MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS THURSDAY, NOVEMBER 13, 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

Bruce Medcalf, County Clerk

Kristy Mundt, Deputy County Attorney 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, November 4, 2003 and the minutes of the Fiscal 2004 One and Six-Year Road and Bridge Improvement Program public hearing also held on November 4, 2003.

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the

Board of Commissioners meeting and the minutes of the Fiscal 2004 One and Six-Year Road and Bridge Improvement Program public hearing held on November 4, 2003. Schorr, Hudkins, Workman and

Stevens voted aye. Heier abstained from voting.

Motion carried.

2) PUBLIC COMMENT:

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

3) <u>CLAIMS:</u> Approval of all claims processed through Monday, November 10, 2003.

MOTION: Workman moved and Stevens seconded approval of all claims

processed through November 10, 2003. Stevens, Workman,

Hudkins, Schorr and Heier voted aye. Motion carried.

4) PUBLIC HEARINGS:

A. Continuation of a public hearing regarding revisions to Lancaster County's Amusement License and Special Designated License Guidelines and Procedures.

In response to a question asked by Schorr, Trish Owen, Chief Deputy County Clerk, explained that the Deputy County Attorney requested that the phrase "amusement license" be retained to mirror State Statute and to add "public event" for clarification.

Heier asked if anyone else had questions.

There were none and the hearing was closed.

MOTION: Workman moved and Schorr seconded approval of the revisions to

Lancaster County's Amusement License and Special Designated

License Guidelines and Procedures.

Kristy Mundt, Deputy County Attorney, requested that the motion reflect that the County Attorney's Office would prepare a resolution for approval on Tuesday, November 18, 2003.

AMENDMENT TO MOTION: Workman amended the motion to include that a resolution would be prepared by the County Attorney's Office to adopt the revisions to Lancaster County's Amusement License and Special Designated License Guidelines and Procedures.

The seconder agreed to the amended motion.

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

carried.

4) PUBLIC HEARINGS CONTINUED:

Heier declared a conflict of interest on Public Hearing Item 4B and exited the chambers at 1:35 p.m.

B. County Final Plat 03026, Wyndam Place Addition, 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 and Holdrege Streets in Lancaster County, Nebraska.

Stevens opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Brian Carstens, developer.

Carstens indicated he was appearing on behalf of Bernie and Connie Heier and gave a brief overview of the proposal indicating that the final plat is in conformance with the approved community unit plan and preliminary plat.

Stevens asked if anyone else wished to testify.

No one appeared and the hearing was closed.

The Clerk noted that Carstens requested New Business Items J and K be moved forward on the agenda.

There were no objections and New Business Items J and K were moved forward.

NEW BUSINESS ITEM 6J:

A subdivision agreement with Bernie and Connie Heier, filed by Brian D. Carstens and Associates, for County Final Plat 03026, Wyndam Place Addition, on property generally located on North 176th and Holdrege Streets in Lancaster County, Nebraska. (C-03-0589)

MOTION:

Schorr moved and Workman seconded approval of a subdivision agreement with Bernie and Connie Heier, filed by Brian D. Carstens and Associates, for County Final Plat 03026, Wyndam Place Addition, on property generally located on North 176th and Holdrege Streets in Lancaster County, Nebraska. Workman, Schorr, Stevens and Hudkins voted aye. Heier was absent from voting. Motion carried.

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NEW BUSINESS ITEM 6K:

A resolution in the matter of County Final Plat 03026, Wyndam Place Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, for 16 residential acreage lots on property generally located on North 176th and Holdrege Streets in Lancaster County, Nebraska. (R-03-0117)

MOTION: Hudkins moved and Workman seconded approval of Resolution

03-0117 in the matter of County Final Plat 03026, Wyndam Place Addition. Stevens, Workman, Hudkins and Schorr voted aye. Heier

was absent from voting. Motion carried.

(Heier re-entered the chambers at 1:40 p.m.)

5) **OLD BUSINESS**:

A. A claim service and funding agreement with Specialty Risk Services, Inc. for claims services provided to the County. Term of the agreement is October 1, 2002 to October 1, 2003. The County will pay \$696 for each Bodily Injury claim, \$550 for each Property Damage claim under General Liability and \$1,626 for each Bodily Injury claim and \$41,191 for each Property Damage claim under Professional Liability. The County currently has an outstanding balance of \$4,322 which includes an annual administration fee of \$2,000. (C-03-0475)

Sue Eckley, Workers' Compensation and Risk Management Manager, appeared and stated the amount of \$41,191 for each property damage claim was not correct. The correct amount should be \$1,191. She stated Coregis Insurance is requesting their self-insured's to use a third party administrator, which is Specialty Risk Services.

MOTION: Hudkins moved Stevens seconded approval of a claim service and

funding agreement with Specialty Risk Services, Inc. for claims

services provided to the County. Stevens, Workman, Schorr, Hudkins

and Heier voted aye. Motion carried.

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6) **NEW BUSINESS**:

A. Request from the Nebraska State Board of Agriculture d/b/a Nebraska State Fair, located at 1800 State Fair Park, to delete an area known as Fair Café from their Class C (Retail) liquor license.

Pat Lloyd, State Fair Manager, appeared and indicated their request is in connection with Consent Item 7C (application for Corporate Manager for Ronald Bartholomew and a Class M (Bottle Club) liquor license for the Penalty Box Pub). He explained that Ronald Bartholomew approached the State Fair Board with a proposal regarding the operation of Fair Park Café. Lloyd stated the café is inactive with the exception of ten days during the State Fair. He said a temporary license has been granted to Bartholomew by the Liquor Control Commission until his permanent license can be obtained.

MOTION:

Hudkins moved and Workman seconded approval of a request from the Nebraska State Board of Agriculture d/b/a Nebraska State Fair, located at 1800 State Fair Park, to delete an area known as Fair Café from their Class C (Retail) liquor license. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

B. A grant contract with Cedars Youth Services for the Tracker Program and Day Reporting Center, in the amount of \$181,000. Term of the grant is July 1, 2003 to June 30, 2004. (C-03-0585)

MOTION:

Workman moved and Stevens seconded approval of a grant contract with Cedars Youth Services for the Tracker Program and Day Reporting Center, in the amount of \$181,000. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

C. An interlocal agreement with the City of Lincoln for the opening of one mile of new road on an alignment generally described as South 98th Street between "A" and "O" Streets. The agreement provides for the preliminary survey work, determination of a road centerline, appraisal and acquisition of right-of-way and responsibility for the costs related to the project. The County will budget \$125,000 in its 2004 fiscal budget for payment of their share of the acquisition. (C-03-0586)

This item was held at the request of the County Attorney's Office.

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D. An interlocal agreement with Washington County for detention services for juveniles under the jurisdiction of Washington County. Lancaster County will provide for the safekeeping, care and sustenance of the juvenile while at the Juvenile Detention Center. Washington County will pay the County at a rate of \$213 per youth, per day. The agreement is effective upon execution by both parties and has a 30 day termination provision. (C-03-0587)

MOTION:

Stevens moved and Hudkins seconded approval of an interlocal agreement with Washington County for detention services for juveniles under the jurisdiction of Washington County. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

E. An interlocal agreement with the City of Lincoln and United Way of Lincoln to jointly provide funding for a contract with the Public Policy Center for implementation of the Community-Based Human Services Needs Assessment. The City of Lincoln, United Way of Lincoln and Lancaster County will each pay \$35,000 of the total contract cost of \$105,000. Term of the agreement is July 1, 2003 to June 30, 2004. (C-03-0588)

This item was held at the request of the County Attorney's Office.

F. A grant contract with the Good Neighbor Center for funding for an emergency food and clothing center for low income families in the Lincoln/Lancaster County area, in the amount of \$55,000. Term of the grant contract is July 1, 2003 through June 30, 2004. (C-03-0592)

MOTION:

Schorr moved and Hudkins seconded approval of a grant contract with the Good Neighbor Center for funding for an emergency food and clothing center for low income families in the Lincoln/Lancaster County area, in the amount of \$55,000. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

G. A contract between the State of Nebraska, Department of Health and Human Services and the County for the delivery of employment and employment related services to refugees in Lincoln and Lancaster County. The Department will pay the County up to \$262,463 for these services. Term of the contract is October 1, 2003 to September 30, 2004. (C-03-0593)

MOTION: Stevens moved and Workman seconded approval of a contract

between the State of Nebraska, Department of Health and Human Services and the County for the delivery of employment and employment related services to refugees in Lincoln and Lancaster

County.

