

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 6, 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 29, 2003.**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners dated April 29, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence for April, 2003 was presented to Simon Rezac with the County Clerk's Office.

B. Induction of Gary Pfann into the Star City Superstar Hall of Fame.

MOTION: Workman moved and Stevens seconded to induct Gary Pfann, Director of University Based Programs for the National Rural Electric Cooperative Association, into the Star City Superstar Hall of Fame. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS CONTINUED:**

C. Declaration of the week of May 4th through May 10th, 2003 as "Tourism Week".

MOTION: Hudkins moved and Schorr seconded approval to declare the week of May 4th through May 10th, 2003 as "Tourism Week". Workman, Hudkins, Schorr, Stevens 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, May 6, 2003.

MOTION: Stevens moved and Workman seconded approval of all claims processed through May 6, 2003. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. 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.

The Chair opened the public hearing.

The Clerk administered the oath to Scott Holmes, Division Chief of Environmental Health with the Lincoln-Lancaster County Health Department, and Rick Thorson, Assistant Chief of Environmental Health with the Lincoln-Lancaster County Health Department.

5) **PUBLIC HEARINGS CONTINUED:**

Thorson stated they are requesting three changes to the Air Pollution Program Regulations and Standards:

1. Create fees for the administration of variances and a fee payment schedule
2. Amend definitions of "region" and "regulated air pollution for fee purposes"
3. Change the fee structure of construction permits from a set fee to a fee per hour

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

6) **NEW BUSINESS:**

A. A resolution in the matter of amending Article 1, Section 5, Article 2, Section 1 and Section 30 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. (R-03-0026)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0026 in the matter of amending Article 1, Section 5, Article 2, Section 1 and Section 30 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

B. An application for a Special Designated License from Crooked Creek Golf Club, located at 333 South 134th Street, to hold a golf tournament on Sunday, July 20, 2003 from 6 a.m. to Noon.

Appearing on behalf of Crooked Creek Golf Club was Janet Elsen.

MOTION: Stevens moved and Schorr seconded approval of an application for a Special Designated License from Crooked Creek Golf Club, located at 333 South 134th Street, to hold a golf tournament on Sunday, July 20, 2003 from 6 a.m. to 12 p.m. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- C. An application for a Special Events Permit from the Cornhusker State Games to hold a cycle tour on Saturday, July 19, 2003, beginning at 6:30 a.m. in the parking lot of Sandhills Publishing, located at 120 West Harvest Drive. The tour will then proceed on Fletcher Avenue to Highway 34 and proceed on Highway 34 toward Seward.**

Appearing on behalf of the Cornhusker State Games were Dave Mlnarik, Assistant Executive Director; Scott Ash, Events Coordinator and Tom Ash, Executive Director.

MOTION: Workman moved and Stevens seconded approval of an application for a Special Events Permit from the Cornhusker State Games to hold a cycle tour on Saturday, July 19, 2003, beginning at 6:30 a.m. in the parking lot of Sandhills Publishing, located at 120 West Harvest Drive. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

- D. An application for a Special Events Permit from the Cornhusker State Games to hold a cycling road race on Saturday, July 19, 2003, beginning at 7:30 a.m. near Liebers Point on the west side of Branched Oak Lake. The race will then proceed west on Branched Oak Road to Northwest 140th Street circling the lake.**

MOTION: Hudkins moved and Schorr seconded approval of an application for a Special Events Permit from the Cornhusker State Games to hold a cycling road race on Saturday, July 19, 2003, beginning at 7:30 a.m. near Liebers Point on the west side of Branched Oak Lake subject to the conditions as outlined by the County Engineer. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

- E. An application for a Special Events Permit from the Cornhusker State Games to hold a triathlon competition on Sunday, July 20, 2003, beginning at 7:30 a.m. at Liebers Point on the west side of Branched Oak Lake. After the swim, the cycling portion will proceed west on Branched Oak Road, turning onto Northwest 140th Street and circling the lake.**

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of an application for a Special Events Permit from the Cornhusker State Games to hold a triathlon competition on Sunday, July 20, 2003, beginning at 7:30 a.m. at Liebers Point on the west side of Branched Oak Lake subject to the conditions as outlined by the County Engineer. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

F. A utility relocation agreement with Alltel Communications Inc. for the adjustment and rehabilitation of some, if not all, of its facility in relation to County Project C55-P-401(1) which is located on Saltillo Road from South 84th Street to South 98th Street. The relocation is due to the widened right-of-way which the County has acquired for new construction. The estimated cost of relocation is \$22,453.13, with the County's share being \$22,453.13 and the total cost to the County not to exceed \$25,000. (C-03-0163)

MOTION: Hudkins moved and Stevens seconded approval of a utility relocation agreement with Alltel Communications Inc. for the adjustment and rehabilitation of some, if not all, of its facility in relation to County Project C55-P-401(1) which is located on Saltillo Road from South 84th Street to South 98th Street. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

G. A banquet contract with Windsor Stables, located at 1024 L Street, for the Lancaster County Employee Recognition Luncheon on May 20, 2003. The agreement is for rental of the facility. The County will have approximately 125 individuals in attendance. (C-03-0170)

MOTION: Workman moved and Schorr seconded approval of a banquet contract with Windsor Stables, located at 1024 L Street, for the Lancaster County Employee Recognition Luncheon on May 20, 2003. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

H. A business associate agreement between Southpointe Family Resource Center, P.C. ("covered entity") and Lancaster County on behalf of Families First and Foremost ("business associate"). The agreement addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to "business associates" as that term is defined by the HIPAA Privacy Rules. (C-03-0171)

MOTION: Workman moved and Stevens seconded approval of a business associate agreement between Southpointe Family Resource Center, P.C. ("covered entity") and Lancaster County on behalf of Families First and Foremost ("business associate"). The agreement addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to "business associates" as that term is defined by the HIPAA Privacy Rules. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

I. A business associate agreement with Nebraska Health Care Association and Lancaster County, on behalf of Lancaster Manor. The agreement addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to "business associates" as that term is defined by the HIPAA Privacy Rules. (C-03-0172)

MOTION: Schorr moved and Hudkins seconded approval of a business associate agreement with Nebraska Health Care Association and Lancaster County, on behalf of Lancaster Manor. The agreement addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to "business associates" as that term is defined by the HIPAA Privacy Rules. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

- J. An agreement between the Lincoln Council on Alcoholism and Drugs, Inc. and Lancaster County, on behalf of the Community Mental Health Center, to provide a Certified Alcohol and Drug Abuse Counselor (CADAC) for substance abuse assessments, at a rate of \$26 per hour, for approximately ten hours per week. (C-03-0173)

MOTION: Stevens moved and Workman seconded approval of an agreement between the Lincoln Council on Alcoholism and Drugs, Inc. and Lancaster County, on behalf of the Community Mental Health Center, to provide a Certified Alcohol and Drug Abuse Counselor (CADAC) for substance abuse assessments, at a rate of \$26 per hour, for approximately ten hours per week. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

- K. A second amendment to an agreement with the Asian Community Center. The original agreement was executed by the County on September 24, 2002 under County Contract C-02-0483 for providing care coordination using the wraparound process for youth. The second amendment changes the ending date from July 30, 2003 to June 30, 2003 and changes the compensation from \$35,750 to \$32,500. All other terms and conditions shall remain in full force and effect. (C-03-0174)

David Johnson, Deputy County Attorney, requested that the word "monthly" in Section 4 (Compensation) of the contract be stricken.

MOTION: Hudkins moved and Stevens seconded approval of a second amendment to an agreement with the Asian Community Center subject to the word "monthly" being stricken from Section 4 (Compensation) as recommended by the County Attorney's Office. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- L. An amendment to an agreement with the Indian Center. The original agreement was executed by the County on September 24, 2002 under County Contract C-02-0484 for providing care coordination using the wraparound process for youth. The amendment changes the ending date from July 30, 2003 to June 30, 2003 and changes the compensation from \$32,500 to \$29,250. All other terms and conditions shall remain in full force and effect. (C-03-0175)

6) **NEW BUSINESS CONTINUED:**

Johnson requested that the word "monthly" in Section 4 (Compensation) of the contract be stricken.

MOTION: Hudkins moved and Stevens seconded approval of an amendment to an agreement with the Indian Center subject to the word "monthly" being stricken from Section 4 (Compensation) as recommended by the County Attorney's Office. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

M. An amendment to an agreement with Lincoln Public Schools. The original agreement was executed by the County on September 24, 2002 under County Contract C-02-0487 for providing care coordination using the wraparound process for youth. The amendment changes the ending date from July 30, 2003 to June 30, 2003 and changes the compensation from \$266,000 to \$243,833. All other terms and conditions shall remain in full force and effect. (C-03-0176)

Johnson requested that the word "monthly" in Section 4 (Compensation) of the contract be stricken.

MOTION: Hudkins moved and Stevens seconded approval of an amendment to an agreement with Lincoln Public Schools subject to the word "monthly" being stricken from Section 4 (Compensation) as recommended by the County Attorney's Office. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

N. Authorization for purposes of suit for L.F. Noll, Inc. d/b/a Noll Collection Service to pursue litigation efforts against Jackie Ostrowicki for past due accounts owed to Lancaster County, in the amount of \$753.75.

Johnson requested that "Iowa Consumer Credit Code" be stricken from the assignment.

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of authorization for purposes of suit for L.F. Noll, Inc. d/b/a Noll Collection Service to pursue litigation efforts against Jackie Ostrowicki for past due accounts owed to Lancaster County, in the amount of \$753.75 subject to "Iowa Consumer Credit Code" being stricken from the assignment as recommended by the County Attorney's Office. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

O. Approval of Lancaster County Noxious Weed Control Authority's 2003 Work Plan for the Combined Weed Program with the City of Lincoln.

MOTION: Hudkins moved and Stevens seconded approval of the Lancaster County Noxious Weed Control Authority's 2003 Work Plan for the Combined Weed Program with the City of Lincoln. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

P. Appointment of Dick Esseks and Jim Culver to the Lincoln-Lancaster County Ecological Advisory Committee for three year terms, beginning January 1, 2003.

MOTION: Stevens moved and Schorr seconded approval of the appointment of Dick Esseks and Jim Culver to the Lincoln-Lancaster County Ecological Advisory Committee for three year terms, beginning January 1, 2003. Stevens, Workman, Schorr, Hudkins 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. County Clerk's Monthly Report for April, 2003.
2. County Engineer's Quarterly Report from January, February and March, 2003.
3. County Engineer's Quarterly Report for the Geographic Information System (GIS) Division for January, February and March, 2003.

B. Setting of a public hearing for Tuesday, May 20, 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 Henry D. Sader III in connection with a Class M (Bottle Club) liquor license for Lincoln Izaak Walton League Building Corporation d/b/a Lincoln Izaak Walton League located at 10801 South 134th Street, Bennet, Lancaster County, Nebraska.

C. A resolution in the matter of County Special Permit 200, requested by Greg and Susan Anderson on behalf of Carol A. Anderson, for authority to locate a mobile home on property generally located at North 40th Street and Raymond Road in Lancaster County, Nebraska. (R-03-0027)

D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:

- ▶ Mary C. Cockerill, in the total amount of \$1,040, on North 176th Street from Greenwood Road to Davey Road; Project C55-A-404(1). (3 contracts) (C-03-0164 through C-03-0166)
- ▶ Le Ann Lipe on North 176th Street from Greenwood Road to Davey Road; Project C55-A-404(1). This is a donation. (C-03-0167)
- ▶ Dorothy Jean Mahloch, in the total amount of \$150, on North 176th Street from Greenwood Road to Davey Road; Project C55-A-404(1). (2 contracts) (C-03-0168 and C-03-0169)

MOTION: Stevens moved and Hudkins seconded approval of Consent Items 7A, 7B and 7D. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded approval of Consent Item 7C: Resolution 03-0027 in the matter of County Special Permit 200 subject to receiving a signed "Letter of Acceptance", as outlined in Attachment "A", from Carol A. Anderson within 30 days of May 6, 2003. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Workman moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:20 p.m.. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 6, 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
Mike Thew, Chief Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:20 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 29, 2003.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization dated April 29, 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 30 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Workman moved and Stevens 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:**

**BryanLGH Medical Center
Faith Apostolic Holiness Church
Nebraska Conference United Methodist Church
Noah's Ark Christian Daycare and Preschool**

MOTION: Workman moved and Stevens seconded approval of motor vehicle tax exemptions for Faith Apostolic Holiness Church, Nebraska Conference United Methodist Church and Noah's Ark Christian Daycare and Preschool and approval of a motor vehicle tax exemption for BryanLGH Medical Center subject to the applicant titling and registering the vehicle(s). Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **DENIAL OF 2003 TAXABLE STATUS PROTESTS FILED BY THE LINCOLN AIRPORT AUTHORITY PER EXHIBIT B:**

Mike Thew, Chief Deputy County Attorney, gave a brief overview of Items 5, 6, 7 and 8 on the agenda. He stated the items involve protests which were filed relative to action by the County Assessor/Register of Deeds on governmentally owned property and referred to the provisions of Neb. Stat, §77-202(a).

Also appearing were Michael Johnson, attorney representing the Lincoln Airport Authority (LAA) and Kevin Siebert, attorney representing GT Exhaust Systems Inc. and US Foods, L.L.C. (Items 1, 2, 3 and 5 on Exhibit 3).

They requested the following documents be marked for the record:

- ▶ Documentation titled *Taxable Status Protests (Disapproval), City of Lincoln/Lincoln Airport Authority* consisting of seven pages and listing 50 properties (Exhibit 1)
- ▶ Documentation titled *Taxable Status Protests (Approved), City of Lincoln/Lincoln Airport Authority* consisting of three pages and listing 15 properties (Exhibit 2)
- ▶ Documentation titled *Taxable Status Protests (Denied)* consisting of one page and listing seven properties (Exhibit 3)
- ▶ Documentation titled *Taxable Status Protests (Approved)* consisting of one page and one property (Exhibit 4)

Offered and marked for the record by Siebert were the following:

- ▶ Lease agreement between the Lincoln Airport Authority and GT Exhaust, Inc. (Building 975) (Exhibit 5)
- ▶ Lease agreement between the Lincoln Airport Authority and GT Exhaust Systems, Inc. (Building 976) (Exhibit 6)
- ▶ Lease agreement between the Lincoln Airport Authority and GT Exhaust Systems, Inc. (Building 1374) (Exhibit 7)
- ▶ Lease agreement between the Lincoln Airport Authority and Jacob North Printing Company, Inc. (Building 1025) (Exhibit 8)

Other documentation offered and marked for the record by They were:

- ▶ Directive from the Property Tax Administrator regarding *Taxability of Publicly Owned property at Airports* (Exhibit 9)
- ▶ An excerpt from a transcript of the hearing held in 2002 on the same properties. The excerpt consists of the certification page, page one to indicate those in attendance and pages 25 through 33. (Exhibit 10)
- ▶ Letter from Jim Titus, attorney representing US Foods, L.L.C. (Items 6 and 7 on Exhibit 3) (Exhibit 11)

They requested all protests and their attachments also be made a part of the record.

Johnson referred to Item 4 (Village of Hickman), Exhibit 3 and requested it be deleted.

Siebert objected to the proceedings and referred to Neb. Rev. Stat. §77-202.12 (2) which requires that denial of any taxable status protests be done prior to May 1st.

By direction of the Chair, Item 4 on Exhibit 3 (Village of Hickman) was stricken.

Johnson stated they continue to disagree with the recommendation of the County Assessor/Register of Deeds as outlined in their protests.

They noted that Exhibit 1 corresponds to Item 5 on the Board of Equalization agenda.

MOTION: Workman moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds to deny the protests filed by the Lincoln Airport Authority as listed on Exhibit 1. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **APPROVAL OF 2003 TAXABLE STATUS PROTESTS FILED BY THE LINCOLN AIRPORT AUTHORITY PER EXHIBIT C:**

They requested that the record be left open to allow a copy of the current agreement between the City of Lincoln and the Lincoln Airport Authority relating to in lieu of taxes to be made a part of the record. It was noted that the agreement will be marked as Exhibit 12 upon its receipt.

MOTION: Stevens moved and Hudkins seconded to accept the recommendation of the County Assessor/Register of Deeds to grant the protests filed by the Lincoln Airport Authority as listed on Exhibit 2 and that those properties be exempt. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

7) **DENIAL OF 2003 TAXABLE STATUS PROTESTS PER EXHIBIT D:**

MOTION: Workman moved and Hudkins seconded to accept the recommendation of the County Assessor/Register of Deeds to deny protests as listed on Exhibit 3. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

8) **APPROVAL OF 2003 TAXABLE STATUS PROTESTS PER EXHIBIT E:**

MOTION: Stevens moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds to grant the protest filed by the Nebraska State Patrol and that the property be exempt (Exhibit 4). Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

VILLAGE OF HICKMAN

This item was deferred for one week.

9) **ADJOURNMENT:**

MOTION: Hudkins moved and Workman seconded adjournment of the Board of Equalization meeting at 3:05 p.m. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk