

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 6, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
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 1:32 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 30, 2004.**

MOTION: Schorr moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated March 30, 2004. Schorr, Workman, Heier and Stevens voted aye. Hudkins was absent from voting. 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, April 6, 2004.**

MOTION: Heier moved and Workman seconded approval of all claims processed through April 6, 2004. Heier, Workman, Schorr and Stevens voted aye. Hudkins was absent from voting. Motion carried.

4) **PUBLIC HEARINGS:**

A. A petition from ten percent of the property owners living in Plum Ridge Estates for formation of a special paving improvement district. The proposed District will be called the Plum Ridge Road Improvement District.

The Chair opened the public hearing.

The Clerk administered the oath to J. Michael Rierden, attorney representing petitioners.

Rierden stated the purpose of the public hearing is to set the boundaries for the paving district. Submitted into the record by Rierden was a map outlining the proposed boundaries of the paving district (Exhibit 1).

Workman asked for the total number of property owners.

In response to questions asked by Schorr regarding stub roads and the number of property owners, Rierden responded that the stub roads between Lots 18 and 27 and Lots 24 and 32 would not have to be paved. He also stated it was his opinion that if a husband and wife are jointly listed on the title to the property it would constitute two votes, not one.

Heier asked Kristy Mundt, Deputy County Attorney, for her opinion.

Mundt stated she would need to do a written opinion.

Heier stated he would like a legal opinion.

(Hudkins entered the hearing room at 1:40 p.m..)

The Clerk administered the oath to Earl Harwager, 1000 Plum Ridge Road, who appeared in support of the petition.

Harwager explained Lots 31 (Tracey), 22 (Carr) and 14 (Jones) have access to their property on other roads other than Plum Ridge Road and were not included in the boundaries. He added that it was their conclusion those three property owners would object to paying for access to a road which they would not be using.

4) **PUBLIC HEARINGS CONTINUED:**

Hudkins asked if the cost would be assessed by footage or per lot.

Harwager responded by lot.

Hudkins asked what the projected assessment per lot was.

Harwager stated the firm, ESP, estimated \$153,024 for paving; \$13,920 for the engineer and \$5,000 to \$6,000 for the attorney.

Rierden explained that the future trustees would act as a board of equalization to make a determination regarding the assessments. He stated Mr. Harwager's figures were estimates and those figures would likely change.

In response to a question asked by Heier, Larry Worrell, County Surveyor, stated permission was granted to the Carr's for access onto 148th Street and to the Tracey's for access onto Holdrege Street.

The Clerk administered the oath to Roger Harre, 14901 Plum Ridge Road.

Harre appeared in opposition stating some property owners feel they are being forced into the paving district. He stated there is a homeowners association and there are covenants in place to handle such situations.

Heier asked if covenants take priority over a petition.

Mundt stated she would have to review the issue, noting that it is a statutory right for a petition to be filed.

Mundt stated the public hearing is held to hear from interested parties regarding the boundary lines. She stated determination whether or not the paving district is formed would take place at a special election. Mundt stated there is a provision that says the County Board shall abandon all proceedings if a majority of the resident property owners file written protest within ten days after notice of publication.

Mundt suggested that the hearing being continued to allow additional time to determine if there is a majority of the landowners filing written protest.

The Clerk administered the oath to Tim Hinkle, 1305 Plum Ridge Road.

4) **PUBLIC HEARINGS CONTINUED:**

Hinkle discussed the configuration of the special paving improvement district. He stated the primary reason he was made aware of for paving the road was dust pollution. He stated Lots 31, 22 and 44 would receive as much benefit from dust reduction as any of the other lots and should not be excluded from the boundaries.

Hinkle referred to the petition filed stating there was no list of the affected property owners as required by County Resolution 98-1114 which would make the petition incomplete.

Hinkle also questioned when the ten day period for written protest would be begin, on the first or the second publication date.

The Clerk administered the oath to Dennis Callahan, 15100 Plum Ridge Road.

Callahan stated any method used to determine majority would equal more than 50 percent.

The Clerk administered the oath to Herb Pickard, 15001 Plum Ridge Road.

Pickard appeared and stated he supports the paving district.

The Chair asked if anyone else wished to testify.

No one appeared.

MOTION: Heier moved and Workman seconded to recess the hearing for one week. Workman, Hudkins, Schorr, Heier and Stevens voted aye.
Motion carried.

Kerry Eagan, Chief Administrative Officer, stated he would draft a request for a legal opinion from the County Attorney's Office to include the following issues:

- ▶ Is there one vote per lot or do all owners of the lot vote
- ▶ Where written protest is filed
- ▶ Determination of lots for purposes of voting
- ▶ Inclusion of a list of names of all landowners within the proposed district and the parcel of land owned by them
- ▶ Relationship between covenants, homeowners association and the statutory procedure for road improvement district

5) **NEW BUSINESS:**

- A. An agreement with Amanda Andrae to assist with the monitoring and management of program evaluation for programs under the auspices of the Office of Juvenile Mental Health. Term of the agreement is April 1, 2004 through July 31, 2004. The County will pay up to \$28.84 per hour for such services. Total compensation under this agreement will not exceed \$20,000. (C-04-0166)**

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

- B. A utility relocation agreement relating to Project 04-13, Concrete Box Culverts, Lancaster County Structure D-26, Northwest 70th Street south of Raymond Road, between Lancaster County and Norris Public Power District of Beatrice, Nebraska. The total amount of the project is estimated at \$9,623.58 of which \$7,698.86 is estimated to be the share of the cost chargeable to the County. (C-04-0167)**

MOTION: Hudkins moved and Workman seconded approval of a utility relocation agreement relating to Project 04-13, Concrete Box Culverts, Lancaster County Structure D-26, Northwest 70th Street south of Raymond Road, between Lancaster County and Norris Public Power District of Beatrice, Nebraska. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

- C. An interlocal agreement with Educational Service Unit 18 for educational services to youth detained at the Juvenile Detention Center, beginning August 16, 2004 and ending July 31, 2005. The County will reimburse ESU 18 up to \$837,780 for services provided. (C-04-0168)**

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

5) **NEW BUSINESS CONTINUED:**

- D. An interlocal agreement with Fillmore County for the safekeeping, care and sustenance of juveniles while at the Lancaster County Juvenile Detention Center. Lancaster County will be reimbursed \$213 per youth, per day from Fillmore County. The agreement is effective upon execution and has a 30 day termination provision. (C-04-0178)**

MOTION: Hudkins moved and Heier seconded approval of an interlocal agreement with Fillmore County for the safekeeping, care and sustenance of juveniles while at the Lancaster County Juvenile Detention Center. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

- E. A consulting services agreement and statement of services with PeopleSoft USA, Inc. for the implementation of PeopleSoft as the financial system for Lancaster County. The approximate term of the agreement is April 13, 2004 through January 1, 2005. The County will pay approximately \$382,515 for such services. (C-04-0179)**

MOTION: Schorr moved and Workman seconded approval of a consulting services agreement and statement of services with PeopleSoft USA, Inc. for the implementation of PeopleSoft as the financial system for Lancaster County. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

- F. An agreement with Birttawni Lee Olson to assess and evaluate the Drug Free Communities Grant program, which operates within the limits and agreements made by Lancaster County and the Office of Juvenile Justice and Delinquency Prevention as part of the Lancaster County Human Services Department. Term of the agreement is April 1, 2004 through September 30, 2005. The County will pay \$10,750 for the services. (C-04-0180)**

MOTION: Workman moved and Schorr seconded approval of an agreement with Birttawni Lee Olson to assess and evaluate the Drug Free Communities Grant program, which operates within the limits and agreements made by Lancaster County and the Office of Juvenile Justice and Delinquency Prevention as part of the Lancaster County Human Services Department. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

G. An interlocal agreement with the Village of Hallam for one Sheriff's deputy to provide law enforcement services within the corporate limits of the Village of Hallam. Term of the agreement is May 1, 2004 through April 30, 2005. The County will be reimbursed at the overtime rate of pay for the deputy assigned to duty. The County will also be paid 37.5 cents per mile for the Sheriff's vehicle used in the provision of the services. (C-04-0181)

MOTION: Hudkins moved and Heier seconded approval of an interlocal agreement with the Village of Hallam for one Sheriff's deputy to provide law enforcement services within the corporate limits of the Village of Hallam. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

H. A program resolution for grading, culverts, a bridge, surfacing, guardrail, channel improvement and utility relocation for County Structure X-117 (State Structure C005506450) Panama Road between South 68th and South 82nd Streets. Estimated costs are \$431,375. (R-04-0031)

MOTION: Heier moved and Workman seconded approval of Program Resolution 04-0031 for grading, culverts, a bridge, surfacing, guardrail, channel improvement and utility relocation for County Structure X-117 (State Structure C005506450) Panama Road between South 68th and South 82nd Streets. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

I. A resolution authorizing the following traffic signs in Finigan View Subdivision: (R-04-0032)

- ▶ Install a "Speed Limit 25 mile per hour" sign on Liana Lane east of North 84th Street for eastbound traffic.
- ▶ Install a "Stop" sign on Liana Lane east of North 84th Street for westbound traffic.
- ▶ Install street identification signs at the intersection of Liana Lane and North 84th Street.

Signs are to be paid for by the developer and installed by the County.

5) **NEW BUSINESS CONTINUED:**

The Clerk indicated the speed limit sign should be a "No Outlet" sign.

MOTION: Heier moved and Workman seconded approval of Resolution 04-0032 authorizing traffic signs as recommended in Finigan View Subdivision, noting that the "speed limit" sign should be a "no outlet" sign. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

J. A resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-04-0033)

MOTION: Heier moved and Workman seconded approval of Resolution 04-0033 in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

K. A resolution in the matter of instituting eminent domain proceedings; Project C55-P-427(1), Tract 8 (Fred P. and Dianna M. Wagner) (Rokeby Road from South 56th to South 70th Streets). (R-04-0034)

MOTION: Heier moved and Schorr seconded approval of Resolution 04-0034 in the matter of instituting eminent domain proceedings; Project C55-P-427(1), Tract 8 (Fred P. and Dianna M. Wagner) (Rokeby Road from South 56th to South 70th Streets). Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

L. A resolution in the matter of instituting eminent domain proceedings; Project C55-P-427(1), Tract 12 (Robert J. and Patricia H. Kay) (Rokeby Road from South 56th to South 70th Streets). (R-04-0035)

MOTION: Workman moved and Workman seconded approval of Resolution 04-0035 in the matter of instituting eminent domain proceedings; Project C55-P-427(1), Tract 12 (Robert J. and Patricia H. Kay) (Rokeby Road from South 56th to South 70th Streets). Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

M. Recommendation from the Purchasing Agent and the County Engineer to award a bid for culvert replacement and maintenance to L.J. Webb Contractor, Inc., in the amount of \$78,334.58. (B-04-0014)

MOTION: Hudkins moved and Workman seconded to award a bid for culvert replacement and maintenance to L.J. Webb Contractor, Inc., in the amount of \$78,334.58. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

N. Request from the Lancaster County Personnel Policy Board to create the following positions:

<u>Class Code</u>	<u>Class Title</u>	<u>Proposed Pay Grade</u>
2845	Accountant	\$39,942.24 to \$52,536.64 (C24)
9774	General Assistance Specialist	\$29,203.20 to \$38,188.80 (C17)

Eagan requested that the County Board also authorize the County Treasurer and the Veterans Service Officer to proceed with hiring.

In response to a question asked by Hudkins, Don Taute, Personnel Director, stated the compensation falls within the established guidelines.

MOTION: Hudkins moved and Schorr seconded approval of a request from the Lancaster County Personnel Policy Board to create the positions as recommended and to authorize the County Treasurer and the Veterans Service Officer to proceed with hiring. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

O. Reappointments and appointment of the following individuals to the Community Mental Health Center Advisory Committee for three year terms:

- ▶ Captain Bill Coleman of the Lancaster County Sheriff's Office
- ▶ Captain Bob Wilhelm of the Lincoln Police Department
- ▶ Elizabeth Gray

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded approval of the reappointment of Captain Bill Coleman and Captain Bob Wilhelm and Elizabeth Gray to the Community Mental Health Center Advisory Committee for three year terms. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

P. Appointment of Rev. Lauren D. Ekdahl to the Lancaster Manor Advisory Committee.

MOTION: Hudkins moved and Schorr seconded approval of the appointment of Rev. Lauren D. Ekdahl to the Lancaster Manor Advisory Committee. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

Q. A political subdivision tort claim filed against the Lancaster County Corrections Department by David Casados for lost property in an unknown amount.

MOTION: Schorr moved and Hudkins seconded denial of a political subdivision tort claim filed against the Lancaster County Corrections Department by David Casados for lost property in an unknown amount. Workman, Hudkins, Schorr, Heier and Stevens 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. Request from Teresa K. Roth, an employee in the Lancaster County Corrections Department, to voluntarily participate in the County's retirement plan, having met the requirements.

6) **CONSENT ITEMS CONTINUED:**

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

- ▶ Leonard H. and Judith A. Glover, in the total amount of \$6,234.71, on North 162nd Street from Salt Creek to Davey Road; Project C55-A-401(1). (2 contracts) (C-04-0169 and C-04-0170)
- ▶ Denise K. Johnson, in the total amount of \$1,351.25, on North 162nd Street from Salt Creek to Davey Road; Project C55-A-401(5). (2 contracts) (C-04-0171 and C-04-0172)
- ▶ Lois J. Meyer, in the total amount of \$5,600, on North 162nd Street from Salt Creek to Davey Road; Project C55-A-401(5). (2 contracts) (C-04-0173 and C-04-0174)
- ▶ Brian Lloyd Bevans, in the total amount of \$2,720.63, on North 162nd Street from Salt Creek to Davey Road; Project C55-A-401(5). (3 contracts) (C-04-0175 through C-04-0177)

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

7) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:48 p.m.. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 6, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
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 Equalization meeting was called to order at 2:48 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 30, 2004.

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated March 30, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 16 additions and deductions to the tax assessment rolls per Exhibit "A".

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

4) **APPROVAL OF A MOTOR VEHICLE TAX EXEMPTION:**

Lincoln Lancaster County Child Guidance Center

MOTION: Heier moved and Workman seconded approval of a motor vehicle tax exemption for Lincoln Lancaster County Child Guidance Center. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **DENIAL OF A MOTOR VEHICLE TAX EXEMPTION:**

Temple Baptist Church

MOTION: Workman moved and Schorr seconded denial of a motor vehicle tax exemption for Temple Baptist Church because it was untimely filed. Hudkins, Heier, workman, Schorr and Stevens voted aye. Motion carried.

6) **TAXABLE STATUS PROTESTS FILED BY THE STATE OF NEBRASKA, DEPARTMENT OF ROADS:**

Parcel I.D. 10-34-300-042-000

Parcel I.D. 10-21-300-001-000

Todd Wicken, Department of Roads, appeared and indicated their attorney had met with Norm Agena, County Assessor/Register of Deeds, regarding the two parcels.

Agena recommended approval of a full exemption for Parcel I.D. 10-34-300-042-000.

Wicken stated Parcel I.D. 10-21-300-001-000 was located north of Interstate 80 at Highway 77. He indicated that the property is leased for \$500 per year for grass mowing and weed control.

Agena recommended 7.11 acres be taxable with the remaining 17.7 acres be exempt.

MOTION: Hudkins moved and Workman seconded to accept the recommendation from the County Assessor/Register of Deeds that Parcel I.D. 10-34-300-042-000 be exempt and that 7.11 acres relating to Parcel I.D. 10-21-300-001-000 be taxable with the remaining 17.7 acres being exempt. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Heier moved and Workman seconded adjournment of the Board of Equalization meeting at 3:10 p.m.. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk