

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, MARCH 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  
Deb Schorr  
Bob Workman

Commissioners Absent: Larry Hudkins

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

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, March 11, 2003.

**MOTION:** Workman moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated March 11, 2003. Schorr, Workman and Heier voted aye. Stevens abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **CLAIMS FOR REVIEW:**

A. Payment Voucher 971-0164, dated February 26, 2003, payable to American Bio Medica Corporation, in the amount of \$7,476.21. This payment is for drug testing supplies ordered in November, 2002 (over 90 days), December, 2002 and February, 2003. The purchase exceeds the \$1,000 limit authorized for purchase without a purchase order.

3) **CLAIMS FOR REVIEW CONTINUED:**

David Johnson, Deputy County Attorney, appeared and gave a brief explanation stating he had contacted Vince Mejer, Purchasing Agent, who had indicated there is a State contract and that payment to American Bio Medica Corporation can be accomplished.

Mejer stated he had contacted American Bio Medica Corporation, as well as the State, to inquire about the government contract and was informed that there is a multiple state contract for pharmaceuticals. He stated he would continue to work with Steve Rowoldt, County Court Chief Probation Officer, and that they would be drafting an agreement to become a part of the multiple state co-op. Also noted by Mejer was a \$127 freight charge for which the County will be reimbursed.

Rowoldt stated the items purchased were drug court supplies and that the individual who placed the order didn't know there should have been a contract prior to the purchase.

**MOTION:** Workman moved and Stevens seconded approval of Payment Voucher 971-0164, dated February 26, 2003, payable to American Bio Medica Corporation, in the amount of \$7,476.21. This payment is for drug testing supplies ordered in November, 2002, December, 2002 and February, 2003. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, March 18, 2003.**

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

5) **PUBLIC HEARINGS:**

- A. 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.**

Johnson requested that a letter from Bryan Cederburg, applicant for a Corporate Manager license, be marked and entered into the record (Exhibit 1). He stated the letter indicated Mr. Cederburg was withdrawing his application.

It was Johnson's recommendation that the public hearing regarding the application not be opened and the letter from Mr. Cederburg be submitted for the record.

**MOTION:** Workman moved and Schorr seconded to remove from the agenda the 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. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. Acceptance of notice of assignment of the rights and interest of Alternative Business Systems for compensation provided in the cost-per-copy master lease of photocopiers with the City of Lincoln and Lancaster County. The lease is under County Contract Number C-02-0558. Alternative Business Systems seeks approval of assignment and payment of compensation to First National Bank Schuyler, Nebraska. (C-03-0103)**

Johnson explained it was his understanding that Alternative Business Systems had already assigned a portion of the rental/lease proceeds and that they have requested that it be assigned again to First National Bank of Schuyler, Nebraska. He added that the County would be receiving the same services, however, payment will be made to First National Bank of Schuyler.

In response to a question asked by Stevens, Johnson stated the assignment would not affect the obligations to the County, it merely indicates that any compensation due goes to another entity.

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Workman moved and Stevens seconded approval of the acceptance of notice of assignment of the rights and interest of Alternative Business Systems for compensation provided in the cost-per-copy master lease of photocopiers with the City of Lincoln and Lancaster County. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

**B. A credit card application with Wells Fargo for the Lancaster County Attorney's Office for one credit card which will be issued in the name of Gary E. Lacey, with Eileen E. LeGrande as the authorized program manager for maintenance of the card. (C-03-0104)**

Johnson stated the County Attorney's Office was requesting a credit card because AAA had notified them that they would no longer bill monthly and that they would need a credit card. He explained that the County Attorney's Office uses AAA for all of their travel such as conferences, depositions and bringing witnesses to Lincoln.

Stevens asked if there were any fees associated with the application or on an annual basis.

Johnson responded that there are no fees associated with the application, however, there would be a fee for the credit card. He indicated he visited with the County representative at Wells Fargo who was in the process of centralizing all cards held by various County department heads/agencies. Johnson stated the representative had indicated when all of the cards reached a combined minimum, with regard to waiving fees, the charge would no longer be applicable. Until such time a fee would be applied to the cards on an annual basis.

Schorr requested a listing of County agencies/department heads who have a credit card with Wells Fargo or other entities.

**MOTION:** Stevens moved and Workman seconded approval of a credit card application with Wells Fargo for the Lancaster County Attorney's Office for one credit card which will be issued in the name of Gary E. Lacey, with Eileen E. LeGrande as the authorized program manager for maintenance of the card. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- C. An engineering agreement with Speece Lewis Engineers for preliminary survey, roadway design and plan preparation for the regrading of Old Cheney Road from South 148<sup>th</sup> Street to South 190<sup>th</sup> Street. The work shall commence on or after March 24, 2003. The County shall pay \$23,500 for the services. (C-03-0110)

**MOTION:** Workman moved and Stevens seconded approval of an engineering agreement with Speece Lewis Engineers for preliminary survey, roadway design and plan preparation for the regrading of Old Cheney Road from South 148<sup>th</sup> Street to South 190<sup>th</sup> Street. The work shall commence on or after March 24, 2003. The County shall pay \$23,500 for the services. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- D. A contract with Hartmann Construction Company, in the amount of \$542,895.47, for grading construction in connection with County Project 03-30, which provides for grading on Old Cheney Road from 148<sup>th</sup> Street to 112<sup>th</sup> Street, Van Dorn Street from 120<sup>th</sup> Street to 112<sup>th</sup> Street, 120<sup>th</sup> Street from Rokeby Road to Bennet Road and Saltillo Road from 98<sup>th</sup> Street to 84<sup>th</sup> Street. The services shall begin on or before April 14, 2003 and be completed approximately by July 21, 2003. (C-03- 0111)

Heier indicated he would abstain from voting because of a potential conflict of interest.

**MOTION:** Stevens moved and Workman seconded approval of a contract with Hartmann Construction Company, in the amount of \$542,895.47, for grading construction in connection with County Project 03-30, which provides for grading on Old Cheney Road from 148<sup>th</sup> Street to 112<sup>th</sup> Street, Van Dorn Street from 120<sup>th</sup> Street to 112<sup>th</sup> Street, 120<sup>th</sup> Street from Rokeby Road to Bennet Road and Saltillo Road from 98<sup>th</sup> Street to 84<sup>th</sup> Street. Workman, Stevens and Schorr voted aye. Heier abstained from voting. Motion carried.

6) NEW BUSINESS CONTINUED:

- E. The United States Department of Housing and Urban Development, Office of Community Planning and Development request for release of funds and certification for Community Development Block Grant (CDBG) funds under Grant Number 02-ED-011, which involves the reconfiguration and expansion of rail lines contained within the industrial-zoned Archer Daniels Midland property at 7800 Thayer.
- F. Authorization to request Community Development Block Grant (CDBG) funds under Grant Number 02-ED-011, which involves the reconfiguration and expansion of rail lines contained within the industrial-zoned Archer Daniels Midland property at 7800 Thayer.
- G. Code of conduct for County officials, employees and agents regarding the award and administration of contracts supported by Federal funds under Community Development Block Grant (CDBG) for Grant Number 02-ED-011, which involves the reconfiguration and expansion of rail lines contained within the industrial-zoned Archer Daniels Midland property at 7800 Thayer.

Johnson requested that New Business Items 6E, 6F and 6G be held.

- H. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska: (R-03-0011)
  - ▶ Install a "Stop Ahead" sign on Arbor Road east of North 14<sup>th</sup> Street for westbound traffic.
  - ▶ Install a "Stop Ahead" sign on South 112<sup>th</sup> Street north of "A" Street for southbound traffic.
  - ▶ Change the weight limit posting on Bridge C-220, located approximately one-half mile east of Northwest 40<sup>th</sup> Street on West Rock Creek Road, from 21 tons to 19 tons.

**MOTION:** Schorr moved and Stevens seconded approval of Resolution 03-0011 authorizing the installation of traffic signs. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- I. Request from RFC Servicing, Inc. for a refund of personal property taxes for 2001, in the approximate amount of \$430.04, and for 2002, in the approximate amount of \$560.16.**

**MOTION:** Workman moved and Stevens seconded approval of a request from RFC Servicing, Inc. for a refund of personal property taxes for 2001, in the approximate amount of \$430.04, and for 2002, in the approximate amount of \$560.16. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- J. A political subdivision tort claim filed against Lancaster County by Mohamed A. El-Tabech.**

**MOTION:** Workman moved and Stevens seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against Lancaster County by Mohamed A. El-Tabech. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- K. Appointment of Janet C. Lu to a two year term on the Lincoln-Lancaster Women's Commission, term to expire March 1, 2005.**

Bonnie Coffey, Executive Director of the Lincoln-Lancaster Women's Commission, appeared and stated they look forward to Ms. Lu's appointment to the Commission.

**MOTION:** Workman moved and Stevens seconded approval of the appointment of Janet C. Lu to a two year term on the Lincoln-Lancaster Women's Commission, term to expire March 1, 2005. Workman, Schorr, Stevens and Heier 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. Lancaster County Assessor/Register of Deeds Monthly Report for February, 2003.
2. Lancaster Manor's Monthly Report.
3. Noxious Weed Control Authority's Monthly Report for February, 2003.
4. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for February, 2003.
5. Accountability and Disclosure Commission Opinion requested by Commissioner Bernie Heier.

**B. Setting of a public hearing for Tuesday, April 1, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding County Change of Zone 212, requested by Robert and Diane Niemeyer, on property generally located at South 96<sup>th</sup> Street and Stagecoach Road in Lancaster County, Nebraska.**

**C. Right-of-entry agreements relating to road improvements between the Lancaster County Engineering Department and the following:**

- ▶ Edwin and Melvin Peterson on a portion of North 176<sup>th</sup> Street; Project C55-A-404(1). This is at no cost to the County. (C-03-0105)
- ▶ Cynthia Fixemer on West Yankee Hill Road at its intersection with the Burlington Northern Santa Fe Railway Company; Project C55-D.O.T.-073292-A. This is at no cost to the County. (C-03-0106)
- ▶ Gary and Lori Steer on West Yankee Hill Road at its intersection with the Burlington Northern Santa Fe Railway Company; Project C55-D.O.T.-073292-A. This is at no cost to the County. (C-03-0107)



7) **CONSENT ITEMS CONTINUED:**

**D. Leasehold contracts relating road construction between the Lancaster County Engineering Department and Robert Brauckmuller, in the total amount of \$20, on 17200 Highway 6; Project C55-H-410(1). (2 contracts) (C-03-0108 and C-03-0109)**

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

The Chair recessed the Board of Commissioners meeting at 1:50 p.m.

The Chair reconvened the Board of Commissioners meeting at 1:55 p.m.

8) **EXECUTIVE SESSION REGARDING PENDING LITIGATION IN FEDERAL COURT:**

**MOTION:** Workman moved and Stevens seconded approval to enter into Executive Session at 1:55 p.m. for the purpose of discussing pending litigation in Federal Court. Schorr, Workman, Stevens and Heier voted aye. Motion carried.

**MOTION:** Workman moved and Stevens seconded to exit Executive Session at 2:15 p.m. Workman, Schorr, Stevens and Heier voted aye. Motion carried.

9) **ADJOURNMENT:**

**MOTION:** Workman moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:15 p.m. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MARCH 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  
Deb Schorr  
Bob Workman

Commissioners Absent: Larry Hudkins

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk

The Board of Equalization meeting was called to order at 1:50 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 18, 2003.

**MOTION:** Workman moved and Schorr seconded approval of the minutes of the Board of Equalization dated March 18, 2003. Schorr, Workman and Heier voted aye. Stevens abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **ADDITIONS AND DEDUCTIONS:**

**Approval of 99 additions and deductions to the tax assessment rolls per Exhibit A.**

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Cedars Youth Services  
Cristo Rey Catholic Church  
Developmental Services of Nebraska Inc.  
Lincoln Church of Christ  
Southeast Nebraska Mobile Diagnostic Services, Inc.

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

5) **NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, April 1, 2003 immediately following the regular meeting of the Board of Commissioners in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a notice of valuation change for omitted or undervalued property for Roger H and Barbara A Rietsch and Donald M and Judith Lee Edwards.

**MOTION:** Workman moved and Schorr seconded approval of setting a public hearing for Tuesday, April 1, 2003 immediately following the regular meeting of the Board of Commissioners in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a notice of valuation change for omitted or undervalued property for Roger H and Barbara A Rietsch and Donald M and Judith Lee Edwards. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded adjournment of the Board of Equalization meeting at 1:55 p.m. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk