

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 29, 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, April 22, 2003.

MOTION: Hudkins moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated April 22, 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) **CLAIMS FOR REVIEW:**

A. Payment Voucher 605-1245 dated April 23, 2003 - The County Assessor/Register of Deeds has requested payment to Norm Agena, in the amount of \$912, for advance payment of MLS service for April, 2003 through March, 2004.

3) **CLAIMS FOR REVIEW CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of Payment Voucher 605-1245 dated April 23, 2003 - The County Assessor/Register of Deeds has requested payment to Norm Agena, in the amount of \$912, for advance payment of MLS service for April, 2003 through March, 2004. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, April 29, 2003.**

MOTION: Schorr moved and Stevens seconded approval of all claims processed through April 29, 2003. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. County Special Permit 200, requested by Greg and Susan Anderson, for authority to locate a mobile home on property generally located at North 40th Street and Raymond 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 Greg Anderson, applicant.

Anderson gave a brief summary regarding the proposal and indicated he and his wife would prefer the term of the permit be for eight years instead of five to allow them to save more money for a house.

Hudkins suggested the Anderson's present a progress report at the end of four and a half years which would enable the County Board to review the circumstances and possibly grant an extension of the permit.

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

In response to a question asked by Workman, DeKalb explained that Planning staff had recommended approval of a five year permit. Planning Commission recommended approval with an amendment to Condition 1 to allow the mobile home remain in place for eight years.

5) **PUBLIC HEARINGS CONTINUED:**

Heier stated his only concern related to the abandonment of trailers located in the country. He stated he would like to see a policy, through the County Board or the Planning Department, regarding the issue. Heier added that he would favor a progress report from the Anderson's at the end of four and a half years.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Hudkins moved and Stevens seconded to direct the County Attorney's Office to draft a resolution approving County Special Permit 200, requested by Greg and Susan Anderson, for authority to locate a mobile home on property generally located at North 40th Street and Raymond Road for a five year period with a progress report to be presented by Anderson at the end of four and a half years. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **OLD BUSINESS:**

A. 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.

David Johnson, Deputy County Attorney, appeared on Old Business Items 6A through 6C and explained that the documents are required by the Nebraska Department of Economic Development with regard to a grant the County would receive and would pass on to Archer Daniels Midland for expansion of rail tracks at 7800 Thayer.

Johnson also stated he had talked with Ron Cane, Program Monitor for Urban Development, who indicated that the County does meet the Federal requirements with regard to the project and the grant to the County.

6) **OLD BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of a request from the United States Department of Housing and Urban Development, Office of Community Planning and Development 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. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

B. 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.

MOTION: Hudkins moved and Stevens seconded approval to authorize a request 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. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

C. 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.

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

7) **NEW BUSINESS:**

A. Sub-recipient award for state and local assistance from the Nebraska Emergency Management Agency, in the amount of \$75,000.

Doug Ahlberg, Emergency Management Director, appeared and requested the County Board approve the award for state and local assistance funds for Fiscal Year 2003/2004. Ahlberg also noted that the award was an increase of \$30,000 over the previous fiscal year.

In response to a question asked by Schorr regarding expenditure of the funds, Ahlberg explained that the funds are used for operating expenses such as rental for building space, reimbursement of mileage, radio equipment and warning devices.

Ahlberg and Reynolds Davis, Administrator of Community Emergency Response Team Training Program, updated the County Board regarding future training.

MOTION: Hudkins moved and Stevens seconded approval of a sub-recipient award for state and local assistance from the Nebraska Emergency Management Agency, in the amount of \$75,000. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

B. A resolution approving the issuance by Hospital Authority Number 1 of Lancaster County, Nebraska in the amount of \$4,000,000 of its Hospital Revenue Bonds, Series 2003 (Tabitha, Inc. Project) for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. (R-03-0022)

Kevin Siebert, bond counsel, appeared and gave a brief explanation of the bonds noting that the Hospital Authority held their public hearing on Monday, April 28, 2003. He further explained that the bonds would be used to construct a new rehabilitation center on the east side of Tabitha's main campus.

Siebert stated the bonds would be purchased and held by Wells Fargo and bear an interest rate of 5.19 percent. Maturation of the bonds would be 15 years.

7) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Hudkins seconded approval of Resolution 03-0022 approving the issuance by Hospital Authority Number 1 of Lancaster County, Nebraska in the amount of \$4,000,000 of its Hospital Revenue Bonds, Series 2003 (Tabitha, Inc. Project) for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

C. A resolution adopting a policy opposing discrimination in the acquisition, ownership, possession or enjoyment of housing in Lancaster County, Nebraska. (R-03-0023)

Johnson explained that the resolution is required with regard to receipt of funds from the State through the Federal government for Community Development Block Grant Funds.

MOTION: Workman moved and Hudkins seconded approval of Resolution 03-0023 adopting a policy opposing discrimination in the acquisition, ownership, possession or enjoyment of housing in Lancaster County, Nebraska. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

D. A resolution adopting a Residential Antidisplacement and Relocation Assistance Plan for the construction of a railcar facility located at 7800 Thayer Street, Lancaster County, Nebraska by Archer Daniels Midland Company. (R-03-0024)

Johnson requested the Economic Development Department forward Archer Daniels Midland a copy of the resolution.

MOTION: Workman moved and Schorr seconded approval of Resolution 03-0024 adopting a Residential Antidisplacement and Relocation Assistance Plan for the construction of a railcar facility located at 7800 Thayer Street, Lancaster County, Nebraska by Archer Daniels Midland Company. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

- E. An agreement with the City of Lincoln for County permission to use County owned right-of-way for the purpose of a paving project located on South 14th Street from Garret Lane to a point 2,100 feet south of the City limits. The City is responsible for all of the paving and construction work. In return the City has agreed that it will conduct the paving in phases so as not to affect County bridge replacement which requires a detour of traffic to South 14th Street, Yankee Hill Road and South 27th Street. These projects are unrelated. The construction work should be completed by the spring of 2004.
(C-03-0160)

MOTION: Hudkins moved and Stevens seconded approval of an agreement with the City of Lincoln for County permission to use County owned right-of-way for the purpose of a paving project located on South 14th Street from Garret Lane to a point 2,100 feet south of the City limits. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- F. A contract between the Lancaster County Corrections Department and Evercom for inmate telephone services. The County will receive 45 percent of the gross revenue or a Guaranteed Annual Minimum Commission (GMAC) of \$132,000. A local call rate of \$1.75 shall be assessed for all calls generated under the program. Term of the contract shall be January 1, 2003 through December 31, 2005 with the option to renew for one additional three year period.
(C-03-0161)

MOTION: Hudkins moved and Stevens seconded approval of a contract between the Lancaster County Corrections Department and Evercom for inmate telephone services. The County will receive 45 percent of the gross revenue or a Guaranteed Annual Minimum Commission (GMAC) of \$132,000. Term of the contract shall be January 1, 2003 through December 31, 2005 with the option to renew for one additional three year period. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

G. An amendment to an agreement with CF Star d/b/a Family Services Association to amend the term of the agreement so that it ends June 30, 2003 instead of July 30, 2003 and adds an additional care coordinator which shall increase the compensation from \$167,000 to \$172,584. The original agreement under County Contract Number C-02-0479 is for care coordination using the wraparound process for youth who are wards of the State of Nebraska. (C-03-0162)

MOTION: Stevens moved and Hudkins seconded approval of an amendment to an agreement with CF Star d/b/a Family Services Association to amend the term of the agreement so that it ends June 30, 2003 instead of July 30, 2003 and adds an additional care coordinator which shall increase the compensation from \$167,000 to \$172,584. The original agreement under County Contract Number C-02-0479 is for care coordination using the wraparound process for youth who are wards of the State of Nebraska. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

H. A resolution in the matter of County maintenance of roads within Deerhaven Acres. (R-03-0025)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0025 in the matter of County maintenance of roads within Deerhaven Acres.

In response to a question asked by Stevens, Larry Worrell, Chief Deputy County Surveyor, stated it would be a savings to the to the County because the streets are no longer gravel.

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

I. Recommendation from the County Engineer and the Purchasing Agent to award a bid to Road Builders Machinery, in the amount of \$10,804, for one quick attach grapple rake for use with a Komatsu loader. (B-03-0012)

7) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of a recommendation from the County Engineer and the Purchasing Agent to award a bid to Road Builders Machinery, in the amount of \$10,804, for one quick attach grapple rake for use with a Komatsu loader. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

J. Recommendation from the County Engineer and the Purchasing Agent to award a bid to Dobson Brothers Construction Company, in the amount of \$1,564,274.67, for asphaltic concrete resurfacing and paving at various County locations. (This is a total combined award of all sections with the exception of Sections O and P.) (B-03-0013)

Worrell stated the contract is for annual paving and consists of 5.7 miles of new paving and 7.5 miles of overlay. New paving, he said, would occur on South 54th Street from Saltillo Road to Roca Road, on Denton Road and Southwest 98th Street from Southwest 112th Street to the Village of Denton, on Yankee Hill Road from South 56th Street to South 70th Street and on Southwest 33rd Street from Denton Road north 0.4 mile.

MOTION: Hudkins moved and Stevens seconded approval of a recommendation from the County Engineer and the Purchasing Agent to award a bid to Dobson Brothers Construction Company, in the amount of \$1,564,274.67, for asphaltic concrete resurfacing and paving at various County locations. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

K. A request from The Gallup Organization for a refund of personal property taxes for 2001, in the approximate amount of \$55,433.94, and for 2002, in the approximate amount of \$27,988.04.

The Clerk added that the amount of the refund for 2001 would be applied to the unpaid 2002 taxes and that the 2002 tax amount would be reduced by the amount of the refund for the 2002 requested refund.

7) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of a request from The Gallup Organization for a refund of personal property taxes for 2001, in the approximate amount of \$55,433.94, which will be applied to the unpaid taxes for 2002. The 2002 unpaid tax will be reduced by the amount of the refund requested for 2002. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

L. A request from Stokes Urethane Contractors, Inc. for a refund of personal property taxes for 2000, in the approximate amount of \$1,009.75, for 2001, in the approximate amount of \$724.09 and for 2002, in the approximate amount of \$634.11.

MOTION: Workman moved and Stevens seconded approval of a request from Stokes Urethane Contractors, Inc. for a refund of personal property taxes for 2000, in the approximate amount of \$1,009.75, for 2001, in the approximate amount of \$724.09 and for 2002, in the approximate amount of \$634.11. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

M. A political subdivision tort claim filed against the Lancaster County Corrections Department by Curtis E. King for lost property, in the amount of \$193.

MOTION: Schorr moved and Stevens seconded to accept the Director's recommendation and approve a political subdivision tort claim filed against the Lancaster County Corrections Department by Curtis E. King for lost property, in the amount of \$193. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

N. A political subdivision tort claim filed against the Lancaster County Corrections Department by James R. LaRue for lost property, in the amount of \$105.

MOTION: Hudkins moved and Workman seconded to accept the Director's recommendation and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by James R. LaRue for lost property, in the amount of \$105. Hudkins, Stevens, Workman, 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. **Setting of a public hearing for Tuesday, May 6, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding amendments to the Lincoln-Lancaster County Air Pollution Program Regulations and Standards, which shall include Article 1, Section 5, to create fees for the administration of variances and a fee payment schedule; Article 2, Section 1 to amend definitions of "region" and "regulated air pollution for fee purposes"; and to amend Article 2, Section 30 to change the fee structure of construction permits from a set fee to a fee per hour.**
- B. **Setting of a public hearing for Tuesday, May 13, 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 from Daina D. Lammle in connection with a Class M (Bottle Club) liquor license for Corporate Golf Marketing d/b/a HiMark Golf Course, located at 8901 Augusta Drive, Lincoln, Lancaster County, Nebraska.**

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items.

Schorr requested additional information regarding the hearing on May 6th.

Kerry Eagan, Chief Administrative Officer, appeared and indicated he could schedule the item on Thursday's (May 1, 2003) staff meeting.

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

9) **ADJOURNMENT:**

MOTION: Workman moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:30 p.m. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 29, 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: Connie Ahlschwede, County Assessor/Register of Deeds
Office
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 2:30 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 22, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated April 22, 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 132 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:**

Calvary United Methodist Church

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

5) **ADJOURNMENT:**

MOTION: Hudkins moved and Schorr seconded adjournment of the Board of Equalization meeting at 2:33 p.m. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk