

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, FEBRUARY 18, 2003**  
**COUNTY COMMISSIONERS CHAMBERS, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

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

Commissioners Absent: Deb Schorr

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 was called to order at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 11, 2003. (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:** Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated February 11, 2003. Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, February 18, 2003.

**MOTION:** Hudkins moved and Stevens seconded approval of all claims processed through February 18, 2003. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

**A. County Change of Zone 210, requested by Jack W. Duke, Jr. and Joy L. Duke, from AG Agricultural to AGR Agricultural Residential, on property generally located at Southwest 126<sup>th</sup> Street and West "O" Street (Highway 6) in Lancaster County, Nebraska.**

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

The Clerk administered the oath to Jack W. Duke, Jr., applicant.

Duke referred to documentation\* and gave a brief presentation stating that he wanted to divide his property into two, ten-acre lots and to continue residing on the property. In order to achieve that, he said, he was informed that he must subdivide the property.

It was also noted by Duke that the location should be Northwest 126<sup>th</sup> Street, not Southwest 126<sup>th</sup> Street.

David Johnson, Deputy County Attorney, requested that the FactSheet (Exhibit 1), prepared by Planning staff, and the two packets of documentation\* referred to by Duke be made a part of the record.

**\*NOTE:** The County Clerk's Office did not receive a copies of the documentation presented by Mr. Duke for the record.

The Chair asked if anyone wished to testify in opposition.

The Clerk administered the oath to Richard Hedges, 100 Northwest 126<sup>th</sup> Street.

Hedges appeared in opposition and submitted pictures of the subject property (Exhibit 2). He also addressed concerns regarding noise and traffic.

The Clerk administered the oath to Fred Nass, 600 Northwest 126<sup>th</sup> Street.

4) **PUBLIC HEARINGS CONTINUED:**

Nass appeared and indicated he has no objections to the change of zone. He added that he feels the issue of Duke operating a business on the property is irrelevant to the proposal. Nass also addressed the noise, stating that there has been an increase in usage by semi-tractor/trailers since the County hard surfaced 126<sup>th</sup> Street from Highway 34 to Highway 6. He stated that the noise from traffic on 126<sup>th</sup> Street far outweighs the noise made by Duke's business.

The Clerk administered the oath to Kenneth Waldron, 4103 Northwest 126<sup>th</sup> Street.

Waldron appeared in opposition noting his concerns regarding violation of the zoning laws and an increase in traffic and noise.

The Clerk administered the oath to Susan Olsen, 300 Northwest 126<sup>th</sup> Street.

Olsen appeared and stated her brother, Jack Duke, Jr., had followed the rules and regulations. She stated she had written a check for \$100, dated November 20, 2002, to Building and Safety for the building permit. Checks were also written on November 10, 2002 to the Planning Department and the Health Department for the lagoon.

Submitted into the record by the applicant were pictures of the subject property (Exhibit 3) and an informational packet (Exhibit 4).

Extensive discussion took place regarding the issuance of permits by Building and Safety and the Health Department.

The Clerk administered the oath to John Chess, Lincoln-Lancaster County Health Department.

Chess explained that Jerry Hood had informed the applicant, on or around the date of December 11, 2002, that Building and Safety would not issue a building permit for the property because of an existing residence and that a sewage permit would not be issued until a subdivision is created.

The Clerk administered the oath to Rodger Harris, Building and Safety Department.

4) **PUBLIC HEARINGS CONTINUED:**

Harris appeared and submitted documentation relating to an application for a building permit (Exhibit 5), noting that the \$100 fee paid to Building and Safety by Susan Olsen was for a plan review. He added that the permit was on "pending status" and has not been issued.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

**MOTION:** Hudkins moved and Workman seconded to request the County Attorney's Office to prepare a resolution to deny County Change of Zone 210, requested by Jack W. Duke, Jr. and Joy L. Duke, from AG Agricultural to AGR Agricultural Residential, on property generally located at Southwest 126<sup>th</sup> Street and West "O" Street (Highway 6) in Lancaster County, Nebraska. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

**A. An agreement with the Nebraska Commission on Law Enforcement and Criminal Justice for modification and installation of the records management system at the Juvenile Detention Center to increase access to detention and release data for victim notification. The State shall pay the County \$3,600 for the modification to the County system. (C-03-0050)**

**MOTION:** Workman moved and Stevens seconded approval of an agreement with the Nebraska Commission on Law Enforcement and Criminal Justice for modification and installation of the records management system at the Juvenile Detention Center to increase access to detention and release data for victim notification. The State shall pay the County \$3,600 for the modification to the County system. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. An application for a Special Designated License from B&B-Q Inc. d/b/a Cheerleaders Bar & Grill to hold a sorority function on Saturday, March 8, 2003 from 8 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams in Lincoln, Lancaster County, Nebraska.**

Dean Borgmann, owner of Cheerleaders, appeared and stated he had been asked to take over the catering of functions to be held at Country Pines.

Heier indicated he had received a letter from the Sheriff's Office addressing concerns relating to the owner of Country Pines.

Terry Wagner, Sheriff, referred to his recommendation of denial noting possible liquor law violations by Ben Sand, the current owner of the property. He stated he did conduct a check of Cheerleaders, noting that the Lincoln Police Department shows no liquor violations. Wagner stated his concern is with the current property owner, not Dean Borgmann or Cheerleaders Bar and Grill.

Johnson referred to Resolution 00-148 which outlines the procedures and standards for administering liquor license applications in the County and gave a brief explanation of the requirements which the Sheriff must follow.

**MOTION:** Hudkins moved and Workman seconded denial of an application for a Special Designated License from B&B-Q Inc. d/b/a Cheerleaders Bar & Grill to hold a sorority function on Saturday, March 8, 2003 from 8 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams in Lincoln, Lancaster County, Nebraska. Workman, Hudkins and Heier voted aye. Stevens voted no. Motion carried.

- B. A memorandum of understanding with the Nebraska Commission on Law Enforcement and Criminal Justice for access to information kept by the Crime Commission. The agreement provides security requirements that must be followed by the Juvenile Detention Center and staff designated with access to the database. (C-03-0056)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Workman seconded approval of a memorandum of understanding with the Nebraska Commission on Law Enforcement and Criminal Justice for access to information kept by the Crime Commission. The agreement provides security requirements that must be followed by the Juvenile Detention Center and staff designated with access to the database. Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

**C. First amendment to a lease agreement between General Electric Capital Corporation, County of Lancaster and Plastic Companies Enterprises, Inc. which amends the original lease agreement, dated October 1, 2002, for additional items of equipment which shall include one pre-fill automatic assembly machine, one pre-fill barrel tool and one pre-fill plunger tool and any other equipment acceptable to the lessor which shall replace one robot and one 250 ton injection molding machine or one EDM tooling machine. The lease agreements were originally executed pursuant to Industrial Development Revenue Bond Plastic Companies Enterprises, Inc. Project, Series 2002, in the principal amount of \$1,300,000. (C-03-0057)**

**MOTION:** Workman moved and Stevens seconded approval of a first amendment to a lease agreement between General Electric Capital Corporation, County of Lancaster and Plastic Companies Enterprises, Inc. which amends the original lease agreement, dated October 1, 2002, for additional items of equipment which shall include one pre-fill automatic assembly machine, one pre-fill barrel tool and one pre-fill plunger tool and any other equipment acceptable to the lessor which shall replace one robot and one 250 ton injection molding machine or one EDM tooling machine. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**D. Contract with Midwest Fence Company, d/b/a Guardrail Systems Inc. for bridge rail and guardrail construction on County Project No. 03-03 for County Structure X-129. The construction is generally located in the area of South 54<sup>th</sup> Street and Panama Road. The County shall pay \$20,500 for the construction. Work shall be commenced by February 24, 2003 and be completed by May 16, 2003. (C-03-0058)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Workman moved and Hudkins seconded approval of a contract with Midwest Fence Company, d/b/a Guardrail Systems Inc. for bridge rail and guardrail construction on County Project No. 03-03 for County Structure X-129. The construction is generally located in the area of South 54<sup>th</sup> Street and Panama Road. The County shall pay \$20,500 for the construction. Work shall be commenced by February 24, 2003 and be completed by May 16, 2003. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

**E. Recommendation from the Purchasing Agent and the County Engineer to award a bid from a State of Nebraska contract (#CA-5417 REN (2)) to Murphy Tractor Equipment Company, in the amount of \$60,433, for one tractor-loader including options as outlined in the recommendation. (B-03-0007)**

**MOTION:** Hudkins moved and Stevens seconded approval to award a bid from a State of Nebraska contract (#CA-5417 REN (2)) to Murphy Tractor Equipment Company, in the amount of \$60,433, for one tractor-loader including options as outlined in the recommendation. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

**F. Request from Dennis Keefe, Lancaster County Public Defender, to promote Timothy Eppler from an Attorney I to an Attorney II and set his annual salary at \$58,000, effective February 20, 2003.**

**MOTION:** Stevens moved and Hudkins seconded approval of a request from Dennis Keefe, Lancaster County Public Defender, to promote Timothy Eppler from an Attorney I to an Attorney II and set his annual salary at \$58,000, effective February 20, 2003. Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

**G. A request from Lincoln Federal Savings Bank for a refund of real estate taxes for 2001, in the approximate amount of \$485.96, and for 2002, in the approximate amount of \$490.76.**

**MOTION:** Hudkins moved and Stevens seconded approval of a request from Lincoln Federal Savings Bank for a refund of real estate taxes for 2001, in the approximate amount of \$485.96, and for 2002, in the approximate amount of \$490.76. Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

H. Reappointment of Dr Jean Krejci to the Community Mental Health Center Advisory Committee for three years, beginning January 1, 2003 and ending December 31, 2006.

**MOTION:** Stevens moved and Hudkins seconded reappointment of Dr Jean Krejci to the Community Mental Health Center Advisory Committee for three years, beginning January 1, 2003 and ending December 31, 2006. Heier, Stevens, Workman and Hudkins 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. **County Assessor/Register of Deeds Monthly Report for January, 2003.**

B. **Setting of a public hearing for Tuesday, March 4, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution 5351 adopted July 2, 1995 for which the County Clerk has received no protests.**

C. **Setting of a public hearing for Tuesday, March 11, 2003 at 1:30 p.m. to determine the boundaries for the formation of a special paving improvement district. The County has received a petition from ten percent of the landowners living within the Yankee Ridge subdivision along the following roads: Rebel Drive, South 60<sup>th</sup> Street, South 61<sup>st</sup> Court, South 63<sup>rd</sup> Street, Marlyn Road, South 64<sup>th</sup> Circle, South 65<sup>th</sup> Street, Bolton Road, South 66<sup>th</sup> Street and South 68<sup>th</sup> Street. The proposed District shall be called the Yankee Ridge Road Improvement District which shall pave the above roads.**



7) CONSENT ITEMS CONTINUED:

D. Setting of a public hearing for Tuesday, March 18, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager for Bryan A Cederburg and a Class M (Bottle Club) liquor license for Yankee Hill Development L.L.C. d/b/a Yankee Hill Country Club located at 7600 San Mateo Lane in Lincoln, Lancaster County, Nebraska.

E. Request from Lori Loder, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan, having met the eligibility requirements.

The Clerk noted for the record that the date of the public hearing for Consent Item 7C should be Tuesday, March 4, 2003 and not March 11<sup>th</sup> as noted on the agenda.

Johnson appeared and referred to Consent Item 7C, explaining that the County would see a savings if a special election was not held. Instead the election to determine the boundaries for the formation of a special paving improvement district would be held in conjunction with the primary on April 8, 2003.

**MOTION:** Hudkins moved and Stevens seconded approval of the Consent Items including a change on the public hearing date for Consent Item 7C to March 4, 2003. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

8) ADJOURNMENT:

**MOTION:** Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 3:29 p.m. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, FEBRUARY 18, 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  
Bob Workman

Commissioners Absent: Deb Schorr

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 3:29 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 11, 2003. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Stevens moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated February 11, 2003. 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 40 additions and deductions to the tax assessment rolls per Exhibit A.**

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**CenterPointe, Inc.  
Villa Marie School (2 exemption applications)**

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

5) **ADJOURNMENT:**

**MOTION:** Stevens moved and Workman seconded adjournment of the Board of Equalization meeting at 3:30 p.m. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk