

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, OCTOBER 22, 2002  
COUNTY COMMISSIONERS CHAMBERS, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

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

The Board of Commissioners meeting convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 15, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

**MOTION:** Hudkins moved and Campbell seconded approval of the minutes of the Board of Commissioners meeting dated October 15, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

**A. Induction of members into the Star City Super Star Hall of Fame - Sandi Witkowicz and Sheila O'Connor, Lincoln-Lancaster Convention and Visitors Bureau.**

This item was inadvertently placed on the agenda and will appear on the October 29<sup>th</sup> Board of Commissioners agenda.

3) **PUBLIC COMMENT:**

Bob Valentine, 2660 Park Avenue, Lincoln, Nebraska, appeared and expressed his concerns regarding the Agricultural Society. He also suggested that legislation be passed in the Unicameral removing the Ag Society taxing authority and privatizing it.

Workman stated he feels there are two solutions. The first being to make the Ag Society board an elected board and the second solution would be to permit the County Board to operate the Ag Society.

4) **CLAIMS: Approval of all claims processed through Tuesday, October 22, 2002.**

**MOTION:** Campbell moved and Stevens seconded approval of all claims processed through October 22, 2002. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

**A. Continuation of a public hearing regarding an application for an addition to licensed premises from Hotdam, Inc. d/b/a Pawnee Marina, located at 3805 Northwest 105<sup>th</sup> Street in Lancaster County, Nebraska. The addition will include a deck and volleyball courts to the west of the marina.**

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

The Clerk administered the oath to Cory Adams, applicant.

Cory Adams, applicant, explained that a deck and beer garden were added to the facility in the spring and that a sand volleyball area was added during the summer. He explained that next summer they will have sand volleyball leagues during the weekdays and on Fridays they will have a live band.

Hudkins inquired about noise from the volleyball court(s) and the band.

Adams responded that the band would be located outside, however, there are "quiet hours" at the recreation area. He stated that they do work with the Nebraska Game and Parks Commission and would abide by their 10 o'clock "quiet hours" rule.

5) **PUBLIC HEARINGS CONTINUED:**

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

No one appeared and the hearing was closed.

**MOTION:** Campbell moved and Stevens seconded to request the County Attorney's office to draft a resolution approving the application for an addition to licensed premises from Hotdam, Inc. d/b/a Pawnee Marina, located at 3805 Northwest 105<sup>th</sup> Street in Lancaster County, Nebraska. The addition will include a deck and volleyball courts to the west of the marina. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **NEW BUSINESS:**

**A. A health care staffing agreement with Intrepid America d/b/a Intrepid USA Healthcare Services to provide the County with supplemental nursing personnel to work various shifts at the Lancaster County Corrections Department, beginning May 1, 2002 to April 30, 2003. (C-02-0527)**

**MOTION:** Campbell moved and Heier seconded approval of a health care staffing agreement with Intrepid America d/b/a Intrepid USA Healthcare Services to provide the County with supplemental nursing personnel to work various shifts at the Lancaster County Corrections Department, beginning May 1, 2002 to April 30, 2003. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

**B. A grant contract with Matt Talbot Kitchen for the Hunger Relief and Outreach programs, beginning July 1, 2002 and ending June 30, 2003. The County shall make a grant in the amount of \$3,750. (C-02-0528)**

**MOTION:** Hudkins moved and Stevens seconded approval of a grant contract with Matt Talbot Kitchen for the Hunger Relief and Outreach programs, beginning July 1, 2002 and ending June 30, 2003. The County shall make a grant in the amount of \$3,750. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**C. A grant contract with Centerpointe, Inc. for five positions for juveniles attending the Evening Reporting Center and four positions for juveniles in the Work Placement Program, beginning July 1, 2002 to June 30, 2003. The County will pay \$75,000 for these services. (C-02-0529)**

**MOTION:** Campbell moved and Stevens seconded approval of a grant contract with Centerpointe, Inc. for five positions for juveniles attending the Evening Reporting Center and four positions for juveniles in the Work Placement Program, beginning July 1, 2002 to June 30, 2003. The County will pay \$75,000 for these services. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**D. A grant contract with Centerpointe, Inc. for ten positions for juveniles attending the Evening Reporting Center, beginning August 1, 2002 and ending July 31, 2003. The County will pay \$140,000 for the services. (C-02-0530)**

**MOTION:** Campbell moved and Heier seconded approval of a grant contract with Centerpointe, Inc. for ten positions for juveniles attending the Evening Reporting Center, beginning August 1, 2002 and ending July 31, 2003. The County will pay \$140,000 for the services. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

**E. An interlocal agreement with the Nebraska State Probation Administration for management of the Juvenile Drug Court and for grant funds for a juvenile drug court coordinator and probation officer, beginning November 1, 2002 and ending June 30, 2003. The County will pay \$31,639 for the coordinator and \$28,127 for the probation officer. The County will also pay an additional \$4,000 for the electronic monitoring supervision. The total amount of the grant is \$63,766. (C-02-0531)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Heier seconded approval of an interlocal agreement with the Nebraska State Probation Administration for management of the Juvenile Drug Court and for grant funds for a juvenile drug court coordinator and probation officer, beginning November 1, 2002 and ending June 30, 2003. The County will pay \$31,639 for the coordinator and \$28,127 for the probation officer. The County will also pay an additional \$4,000 for the electronic monitoring supervision. The total amount of the grant is \$63,766. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**F. An interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of Lancaster County preadjudicated and/or predisposition juvenile offenders on home arrest or detention. The agreement provides monitoring for up to 20 juveniles and the services of two probation officers, beginning November 1, 2002 and ending June 30, 2003. The County shall pay up to \$71,232 for the services. The County is also responsible for any lost or stolen equipment. (C-02-0532)**

**MOTION:** Heier moved and Campbell seconded approval of an interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of Lancaster County preadjudicated and/or predisposition juvenile offenders on home arrest or detention. The agreement provides monitoring for up to 20 juveniles and the services of two probation officers, beginning November 1, 2002 and ending June 30, 2003. The County shall pay up to \$71,232 for the services. The County is also responsible for any lost or stolen equipment.

Stevens noted that the agreement states the monitoring is for up to 28 juveniles, not 20.

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

6) **NEW BUSINESS CONTINUED:**

**G. An interlocal agreement with Nebraska State Probation Administration for the Drug Treatment Court for adults within Lancaster County. The County shall be provided the services of a drug treatment court coordinator, two drug treatment court probation officers, a part-time drug technician and one secretary. The County shall pay \$101,729 for the services. The term of the agreement is from November 1, 2002 to June 30, 2003. (C-02-0533)**

**MOTION:** Heier moved and Stevens seconded approval of an interlocal agreement with Nebraska State Probation Administration for the Drug Treatment Court for adults within Lancaster County. The County shall be provided the services of a drug treatment court coordinator, two drug treatment court probation officers, a part-time drug technician and one secretary. The County shall pay \$101,729 for the services. The term of the agreement is from November 1, 2002 to June 30, 2003. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

**H. Notice of termination of County Contract C-02-0314 with Melissa Davis-Schmit for services of quality assurance/utilization coordinator. The termination is effective January 1, 2003.**

David Johnson, Deputy County Attorney, explained Nyla Helge, Juvenile Mental Health, contacted him regarding the termination of the contract with Melissa Davis-Schmit. He stated a 60 day notice of termination was included in the original contract, making the effective termination date January 1, 2003 if approved.

**MOTION:** Hudkins moved and Stevens seconded approval of a notice of termination of County Contract C-02-0314 with Melissa Davis-Schmit for services of quality assurance/utilization coordinator. The termination is effective January 1, 2003. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

**I. A resolution in the matter of County Special Permit 196, View Pointe North Community Unit Plan, requested by Lyle Loth of E.S.P. on behalf of Willard Giebenrath, for 14 single family lots/dwelling units and five outlots with associated waiver requests on property generally located at North 70<sup>th</sup> Street and Waverly Road, Lancaster County, Nebraska. (R-02-0127)**

6) **NEW BUSINESS CONTINUED:**

- J. A resolution in the matter of City-County Preliminary Plat 02014, View Pointe North, requested by Lyle Loth of E.S.P. on behalf of Willard Giebenrath, on property generally located at North 70<sup>th</sup> Street and Waverly Road, Lancaster County, Nebraska. (R-02-0128)**

The Chair requested the New Business Items I and J be heard together.

In response to a question asked by Heier, Larry Worrell, County Surveyor, stated the conditions had been revised to show the extension to 70<sup>th</sup> Street. He added that the Waverly Fire Department is also in agreement with the change.

Tom Huston, attorney appearing on behalf of Willard Giebenrath, stated both he and the applicant were comfortable with the changes.

Mike DeKalb, Planning Department, indicated he was also in agreement with the changes.

**MOTION:** Heier moved and Campbell seconded approval of Resolution 02-0127 in relation to County Special Permit 196, View Pointe North Community Unit Plan, requested by Lyle Loth of E.S.P. on behalf of Willard Giebenrath, for 14 single family lots/dwelling units and five outlots with associated waiver requests on property generally located at North 70<sup>th</sup> Street and Waverly Road and to also approve Resolution 02-0128 in relation to City-County Preliminary Plat 02014, View Pointe North, requested by Lyle Loth of E.S.P. on behalf of Willard Giebenrath, on property generally located at North 70<sup>th</sup> Street and Waverly Road. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- K. Notice: Finding of No Significant Impact and Notice of Intent to Request Release of Funds for the Archer Daniels Midland expansion project in Lancaster County which expands existing rail track increasing usable track to 306 total car spaces. The public is allowed a 15-day comment period regarding the project. The environmental review and documents are on file at the County Clerk's Office and the Urban Development Department. Public comments shall be submitted to the Urban Development Department at 129 North 10<sup>th</sup> Street, Room 110, Lincoln, NE 68509-4666. Notice shall also be published in the Lincoln Journal Star.**

6) **NEW BUSINESS CONTINUED:**

Troy Gagner, Urban Development, explained that the notice was in connection with the Archer Daniels Midland (ADM) expansion project at 7800 Thayer. He stated that the *Finding of No Significant Impact* was an environmental review conducted by the Urban Development Department. The second notice, *Notice of Intent to Request Release of Funds*, requests the State to release the funds for use in the project.

Gagner also indicated that a letter was received from the State of Nebraska indicating they are satisfied with the matching funds.

Johnson requested that a copy of the letter from the State be attached to documentation.

Also noted was a change regarding the date relating to the receipt of written comments. All written comments must be received on or before November 9, 2002 instead of November 8, 2002.

**MOTION:** Campbell moved and Heier seconded approval of documentation relating to Finding of No Significant Impact and Notice of Intent to Request Release of Funds for the Archer Daniels Midland expansion project in Lancaster County which expands existing rail track increasing usable track to 306 total car spaces. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

**L. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Shoop & Sons, in the amount of \$10,982, for snow fence material for the County Engineer. (B-02-0034)**

**MOTION:** Campbell moved and Hudkins seconded approval to award a bid to Shoop & Sons, in the amount of \$10,982, for snow fence material for the County Engineer. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

**M. Recommendation from the Purchasing Agent and the County Engineer to award an order from a State of Nebraska contract (CA#5794) to Cornhusker International, in the total amount of \$210,340, for four tandem axle truck chassis. (B-02-0035)**



6) **NEW BUSINESS CONTINUED:**

**MOTION:** Campbell moved and Stevens seconded approval to award an order from a State of Nebraska contract (CA#5794) to Cornhusker International, in the total amount of \$210,340, for four tandem axle truck chassis. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

**N. Approval of the following appointments to the Lincoln-Lancaster Women's Commission:**

- ▶ **Venita Kelley for a two year term to expire January 1, 2005 (replaces Paige J. Roberts)**
- ▶ **Gwendolyn Combs for a two year term to expire January 1, 2005 (replaces Pamela Carmichael)**

Bonnie Coffey, Lincoln-Lancaster Women's Commission, appeared and gave a brief background regarding both appointees.

**MOTION:** Heier moved and Campbell seconded approval of the appointment of Venita Kelley and Gwendolyn Combs to the Lincoln-Lancaster Women's Commission, for two year terms, to expire January 1, 2005. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

7) **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. Receive and Place on File:**

1. **Noxious Weed Control's Monthly Report for the Combined Weed Program with the City of Lincoln for September, 2002.**
2. **Noxious Weed Control's Monthly Report for September, 2002.**
3. **Sheriff's Report of Fees for September, 2002.**
4. **Annual report to the Nebraska Board of Road Classifications and Standards (NBCS) from the County Engineer for the year ending June 30, 2002.**

**B. Request from Lisa M. Macku and Rachel M. Hundley, employees at Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.**

7) CONSENT ITEMS CONTINUED:

C. A resolution authorizing the installation of traffic signs at the following locations within Lancaster County: (R-02-0130)

- ▶ A driveway warning sign in advance of 12905 South 96th Street for southbound traffic
- ▶ An Interstate 80 guide sign assembly on North 70<sup>th</sup> Street south of Arbor Road for northbound traffic

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

8) ADJOURNMENT:

**MOTION:** Stevens moved and Campbell seconded adjournment of the Board of Commissioners meeting at 2:21 p.m. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, OCTOBER 22, 2002  
COUNTY COMMISSIONERS CHAMBERS, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Scott Gaines, Deputy County Assessor  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:21 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 15, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Heier moved and Campbell seconded approval of the minutes of the Board of Equalization meeting dated October 15, 2002. Campbell, 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 16 additions and deductions to the tax assessment rolls per Exhibit A.**

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Daughters of the Holy Spirit  
Developmental Services of Nebraska Inc.  
Gentle Shepherd Baptist Church  
Good News Broadcasting Association, Inc.  
Family Service  
St. Monica's (2 exemptions)

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

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

A & E Inc.

The Clerk noted that this item was deferred to Tuesday, October 29, 2002 at the request of the property owner.

6) **REMOVAL OF 451A TAX EXEMPTION ON REAL PROPERTY FOR 2002:**

Southwest Alliance Church

**MOTION:** Campbell moved and Heier seconded to accept the County Assessor's recommendation and remove the 451A tax exemption on real property for 2002 for Southwest Alliance Church. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Heier moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:24 p.m. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk