

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 22, 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 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, July 15, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated July 15, 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: Approval of all claims processed through Tuesday, July 22, 2003.**

MOTION: Stevens moved and Workman seconded approval of all claims processed through July 22, 2003. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **OLD BUSINESS:**

- A. A grant contract with the Community Health Endowment to fund the Peer Employment Project Providing Essential Medical Transportation through the Community Mental Health Center of Lancaster County. The program shall provide transportation for homeless and near homeless individuals by using clients of Adams Street Center to serve as van drivers and dispatch/clerical staff. The term of the grant is from July 1, 2003 to June 30, 2004 and the grant shall be in the amount of \$8,048. (C-03-0350)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with the Community Health Endowment to fund the Peer Employment Project Providing Essential Medical Transportation through the Community Mental Health Center of Lancaster County. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. An application for a Special Designated License from the Nebraska State Board of Agriculture to hold the following events at the open air auditorium located at 1800 State Fair Park Drive:
- ▶ Preview Party on Friday, August 22, 2003 from 4 p.m. to 1 a.m.
 - ▶ Latino Festival on Saturday, August 23, 2003 from 3 p.m. to 1 a.m. and on Sunday, August 24, 2003 from 2 pm. to 1 a.m.
 - ▶ Joan Jet concert on Monday, August 25, 2003 from 4 p.m. to 1 a.m.
 - ▶ Kentucky Headhunters concert on Tuesday, August 26, 2003 from 4 p.m. to 1 a.m.
 - ▶ Franky Perez concert on Wednesday, August 27, 2003 from 4 p.m. to 1 a.m.

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of an application for a Special Designated License from the Nebraska State Board of Agriculture to hold the following events at the open air auditorium located at 1800 State Fair Park Drive subject to the conditions as outlined by the Sheriff's Office: a) Preview Party on Friday, August 22, 2003 from 4 p.m. to 1 a.m. , b) Latino Festival on Saturday, August 23, 2003 from 3 p.m. to 1 a.m. and on Sunday, August 24, 2003 from 2 pm. to 1 a.m., c) Joan Jet concert on Monday, August 25, 2003 from 4 p.m. to 1 a.m., d) Kentucky Headhunters concert on Tuesday, August 26, 2003 from 4 p.m. to 1 a.m. and e) Franky Perez concert on Wednesday, August 27, 2003 from 4 p.m. to 1 a.m. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

B. An agreement with Demars, Gordon, Olson and Zalewski Law Offices for representation of indigent parents and juveniles in Juvenile Court proceedings pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). The term of the agreement is from August 1, 2003 to July 31, 2006. The County shall pay \$165,570 for the services provided. (C-03-00368)

MOTION: Schorr moved and Stevens seconded approval of an agreement with Demars, Gordon, Olson and Zalewski Law Offices for representation of indigent parents and juveniles in Juvenile Court proceedings pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

C. An agreement with Star City Motor Sports of Lincoln for use of one, green 1998 Kawasaki 4x4 All-Terrain Vehicle (ATV) to assist with law enforcement functions at the Lancaster County Sheriff's Office. The County shall provide maintenance of the vehicle. The agreement shall be from the date of execution until either party gives ten days written notice of termination. (C-03-0369)

Terry Wagner, Sheriff, explained that one of the deputies approached Robert Kaye, Star City Motor Sports of Lincoln, regarding the need for another ATV which would be used to patrol some of the bike paths in the rural areas of the County. He stated Mr. Kaye was very generous in allowing the Sheriff's Office to use the ATV as long as needed and asked for the Board's approval.

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of an agreement with Star City Motor Sports of Lincoln for use of one, green 1998 Kawasaki 4x4 All-Terrain Vehicle (ATV) to assist with law enforcement functions at the Lancaster County Sheriff's Office. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

D. An agreement with the Board of Regents, University of Nebraska for the University of Nebraska Center for At-Risk Children's Services to provide for the administration of the national evaluation tools required by the Substance Abuse and Mental Health Services. The term of the agreement is from September 1, 2003 to August 30, 2004. The County shall pay \$112,400 for the services. (C-03-0370)

MOTION: Workman moved and Stevens seconded approval of an agreement with the Board of Regents, University of Nebraska for the University of Nebraska Center for At-Risk Children's Services to provide for the administration of the national evaluation tools required by the Substance Abuse and Mental Health Services. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

E. An amendment to an agreement with the Nebraska Department of Education, Vocational Rehabilitation Division for the Lancaster County Community Mental Health Center for employment services in the area of career planning, job placement services and job exploration in the amount of \$14,000. The amendment extends the term to September 30, 2003. (C-03-0367)

MOTION: Hudkins moved and Stevens seconded approval of an amendment to an agreement with the Nebraska Department of Education, Vocational Rehabilitation Division for the Lancaster County Community Mental Health Center for employment services in the area of career planning, job placement services and job exploration in the amount of \$14,000. The amendment extends the term to September 30, 2003. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

F. A resolution authorizing the following traffic signs in Lancaster County, Nebraska: (R-03-0053)

In Prairie Creek Estates Subdivision the following will be installed by the County and paid for by the developer:

- ▶ Street identification signs at the intersection of South 154th and Van Dorn Streets.
- ▶ A "No Outlet" sign on South 154th Street north of Van Dorn Street for northbound traffic.
- ▶ A "Stop" sign on South 154th Street at the intersection of Van Dorn Street for southbound traffic.

In the View Pointe Subdivision the following will be installed by County and paid for by the developer:

- ▶ A "Stop" sign on Emmawalter Road at the intersection of Waverly Road for southbound traffic.
- ▶ Street identification signs at the intersection of Emmawalter Road and Waverly Road.
- ▶ A "25 mile per hour" speed limit sign on Emmawalter Road north of Waverly Road for northbound traffic.
- ▶ A reverse turn sign on Emmawalter Road north of Waverly Road for northbound traffic.
- ▶ A reverse turn sign on Emmawalter Road south of Giebenrath Road for southbound traffic.
- ▶ Street identification signs at the intersection of Emmawalter Road and Giebenrath Road.
- ▶ A "No Outlet" sign on Emmawalter Road north of Giebenrath Road for northbound traffic.
- ▶ A "Stop" sign on Giebenrath Road at the intersection of North 70th Street for eastbound traffic.
- ▶ Street Identification signs at the intersection of Giebenrath Road and North 70th Street.
- ▶ A "25 Mile Per Hour" speed limit sign on Giebenrath Road west of North 70th Street for westbound traffic.
- ▶ A side road warning sign on North 70th Street north of Giebenrath Road for southbound traffic.

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Hudkins seconded approval of Resolution 03-0053 in the matter of authorizing the installation of traffic signs in the Prairie Creek Estates Subdivision and the View Pointe Subdivision. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

G. Recommendation from the Purchasing Agent and Lancaster Manor to award a Request for Proposal (RFP) for respiratory services to Helget, Inc. d/b/a Capital Medical. Pricing for prescription and non-prescription items shall be in compliance with the Nebraska Department of Public Welfare published fee schedule. All prescription and non-prescription items shall be billed direct to the residents insurance company (including Medicaid/Medicare). (B-03-0018)

MOTION: Workman moved and Stevens seconded approval of awarding a Request for Proposal (RFP) for respiratory services to Helget, Inc. d/b/a Capital Medical for Lancaster Manor. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

H. Appointment of Dan Marvin to the Lincoln-Lancaster County Planning Commission to complete the term of Patte Newman, expiring August 24, 2003.

The Clerk noted the term expires in 2005 instead of 2003.

MOTION: Hudkins moved and Stevens seconded approval of the appointment of Dan Marvin to the Lincoln-Lancaster County Planning Commission to complete the term of Patte Newman, expiring August 24, 2005. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

6) **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 Attorney's Quarterly Report from April 1, 2003 through June 30, 2003.

6) CONSENT ITEMS CONTINUED:

- B. Setting of public hearings for Tuesday, August 5, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:
1. County Change of Zone 211, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., from AG Agricultural to AGR Agricultural Residential, on property generally located at the northwest corner of South 68th Street and Roca Road in Lancaster County, Nebraska.
 2. County Preliminary Plat 02029, The Preserve at Cross Creek, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., to create 15 lots for residential acreages on property generally located at the northwest corner of South 68th Street and Roca Road in Lancaster County, Nebraska.
- C. A resolution in the matter of County Special Permit 201, requested by Alltel Communications, for authority to erect a 197 foot tall monopole for wireless facilities, on property generally located northwest of the intersection of Highway 77 and Branched Oak Road in Lancaster County, Nebraska. (R-03-0054)
- D. A resolution in the matter of approving Comprehensive Plan Amendment 03001, by the Director of Planning, at the request of the Public Works and Utilities Department, the Parks and Recreation Department and the Pedestrian-Bicycle Advisory Committee, to update the Bicycle and Trails element of the 2025 Lincoln/Lancaster County Comprehensive Plan. (R-03-0055)
- E. A resolution in the matter of approving Comprehensive Plan Amendment 03002, by the Director of Planning, at the request of the Public Works and Utilities Department, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to adopt the 2003 Lincoln Water System Facilities Master Plan. (R-03-0056)
- F. A resolution in the matter of approving Comprehensive Plan Amendment 03003, by the Director of Planning, at the request of the Public Works and Utilities Department, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to adopt the 2003 Lincoln Wastewater Facilities Plan. (R-03-0057)

6) CONSENT ITEMS CONTINUED:

- G. A resolution in the matter of approving Comprehensive Plan Amendment 03006 by the Director of Planning at the request of the Public Works and Utilities Department and the Technical Committee of the MPO, to amend the Mobility and Transportation section of the 2025 Lincoln/Lancaster County Comprehensive Plan to update the Existing and Future Streets and Highways Functional Classification maps. (R-03-0058)

- H. A resolution in the matter of approving Comprehensive Plan Amendment 03010, by the Director of Planning at the request of Hampton Development Services, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change from Urban Residential to Commercial and to make minor modifications to the boundary between Commercial and Urban Residential uses north of Interstate 80 between North 14th and North 27th Streets. (R-03-0059)

- I. A resolution in the matter of approving Comprehensive Plan Amendment 03011, by the Director of Planning at the request of Kent Seacrest, on behalf of Meginnis Farm Joint Venture, Ridge Development Company, and Southview, Inc., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to revise the Community Center commercial designation to designate specifically the northwest and northeast corners of 98th and O Streets as a Community Center; to revise the light industrial designation for a future "employment center" to specifically designate an area northwest of 98th and O Streets as Industrial; and to specifically designate Commercial and Industrial uses at 98th and O Streets. (R-03-0060)

- J. A resolution in the matter of the withdrawal of Comprehensive Plan Amendment 03012, by the Director of Planning, at the request of Tom Huston, on behalf of the UNO Properties Inc. and Apple's Way LLC, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change approximately 60 acres from Urban Residential to Commercial at South 66th Street and Highway 2. (R-03-0061)

6) CONSENT ITEMS CONTINUED:

- K. A resolution in the matter of the withdrawal of Comprehensive Plan Amendment 03013, by the Director of Planning, at the request of Mary Jo Livingston, for Livingston Investments, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change from Urban Residential to Commercial on approximately seven acres on the north side of Highway 2 between the Pine Lake Neighborhood and Berean Church; and to change the use of commercial property on the south side of Highway 2 at Pine Lake Road, currently zoned O-3 Office District, from office to retail in the approved Southeast Lincoln/Highway 2 Subarea Plan. (R-03-0062)
- L. A resolution in the matter of approving Comprehensive Plan Amendment 03014, by the Director of Planning, at the request of Kent Seacrest, on behalf of Ridge Development Company and Southview, Inc., to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to move the Community Center commercial designation from South 40th Street and Yankee Hill Road to South 27th Street and Yankee Hill Road; move the Neighborhood Center designation from South 27th Street and Yankee Hill Road to South 40th Street and Yankee Hill Road; and change the land use plan to designate property to the northwest of South 27th Street and Yankee Hill Road as commercial. (R-03-0063)
- M. A resolution in the matter of approving Comprehensive Plan Amendment 03015, by the Director of Planning, at the request of J. Michael Rierden, on behalf of Lincoln Federal Savings Bank, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to move the Community Center commercial designation from one-half mile south of South 40th Street and Yankee Hill Road to South 27th Street and Yankee Hill Road; to move the Neighborhood Center designation from South 27th Street and Yankee Hill Road to one-half mile south of Yankee Hill Road and west of South 40th Street; and add industrial use one-half mile south of Yankee Hill Road on the west side of South 40th Street for future "employment center". (R-03-0064)

6) CONSENT ITEMS CONTINUED:

