

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 20, 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 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 13, 2004.**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on April 13, 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 FOR REVIEW:**

A. Payment Voucher 782-5347, dated March 19, 2004, payable to Good Neighbor Community Center, in the amount of \$3,510. This payment is for the reimbursement of unemployment insurance benefits.

3) **CLAIMS FOR REVIEW CONTINUED:**

MOTION: Heier moved and Hudkins seconded denial of payment voucher 782-5347, dated March 19, 2004, payable to Good Neighbor Community Center, in the amount of \$3,510. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

B. Payment Voucher 782-5309, dated March 15, 2004, payable to Family Service Association, in the amount of \$1,673.27. This payment is for services provided from March, 2003 to July, 2003. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

MOTION: Schorr moved and Hudkins seconded denial of payment voucher 782-5309, dated March 15, 2004, payable to Family Service Association, in the amount of \$1,673.27 because it was beyond the 90 day time period. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

C. Payment Voucher 782-5289, dated March 10, 2004, payable to Youth Care Inc., in the amount of \$5,340. This payment is for the reimbursement of services received in July, 2003. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

MOTION: Hudkins moved and Heier seconded denial of payment voucher 782-5289, dated March 10, 2004, payable to Youth Care Inc., in the amount of \$5,340 because it was beyond the 90 day time period. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, April 20, 2004.**

MOTION: Workman moved and Schorr seconded approval of all claims processed through April 20, 2004. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. Increase appropriations, in the amount of \$100,000, for the County Property Management Fund.

The Chair opened the public hearing.

Dave Kroeker, Budget and Fiscal Officer, appeared and gave a brief explanation regarding the increased appropriations, noting the reasons for the increase were due to higher snow removal costs, unexpected building repairs, higher demand charges on electricity and higher occupancy levels.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

B. An application for Corporate Manager for Kim McKay in connection with an application for a Class M (Bottle Club) and a Class B (Beer, Off Sale Only) liquor license for SKM Enterprises Inc. d/b/a Castaways Bar & Grill/Pawnee Lake Marina, located at 3805 Northwest 105th Street, in Lancaster County, Nebraska.

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

The Clerk administered the oath to Kim and Steve McKay, applicants.

Mr. McKay informed the Board that the application was for the concessions for the marina at Pawnee Lake.

Workman asked the applicants if they had taken a responsible hospitality class.

Mrs. McKay stated she has been in the food and beverage business for 25 years and had previously taken a class, however, they would not object to taking the class again.

In response to a question asked by Schorr, Mrs. McKay stated prior to living in Lincoln, she had worked for Clarion Hotels and Holiday Inn in the food and beverage area.

Hudkins asked the McKays when they would be opening the restaurant.

Mrs. McKay indicated they would like to open by May 1st.

5) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wanted to testify.

No one appeared.

The Chair noted that the hearing would be recessed for one week to allow any additional testimony.

6) **NEW BUSINESS:**

A. A resolution in the matter of supplementing appropriations from the previously adopted budget for the County Property Management Fund. (R-04-0037)

MOTION: Hudkins moved and Workman seconded approval of Resolution 04-0037 in the matter of supplementing appropriations from the previously adopted budget for the County Property Management Fund. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

B. An application for a Special Designated License from M G C d/b/a Crooked Creek Golf, located at 333 South 134th Street, to hold golf outings on the following dates:

- ▶ Sunday, May 16, 2004 from 6 a.m. to 12 p.m.
- ▶ Sunday, June 13, 2004 from 6 a.m. to 12 p.m.
- ▶ Sunday, July 18, 2004 from 6 a.m. to 12 p.m.

MOTION: Schorr moved and Hudkins seconded approval of an application for a Special Designated License from M G C d/b/a Crooked Creek Golf, located at 333 South 134th Street, to hold golf outings on May 16, 2004 from 6 a.m. to 12 p.m., June 13, 2004 from 6 a.m. to 12 p.m. and July 18, 2004 from 6 a.m. to 12 p.m..

Stevens referred to Item 14 on the application noting that the dimensions of the area to be covered by the license are listed as being 40 feet by 100 feet, however, the application also asks that if it is an outdoor area, how will the premises be separated and it states an 18-hole golf course.

Stevens also noted that Item 18 on the application was not completed.

Hudkins suggested that the item be held one week.

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Workman seconded to hold the application for a Special Designated License from M G C d/b/a Crooked Creek Golf, located at 333 South 134th Street, to hold golf outings on May 16th, June 13th and July 18th for one week. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

C. Applications for Special Events Permits from Cornhusker State Games to hold the following events:

- ▶ A cycling road race on Saturday, July 17, 2004, beginning at 7:30 a.m. at Branched Oak Lake. The race will begin at Liebers Point on the west side of the lake, turning west on Branched Oak Road and then turning north on Northwest 140th Street and circling the lake.
- ▶ A cycling tour on Saturday, July 17, 2004, beginning at 6:30 a.m.. The tour will begin at Antelope Park going south on the Rock Island Trail to Old Cheney Road. The tour will then proceed west on Warlick Boulevard and from Warlick Boulevard it will proceed to Highway 77, turning south toward Beatrice, Nebraska.
- ▶ A triathlon on Sunday, July 18, 2004, beginning at 7:30 a.m. at Branched Oak Lake. The race will begin at Liebers Point on the west side of Branched Oak Lake, with the cycling portion heading west on Branched Oak Road and circling the lake.

Dave Mlnarik, Director of the Cornhusker State Games, and Scott Ash, Competition Director of the Cornhusker State Games, appeared.

Mlnarik stated July 10th through July 18th they would be celebrating 20 years of the Cornhusker State Games.

In response to a question asked by Stevens, Ash stated they have no objections to any of the recommendations as outlined.

MOTION: Hudkins moved and Workman seconded approval of the applications for Special Events Permits from Cornhusker State Games to hold a cycling road race on July 17, 2004 at Branched Oak Lake, a cycling tour on July 17, 2004 and a triathlon on July 18, 2004 at Branched Oak Lake. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

D. An application for public transportation assistance for the Lancaster County Rural Transit.

June Pederson, Director of the Lincoln Area Agency on Aging (LAAA), and Deb Peck, Director of Community Action Services for LAAA appeared.

Pederson stated that the County Board took action at a staff meeting on March 25, 2004 to authorize the Chair to sign a grant request for funding the Rural Transit program. She stated that the document is now ready for signature.

Pederson also indicated that she has been meeting with Commissioner Stevens, Kit Boesch, Human Services Administrator, and others regarding alternatives for the Rural Transit program. She stated they anticipate they will be able to find a solution which will either lower the cost or an alternative way to provide transportation.

Peck stated she attended a national conference last week and came back with some ideas and resources.

No action required.

E. A construction and maintenance agreement with Burlington Northern and Sante Fe Railway (BNSF) Company to remove and relocate grade crossing warning devices and equipment in accordance with Project BR-5204(2), Pioneers Boulevard, County Structure O-174 (Beal Slough Bridge). The total estimated cost to the County will be \$26,004. (C-04-0183)

MOTION: Workman moved and Heier seconded approval of a construction and maintenance agreement with Burlington Northern and Sante Fe Railway (BNSF) Company to remove and relocate grade crossing warning devices and equipment in accordance with Project BR-5204(2), Pioneers Boulevard, County Structure O-174 (Beal Slough Bridge). Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

F. An engineering agreement with Speece-Lewis Engineers for preliminary survey, roadway design and plan preparation for the regrading of McKelvie Road from Northwest 27th Street to North 14th Street. The work will commence on or after April 12, 2004 and be completed by August 6, 2004. The County will pay \$27,700 for the services. (C-04-0184)

MOTION: Hudkins moved and Schorr seconded approval of an engineering agreement with Speece-Lewis Engineers for preliminary survey, roadway design and plan preparation for the regrading of McKelvie Road from Northwest 27th Street to North 14th Street. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

G. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Brandt Excavating, in the amount of \$83,948.93, for erosion control at box culverts and bridges at various locations within the County. (B-04-0016)

MOTION: Heier moved and Schorr seconded approval of a recommendation from the Purchasing Agent and the County Engineer to award a bid to Brandt Excavating, in the amount of \$83,948.93, for erosion control at box culverts and bridges at various locations within the County. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

H. Recommendation from the Purchasing Agent and the County Engineer to award a bid to M.E. Collins Contracting Company, in the amount of \$234,452.92, for concrete box culvert maintenance at various locations within the County. (B-04-0017)

MOTION: Workman moved and Hudkins seconded approval of a recommendation from the Purchasing Agent and the County Engineer to award a bid to M.E. Collins Contracting Company, in the amount of \$234,452.92, for concrete box culvert maintenance at various locations within the County. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

I. Appointment and reappointments of the following individuals to the Lancaster County Indigent Defense Advisory Committee:

- ▶ Sean Brennan, for a three year term ending May 10, 2007 (reappointment)
- ▶ Randall Goyette, for a three year term ending May 10, 2007 (reappointment)
- ▶ Jeanelle R. Lust, for a three year term ending May 10, 2007 (new appointment)

MOTION: Heier moved and Hudkins seconded approval of the appointment of Jeanelle R. Lust and the reappointment of Randall Goyette and Sean Brennan to the Lancaster County Indigent Defense Advisory Committee for three year terms ending May 10, 2007. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

J. Appointment of Tami C. Soper to the Lincoln-Lancaster Women's Commission for a two year term ending March 1, 2006.

MOTION: Heier moved and Hudkins seconded approval of the appointment of Tami C. Soper to the Lincoln-Lancaster Women's Commission for a two year term ending March 1, 2006. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

K. Reappointment of Steven Hollman to the Lancaster County Board of Zoning Appeals for a five year term, beginning April 1, 2004 and ending March 31, 2009.

MOTION: Hudkins moved and Workman seconded approval of the reappointment of Steven Hollman to the Lancaster County Board of Zoning Appeals for a five year term, beginning April 1, 2004 and ending March 31, 2009. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

- 7) **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. Setting of public hearings for Tuesday, May 4, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

7) **CONSENT ITEMS CONTINUED:**

- ▶ Comprehensive Plan Amendment 04017, requested by the Director of Public Works & Utilities and the Lower Platte South Natural Resources District , to amend the 2025 Lincoln-Lancaster County Comprehensive Plan, to replace and update language relating to floodplains and the recommendations of the Mayor's Floodplain Task Force for Flood Standards for New Growth Areas.
- ▶ County Final Plat 03015, Stevens Creek Estates Addition, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of four lots and two outlots, on property generally located at North 190th Street and Havelock Avenue.
- ▶ Amending the heating, cooling and ventilating code (R-04-0015) and the plumbing code (R-04-0016) to delay requirements for persons performing heating, cooling and ventilating and plumbing work to be registered as a contractor by the City of Lincoln Building and Safety Department.

The Clerk noted that the public hearing date regarding Comprehensive Plan Amendment 04017 should be set for Tuesday, May 11, 2004 instead of May 4, 2004.

B. Setting of a public hearing for Tuesday, May 11, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager for Orville A. Gertsch in connection with an application for a Class Y (Farm Winery) liquor license for Prime Country Winery L.L.C., located at 11800 Southwest 142nd Street, Denton, Lancaster County, Nebraska.

C. Request from Julie Kramer, an employee with the Lancaster County Community Mental Health Center, to voluntarily participate in the County's retirement plan having met the requirements.

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

- ▶ Todd J. and Allison M. Corliss, in the amount of \$3,262.24, on North 162nd Street from Salt Creek to Davey Road; Project C55-A-401(5). (C-04-0185)
- ▶ Stephen A. and Darlis J. Duecker, in the total amount of \$1,655, on North 162nd Street from Salt Creek to Davey Road; Project C55-A-401(5). (2 contracts) (C-04-0186 and C-04-0187)

7) **CONSENT ITEMS CONTINUED:**

MOTION: Heier moved and Hudkins seconded approval of the Consent Items with the correction to Item 7A (Comprehensive Plan Amendment 04017) as noted by the Clerk. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:10 p.m.. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 20, 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: Connie Ahlschwede, County Assessor/Register of Deeds
Office
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 2:10 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 13, 2004.**

MOTION: Workman moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on April 13, 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 11 additions and deductions to the tax assessment rolls per Exhibit "A".

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Community Blood Bank of the Lancaster County Medical Society
Lincoln Action Program
Free Methodist Church
Transfiguration**

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

5) **ADJOURNMENT:**

MOTION: Heier moved and Schorr seconded adjournment of the Board of Equalization meeting at 2:12 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk