

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 10, 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

Commissioners Absent: Bob Workman

Others Present: Norm Agena, 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, October 3, 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 dated October 3, 2000. Campbell, Hudkins, Heier and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 9 additions and deductions to the tax assessment rolls per Exhibit A.

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

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**Family Service Association of Lincoln
Good News Broadcasting Association, Inc.
Northern Lighthouse
Peace Lutheran Church
Villa Marie School**

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Family Service Association of Lincoln, Good News Broadcasting Association, Inc., Northern Lighthouse, Peace Lutheran Church and Villa Marie School. Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **CERTIFICATION OF TAX LEVIES:**

Certification of 2000-2001 tax levies for Lancaster County, Nebraska.

Tim Genuchi, County Clerk's Office, submitted documentation regarding a ten, five and one year comparison in trends (Exhibit A) and a copy of the tax rates for Lancaster County for fiscal year 2000-2001 (Exhibit B). He noted that rates submitted were final and included the new bonds for Norris and Waverly.

Campbell stated the rate increased by 2.31 percent over last year, however, over a five year period the rate decreased by 16.59 percent. The ten year period decreased by 18.52 percent.

MOTION: Steinman moved and Heier seconded approval to certify the tax rates for fiscal year 2000-2001 for all taxing entities in Lancaster County, Nebraska. Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **ADJOURNMENT**

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

Bruce Medcalf
County Clerk

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Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 3, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated October 3, 2000. Campbell, Hudkins, Heier and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 10, 2000.**

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

- 3) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding Comprehensive Plan Amendment 94-45, requested by the Director of Planning, to incorporate by reference the "Greater Arnold Heights Area Neighborhood Plan" and to amend the Lincoln Land Use Plan accordingly.

The Chair reconvened the public hearing.

3) **PUBLIC HEARINGS CONTINUED:**

John Wood, Executive Director of the Lincoln Airport Authority, appeared and urged the County Board to adopt the Comprehensive Plan Amendment as amended by the City Council.

Steinman asked if discussion took place regarding the concern of the Health Department regarding the buffer between the residential and industrial zoned areas.

Steve Henrichsen, Planning Department, stated that the compromise was supported by the Planning Department and met some of the concerns which were raised by the Health Department. He noted the area is approximately 600 feet wide between Mathis and West Adams Street. The area closest to the neighborhood would be an open space buffer and the remaining portion would be industrial. Henrichsen said the area south of West Adams Street, near Sun-Husker Foods, has a separate Comprehensive Plan Amendment which will be proceeding through the process. He explained that the 135 acres is owned by the Chamber of Commerce and that they are in the process of selling the property. Henrichsen stated the amendment will be before the Planning Commission on October 18, 2000.

In response to a question asked by Steinman, Henrichsen said the version which the City Council adopted on October 2, 2000 did not show commercial property north of West Adams Street. The open space buffer was continued along the east side.

Wood stated that the Lincoln Airport Authority would not object to the proposal.

Beverly Fleming, appeared on behalf of the Lincoln Housing Authority, and stated that the Lincoln Housing Authority supports the project.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Steinman moved and Heier seconded approval of Comprehensive Plan Amendment 94-45 as amended by the City Council and directed the County Attorney's office to prepare a resolution to be adopted on October 17, 2000. Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

3) **PUBLIC HEARINGS CONTINUED:**

B. County Change of Zone 202, requested by the Director of Planning, to amend Article 2 and Article 9 of the Lancaster County Zoning Resolution to define and allow sexually oriented live entertainment establishments as a permitted special use in the "I" Industrial district.

The Chair opened the public hearing.

Kathleen Sellman, Planning Director, noted that the studies referenced in the analysis of the Planning staff report, numbers four, five and six, should be incorporated, by reference, into the official file.

Three elements were noted by Sellman:

- Addition of three definitions:
 1. Sexually oriented live entertainment establishment(s)
 2. Specific anatomical areas.
 3. Specific sexual activities.
- Addition to the "I" Industrial district, a listing under unclassified industries and uses (Section 9.003) for sexually oriented live entertainment establishment
- Addition to Section 13.015 establishing standards for locating sexually oriented live entertainment establishments through the "Permitted Special Use" process which provides for a Planning Commission hearing, with a final decision by the Lancaster County Board prior to the operation of a sexually oriented live entertainment establishment within the County. The "Permitted Special Use" standards include that the establishment must meet all federal, state and local standards; the establishment must be located in an "I" Industrial zoned district; there must be a minimum separation distance of 1,500 feet between any two such uses; there must be a minimum separation distance of 1,000 feet between such use and from specific uses including all residential uses, churches, public and private schools, childhood care facilities, parks, hospitals, libraries, etcetera. The method of measurement would be from nearest door to nearest door.

The Chair asked if anyone else wished to provide testimony.

Dave Johnson, Deputy County Attorney, requested that documentation demonstrating how the proposed changes would be reflected in the zoning regulations be submitted into the record (Exhibit C).

No one else appeared and the Chair closed the public hearing.

3) **PUBLIC HEARINGS CONTINUED:**

MOTION: Steinman moved and Heier seconded approval of County Change of Zone 202 and directed the County Attorney's office to prepare a resolution to be adopted on October 17, 2000. Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

C. Amend County Board Resolution #2832 Regulating Individual Sewage-Disposal Systems. The amendment would change the fees as provided in the proposed resolution.

The Chair opened the public hearing.

Scott Holmes, Health Department, appeared and explained that due to an increase in home building in the County and within the three-mile zoning jurisdiction they are in need of additional staffing. He stated the additional staff was approved in the budget as were the fees to assist in supporting the additional staffing.

The fee, Holmes stated, would increase to \$200 for a sewage system permit application and installation cost. He noted that their sewage program is approximately 50 percent fee funded. With the increase it would be approximately 60 percent fee funded.

Kerry Eagan, Chief Administrative Officer, stated that the fees have always been collected by the Health Department and are credited to the budget.

Eagan also noted that the City would have jurisdiction within the three-mile zoning jurisdiction.

The Chair asked if anyone else wished to testify regarding the amendment.

No one appeared and the public hearing was closed.

MOTION: Steinman moved and Heier seconded approval of the amendment and directed the County Attorney's Office to prepare a resolution to be adopted on October 17, 2000. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

4) **OLD BUSINESS:**

- A. An agreement with Central Plains Distributing, Inc., formerly known as Carrier Corporation, for sublease of certain space located at 1155 Saunders Avenue, in the amount of \$21,240 per annum, beginning June 1, 2000 and ending August 31, 2001. (Deferred from the August 15, 2000 County Board Agenda.) (C-00-392)**

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

5) **NEW BUSINESS:**

- A. An application for a Special Designated License from the Wine Merchants, Inc. to hold a wedding reception on Saturday, October 21, 2000 from 6 p.m. to 1 a.m. at Boss Hog's Party Barn located at 6305 West Adams in Lancaster County, Nebraska.**

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

B. Grant contracts with the following:

- **Fresh Start Home, in the amount of \$7,500, for supportive case management. (C-00-487)**
- **Houses of Hope, Inc., in the amount of \$44,877, for a residential treatment program. (C-00-488)**
- **Family Service Association Inc., in the amount of \$250,126, for child care services and the Parents and Children Together program. (C-00-489)**
- **The Mediation Center, in the amount of \$12,750, for victim/offender mediation. (C-00-490)**
- **Lincoln Action Program, in the amount of \$34,306, to provide emergency assistance to residents of the County. (C-00-491)**
- **Lincoln Action Program, in the amount of \$45,862, for outreach services. (C-00-492)**
- **Daywatch, Inc., in the amount of \$10,000, for the Day Shelter Services program. (C-00-493)**
- **CenterPointe, Inc., in the amount of \$150,000, for the Evening Reporting Center. (C-00-494)**
- **CenterPointe, Inc., in the amount of \$72,720, to provide four juvenile slots at the Evening Reporting Center and four slots for juveniles in the Work Placement program. (C-00-495)**
- **CenterPointe, Inc., in the amount of \$324,492, for the following programs: Safe Housing, Community Support, Youth Residential, Outpatient, Adult Day Center and Adult Residential. (C-00-496)**

5) **NEW BUSINESS CONTINUED:**

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

C. A contract with Duane Hartman Investments to pave Southwest 6th Street to the south lot line of Lot 24 in the Lincoln Park Subdivision, an area covering approximately 265 feet. Duane Hartman Investments will pay the County \$11,000 for the work. The term of the contract is from the date of execution until completion of the project. (C-00-501)

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

D. An authorized provider agreement with American Red Cross Health and Safety Services to provide basic first aid and cardiopulmonary resuscitation (CPR) training for the professional rescuer in the Corrections Department. The contract term is from the date of execution through October 31, 2001. The County will pay for the services as provided in the equipment price list. (C-00-502)

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

E. A contract with Walton Construction Inc., in the amount of \$139,022.25, for grading, sanitary sewer, water main, paving and associated work at the new Juvenile Detention Center. (C-00-505)

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

F. A resolution directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's office to begin tax foreclosure proceedings. (R-00-122)

MOTION: Steinman moved and Heier seconded approval of Resolution 00-122. Hudkins, Heier, Campbell and Steinman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

G. A resolution in the matter of County maintenance of the following roads in Magee Addition: (R-00-123)

- **Approximately 1,770 feet of Middle Fork Road**
- **Approximately 781 feet of Deer Creek Road**
- **Approximately 993 feet of South 115th Street**

MOTION: Hudkins moved and Heier seconded approval of Resolution 00-123. Campbell, Heier, Steinman and Hudkins voted aye. Motion carried.

H. Recommendation from the Purchasing Agent and the County Engineer to award a bid to the following vendors for gravel surface coarse material for various County stockpiles: (B-00-37)

Davey Maintenance Station Stockpile - Project 01-03H - 5,000 tons

Western Sand & Gravel (Hauler) at \$2.55/ton

Western Sand & Gravel (Producer) at \$6/ton

Total Davey Maintenance Station Stockpile = \$42,750

Raymond Maintenance Station Stockpile - Project 01-04H - 10,500/tons

H & H Trucking (Hauler) at \$2.98/ton

Bluff Gravel (Producer) at \$5.50/ton

Total Raymond Maintenance Station Stockpile = \$89,040

Roca Maintenance Station Stockpile - Project 01-05H - 9,000 tons

Western Sand & Gravel (Hauler) at \$3.30/ton

Western Sand & Gravel (Producer) at \$6/ton

Total Roca Maintenance Station Stockpile = \$83,700

South 68th Street Stockpile - Project 01-06H - 6,000 tons

Western Sand & Gravel (Hauler) at \$4.45/ton

Western Sand & Gravel (Producer) at \$6/ton

Total South 68th Street Stockpile = \$62,700

SW 12th & Saltillo Stockpile - Project 01-07H - 9,400 tons

Western Sand & Gravel (Hauler) at \$3.08/ton

Western Sand & Gravel (Producer) at 6/ton

Total SW 12th & Saltillo = \$85,352

SW 100th & Hallam Road Stockpile - Project 01-08H - 2,500 tons

Western Sand & Gravel (Hauler) at \$5.50/ton

Western Sand & Gravel (Producer) at \$6/ton

Total SW 100th & Hallam Road = \$27,625

5) **NEW BUSINESS CONTINUED:**

Walton Maintenance Station Stockpile - Project 01-09H - 3,200 tons

Western Sand & Gravel (Hauler) at \$2.57/ton

Western Sand & Gravel (Producer) at \$6/ton

Total Walton Maintenance Station = \$27,424

Waverly Maintenance Station Stockpile - Project 01-10H - 9,400 tons

Western Sand & Gravel (Hauler) at \$1.70/ton

Western Sand & Gravel (Producer) at \$6/ton

Total Waverly Maintenance Station = \$72,380

Total of hauling and production = \$490,971

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

I. Recommendation from the Purchasing Agent to award a bid for one Chevrolet Venture passenger van, in the amount of \$18,297.77, to Husker Automotive Group for the Sheriff's Office. (B-00-38)

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

J. Recommendation from the Purchasing Agent and the Sheriff to award a bid off the State contract for one Chevrolet Blazer 4x4 four door police package vehicle to Park Place Automotive, in the amount of \$24,030.17. (B-00-39)

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

K. Authorization of Wells Fargo Bank, as Trustee, to disburse \$574,868.70 from the juvenile detention center bond proceeds to Cheever Construction Company for pay application number eight as general contractor for the new Juvenile Detention Center. (M-00-92)

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

5) **NEW BUSINESS CONTINUED:**

L. A request from Kevin A. Kirby for a refund of real estate taxes for 1998, in the approximate amount of \$122.50 and for 1999, in the approximate amount of \$120.50. (M-00-91)

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

M. A political subdivision tort claim filed against the Corrections Department by Ernest Lawrence, in the amount of \$258, for lost property.

MOTION: Steinman moved and Heier seconded to accept the Director's recommendation and approve the claim, in the amount of \$29.20. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

N. Request from the Personnel Policy Board for the following: (M-00-93)

Creation of the following classifications:

- **Grant Coordinator at a proposed pay grade of \$24,945.44 to \$32,718.40 (C16)**
- **Defense Eligibility Technician at a proposed grade of \$24,945.44 to \$32,718.40 (C-16)**
- **Mental Health Special Project Coordinator at a proposed pay grade of \$42,829.28 to \$56,844.32 (C28)**

Change in the pay grade of the following classifications:

- **Budget & Fiscal Assistant from \$24,945.44 to \$32,718.40 (C16) to \$28,718.56 to \$37,398.40 (C19)**
- **Accounting Operations Manager from \$37,398.40 to \$49,302.24 (C25) to \$40,909.44 to \$54,175.68 (C27)**

MOTION: Heier moved and Steinman seconded approval. Steinman, Campbell, Hudkins and Heier 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. County Clerk's Monthly Report for September, 2000.**
- 2. Noxious Weed Control Authority's Monthly Report for September, 2000.**
- 3. Noxious Weed Control Authority's Combined Weed Program with the City of Lincoln for September, 2000.**

- B. Setting of a public hearing for Tuesday, October 24, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding County Final Plat 00012, Bentzinger's Pleasant Acres, requested by Lyle Loth of ESP on behalf of Arnold Bentzinger, for eight residential lots and one outlot reserved for agriculture, on property generally located north and west of the corner of Southwest 14th Street and West Wittstruck Road in Lancaster County, Nebraska.**

- C. Setting of a public hearing for Wednesday, November 1, 2000 at 7:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding Lancaster County's proposed One and Six-Year Road and Bridge Improvement Program for fiscal years beginning July 1, 2000 through June 30, 2006 as proposed by the Lancaster County Engineer.**

- D. A resolution in the matter of Comprehensive Plan Amendment 94-59, requested by the Director of Planning, to amend the 1994 Lincoln/Lancaster County Comprehensive Plan to amend "Chapter 4, Transportation" as identified in the review draft report: Long Range Transportation Plan (LRTP) dated July 31, 2000. (R-00-126)**

- E. A resolution in the matter of an application for a Class M Bottle Club (Spirits, Wine, Beer, On Sale) liquor license for DLH, Inc. doing business as Coaches Sports Bar & Grill at 640 West Prospector Court in Lancaster County, Nebraska. (R-00-124)**

- F. A quitclaim deed from Lancaster County to the City of Lincoln for real property in the area of North 1st and Superior Streets in exchange for right-of-way conveyed to the County along North 70th Street north of Interstate 80. (C-00-486)**

6) **CONSENT ITEMS CONTINUED:**

G. Right-of-way contracts between the County Engineer and the following:

- **Michael D. and Meryl L. Burchardt, in the total amount of \$2,664.11, on Fletcher Avenue from Bridge H-60 to North 148th Street; Project C55-H-409(1). (C-00-503 and C-00-504)**
- **Eleanor Anne Huling Peirce, in the amount of \$6,608.50, on Fletcher Avenue from Bridge H-60 to North 148th Street; Project C55-H-409(1). (C-00-500)**
- **Wendell W. and Wilma R. Kuster, in the total amount of \$4,051.10, on South 68th Street from Roca Road to Saltillo Road; Project STPE-3265(6). (C-00-497, C-00-498 and C-00-499)**

Dave Johnson, Deputy County Attorney, requested that Consent Item 6E be replaced with a revised resolution. He noted that he had cited the 1999 state statute instead of the 1984 law.

MOTION: Hudkins moved and Heier seconded approval of the Consent Items, including a revision to Consent Item 6E. Heier, Hudkins, Campbell and Steinman voted aye. Motion carried.

7) **OTHER BUSINESS:**

Mike Morosin, past president of the Malone Neighborhood Association, appeared and read an article into the record which appeared in October 4, 2000 edition of *The Arizona Republic* regarding a warning from auditors to Rural/Metro (Exhibit D).

8) **ADJOURNMENT**

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

Bruce Medcalf
County Clerk