

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

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated July 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) **SPECIAL PRESENTATIONS:**

A. The Volunteer of the Month Award was presented to Delmer Vandewege for his 36 years of service with the Lancaster County Veterans Service Office.

B. The Commissioners Award of Excellence for the month of July was presented to Kim Folsom, Bailiff with the District Court.

4) **CLAIMS FOR REVIEW:**

A. **Payment Voucher 782-4110, dated July 21, 2003 - Families First and Foremost has requested payment to the Good Neighbor Community Center, totaling \$447.79, in connection with the care coordination contract. The amount is in excess of Contract C-02-0482 as amended by Contract C-03-0209.**

Renee Dozier, Office of Juvenile Mental Health, appeared and recommended the claim be held pending an explanation from the provider as to the reason why the claim is over the contracted amount.

By direction of the Chair, Payment Voucher 782-4110, dated July 21, 2003 was held.

5) **CLAIMS: Approval of all claims processed through Tuesday, July 29, 2003.**

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

6) **PUBLIC HEARINGS:**

A. **Amendments to the Lincoln-Lancaster County Air Pollution Program Regulations and Standards, which shall include an update of current regulations by including recent changes in Nebraska and EPA air quality requirements in addition to requiring a registry of emergency electric generators operated in commercial, industrial, and institutional facilities. The amendments shall also provide a more efficient permit process for operators of emergency electrical generators who wish to participate in a special power purchase program established by the local utility. (A copy is on file in the County Clerk's Office.)**

The Chair opened the public hearing.

The Clerk administered the oath to Rick Thorson, Environmental Health Supervisor with the Lincoln-Lancaster County Health Department.

6) **PUBLIC HEARINGS CONTINUED:**

Thorson gave an overview of the following revisions:

- ▶ Update current regulations by including recent changes in State of Nebraska and EPA air quality requirements.
- ▶ Require registration of emergency electrical generators.
- ▶ Allow use of emergency electrical generators in non-emergency situations.
- ▶ Creates a permit process.

David Johnson, Deputy County Attorney, requested that documentation relating to the revisions be made a part of the record (Exhibit A).

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Workman moved and Stevens seconded approval of the amendments to the Lincoln-Lancaster County Air Pollution Program Regulations and Standards. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

B. An application for an amusement license from Fosters Tap, Inc. to hold a street dance on Saturday, August 2, 2003 from 7 p.m. to 1 a.m. on Main Street from Broad to "B" Streets in Princeton, Lancaster County, Nebraska.

The Chair opened the public hearing.

The Clerk administered the oath to Sam Kaplan, attorney representing Fosters Tap, Inc..

Kaplan gave an overview of the proposed event.

Johnson noted that the requirement that notice of the public hearing be published for two consecutive weeks was not met and recommended that the license be denied based upon the fact that the statutory requirements could not be met.

In response to a question asked by Workman regarding notification, Kaplan stated the owners of Fosters had talked to the church and property owners in Princeton.

6) **PUBLIC HEARINGS CONTINUED:**

Stevens asked whether the applicant would proceed with the application for the Special Designated License if the amusement license were denied.

Kaplan stated they would proceed with the Special Designated License and the band would play on the premises.

Schorr asked about the occupancy in the tavern.

The Clerk administered the oath to Joleen Killham, applicant.

Killham responded that the building holds 65 people and the beer garden would hold 100.

In response to a question asked by Heier, Johnson stated the band could play inside, however, if they were to be located outside they would continue to deal with the issue of the amusement license.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Stevens moved and Hudkins seconded denial of an application for an amusement license from Fosters Tap, Inc. to hold a street dance on Saturday, August 2, 2003 from 7 p.m. to 1 a.m. on Main Street from Broad to "B" Streets in Princeton, Lancaster County, Nebraska. Stevens, Workman, Hudkins and Heier voted aye. Schorr voted no. Motion carried.

7) **OLD BUSINESS:**

A. An agreement with BryanLGH Medical Center for professional nursing services for the Lancaster County Mental Health Center. The nurses shall be available 24 hours a day, 7 days per week. The term of the agreement is from June 1, 2003 to June 30, 2004. The County shall pay \$41.84 per hour for the services. (C-03-0351)

Johnson explained that there would be a request in the future that the insurance liability be increased to \$5,000,000 on certain contracts which have the potential for greater exposure.

7) **OLD BUSINESS CONTINUED:**

He stated it was suggested that the County request the \$5,000,000 insurance liability on the agreement with BryanLGH but because the Board has not been fully informed about the issue he wasn't inclined to request the increased amount.

Johnson further stated he visited with representatives at BryanLGH who indicated they have a \$3,000,000 General Aggregate in the certificate of insurance.

Recommendation was to approve the agreement and include the \$3,000,000 General Aggregate subject to the Chair initialing the addition.

MOTION: Hudkins moved and Stevens seconded approval an agreement with BryanLGH Medical Center for professional nursing services for the Lancaster County Mental Health Center subject to the Chair initialing the addition of the \$3,000,000 General Aggregate . Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

8) **NEW BUSINESS:**

A. An application for a Special Designated License from Fosters Tap Inc., located at 24049 South 12th Street in Princeton, Lancaster County, Nebraska, to have a beer garden in connection with a street dance on Saturday, August 2, 2003 from 8 p.m. to 12:30 a.m.

MOTION: Stevens moved and Hudkins seconded approval of an application for a Special Designated License from Fosters Tap Inc. for August 2, 2003 from 8 p.m. to 12:30 a.m. subject to the recommendations of the County Engineer and the Sheriff. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

B. An agreement with Sheila Kodoi to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission to provide gender-specific training for the entire State of Nebraska. The term of the agreement is from July 1, 2003 to June 30, 2004. The County shall compensate the contractor for up to \$7,500 worth of services. (C-03-0371)

8) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Sheila Kodoi to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission to provide gender-specific training for the entire State of Nebraska. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

C. An agreement with Diane Fern to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission for gender-specific training for the entire State of Nebraska. The term of the agreement is from July 1, 2003 to June 30, 2004. The County shall compensate the contractor for up to \$7,500 worth of services. (C-03-0372)

MOTION: Stevens moved and Workman seconded approval of an agreement with Diane Fern to act as a facilitator for the "Try Another Way" grant which was received from the Nebraska Crime Commission for gender-specific training for the entire State of Nebraska. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

D. An agreement with Global Trade Information Services, Inc. for annual support service of two Sun Ultra 10 Systems computer workstations located in the County Assessor/Register of Deeds Office. Term of the agreement is for a one year period beginning July 1, 2003 and ending June 30, 2004. Total cost of the agreement is \$1,272. (C-03-0373)

By direction of the Chair, the agreement was held.

E. An application to continue the Lancaster County EyeMed vision care plan for an additional 12 months which makes the plan period a 24 month plan from January 1, 2003 to December 31, 2004. (C-03-0376)

MOTION: Hudkins moved and Stevens seconded approval of an application to continue the Lancaster County EyeMed vision care plan for an additional 12 months which makes the plan period a 24 month plan from January 1, 2003 to December 31, 2004. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

F. Acceptance of Ameritas Group Dental to keep the administrative fee for Lancaster County's dental plan at \$4.71 for the January 1, 2004 to December 31, 2004 plan year. The monthly fee of \$4.71 per enrolled employee shall remain in effect. (C-03-0377)

MOTION: Hudkins moved and Workman seconded acceptance of Ameritas Group Dental to keep the administrative fee for Lancaster County's dental plan at \$4.71 for the January 1, 2004 to December 31, 2004 plan year. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

G. An agreement with Amanda Andrae to assist in the implementation and management of program evaluation and the monitoring of activities established within the Quality Assurance Plan for programs under the auspices of the Office of Juvenile Mental Health. The term of the agreement is from August 1, 2003 to December 31, 2003. The County shall pay up to \$39.68 per hour for up to 600 hours. Total compensation under this agreement shall not exceed \$25,000. (C-03-0378)

MOTION: Workman moved and Hudkins seconded approval of an agreement with Amanda Andrae to assist in the implementation and management of program evaluation and the monitoring of activities established within the Quality Assurance Plan for programs under the auspices of the Office of Juvenile Mental Health. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

H. A resolution authorizing the following traffic signs in Lancaster County, Nebraska: (R-03-0070)

1. On West Denton Road:
 - ▶ Install a "Pavement Ends" sign approximately 500 feet east of Southwest 112th street for westbound traffic.
 - ▶ Install a "50 Mile Per Hour" speed limit sign west of Southwest 112th Street for westbound traffic.
2. Remove the "Pavement Ends" sign on Southwest 33rd Street south of West Pleasant Hill Road for southbound traffic.

8) **NEW BUSINESS CONTINUED:**

3. **On South 54th Street:**

- ▶ Remove the southbound "Stop" sign at the intersection of South 54th Street and Roca Road (west).
- ▶ Remove the northbound "Stop" sign at the intersection of South 54th Street and Roca Road (east).
- ▶ Install a "Cross Traffic Does Not Stop" sign below the existing "Stop" sign at the intersection of south 54th Street and Roca Road (west) for eastbound traffic.
- ▶ Install a "Cross Traffic Does Not Stop" sign below the existing "Stop" sign at the intersection fo South 54th Street and Roca Road (east) for westbound traffic.
- ▶ Install a temporary "Southbound Traffic Does Not Stop" sign on South 54th Street 300 feet south of Roca Road (west) for northbound traffic.
- ▶ Install a temporary "Northbound Traffic Does Not Stop" sign on South 54th Street 300 feet north of Roca Road (east) for southbound traffic.

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0070. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

I. Correction of a clerical error on County Resolution 03-0041 setting the salary of the Election Commissioner at 90 percent of the County Clerk's salary which is \$58,500, not \$58,000.

MOTION: Hudkins moved and Workman seconded approval of the correction of a clerical error on County Resolution 03-0041 setting the salary of the Election Commissioner at 90 percent of the County Clerk's salary which is \$58,500, not \$58,000.

Johnson stated he was requesting the Chair to initial and date the change to the original resolution.

Both the maker of the motion and the seconder agreed to authorize the Chair to initial and date the correction.

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

8) **NEW BUSINESS CONTINUED:**

J. Settlement of a claim filed by Dr. Derek Grimmel, in the amount of \$17, 500.

MOTION: Stevens moved and Hudkins seconded approval of the settlement of a claim filed by Dr. Derek Grimmel, in the amount of \$17, 500. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

9) **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. Sheriff's Report of Fees for June, 2003.

B. Setting of a public hearing 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 an application for an amusement license from Paul Ramirez on behalf of Lincoln City Church to hold "Christ Fest 2003" on Friday, August 8th, Saturday, August 9th and Sunday, August 10th at 5001 South 1st Street.

C. Request from Tanyia Pfenning, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.

D. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and David Frank Stava, in the total amount of \$3,726.95, on Northwest 84th Street from Adams Street to Highway 34; Project C55-EM-401(1). (2 contracts) (C-03-0374 and C-03-0375)

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

Heier indicated he had made an error in holding New Business Item 8D. The item he intended to hold was Consent Item 9D.

MOTION: Workman moved and Hudkins seconded to reconsider Consent Item 9D. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

RETURNING TO NEW BUSINESS ITEM 8D:

8D. An agreement with Global Trade Information Services, Inc. for annual support service of two Sun Ultra 10 Systems computer workstations located in the County Assessor/Register of Deeds Office. Term of the agreement is for a one year period beginning July 1, 2003 and ending June 30, 2004. Total cost of the agreement is \$1,272. (C-03-0373)

MOTION: Stevens moved and Workman seconded approval of an agreement with Global Trade Information Services, Inc. for annual support service of two Sun Ultra 10 Systems computer workstations located in the County Assessor/Register of Deeds Office. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

RETURNING TO CONSENT ITEM 9D:

MOTION: Workman moved and Hudkins seconded to hold Consent Item 9D. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

The Board of Commissioners meeting was recessed at 2:35 p.m..

10) **EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION** - David Johnson, Deputy County Attorney

MOTION: Hudkins moved and Workman seconded to enter into Executive Session for the purpose of discussing pending litigation at 2:48 p.m.. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

MOTION: Hudkins moved and Stevens seconded to exit Executive Session at 3:07 p.m.. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

11) **ADJOURNMENT:**

MOTION: Workman moved and Stevens seconded adjournment of the Board of Commissioners meeting at 3:08 p.m.. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 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: 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 Administrative Officer

The Board of Equalization meeting was called to order at 2:35 p.m..

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

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

Approval of 5 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:**

**Capital Human Society
Christian Heritage
Dialysis Center of Lincoln, Inc.
Food Bank of Lincoln, Inc.**

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

5) **NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, August 12, 2003 immediately following the regular meeting of the Board of Commissioners, which begins at 1:30 p.m., in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a notice of valuation change for omitted or undervalued property for Infinity S Development Company.

MOTION: Workman moved and Stevens seconded to set a public hearing for Tuesday, August 12, 2003 immediately following the regular meeting of the Board of Commissioners, which begins at 1:30 p.m., in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a notice of valuation change for omitted or undervalued property for Infinity S Development Company.

6) **LATE FILING HOMESTEAD EXEMPTION APPLICATIONS:**

**William A. Bowman
Henry L. and Ruth W. Harms
H. Jean Leader
Charles and Kay Stoppel**

Norm Agena, County Assessor/Register of Deeds, indicated the Board had acted on several late filing homestead exemption applications on July 22nd. He reiterated that the County Board has the authority, by State Statute, to extend the filing date to July 20th. He added that all of the individuals had applied before and were not late filers last year.

MOTION: Hudkins moved and Workman seconded approval to extend the deadline for filing homestead exemptions applications to July 20, 2003 for William A. Bowman, Henry L. and Ruth W. Harms, H. Jean Leader and Charles and Kay Stoppel. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

7) **REMOVAL OF 451A TAX EXEMPTION FOR 2003 FOR THE FOLLOWING:**

**United Brotherhood of Carpenters and Joiners No. 1055
Catholic Bishop of Lincoln**

Agena explained that the property for United Brotherhood of Carpenters and Joiners No. 1055 was sold as well as the property for the Catholic Bishop of Lincoln.

MOTION: Hudkins moved and Workman seconded to accept the County Assessor/Register of Deeds recommendation to remove the 451A tax exemption for 2003 for United Brotherhood of Carpenters and Joiners No. 1055 and the Catholic Bishop of Lincoln. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

8) **APPROVAL OF 451 TAX EXEMPTION FOR 2003 FOR THE FOLLOWING:**

**Developmental Services of Nebraska (2 exemptions)
Lincoln Lancaster County Child Guidance Center (2 exemptions)**

MOTION: Stevens moved and Hudkins seconded approval of 451 tax exemptions for 2003 for Developmental Services of Nebraska (2 exemptions) and Lincoln Lancaster County Child Guidance Center (2 exemptions). Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

9) **APPROVAL OF 2003 PARTIAL TO FULL 451 TAX EXEMPTION FOR THE FOLLOWING:**

**Indian Center, Inc.
Lincoln Lancaster County Child Guidance Center**

MOTION: Workman moved and Hudkins seconded approval of 2003 partial to full 451 tax exemptions for the Indian Center, Inc. and Lincoln Lancaster County Child Guidance Center. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

10) **APPROVAL OF 2003 PARTIAL 451 TAX EXEMPTION FOR THE FOLLOWING:**

**Cornhusker Place
Christ's Place Church**

MOTION: Workman moved and Hudkins seconded approval of 2003 partial 451 tax exemptions for Cornhusker Place and Christ's Place Church. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

11) **APPROVAL OF 2003 PARTIAL 451 WITH LATE FILING PENALTY:**

Christ's Place

MOTION: Workman moved and Hudkins seconded approval of a 2003 partial 451 tax exemption with a late filing penalty for Christ's Place. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

12) **DENIAL OF 2003 451 TAX EXEMPTION:**

Parkview Christian School

MOTION: Hudkins moved and Workman seconded denial of a 2003 451 tax exemption for Parkview Christian School. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

13) **ADJOURNMENT:**

MOTION: Hudkins moved and Stevens seconded adjournment of the Board of Equalization at 2:47 p.m.. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk