

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, JULY 18, 2000  
COUNTY COMMISSIONERS CHAMBERS  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Others Present: Norm Agena, County Assessor  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk

Absent: Kerry Eagan, Chief Administrative Officer

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 11, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated Tuesday, July 11, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 5 additions and deductions to the tax assessment rolls per Exhibit A.**

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

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Capital Humane Society  
Goodwill Industries Serving Southeast Nebraska Inc.  
Lincoln Lancaster County Child Guidance Center  
Nebraska Crop Improvement Association**

**MOTION:** Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Goodwill Industries Serving Southeast Nebraska Inc., Lincoln Lancaster County Child Guidance Center and Nebraska Crop Improvement Association and to also approve a motor vehicle tax exemption for Capital Humane Society subject to titling and registering the vehicle(s) to the applicant. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

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Bruce Medcalf  
County Clerk

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Commissioners Present: Kathy Campbell, Chair  
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Bernie Heier  
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Bob Workman

Others Present: Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk

Absent: Kerry Eagan, Chief Administrative Officer

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 11, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Heier moved and Workman seconded approval of the minutes for the Board of Commissioners meeting dated July 11, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, July 18, 2000.

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

- 3) **PUBLIC HEARINGS:**

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

The Chair reconvened the public hearing and asked if anyone had additional testimony or information.

No one appeared and the hearing was closed.

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

- B. Continuation of a public hearing regarding 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 15<sup>th</sup> and Sunday, December 31<sup>st</sup>, 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 reconvened the public hearing.

Dave Johnson, Deputy County Attorney, stated he had reviewed State Statutes 23-813 through 23-817 as well as the *Guidelines for Obtaining an Amusement License Applicable to Mass Gatherings*. He explained that based upon §23-813 a previous County Board developed the guidelines and application form. Johnson stated the guidelines also indicate how the public hearing should be conducted and that the license would be for a mass gathering open to the public "including and without limiting the generality thereof, carnivals, circuses, fairs, festivals, music festivals and other amusements, and shall comply with the conditions".

Johnson said he felt that the request fell within the roadhouse statutes and also the *Guidelines for Obtaining an Amusement License Applicable to Mass Gatherings*.

Terry Wagner, County Sheriff, indicated that he had reviewed the security plan for Broken Spoke Park and submitted documentation regarding his findings (Exhibit A). He also noted the following concerns:

- \* Possibility of alcohol as a factor
- \* Security plans too general
- \* Lack of specifics, i.e., dates, types of events
- \* Conflicting events placing burden on law enforcement

In response to a question asked by Steinman, Johnson stated that the license would be a blanket approval for five events.

Steinman commented that she would rather see the applicant apply for a separate license for each specific event.

Ron Talbert, applicant, appeared and stated he had addressed the following concerns as outlined in a letter from the Sheriff:

- \* Rock pile
- \* Pond
- \* Trailer homes/recreational vehicles
- \* Traffic concerns

Steinman indicated she had received a call from a citizen regarding abandoned vehicles on the property.

Talbert explained that the Health Department had inspected the property and the issue with the vehicles had been addressed.

Brief discussion took place regarding a permanent parking lot. Dale Stertz, Building and Safety Department, stated that if the temporary lot were to be made into a permanent parking lot it would need to be brought into full compliance with the zoning regulations for the design standards for parking lots which would include parking barriers, drainage, lighting and screening.

Campbell asked Stertz if his department had visited the site recently.

Stertz stated he was at the location on Monday, July 17, however, he was unable to access the park. He noted all conditions had been completed with the exception of the parking lot, the paving of the approach area, the rock area to identify the driving aisles for the parking lot and the barriers.

Campbell inquired if the Health Department had inspected the premises recently.

John Miner, Health Department, indicated he had also been at the location, however, he could not access the park. He noted the following conditions had been placed on the application:

- \* Maintained temporarily until restroom and water facilities are available
- \* Specific number of chemical toilets or port-a-potties be available at all events

He added if more than five events are held a year or if overnight camping is made available they would need permanent restroom and water facilities.

In response to a question asked by Campbell, Miner responded that the Health Department would need to inspect the facilities periodically to ensure conditions are being met.

The Chair asked if anyone else wished to testify.

Danny Walker, 427 "E" Street, appeared and addressed the following concerns:

- \* Applicant did not meet with the neighborhood association
- \* Poor traffic flow
- \* Proposed site is in the floodplain
- \* Proposed site has not been cleaned up

Walker also displayed and submitted pictures into the record showing the proposed site (Exhibit B).

Steve Larrick, 920 South 8<sup>th</sup> Street, appeared and stated he is the President of the South Salt Creek Community Organization. He stated he is very concerned about fill in the floodplain and asked who keeps track of the amount of fill going into the floodplain.

Stertz stated grading plans must be submitted to the Building & Safety Department for review by staff and the County Engineer. Once the grading plans are approved, along with a sediment control plan, fill permits are issued.

In response to a question asked by Steinman, he explained that if no fill permit was issued and a contractor was hauling in fill, construction would be stopped at the site. Building and Safety would then work with the individual(s) to bring them into compliance so that a permit could be issued.

Stertz added that Broken Spoke is not hauling in fill at the proposed site.

Heier asked Talbert if he would be willing to meet with the neighborhood association.

Talbert stated yes.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

**MOTION:** Heier moved and Hudkins seconded to defer action for one week to allow the applicant, Ron Talbert, to speak with the South Salt Creek Community Organization.

Steinman requested that the motion also include that Talbert speak with the West A Neighborhood Association.

The maker of the motion and the seconder agreed to include the West A Neighborhood Association in the motion.

Workman stated he could not support the motion to defer action for one week. He indicated he felt there was adequate information to make a decision.

Campbell agreed with Workman and stated that the fact that Talbert had not met with the neighborhood associations was not her only concern. Her concern, she said, had more to do with the specificity in terms of the types of events and the dates they would be held.

The Board agreed.

**ROLL CALL:** Hudkins, Workman, Heier, Campbell and Steinman voted no. Motion failed.

**MOTION:** Workman moved and Steinman seconded denial of the application for an amusement license. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

4) **OLD BUSINESS:**

- A. **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.**

Dave Johnson, Deputy County Attorney, recommended that the item be deferred one week to allow a representative from the Clerk of the District Court's Office to appear at the next County Board meeting

By direction of the Chair, the tort claim was deferred for one week at the request of the County Attorney.

5) **NEW BUSINESS:**

- A. **An application for a Special Designated License from Prairie Fare Inc. to extend restaurant service at Rasmussens on the Lake L.L.C. doing business as P.O. Pears on the Lake, located at 10005 West Davey Road, beginning Wednesday, July 19 and ending Tuesday, September 5, 2000 from 8 a.m. to 11 p.m.**

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

- B. **An interlocal cooperation agreement for establishing the framework for the comprehensive development of the Homestead Trail as a conservation and recreational corridor. The agreement is between the following entities: Lancaster County, City of Lincoln, Gage County, Lower Platte South Natural Resources District, Nemaha Natural Resources District, Lower Big Blue Natural Resources District, Village of Cortland, Village of Pickrell, City of Beatrice, Village of Holmesville and the Village of Barneston. (C-00-356)**

**MOTION:** Steinman moved and Workman seconded approval of the interlocal cooperation agreement with the understanding that there will be additional input in the area of agriculture.

Heier stated it was his understanding that the agreement would be for Phase I only, however, Phase II would include the consultation of the agricultural sector.

Mike Brienzo, Planning Department, stated that the agreement before the County Board was for Phase I and would be for planning purposes only.

Hudkins asked if they would meet with the County's Farmers Union or Farm Bureau.

Brienzo stated that any group wanting to participate may do so.

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

- C. An agreement with Wells Fargo Bank Nebraska for treasury management services for the County. The contract provides for the County to terminate upon seven days notice. Fees for services are more particularly provided in the service documents and are based upon each service. (C-00-355)**

Dave Johnson, Deputy County Attorney, requested that the item be deferred for one week.

By direction of the Chair, the item was deferred for one week.

- D. A partnering agreement with Nebraska Workers' Compensation Court for electronic filing of all Workers' Compensation claims with the Court. (C-00-354)**

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

- E. An agreement with the State of Nebraska Probation Administration for the electronic monitoring of County preadjudicated juvenile defendants on home arrest or detention, beginning July 1, 2000 and ending June 30, 2001. The County will pay a total of \$30,060 in quarterly installments of \$7,515. (C-00-351)**

**MOTION:** Steinman moved and Heier seconded approval.

Dave Johnson, Deputy County Attorney, requested that the approval be subject to an amendment defining supervision services.

Both the maker of the motion and the seconder agreed to amend the motion to include that the approval be subject to an amendment defining supervision services.

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

- F. An agreement with the City of Waverly to assign two Lancaster County Sheriff's Deputies to provide law enforcement services for the City, beginning July 1, 2000 and ending June 30, 2001. The City of Waverly will pay the County \$7,513.79 per month, plus overtime for the services. (C-00-350)**

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



- G. An agreement with Wedgewood Medical Associates, P.C. for medical services for incarcerated individuals at the Lancaster County Corrections Department. The County will pay \$2,200 per month for a two year period for general services. (C-00-352)**

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

- H. An addendum to an agreement with Orton, Thomas, Peterson and O'Connell regarding their representation of indigent juveniles. The amendments affect new law violations, the number of cases assigned and the payment to the contractor. (C-00-353)**

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

- I. An addendum to a contract with Bollerup and Huxoll, P.C. to provide legal services to indigent individuals in Juvenile Court for law violation cases for a fee of \$750 per month, beginning July 1, 2000. (C-00-360)**

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

- J. Wire transfer authorizations for the Lancaster County Treasurer, per a contract with National Bank of Commerce, to authorize Richard J. Nuernberger, County Treasurer; Terry Adams, Deputy County Treasurer and Mary Ellen Docter and Linda Hughes, Account Clerks in the County Treasurer's Office to conduct wire transfers, and to also authorize Terry Adams and Peggy Stohs, Real Estate Supervisor, to receive information regarding security procedures. (C-00-357) (C-00-358) (C-00-359)**

**MOTION:** Workman moved and Steinman seconded approval.

Steinman asked if the contract was with Wells Fargo instead of National Bank of Commerce.

Terry Adams, Deputy County Attorney, stated the contract would change to Wells Fargo on August 14, 2000.

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

- K. A resolution authorizing the installation of a "Driveway" warning sign for westbound traffic east of the house drive for 4400 West Branched Oak Road. (R-00-85)**

**MOTION:** Steinman moved and Heier seconded approval of Resolution 00-85. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- L. Recommendation from the Purchasing Agent and the County Sheriff to award a bid to the Dry Cleaning Station, in the amount of \$19,370 per year, for uniform cleaning and related services. (The County has the option to renew the service for two additional one year periods.) (B-00-28)**

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

- M. A disbursement from the Lancaster County Leasing Corporation Renewal and Replacement Fund to Johnson Controls, in the amount of \$8,190, for upgrade of controls at Lancaster Manor. (M-00-55)**

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

- N. Authorization of National Bank of Commerce, as Trustee, to disburse \$269,189.10 from the juvenile detention center bond proceeds, to Cheever Construction Company, for Application and Certificate for Payment Number 005 for the new Juvenile Detention Facility. (M-00-56)**

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

- O. A request for refund of 1999 personal property taxes, in the approximate amount of \$240.54, from The McKenzie Companies. (M-00-56)**

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

- P. A political subdivision tort claim filed against Lancaster County by Mark Cabrales, in the amount of \$295, for damaged property.**

Sue Eckley, Workers' Compensation and Risk Management Manager, gave a brief explanation noting that Don Shafer, County Engineering Department, had authorized repair of the window. She noted that the expense is payable to Lincoln Glass and not to Mark Cabrales.

**MOTION:** Steinman moved and Heier seconded to accept the Workers' Compensation and Risk Management Manager's recommendation and approve a tort claim, in the amount of \$295, payable to Lincoln Glass. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

**Q. Appointment of the following individuals to the Community Mental Health Center Advisory Committee:**

<u>Name of Individual</u>	<u>Term</u>
Mohammed Al-Bezerji	January, 2001 through December, 2004
Roxana Copp	January, 2001 through December, 2004
David Hauswald	January, 2001 through December, 2004

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

6) **CONSENT ITEMS:** 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. Records and Information Management's Monthly Report for June, 2000.
2. Lancaster Manor's Monthly Report.

**B. Setting of public hearings for Tuesday, August 1, 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. Proposed issuance of a series of variable rate health facilities revenue bonds, in an amount not to exceed \$37,000,000, by the Hospital Authority No. 1 of Lancaster County.
2. Comprehensive Plan Conformance Number 00005, to acquire a permanent conservation easement over approximately 35.49 acres of natural drainage ways, ponds, wetlands, trees and open space generally located at the southwest corner of Southwest 70<sup>th</sup> Street and Old Cheney Road in Lancaster County, Nebraska.
3. Request for deletion of licensed premise from DLH, Inc. doing business as Coaches Sports Bar & Grill, located at 640 West Prospector Court, in Lancaster County, Nebraska. The request is for deletion of an area 110 feet by 50 feet in the center portion of the building.

**C. A resolution in the matter of an application for a Class E (Beer Off Sale Only) liquor license from Pawnee Lake Marina, located at 3805 Northwest 105<sup>th</sup> Street, in Lancaster County, Nebraska. (R-00-86)**

- D. **A resolution in the matter of Comprehensive Plan Amendment 94-38, requested by the Director of Planning, to amend the land use plan to adopt the Beal Slough Basin Stormwater Master Plan as a component of the Comprehensive Plan. (R-00-87)**

**MOTION:** Steinman moved and Heier seconded approval of Consent Items.

Campbell requested that the Clerk call the roll for Consent Items A through C because she would be declaring a conflict of interest on Item D.

Both the maker of the motion and the seconder agreed to amend the motion to approve Consent Items, except for Consent Item 6D.

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

**MOTION:** Steinman moved and Heier seconded approval of Consent Item 6D. Hudkins, Steinman, Heier and Workman voted aye. Campbell abstained. Motion carried.

7) **OTHER BUSINESS:**

Gwen Thorpe, Deputy County Clerk, appeared and stated property valuation protest hearings would begin Friday morning, July 21, 2000 in the County Commissioners Chambers. A procedural review will be held by Tom Kubert, Referee Coordinator and hearings will begin at 8 a.m.

8) **EXECUTIVE SESSION - LABOR NEGOTIATIONS, Diane Staab, Deputy County Attorney; Georgia Glass, Personnel Director:**

**MOTION:** At 3:10 p.m. Heier moved and Hudkins seconded to enter into Executive Session for the purpose of discussing labor negotiations. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**MOTION:** At 3:40 p.m. Steinman moved and Hudkins seconded to exit Executive Session. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

9) **ADJOURNMENT**

**MOTION:** Steinman moved and Hudkins seconded adjournment of the Board of Commissioners meeting. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.