Schorr referred to a paragraph in the contract regarding public counsel and asked if the County Attorney's Office was comfortable with the language.

Mundt responded that the County Attorney's Office is not comfortable with the language as it relates to tort claims immunity. She added that the State has indicated in previous communications they would not delete the language.

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

H. An amendment to an agreement with Nationwide Life Insurance Company for administration of the 401(a) Lancaster County Employees Retirement Plan to authorize Chad Christensen to have inquiry access only to participant account information. (C-03-0594)

Kerry Eagan, Chief Administrative Officer, stated the amendment will give Chad Christensen authority to access participants account information, however, it would not give him the ability to make changes.

MOTION: Stevens moved and Workman seconded approval of an amendment to an agreement with Nationwide Life Insurance Company for administration of the 401(a) Lancaster County Employees Retirement Plan to authorize Chad Christensen to have inquiry access only to participant account information. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

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I. An amendment to an agreement with Nationwide Life Insurance Company for administration of the 457 Deferred Compensation Plan for the employees of Lancaster County to authorize Chad Christensen to have inquiry access only to participant account information. (C-03-0595)

MOTION:

Hudkins moved and Stevens seconded approval of an amendment to an agreement with Nationwide Life Insurance Company for administration of the 457 Deferred Compensation Plan for the employees of Lancaster County to authorize Chad Christensen to have inquiry access only to participant account information. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

J. A subdivision agreement with Bernie and Connie Heier, filed by Brian D. Carstens and Associates, for County Final Plat 03026, Wyndam Place Addition, on property generally located on North 176th and Holdrege Streets in Lancaster County, Nebraska. (C-03-0589)

Item moved forward on the agenda.

K. A resolution in the matter of County Final Plat 03026, Wyndam Place Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, for 16 residential acreage lots on property generally located on North 176th and Holdrege Streets in Lancaster County, Nebraska. (R-03-0117)

Item moved forward on the agenda.

M. A resolution authorizing the following traffic signs in Lancaster County, Nebraska: (R-03-0118)

- O Install "40 Mile Per Hour" speed limit signs on 2nd Street (Firth) one just west of South 96th Street for westbound traffic and one 1,750 feet west of South 96th Street for eastbound traffic.
- O Install a "Reduced Speed Ahead" sign on 2nd Street (Firth) 1,500 feet west of South 96th Street for westbound traffic.
- O Install a "25 Mile Per Hour" speed limit sign on 2nd Street (Firth) 1,750 feet west of South 96th Street for westbound traffic.
- O Install chevron warning signs along the curves on 2nd Street (Firth) at the east edge of Firth.
- O Install "24 Ton Weight Limit" signs on County Bridge E-108, located on Northwest 84th street 130 feet south Highway 34.

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MOTION: Schorr moved and Workman seconded approval of Resolution

03-0118 authorizing traffic signs in Lancaster County, Nebraska. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion

carried.

N. A resolution in the matter of approving Comprehensive Plan Conformity Number 03010: Lancaster County Road and Bridge Construction Program, Fiscal Years 2004 and 2005-2009. (R-03-0119)

MOTION: Stevens moved and Schorr seconded approval of Resolution 03-0119

in the matter of approving Comprehensive Plan Conformity Number 03010: Lancaster County Road and Bridge Construction Program,

Fiscal Years 2004 and 2005-2009.

Don Thomas, County Engineer, stated a project regarding North 134th Street (Amberly Road to Interstate 80) is being placed in the six-year program for engineering.

Thomas added that 98th Street is included in the program and is funded.

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

carried.

O. Recommendation from the Purchasing Agent and the County Engineer to award a bid for annual requirements for brush killer to Van Diest Supply, in the total amount of \$10,982.40, with an option to renew for two additional one year periods with mutual consent. (B-03-0036)

MOTION: Hudkins moved and Stevens seconded to accept the

recommendation from the Purchasing Agent and the County Engineer and award a bid for annual requirements for brush killer to Van Diest Supply, in the total amount of \$10,982.40, with an option to renew

for two additional one year periods with mutual consent.

Kathy Smith, Assistant Purchasing Agent, appeared and noted an error regarding unit price on the cover memorandum. She said the unit price should be \$22.88 for 480 gallons.

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

P. Recommendation from the Purchasing Agent and the County Sheriff to award a bid for annual requirements for seven Whelan light bars and mounts to Fire Guard, Inc., in the total amount of \$12,516, with an option to renew for two additional one year periods with mutual consent. (B-03-0037)

In response to a question asked by Workman regarding the low bid, Smith explained that the low bid was not to specification.

Hudkins asked if new light bars units are needed.

Bill Jarrett, Chief Deputy County Sheriff, appeared and explained that they are continuing to replace light bars which are approximately seven to ten years old. He added part of the funding for the light bars would come from the STOP program.

MOTION:

Workman moved and Hudkins seconded to accept the recommendation from the Purchasing Agent and the County Sheriff to award a bid for annual requirements for seven Whelan light bars and mounts to Fire Guard, Inc., in the total amount of \$12,516, with an option to renew for two additional one year periods with mutual consent. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

Q. Recommendation from the Purchasing Agent and the County Sheriff to award orders for vehicles from State of Nebraska contracts as follows: (B-03-0038)

Husker Auto Group, in the amount of \$23,894, for one, 2004 four-wheel drive Chevrolet Trailblazer LS with front bucket seats and service manual. (This is State Contract number CA#6104A.)

Anderson Ford, in the total amount of \$104,445, for five, 2004 Ford Crown Victoria Police Interceptor Pursuit Vehicles including second power outlets, single key systems and police preparation packages. (This is from State Contract number CA#6106.)

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Anderson Ford, in the amount of \$21,289, for one, 2004 Crown Victoria Police Interceptor Pursuit Vehicle including a second power outlet, single key system, police preparation package and an equipment/engine service/repair manual. (This is from State Contract number CA#6106.)

MOTION: Stevens moved and Hudkins seconded to accept the

recommendation from the Purchasing Agent and the County Sheriff to award orders for vehicles from State of Nebraska contracts to Husker Auto Group and Anderson Ford. Stevens, Workman, Schorr,

Hudkins and Heier voted aye. Motion carried.

R. Recommendation from the Purchasing Agent and the County Engineer to award a bid for rock hauling and production to various stockpiles within the County as follows: (B-03-0039)

Project 04-14H - Waverly Maintenar	nce Station			
Stanford Madlock & Son (Hauler)	\$2.50/Ton	\$21,375.00		
Kerford Limestone (Producer)	\$8.85/Ton	\$75,667.50		
	Project Total	\$97,042.50		
Project 04-15H - Emerald Stockpile				
LeRoy Hiskey Trucking Co., Inc. (Hauler)	\$3.99/Ton	\$26,533.50		
Kerford Limestone (Producer)	\$8.85/Ton	\$58,852.50		
	Project Total	\$85,386.00		
Project 04-16H - Raymond Stockpile	<u>}</u>			
Westover Rock & Sand, Inc. (Hauler)	\$3.98/Ton	\$26,467.00		
Kerford Limestone (Producer)	\$8.85/Ton	\$58,852.50		
	Project Total	\$85,319.50		
Project 04-17H - SW 12th and Saltillo Road Stockpile				
Husker Trucking Inc. (Hauler)	\$3.25/Ton	\$ 9,262.50		
Kerford Limestone (Producer)	\$8.85/Ton	\$25,222.50		
	Project Total	\$34,485.00		
Project 04-18H - SW 98th and Saltillo Road Stockpile				
Westover Rock & Sand Inc. (Hauler)	\$4.28/Ton	\$13,011.20		
Kerford Limestone (Producer)	\$8.85/Ton	\$26,904.00		
	Project Total	\$39,915.20		

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Project 04-19H - Roca Stockpile

	Project Total	\$100,738.00
Kerford Limestone (Producer)	\$8.85/Ton	\$ 73,986.00
Buel Trucking Inc. (Hauler)	\$3.20/Ton	\$ 26,752.00

Project 04-20H - Walton Maintenance Station

Buel Trucking Inc. (Hauler)	\$2.20/Ton	\$ 8,800.00
Kerford Limestone (Producer)	\$8.85/Ton	\$35,400.00
	Project Total	\$44,200.00

Total cost of hauling and production is \$487,086.20.

MOTION: Workman moved and Stevens seconded approval to award bids for

rock hauling and production to various stockpiles for the County Engineering Department as recommended. Stevens, Workman,

Hudkins, Schorr and Heier voted aye. Motion carried.

S. A political subdivision tort claim filed against Lancaster County by Bret Davis for damages to his vehicle, in the amount of \$408.90.

MOTION: Schorr moved and Hudkins seconded to deny a tort claim filed

against Lancaster County by Bret Davis for damages to his vehicle, in the amount of \$408.90. Schorr, Stevens, Workman, Hudkins and

Heier voted aye. Motion carried.

T. An agreement between County and Great Plains Appraisal, Inc. for services of qualified professional appraisers to assist the Lancaster County Assessor's Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2003 tax year. The total compensation for services will not exceed \$200,000. (C-03-0596)

Rob Ogden, Chief Field Deputy in the County Assessor/Register of Deeds Office, appeared and gave a brief overview of the agreement.

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MOTION:

Stevens moved and Workman seconded approval of an agreement between County and Great Plains Appraisal, Inc. for services of qualified professional appraisers to assist the Lancaster County Assessor's Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2003 tax year. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

7) <u>CONSENT ITEMS:</u> 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 October, 2003.
- 2. Lancaster Manor's Monthly Report.
- B. Setting of a public hearing for Tuesday, November 25, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding City-County Comprehensive Plan Conformance Number 03012, requested by the Directors of Public Works and Utilities and Parks and Recreation, to find the proposed joint acquisition of permanent conservation easements over approximately 736.9 acres of floodplain area generally located along Salt Creek from Wilderness Park to one-half mile south of Martell Road, to be in conformance with the 2025 Lincoln-Lancaster County Comprehensive Plan.
- C. Setting of a public hearing for Tuesday, December 2, 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 Ronald D. Bartholomew and an application for a Class M (Bottle Club) liquor license for the Penalty Box Pub, L.L.C. located at 1800 State Fair Park Drive in Lincoln, Lancaster County, Nebraska.

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7) CONSENT ITEMS CONTINUED:

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

Great Western Bank, Trustee, in the amount of \$87.40, on Northwest 126th Street north of West Little Salt Road; Project C.P.-D-3. (C-03-0590)

Peterson Brothers on North 148th Street north of Rock Creek Road; Project C.P.-A-91. This is a donation. (C-03-0591)

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

Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion

carried.

8) **ADJOURNMENT**:

MOTION: Stevens moved and Schorr seconded adjournment of the Board of

Commissioners meeting at 2:17 p.m. Workman, Schorr, Hudkins,

Stevens and Heier voted aye. Motion carried.

Bruce Medcalf County Clerk

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MINUTES LANCASTER COUNTY BOARD OF EQUALIZATION THURSDAY, NOVEMBER 13, 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: Kerry Eagan, Chief Administrative Officer

Bruce Medcalf, County Clerk

Kristy Mundt, Deputy County Attorney

Rob Ogden, Chief Field Deputy for the County

Assessor/Register of Deeds Office Trish Owen, Chief Deputy County Clerk

Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:17 p.m..

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 4, 2003.

MOTION: Schorr moved and Stevens seconded approval of the minutes of the

Board of Equalization meeting dated November 4, 2003. Schorr, Hudkins, Workman and Stevens voted ave. Heier abstained from

voting. Motion carried.

2) PUBLIC COMMENT:

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

3) ADDITIONS AND DEDUCTIONS:

Approval of 14 additions and deductions to the tax assessment rolls per Exhibit A.

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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:

Nebraska Crop Improvement Association
Our Lady of Guadalupe Seminary, a division of Priestly Fraternity of St.
Peter (2 exemptions)
Rosemont Alliance Church
Sisters of Mary Queen of Mercy
VITAL Services, Inc.

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

5) **ADJOURNMENT**:

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

Bruce Medcalf County Clerk

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