

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 1, 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
Deb Schorr
Bob Workman

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, March 25, 2003.**

MOTION: Schorr moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated March 25, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. A resolution declaring April 7 through April 11, 2003 as Lancaster County Crime Victims' Rights Week - Kathy Stevenson, Lincoln Police Department's Victim/Witness Unit (R-03-0005)

Appearing were Jo Anna Svoboda, Kathy Stevenson and Pat Westendorf with the Lincoln Police Department's Victim Witness Unit.

The Clerk read the resolution into record.

2) **SPECIAL PRESENTATIONS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of Resolution 03-0005 declaring April 7 through April 11, 2003 as Lancaster County Crime Victims' Rights Week. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

B. The County-City Volunteer of the Month Award was presented to Vera Mae Lutz for her services with the Election Commission.

MOTION: Hudkins moved and Schorr seconded approval of the County-City Volunteer of the Month Award presented to Vera Mae Lutz for her services with the Election Commission. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

C. The Commissioners Award of Excellence for February, 2003 was presented to Majda Dedakovic, an employee with Lancaster Manor.

MOTION: Hudkins moved and Stevens seconded approval of the Commissioners Award of Excellence for February, 2003 presented to Majda Dedakovic, an employee with Lancaster Manor. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

D. The Commissioners Award of Excellence for March, 2003 was presented to Mike Kinney, an employee with the Corrections Department.

MOTION: Workman moved and Schorr seconded approval of the Commissioners Award of Excellence for March, 2003 presented to Mike Kinney, an employee with the Corrections Department. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

3) **PUBLIC COMMENT:**

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

4) **CLAIMS:** Approval of all claims processed through Tuesday, April 1, 2003.

MOTION: Workman moved and Stevens seconded approval of all claims processed through April 1, 2003. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. County Change of Zone 212, requested by Robert and Diane Niemeyer, on property generally located at South 96th Street and Stagecoach Road in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony in favor of the proposal.

The Clerk administered the oath to Robert Niemeyer, applicant.

Niemeyer explained he would like to change the zoning from Agricultural to Agricultural Residential to divide the property into two lots, one consisting of 3 acres and the other to consist of 7.15 acres. He stated he and his wife would like to build a new home on the three-acre parcel.

The Clerk administered the oath to Mike DeKalb, Planning Department.

DeKalb gave a brief overview of the proposal indicating that Planning staff, as well as the Planning Commission, recommended approval.

David Johnson, Deputy County Attorney, requested that the Planning FactSheet (Exhibit 1) and the Lancaster County Zoning Regulations be made a part of the record.

In response to a question asked by Schorr, Niemeyer stated the remaining lot with the existing residence would be sold.

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

No one appeared and the hearing was closed.

5) **PUBLIC HEARINGS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded approval of County Change of Zone 212 from AG Agricultural to AGR Agricultural Residential, requested by Robert and Diane Niemeyer, on property generally located at South 96th Street and Stagecoach Road in Lancaster County, Nebraska. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

6) **OLD BUSINESS:**

A. Appointment of Norman H. Agena, Lancaster County Assessor/Register of Deeds, to the Government Access and Information Committee (GAIC), to complete the one-year term of Maura Kelly Tolzin through January 1, 2004.

By direction of the Chair, this item was deferred for discussion at a staff meeting.

7) **NEW BUSINESS:**

A. Applications for Special Designated Licenses from Hillcrest Country Club, located at 8901 "O" Street, to hold golfing events on the following dates:

- ▶ Sunday, May 4, 2003 from 7 a.m. to 1 p.m.
- ▶ Sunday, May 25, 2003 from 7 a.m. to 1 p.m.
- ▶ Sunday, June 1, 2003 from 7 a.m. to 1 p.m.
- ▶ Sunday, July 6, 2003 from 7 a.m. to 1 p.m.
- ▶ Sunday, August 3, 2003 from 7 a.m. to 1 p.m.
- ▶ Sunday, August 17, 2003 from 7 a.m. to 1 p.m.

At the request of the applicant, this item was deferred for one week.

B. A grant contract with Leadership Lincoln, Inc. to provide partial scholarships for two refugees to attend the 12 month Leadership Lincoln Program. The County shall pay \$2,000 to support participation in the program. The term of the grant is from October 1, 2002 to September 30, 2003. (C-03-0121)

7) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of a grant contract with Leadership Lincoln, Inc. to provide partial scholarships for two refugees to attend the 12 month Leadership Lincoln Program. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

C. A grant contract with the Lincoln Council on Alcoholism and Drugs, Inc. for the purpose of funding grants for management and clerical support for the Training Coordinator for the Youth Led Strategies Program, the Substance Abuse Action Team Project Director and the Evaluation Specialist. The County shall pay \$72,140 in grant funds. The term of the grant is from October 1, 2002 to September 30, 2003. (C-03-0122)

MOTION: Workman moved and Schorr seconded approval of a grant contract with the Lincoln Council on Alcoholism and Drugs, Inc. for the purpose of funding grants for management and clerical support for the Training Coordinator for the Youth Led Strategies Program, the Substance Abuse Action Team Project Director and the Evaluation Specialist. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

D. An addendum to an agreement with Community Alternatives for microfilming services at the Records and Information Management Department. The addendum addresses the requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations with respect to "business associates" as the term is defined by the HIPAA Privacy Regulations. (C-03-0123)

MOTION: Hudkins moved and Stevens seconded approval of an addendum to an agreement with Community Alternatives for microfilming services at the Records and Information Management Department which addresses the requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations with respect to "business associates" as the term is defined by the HIPAA Privacy Regulations. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

- E. An addendum to an agreement with Ameritas for third party administration of the County's dental plan. The addendum addresses the requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations with respect to "business associates" as the term is defined by the HIPAA Privacy Regulations. (C-03-0124)**

MOTION: Hudkins moved and Schorr seconded approval of an addendum to an agreement with Ameritas for third party administration of the County's dental plan which addresses the requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations with respect to "business associates" as the term is defined by the HIPAA Privacy Regulations. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- F. Notice of cancellation of a lease with S & V Homebuilders for office space located at 315 South 9th Street, Suites 201 and 202. The original lease agreement provides for at least 90 days notice prior to termination. The termination shall become effective July 31, 2003.**

Stevens noted a discrepancy in relation to the suite numbers listed on the agenda and the suite numbers denoted in the letter.

Johnson indicated that the suite numbers listed in the letter are correct.

MOTION: Hudkins moved and Workman seconded approval of a notice of cancellation of a lease with S & V Homebuilders for office space located at 315 South 9th Street, Suites 201 and 200. The termination shall become effective July 31, 2003. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- G. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska: (R-03-0013)**

- ▶ **Install hazard warning signs on Structure U-39 located on Southwest 86th Street approximately 100 feet south of West Bennet Road.**

7) NEW BUSINESS CONTINUED:

- ▶ **Change the weight limit posting on Bridge A-58 located on North 112th Street approximately 450 feet south of Ashland Road from 23 tons to 15 tons.**

MOTION: Schorr moved and Stevens seconded approval of Resolution 03-0013 authorizing the installation of traffic signs in Lancaster County, Nebraska. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

H. A resolution regarding the proposed sale of County property generally located at 1309 "M" Street, Lincoln, Lancaster County, Nebraska which includes the setting of a public hearing regarding the sale of the property and determination of fair market value and the setting of the date for the sale of the property. (R-03-0014)

Johnson stated he had drafted a resolution regarding the sale of property at 1309 "M" Street. He explained that should the County Board decide that the property no longer serves a County purpose, the Board would have to make the following determinations:

- a. Make a finding evidence in the resolution of the legal description of the original plat: Original Plat, Block 90, Lots 4 through 6.
- b. Determine the fair market value of the property to be \$186,000.
- c. Set a date for a public hearing (April 22, 2003) to allow testimony from individuals regarding the sale of the property and also regarding the determination of the fair market value.
- d. Set a date of May 28, 2003 for the sale of the property.

Johnson also noted that the Board of Commissioners reserves the right to reject bids or negotiate a contract for sale of the property if it is in the best interests of the County and the bids are substantially lower than the fair market value.

MOTION: Workman moved and Hudkins seconded approval of Resolution 03-0014 regarding the proposed sale of County property generally located at 1309 "M" Street, Lincoln, Lancaster County, Nebraska which includes the setting of a public hearing regarding the sale of the property and determination of fair market value and the setting of the date for the sale of the property. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

8) **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. **Request for Approval for Behavioral Health Services for Fiscal Year 2003-2004 for the Community Mental Health Center.**
2. **Appraisal report from John R. Layman of Layman & Associates for County property located at 1309 "M" Street, Lincoln, Lancaster County, Nebraska.**

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

9) **OTHER BUSINESS:**

A. Dave Lang, Malcolm, Nebraska, appeared and introduced two exchange students from Albania visiting Nebraska to learn about state and local government.

B. Norm Agena, County Assessor/Register of Deeds, requested that his name be withdrawn for the appointment to the Government Access and Information Committee (GAIC).

10) **ADJOURNMENT:**

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

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 1, 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: 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
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:22 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 25, 2003.

MOTION: Schorr moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated March 25, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **ADDITIONS AND DEDUCTIONS:**

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

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Faith Apostolic Holiness Church

MOTION: Schorr moved and Workman seconded approval of a motor vehicle tax exemption for Faith Apostolic Holiness Church. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

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

Donald M. and Judith Lee Edwards

Norm Agena, County Assessor/Register of Deeds, appeared and recommended a new value of \$99,491 for 2002.

Roger H. and Barbara A. Rietsch

Recommendation by the County Assessor/Register of Deeds to set a value of \$20,032.

MOTION: Workman moved and Hudkins seconded to accept the County Assessor/Register of Deeds' recommendation and set a new value of \$99,491 for 2002 for Donald M. and Judith Lee Edwards and to set a value of \$20,032 for 2002 for Roger H. and Barbara A. Rietsch. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:25 p.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk