County, Nebraska: (R-00-83)
 - * Install a "Yield Ahead" warning sign for westbound traffic 500 feet east of the intersection of Southwest 14th Street and West Gage Road.

* Install a "Cross Road" warning sign on Saltillo Road 500 feet west of South 162nd Street for eastbound traffic.

In the Bentzinger's Pleasant Acres subdivision the following signs will be installed at the developer's expense:

- * Install a "Stop" sign at the intersection of Southwest 14th Street and Cody Drive for eastbound traffic.
- * Install street identification signs at the intersection of Southwest 14th Street and Cody Drive and the intersection of Southwest 15th Street and Cody Drive.
- * Install a "No Outlet" sign west of Southwest 14th Street on Cody Drive for westbound traffic.

In the Countryside Estates subdivision the following signs will be installed at the developer's expense:

- * Install a "Stop" sign at the intersection of Southwest 72nd Street and West Denton Road for southbound traffic.
- * Install street identification signs at the intersection of Southwest 72nd Street and West Denton Road and the intersection of Southwest 72nd Street and West Pleasant Hill Road.
- * Install a "No Outlet" sign north of West Denton road on Southwest 72nd Street for northbound traffic.

MOTION: Hudkins moved and Steinman seconded approval of Resolution 00-83. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

J. A resolution declaring the intention of Lancaster County to issue Industrial Development Revenue Bonds, in an amount not to exceed \$3,400,000 to finance a portion of the costs to acquire, construct and equip a manufacturing facility for the use of L and R Properties Limited Partnership and Lincoln Machine, Inc. (R-00-84)

MOTION: Steinman moved and Heier seconded approval of Resolution 00-84.

Kevin Siebert, bond counsel, stated the project would allow Lincoln Machine Company to expand their space and add additional employees. He stated they anticipate issuing bonds and proceeding with construction in the fall.

ROLL CALL: Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

K. Letter of approval, dated June 29, 2000, from Lancaster County regarding the issuance of Industrial Development Bonds for Garner Industries, Inc. (M-00-52)

MOTION: Hudkins moved and Workman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

L. Authorization of National Bank of Commerce, as Trustee, to disburse \$8,498.95 from the juvenile detention center bond proceeds, to Sinclair Hille Architects, for architectural services for the new Juvenile Detention facility and \$11,562.02, to the City of Lincoln, for the "buyout" of the City's portion of the rebate being received on the purchase of furniture for the Justice and Law Enforcement Center. This rebate will be applied to the purchase of chairs for the new Juvenile Detention Facility. (M-00-54)

MOTION: Steinman moved and Heier seconded approval. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

M. A political subdivision tort claim filed by Amie C. Martinez, on behalf of Rex Dean Hollman, for over collection of child support, in the amount of \$1,119.94.

Sue Eckley, Workers' Compensation and Risk Management Manager, requested the item be deferred for one week to allow for further review.

Steinman asked if the software gives an indication to the Clerk of the District Court regarding when payments should cease.

Eckley stated she didn't know, however, she would check into the matter.

This item was deferred for one week for further review.

N. A political subdivision tort claim filed by Stanley E. Smith against the Corrections Department, in the amount of \$69, for lost property.

MOTION: Steinman moved and Heier seconded approval of a tort claim filed by Stanley E. Smith against the Corrections Department, in the amount of \$26.60, in accordance with the depreciation schedule.

Workman requested that the motion be amended to approve the claim in the amount of \$65.

Steinman indicated they would be setting a precedent if they approved the claim for \$65. She also said the clothing was not new and that no receipt was submitted.

The amendment was withdrawn.

Campbell stated that policy regarding the depreciation schedule could be reviewed at a Thursday staff meeting.

ROLL CALL: Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

O. Reappointment of Jerry Barnes to the Visitors Promotion Committee.

MOTION: Hudkins moved and Steinman seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

- 6) <u>CONSENT ITEMS:</u> These are items of business that are routine and 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. Receive and place on file:
 - 1. County Clerk's Monthly Report for June, 2000.
 - 2. Noxious Weed Control Authority's Monthly Report and the Combined Weed Program's Monthly Report for June, 2000.
 - 3. Draft Environmental Impact Statement and Section 4(f) Statement Antelope Valley Study.
 - B. Setting of public hearings for Tuesday, July 25, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:
 - 1. County Special Permit 181, Post Rock Pines Community Unit Plan, requested by Lyle Loth of ESP, on behalf of Randy Miller, consisting of eight dwelling units, on property generally located at the southeast corner of South 120th Street and Firth Road in Lancaster County, Nebraska.
 - 2. County Preliminary Plat 00008, Post Rock Pines, requested by Lyle Loth of ESP, on behalf of Randy Miller, consisting of eight residential lots and one outlot, with requests to waive street lighting, street trees, landscape screens, sidewalks and storm water detention, on property generally located at the southeast corner of South 120th Street and Firth Road in Lancaster County, Nebraska.
 - C. A resolution in the matter of an application for a Class M (Bottle Club) liquor license for Rasmussens on the Lake, L.L.C. doing business as P.O. Pears on the Lake, located at 10005 West Davey Road, in Lancaster County, Nebraska. (R-00-82)

- D. An agreement with Industrial Services, Inc. for removal of dead animals from Lancaster County roads, in the approximate amount of \$7,850 annually. Term of the agreement is for one year, with two, one year renewal options with mutual consent. (The award of bid was approved by the County Board on June 20, 2000.) (C-00-348)
- E. A contract with Brown's Home Health Supply for respiratory and related services for Lancaster Manor for a three year period with an option to renew for one additional three year period. Pricing for prescription and nonprescription items shall be in compliance with the Nebraska Department of Public Welfare's published fee schedules. (The award recommendation was approved by the County Board on June 20, 2000.) (C-00-347)
- F. Renewal of a maintenance agreement with Solutions for a photocopier, located in the Corrections Department, in the amount of \$537.60, beginning May 11, 2000 and ending May 11, 2001. (C-00-320)
- G. Right-of-entry agreements related to culvert construction between the County Engineer and the following:
 - * Kenneth and Larry Minzel, in the amount of \$47.50, on West Fletcher Road, from Northwest 126th to Northwest 112th Streets; Project SRR-55. (C-00-345)
 - * Harold and Helen Busboom, on West Fletcher Road, from Northwest 126th to Northwest 112th Streets; Project SRR-55. (C-00-344)
- H. Right-of-way contracts related to road improvements between the County Engineer and the following:
 - * Bruce A. and Bonnie H. Woods, in the amount of \$221, at West Agnew Road and Northwest 84th Streets; Project C.P. D-85. (C-00-318)
 - * Wilber L. and Marilyn M. Manske at North 176th Street and Little Salt Road; Project C.P. A-246. This is a land donation. (C-00-346)

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

7) <u>PENDING LITIGATION - Doug Cyr, Deputy County Attorney; Sue Eckley, Workers' Compensation and Risk Manager:</u>

MOTION: At 3:46 p.m. Hudkins moved and Heier seconded to enter into Executive Session for the purpose of discussing pending litigation. Workman, Campbell, Hudkins

and Heier voted aye. Steinman was absent from voting. Motion carried.

MOTION: At 3:56 p.m. Heier moved and Steinman seconded to exit Executive Session.

Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

8) <u>EXECUTIVE SESSION - LABOR NEGOTIATIONS; Georgia Glass, Personnel</u> Director:

MOTION: At 3:57 p.m. Steinman moved and Heier seconded to enter into Executive

Session for the purpose of discussing labor negotiations. Campbell, Heier,

Steinman, Workman and Hudkins voted aye. Motion carried.

MOTION: At 4:15 p.m. Steinman moved and Heier seconded to exit Executive Session.

Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

9) <u>ADJOURNMENT</u>

MOTION: Steinman moved and Workman seconded adjournment of the Board of

Commissioners meeting. Hudkins, Campbell, Steinman, Heier and Workman

voted aye. Motion carried.

Bruce Medcalf	
County Clerk	