

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 8, 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
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners was called to order at 1:30 p.m..

1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 1, 2003.

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated July 1, 2003. Schorr, Hudkins, Stevens and Heier voted aye. Workman abstained from voting. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. A resolution proclaiming July 7 through July 18, 2003 as the "Campaign Against Hunger". (R-03-0049)

The Clerk read Resolution 03-0049 into the record.

MOTION: Stevens moved and Hudkins seconded approval of Resolution 03-0049. Workman, Schorr, Stevens, Hudkins 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, July 8, 2003.

MOTION: Workman moved and Stevens seconded approval of all claims processed through July 8, 2003. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

- A. Continuation of a public hearing regarding County Special Permit 198, Wyndam Place Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of 16 residential acreage lots, on property generally located at North 176th Street and Holdrege Street in Lancaster County, Nebraska.
- B. Continuation of a public hearing regarding County Preliminary Plat 03000, Wyndam Place, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of 16 residential acreage lots, on property generally located at North 176th Street and Holdrege Street in Lancaster County, Nebraska.

Heier exited the Chambers at 1:34 p.m. due to a conflict of interest.

The public hearings were reconvened by Commissioner Stevens, Vice Chair.

Kent Seacrest, attorney representing the applicants, gave a brief review of the proposals, noting that both Planning staff and Planning Commission approved the Special Permit and Preliminary Plat.

Workman inquired about the right-of-way easements.

Seacrest stated they are willing to dedicate the additional ten feet for a total of 60 feet and reported that he had suggested the County Attorney's Office incorporate that condition into the resolution.

Seacrest indicated that the additional ten feet would apply to both Holdrege and 176th Streets.

Stevens asked if anyone else wished to testify.

No one appeared and the hearings were closed.

5) **PUBLIC HEARINGS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded to direct the County Attorney's Office to draft resolutions approving County Special Permit 198 and County Preliminary Plat 03000.

Hudkins suggested that Planning staff attend a future staff meeting to discuss a possible amendment to the Comprehensive Plan regarding 60 foot right-of-ways.

ROLL CALL: Stevens, Workman, Schorr and Hudkins voted aye. Heier was absent from voting. Motion carried.

Heier entered the Chambers at 1:40 p.m.

C. County Board of Zoning Appeals, Appeal 113, requested by Simon G. Rezac, for a variance of the rear yard setback from 100 feet to 22 feet on property generally located east of Northwest 126th Street approximately one-half mile north of West Holdrege Street in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

The Clerk administered the oath to Simon Rezac, applicant.

Rezac explained they are expanding their fellowship area, adding classrooms for Sunday school and providing handicap accessibility into the church. He also stated they have talked with the neighbors who have indicated they have no objections to the expansion.

David Johnson, Deputy County Attorney, requested documentation submitted by the Planning Department regarding Board of Zoning Appeals, Appeal 113 be offered and marked for the record (Exhibit 1). He stated the documentation also includes Section 19.007 covering the jurisdiction of the Board of Zoning Appeals from the County Zoning Regulations.

In response to a question asked by Heier regarding 60 foot right-of-ways, Hudkins stated that the church is further than 60 feet from the road.

Johnson stated the appeal deals with lot line issues rather than right-of-ways.

5) **PUBLIC HEARINGS CONTINUED:**

Mike DeKalb, Planning Department, explained that under a Special Permit, Community Unit Plan, Preliminary Plat or Final Plat the County Board has the authority to request dedication of right-of-way. He stated that the appeal is requesting a variance of rear yard setback. DeKalb added that the County Board does not have the authority, under the specific request before them, to ask for additional right-of-way.

The Clerk administered the oath to David Wacker, 2600 Northwest 126th Street.

Wacker stated he owns property to the north of the proposal, in addition to farm land owned by his mother and himself to the east. He indicated that they have no objections to the proposal.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Stevens moved and Workman seconded to direct the County Attorney's Office to draft a resolution approving County Board of Zoning Appeals, Appeal 113. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

6) **OLD BUSINESS:**

A. Appointment of Gerald "Jerry" R. Chrastil to the Veteran's Services Committee for a five year term, beginning July 1, 2003 and ending July 1, 2008.

Gary Chalupa, Veterans Service Officer, introduced Jerry Chrastil and gave a summary of his qualifications.

Chrastil stated he looks forward to working with the veterans and feels it is an honor to be asked to serve on the committee.

MOTION: Hudkins moved and Schorr seconded approval of the appointment of Gerald "Jerry" R. Chrastil to the Veteran's Services Committee for a five year term, beginning July 1, 2003 and ending July 1, 2008. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

7) **NEW BUSINESS:**

- A. An application for a Special Designated License from the Wine Merchants, Inc. to hold a wedding reception on Friday, July 25, 2003 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street.**

Troy Bryson, representing Wine Merchants, appeared and explained that Items 7A and 7B are for wedding receptions.

MOTION: Schorr moved and Hudkins seconded approval of an application for a Special Designated License from the Wine Merchants, Inc. to hold a wedding reception on Friday, July 25, 2003 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

- B. An application for a Special Designated License from the Wine Merchants, Inc. to hold a wedding reception on Saturday, August 2, 2003 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street.**

MOTION: Stevens moved and Workman seconded approval of an application for a Special Designated License from the Wine Merchants, Inc. to hold a wedding reception on Saturday, August 2, 2003 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

- C. An application for a Special Designated License from B & B-Q Inc. d/b/a Cheerleaders to hold a wedding reception on Sunday, August 24, 2003 from 5 p.m. to 1 a.m. at Country Pines located at 6305 Adams Street.**

Dean Borgmann, applicant, appeared to answer questions.

MOTION: Schorr moved and Hudkins seconded approval of an application for a Special Designated License from B & B-Q Inc. d/b/a Cheerleaders to hold a wedding reception on Sunday, August 24, 2003 from 5 p.m. to 1 a.m. at Country Pines located at 6305 Adams Street. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

- D. An agreement with ESRI for maintenance of the ArcInfo software used at the Lancaster County Engineering Department. The term of the agreement is from July 21, 2003 through July 20, 2004. The County shall pay \$9,400 for the services and software upgrade. (C-03-0352)**

Johnson stated the agreement is for software upgrades and technical support for ArcInfo.

MOTION: Workman moved and Stevens seconded approval of an agreement with ESRI for maintenance of the ArcInfo software used at the Lancaster County Engineering Department. The term of the agreement is from July 21, 2003 through July 20, 2004. The County shall pay \$9,400 for the services and software upgrade. Hudkins, Workman, Steven, Schorr and Heier voted aye. Motion carried.

- E. Recommendation from the Purchasing Agent and the Vending Services Committee to award a Request for Proposal (RFP) to LinPepCo Snacks to provide annual requirements for vending services for the Lancaster County Corrections Department. The award recommendation secures a 25 percent commission rate on all products sold via the vending placements and a guaranteed minimum annual commission (GMAC) amount of \$25,000 to be paid to the County. The County also receives a \$6,000 signing bonus upon ratification of the contract and an additional \$6,000 signing bonus upon ratification of the option to renew for an additional three year period. (B-03-0017)**

MOTION: Stevens moved and Hudkins seconded approval of the recommendation from the Purchasing Agent and the Vending Services Committee to award a Request for Proposal (RFP) to LinPepCo Snacks to provide annual requirements for vending services for the Lancaster County Corrections Department. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- F. A political subdivision tort claim filed against the Lancaster County Corrections Department by Jessie Lee Labahn, in the amount of \$80.**

7) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded to accept the recommendation of the Director and deny the tort claim filed against the Lancaster County Corrections Department by Jessie Lee Labahn. Hudkins, Schorr, Stevens, Workman 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. County Clerk's Monthly Report for June, 2003.
2. Lancaster Manor's Monthly Report.

B. A right-of-entry agreement relating to road improvements between the Lancaster County Engineering Department and Isla M. Kreiner at Northwest 27th Street and Bluff Road; Project CP-G-245. (C-03-0353)

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

- ▶ Kevin J. and Maria C. Howat east of Southwest 86th Street on West Gage Road; Project C.P.V-77. This is a donation. (C-03-0354)
- ▶ Monte and Burdette Murkle east of Southwest 86th Street on West Gage Road; Project C.P.V-77. This is a donation. (C-03-0355)
- ▶ Pacific Clay Products, Inc. d/b/a Yankee Hill Brick Manufacturing Company at Southwest 56th and West Claire Streets, in the amount of \$72; Project C.P.O-259. (C-03-0356)

The Clerk noted that Consent Item 8B should be North 27th Street, not Northwest 27th Street.

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

9) **DISCUSSION REGARDING JULY 25, 2003 DECISION OF THE STATE OF NEBRASKA TO AWARD GRANT FUNDS:**

Discussion regarding July 25, 2003 decision of the State of Nebraska to award grant funds, which impacts the status of County Contract C-03-0319. This contract is with the Nebraska State Probation Administration for supporting the Lancaster County Juvenile Drug Court from July 1, 2003 to June 30, 2004.

Johnson indicated the contract was approved, however, the grant funds will not be awarded until July 25, 2003. He explained that there is no guarantee that the County will receive the funds which is a concern, however, the contract does indicate that the County would not use County funds and that the contract would become null and void. Johnson stated there is a County match for the grant, in the approximate amount of \$20,000+. He also informed the Board that the County pays in advance, pursuant to state statute.

Kit Boesch, Human Services Administrator, stated first quarter allocation would be \$25,000. In the grant, she said, is a County match of \$29,900.

Lori Griggs, Chief Juvenile Probation Officer, stated the probation officers are contracted by the County, however, they are in the state employee system as far as payroll. Essentially, she said, they are working in July without money being available for the July payroll. By approving the first quarterly payment they would be ensured their salary.

Board consensus to proceed with the quarterly payment.

10) **ADJOURNMENT:**

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

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 8, 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
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:25 p.m..

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

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting dated July 1,2003. Schorr, Hudkins, Stevens and Heier voted aye. Workman abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS:**

Approval of 17 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Hudkins seconded approval of 17 additions and deductions to the tax assessment rolls. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Gospel Outreach Ministries

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

5) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned at 2:27 p.m..

Bruce Medcalf
County Clerk