- N. A resolution in the matter of setting a public hearing for Tuesday, August 19, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding Comprehensive Plan Amendment No. 03016, by the Director of Planning, at the request of Peter Katt, on behalf of Dwaine Rogge, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change a portion of property designated "Environmental Resources" to "Industrial" between Salt Creek and Arbor Road, west of North 70th Street. (R-03-0065)
- O. A resolution in the matter of denying Comprehensive Plan Amendment 03017, by the Director of Planning, at the request of Jim Burden, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to include a presentation of a universal transportation service known as Personal Rapid Transit or PRT. (R-03-0066)
- P. A resolution in the matter of approving Comprehensive Plan Amendment 03018, by the Director of Planning, at the request of Andermatt, LLC and Eiger Corporation, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change approximately 44 acres of land from Urban Residential to Commercial, north of Highway 2 and east of South 91st Street, in the Land Use Plan and the Southeast Lincoln/Highway 2 Subarea Plan; and amend text accordingly. (R-03-0067)
- Q. A resolution in the matter of approving Comprehensive Plan Amendment 03019, by the Director of Planning, at the request of Kent Seacrest, on behalf of Ridge Development Company and Southview, Inc. to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to revise the Community Center commercial designation to designate specifically the northwest corners of Homestead Expressway and West Denton Road as a Community Center; revise the light industrial designation for a future "employment center" to specifically designate an area northwest of Homestead Expressway and West Denton Road as Industrial; and specifically designate commercial and industrial uses in the Land Use Plan at Homestead Expressway and West Denton Road. (R-03-0068)

6) CONSENT ITEMS CONTINUED:

R. A resolution in the matter of approving Comprehensive Plan Amendment 03020, by the Director of Planning, at the request of Mark Hunzeker, on behalf of John Sampson and David McEwen, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to designate a "Community" sized commercial center at approximately South 40th Street between Rokeby Road and Yankee Hill Road. (R-03-0069)

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

- ▶ Joel and Brenda Zinnecker south of West Saltillo Road on Southwest 29th Street; Project C.P.T-194. This is a donation. (C-03-0364)
- ▶ Julia and Jeff Johanson, in the amount of \$2,716.28, on Northwest 84th Street, Adams Street to Highway 34; Project C55-EM-401(1). (C-03-0365)
- ▶ Countryside Farms Inc. south of West Princeton Road on Southwest 14th Street; Project C.P.W-62. This is a donation. (C-03-0366)

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

7) ADJOURNMENT:

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 1:52 p.m.. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 22, 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 called to order at 1:52 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 15, 2003.**

MOTION: Stevens moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated July 15, 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 TO THE TAX ASSESSMENT ROLLS:**

Approval of 137 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Schorr moved and Hudkins 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:**

American Red Cross, Lancaster County Chapter
BryanLGH Medical Center
Catholic Social Services
Eastridge Presbyterian Church
Lincoln Lancaster County Child Guidance Center
Nebraska United Methodist Foundation
Sisters of Mary, Queen of Mercy
Sisters of Mercy

MOTION: Stevens moved and Workman seconded approval of motor vehicle tax exemptions for the American Red Cross, Lancaster County Chapter, Catholic Social Services, Eastridge Presbyterian Church, Lincoln Lancaster County Child Guidance Center, Nebraska United Methodist Foundation, Sisters of Mary, Queen of Mercy and Sisters of Mercy and to also approve a motor vehicle tax exemption for BryanLGH Medical Center subject to the vehicle(s) being titled and registered to the applicant. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **HOMESTEAD EXEMPTION APPEALS:**

James and Charlie Mae Adkins
Helen P. Brame
Lois Knickerbocker
Jeffery L. Leuty

Norm Agena, County Assessor/Register of Deeds, explained that state statute allows, by majority vote of the County Board, an extension of the filing deadline to July 20th provided the applicant(s) did not file late in previous years. He stated none of the applicants have filed late and recommended that the County Board extend the filing deadline to July 20th.

MOTION: Hudkins moved and Schorr seconded to extend the filing deadline to July 20 in connection with homestead exemptions filed by James and Charlie Mae Adkins, Helen P. Brame, Lois Knickerbocker and Jeffery L. Leuty. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Workman moved and Hudkins seconded adjournment of the Board of Equalization meeting at 1:57 p.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk