

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 14, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Deb Schorr
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 Administrative Officer

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

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 7, 2003.

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated January 7, 2003. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Commissioners Ray Stevens, Deb Schorr and Bob Workman were given special recognition for their participation in the candidate forum sponsored by the Mental Health Voter Empowerment Project.

B. Appointment of S. June Remington as the Director of the Lincoln Area Agency on Aging, effective January 21, 2003, at a salary of \$57,000.

MOTION: Stevens moved and Hudkins seconded approval of the appointment of S. June Remington as the Director of the Lincoln Area Agency on Aging, effective January 21, 2003, at a salary of \$57,000.

2) **SPECIAL PRESENTATIONS CONTINUED:**

Remington appeared and stated she was looking forward to continuing with the goals of the agency and moving forward with new issues.

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

C. Report from Warren F. Cook, Warren F. Cook and Associates, Coordinator, Adult Offender Services.

This item was moved to the end of 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, January 14, 2003.**

MOTION: Heier moved and Stevens seconded approval of all claims processed through January 14, 2003. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

A. Election of Chair and Vice Chair for the Lancaster County Board of Commissioners for 2003.

MOTION: Hudkins moved and Stevens seconded to nominate Bernie Heier as Chair of the Lancaster County Board of Commissioners. Workman, Hudkins, Schorr and Stevens voted aye. Heier abstained from voting. Motion carried.

Heier assumed direction of the meeting.

MOTION: Workman moved and Schorr seconded to nominate Ray Stevens as Vice Chair of the Lancaster County Board of Commissioners. Schorr, Workman, Heier and Hudkins voted aye. Stevens abstained from voting. Motion carried.

5) NEW BUSINESS CONTINUED:

B. Applications for two special events permits from the Lincoln Track Club to hold the following events:

1. State Farm "Run For Your Life" road race on Saturday, March 29, 2003 beginning at 9 a.m.
2. Havelock Run on Saturday, May 17, 2003, beginning at 8 a.m.

Larry Worth, President of the Lincoln Track Club, was present to answer questions.

MOTION: Workman moved and Stevens seconded approval of two special events permit applications from the Lincoln Track Club to hold the State Farm "Run For Your Life" road race and the Havelock Run. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

C. A utility relocation agreement with Norris Public Power District of Beatrice for adjustment of some or all of its facility as it relates to County Project No. C55-P-401(1) on Saltillo Road from South 84th Street to South 98th Street. The County shall pay up to \$25,000. (C-03-0022)

MOTION: Workman moved and Stevens seconded approval of a utility relocation agreement with Norris Public Power District of Beatrice for adjustment of some or all of its facility as it relates to County Project No. C55-P-401(1) on Saltillo Road from South 84th Street to South 98th Street. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

D. Grant contract with Heartland Big Brothers/Big Sisters to provide mentors for 20 identified high-risk youth in grades K-6. The Grantee has established a program for the purpose of the County Juvenile Aid Program. The County shall grant \$3,000 for the services. The term of the agreement is from November 1, 2002 to January 31, 2003. (C-03-0023)

MOTION: Hudkins moved and Workman seconded approval of a grant contract with Heartland Big Brothers/Big Sisters to provide mentors for 20 identified high-risk youth in grades K-6. The grantee has established a program for the purpose of the County Juvenile Aid Program. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

E. Grant contract with Catholic Social Services to provide cultural and employment orientation to refugees and place 100 participants into employment within 4 to 60 months. The County shall make a grant in the amount of \$183,810. These funds were received from the Federal Targeted Assistance Grant. The term of the agreement is from October 1, 2002 to September 30, 2003. (C-03-0024)

MOTION: Schorr moved and Hudkins seconded approval of a grant contract with Catholic Social Services to provide cultural and employment orientation to refugees and place 100 participants into employment within 4 to 60 months. Schorr, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

F. Contract amendment to an agreement with Lisa Young for the provision of nurse practitioner services which was executed on July 9, 2002, under County Contract No. C-02-303. The amendment provides for up to eighteen (18) hours per week of services rather than twelve (12). The amendment also requires the Contractor to provide the County with a current Certificate of Insurance. All other terms and conditions shall remain in full force and effect. (C-03-0030)

MOTION: Workman moved and Hudkins seconded approval of a contract amendment to an agreement with Lisa Young for the provision of nurse practitioner services which was executed on July 9, 2002, under County Contract No. C-02-303. Hudkins, Schorr, Stevens, Heier and Workman voted aye. Motion carried.

G. A resolution authorizing the installation of the following traffic signs in Lancaster County: (R-03-0003)

- ▶ Install 35 mph speed limit signs on South 1st Street between Pioneers Boulevard and Calvert Street. One just south of Calvert Street for southbound traffic and one just north of Pioneers Boulevard for northbound traffic.
- ▶ Install a School Bus Stop Ahead sign in advance of 18405 N.W. 40th Street for southbound traffic.
- ▶ Install a Stop Sign for westbound traffic on West Rokeby Road at the intersection with S.W. 84th Street.

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0003. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

H. Approval of the Noxious Weed Control Plan for Lancaster County for the year 2003.

Russ Shultz, Noxious Weed Control Superintendent, gave a brief overview of the weed control plan for 2003.

MOTION: Workman moved and Stevens seconded approval of the 2003 Noxious Weed Control Plan for Lancaster County. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

I. Political subdivision tort claim filed by Mark Geist for damages to his vehicle in the amount of \$2,926.11, plus rental car costs.

Mark Geist, 8800 Pella Road, appeared and gave a brief summary regarding the claim. He stated it was his opinion that the maintainer operator should have seen the concrete object along the side of the road.

Geist also submitted a copy of a letter from Patti Clark, 8770 Pella Road, indicating that the object had been on the side of the road for two to three weeks prior to the incident.

David Johnson, Deputy County Attorney, requested that the letter from Mrs. Clark be submitted into the record (Exhibit 1).

Johnson introduced David Sedlacek, claims supervisor for Continental Western Group, who gave an overview of the process used in reviewing the claim.

Sedlacek stated it is their opinion that Ms. Geist assumed an unreasonable risk by straddling the gravel and that based on the evidence which was presented to them, they believe that there is enough of a question which would suggest that Ms. Geist's negligence is at least equal to, if not greater than, the operator of the maintainer.

5) **NEW BUSINESS CONTINUED:**

Extensive discussion followed regarding the claim.

MOTION: Workman moved approval of the tort claim filed by Mark Geist for damages to his vehicle, in the amount of \$2,926.11, plus rental car costs.

Motion failed for lack of a second.

MOTION: Hudkins moved and Stevens seconded denial of the tort claim filed by Mark Geist for damages to his vehicle, in the amount of \$2,926.11, plus rental car costs. Stevens, Heier, Schorr and Hudkins voted aye. Workman voted no. Motion carried.

J. Request from Scott and Beth Hartley for a refund of 2000 real estate taxes, in the approximate amount of \$559.48, a refund of 2001 real estate taxes, in the approximate amount of \$591.66 and a credit for 2002 real estate taxes, in the approximate amount of \$597.50.

MOTION: Workman moved and Stevens seconded approval of a request from Scott and Beth Hartley for a refund of 2000 real estate taxes, in the approximate amount of \$559.48, a refund of 2001 real estate taxes, in the approximate amount of \$591.66 and a credit for 2002 real estate taxes, in the approximate amount of \$597.50. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

K. Reappointment of Bruce Kennedy, Kip Hulvershorn and Tom Malstrom to the Lancaster County Ecological Advisory Committee for an additional three terms commencing January 1, 2003 and ending December 31, 2005.

MOTION: Workman moved and Stevens seconded approval of the reappointment of Bruce Kennedy, Kip Hulvershorn and Tom Malstrom to the Lancaster County Ecological Advisory Committee for an additional three, one-year terms commencing January 1, 2003 and ending December 31, 2005. Heier, Schorr, Stevens, Hudkins and Workman 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. Receive and Place on File:

1. Lancaster Manor's Monthly Report for January, 2003.
2. Records & Information Management's Monthly Report for December, 2002.
3. Registrar of Deeds Monthly Report for December, 2002.
4. Noxious Weed Control Authority's Monthly Report for December, 2002.
5. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for December, 2002.
6. Financial Statements and Independent Auditor's Report for the Lancaster County Leasing Corporation for the years ended June 30, 2002 and 2001.
7. Letter to Cornhusker Bank Requesting the Register of Deeds Account Be Closed and Funds Transferred Once Check No. 12775 Has Cleared.

B. A resolution approving County Final Plat 02027, Deer Trail, consisting of five lots on property generally located at Highway 77/South 12th Street and Martell Road in Lancaster County, Nebraska. (R-03-0004)

C. A subdivision agreement with Robert Doolittle, Caryl Doolittle and Timber Real Estate L.L.C. for County Final Plat 02027, Deer Trail, on property generally located at Highway 77/South 12th Street and Martell Road in Lancaster County, Nebraska. (C-03-0031)

D. Right-of-way contracts for road improvements between the County Engineer and the following:

- ▶ Nebraska-Hamer Properties, in the amount of \$26,525.50, located at North 1st Street and McKelvie Road; Interlocal LES Project. (C-03-0025)
- ▶ Ron & Angie Thaller, in the amount of \$118.75, located at 4832 Ginny Avenue; Project No. C55-Q-407(1). (C-03-0026)

6) **CONSENT ITEMS CONTINUED:**

- ▶ Jon & Jenny Carlson, in the amount of \$2,080.91, located on S.W. 56th Street (Yankee Hill south); Bridge O-287. (C-03-0027)
- ▶ Dorothy Maher, in the total amount of \$541.75, located at 21405 North 134th Street; Project No. BR-3380(4). (2 contracts) (C-03-0028 & C-03-0029)

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

7) **EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION:**

MOTION: Workman moved and Hudkins seconded to enter into executive session for the purpose of discussing pending litigation at 2:26 p.m. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

MOTION: Workman moved and Stevens seconded to exit executive session at 2:46 p.m. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

RETURNING TO SPECIAL PRESENTATIONS:

Report from Warren F. Cook, Warren F. Cook and Associates, Coordinator, Adult Offender Services.

Warren Cook, Coordinator of Adult Offender Services, highlighted the following areas regarding *Alternatives To Incarceration Program - Program Plan Report* (Exhibit 2):

- ▶ Survey of properties (9th and J Street building, Trabert Hall and other commercial properties)
- ▶ Draft Mission Statement
- ▶ Stakeholder Input
- ▶ Initial Services to be Provided
- ▶ Organization Chart and Implementation Timeline
- ▶ Report of Long Beach, California Village Program Review

Cook suggested there be ten staff to operate the facility at a cost of approximately \$236,000 per year. With benefits included the cost would increase to approximately \$306,860.

Cook further stated there would be an approximate cost of \$510 per client/per month if 50 individuals were placed in the program as compared to \$1,800 per inmate/per month in the jail.

The initial start-up cost, Cook stated, for April, 2003 through June, 2003 would be approximately \$78,000.

Cook also stated he would like to seek an opinion from the Attorney General regarding a moratorium on individuals sitting in jail for fines.

In response to a question asked by Workman, Dave Kroeker, Budget and Fiscal Officer, stated they have \$250,000 for start-up costs.

MOTION: Workman moved and Stevens seconded to approve program plan relating to Alternatives to Incarceration, using the 9th and J Street location. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Hudkins moved and Workman seconded adjournment of the Board of Commissioners meeting at 3:55 p.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 14, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

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

The Board of Equalization meeting was called to order at 2:47 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 7, 2003. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization dated January 7, 2003. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

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

3) **ADDITIONS AND DEDUCTIONS:**

Approval of 31 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Hudkins moved and Stevens seconded approval of 31 additions and deductions to the tax assessment rolls. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Christian Heritage Children's Home
Goodwill Industries Serving Southeast NE Inc
Indian Center Inc
Martin Luther Homes Central Inc
Sisters of Mary Queen of Mercy**

MOTION: Workman moved and Stevens seconded approval of motor vehicle tax exemptions for Goodwill Industries Serving Southeast Nebraska Inc., Indian Center Inc., Martin Luther Homes Central Inc. and Sisters of Mary Queen of Mercy and to also approve a motor vehicle tax exemption for Christian Heritage Children's Home subject to the vehicle being titled and registered to the applicant. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Workman moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:50 p.m. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk