MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS TUESDAY, MAY 11, 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) <u>MINUTES:</u> Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 6, 2004.

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Commissioners dated May 6, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

2) SPECIAL PRESENTATIONS:

A. Proclamation in Support of National Tourism Week - Wendy Birdsall, Chamber of Commerce Executive Vice President and Interim Convention and Visitors Bureau Director

The Clerk read the proclamation into the record.

Wendy Birdsall, Chamber of Commerce Executive Vice President and Interim Convention and Visitors Bureau Director, appeared and disseminated a calendar of events for the Convention and Visitors Bureau (Exhibit 1) and the Convention and Visitors Bureau's *Visitors Guide* (Exhibit 2).

MOTION: Workman moved and Schorr seconded approval of the Proclamation in Support of National Tourism Week. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

2) SPECIAL PRESENTATIONS CONTINUED:

B. Region V Annual Report - C. J. Johnson, Director of Region V Systems; Dave Merrill, Executive Director, Region V Services

Dave Merrill, Executive Director of Region V Services, gave a brief overview and distributed the Annual Report for 2003 (Exhibit 3).

Tim Kosier, Area Director of Lincoln-1, appeared and briefly highlighted the four area programs in Lincoln/Lancaster County.

C.J. Johnson, Regional Program Administrator, disseminated the 2004 Lancaster County Annual Report (Exhibit 4) and discussed the Region V Systems report.

Dean Settle, Community Mental Health Center Director, appeared and discussed the single point of entry emergency response system. He stated he has requested Scott Etherton, Crisis Center Director, to prepare a monthly update to law enforcement for feedback purposes. Settle added that by working with Region V and law enforcement he feels the single point of entry emergency response system will be a good program.

C. Recognition of Diane Carlson for Outstanding Service to Lancaster County.

The County Board presented Diane Carlson a plaque for her outstanding service to Lancaster County.

D. The County-City Volunteer of the Month Award was presented to Dennis Scheer for his services with the Planning Department.

NEW BUSINESS ITEM 90:

Hiring of Kara Mickle as a Lancaster Deputy County Attorney at a salary of \$53,000 beginning May 10, 2004.

MOTION: Hudkins moved and Heier seconded approval of hiring Kara Mickle as a Lancaster Deputy County Attorney at a salary of \$53,000 beginning May 10, 2004. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

3) **PUBLIC COMMENT:**

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

4) **CLAIMS FOR REVIEW**:

- A. Payment Voucher 625-539, dated April 19, 2004, payable to Scott P. Helvie, in the amount of \$18. Payment is for the reimbursement of mileage between August 27, 2003 to December 12, 2003. Claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).
- MOTION: Workman moved and Hudkins seconded approval of Payment Voucher 625-539, dated April 19, 2004, payable to Scott P. Helvie, in the amount of \$18. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.
- B. Payment Voucher 649-0192, dated April 16, 2004, payable to Layman & Associates, in the amount of \$871.25. Payment is for an appraisal for 2205 St. Mary's Avenue completed in May, 2003.
- MOTION: Heier moved and Workman seconded approval of Payment Voucher 649-0192, dated April 16, 2004, payable to Layman & Associates, in the amount of \$871.25. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

5) <u>CLAIMS:</u> Approval of all claims processed through Tuesday, May 11, 2004.

MOTION: Hudkins moved and Workman seconded approval of all claims processed through May 11, 2004. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

6) **PUBLIC HEARINGS**:

A. 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.

The Chair opened the public hearing.

The Clerk administered the oath to Orville Gertsch, applicant.

6) **PUBLIC HEARINGS CONTINUED:**

Gertsch stated the vineyard was started in 1998 and in 2001 they received their federal license to produce their product.

In response to a question asked by Schorr, Gertsch said he hoped to construct another building to include a tasting room. He stated a decision has not been made regarding the means they would use to sell the wine, however, several options exist.

The Clerk administered the oath to Terry Wagner, Sheriff.

Wagner referred to the recommendation from his office and pointed out an error in the third paragraph. The name Albert Gertsch should be Fred A. Gertsch. All other comments remain the same.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was recessed for one week.

B. County Change of Zone 04020, requested by Kenneth Morrow, from AG Agricultural to AGR Agricultural Residential on property generally located at Northwest 105th Street and West Fletcher Avenue in Lancaster County, Nebraska. (See New Business Item 9A for resolution.)

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

Mike DeKalb, Planning Department, appeared and indicated he spoke with Kenneth Morrow, applicant, who had inquired about withdrawal of the application. He stated he suggested to Morrow that he write a letter to the County Clerk or the County Board requesting the withdrawal.

DeKalb added that Morrow had informed him he could not find adequate water on site.

In response to a question asked by Stevens, DeKalb stated there is a one year waiting period to reapply for a change of zone if the County Board were to deny the request.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

6) **PUBLIC HEARINGS CONTINUED**:

C. 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. (See New Business Item 9B for resolution.)

The Chair opened the public hearing.

Nicole Fleck-Tooze, Special Projects Administrator for Public Works and Utilities, appeared and gave an overview of the amendment, noting that the City Council approved the amendment on May 10, 2004.

Heier asked if acreages outside the City limits would be affected.

Fleck-Tooze explained that the Comprehensive Plan Amendment with regard to policies and strategies is a guide and would not have any kind of regulatory impact on acreages. She stated the standards would apply to acreage developments within the three-mile jurisdiction, however, not adversely.

Discussion followed regarding lateral additions.

The Clerk administered the oath to Todd Paddock, 1508 Irving Street, Lincoln, Nebraska.

Paddock stated he felt the amendment was a very important addition to the Comprehensive Plan and urged the County Board to continue with their forward thinking in the future. He added that good flood protection is needed in the County.

The Chair asked if anyone else wanted to testify.

No one appeared and the hearing was closed.

6) **PUBLIC HEARINGS CONTINUED:**

D. Comprehensive Plan Amendment 03007, requested by the Lancaster County Board of Commissioners, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan, to remove reference to determination of County impact fees. (See New Business Item 9C for resolution.)

The Chair opened the public hearing.

The Clerk administered the oath to Todd Paddock, 1508 Irving Street, Lincoln, Nebraska.

Paddock urged the County Board to leave open the possibility of impact fees in the Comprehensive Plan.

The Chair asked if anyone else wanted to testify.

No one appeared and the hearing was closed.

8) OLD BUSINESS:

- A. An agreement with Cole Layer Trumble Company for software and professional services for the Lancaster County Assessor/Register of Deeds Office, in the amount of \$1,447,507. (C-04-0208)
- **MOTION:** Hudkins moved and Workman seconded approval of an agreement with Cole Layer Trumble Company for software and professional services for the Lancaster County Assessor/Register of Deeds Office, in the amount of \$1,447,507. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

9) NEW BUSINESS:

- A. A resolution in the matter of County Change of Zone 04020, requested by Kenneth Morrow, from AG Agricultural to AGR Agricultural Residential on property generally located at Northwest 105th Street and West Fletcher Avenue in Lancaster County, Nebraska. (R-04-0042)
- **MOTION:** Hudkins moved and Heier seconded to defer for one week Resolution 04-0042 in the matter of County Change of Zone 04020. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

- B. A resolution in the matter of 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. (R-04-0044)
- **MOTION:** Hudkins moved and Schorr seconded approval of Resolution 04-0044 in the matter of 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. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.
- C. A resolution in the matter of Comprehensive Plan Amendment 03007, requested by the Lancaster County Board of Commissioners, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan, to remove reference to determination of County impact fees. (R-04-0043)

The Clerk read the recommended language into the record as follows:

"Whereas, the Director of Planning, at the request of the Lancaster County Board of Commissioners, wishes to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to remove reference to determination of impact fees; and

Whereas, on March 19, 2004, the County Board submitted a letter requesting that the entire last paragraph of Guiding Principles for Rural Areas on Page F71 be deleted in its entirety; and

Whereas, on April 8, 2004, the Planning Director submitted the following revised alternative language to amend Page F71, as opposed to deleting the entire paragraph:

As called for in the adopted Comprehensive Plan, an independent study to quantify the economic impacts of acreage development has been completed. The study's conclusions and the subsequent public dialogue suggests the County and City continue to look at ways to contain public costs and coordinate public resource allocation, especially in the area of road construction. A variety of management techniques could be used, including the shared engineering and funding of road projects that aid urban expansion and adoption of rural land use policies that minimize future capital and operating costs."

Hudkins requested that the language be changed as follows: Deletion of the first sentence and the first nine words of the second sentence. Begin the alternative language at "The County and City" and add the word "shall" after "The County and the City" to read as follows: "The County and City shall continue to look at ways".

MOTION: Hudkins moved and Stevens seconded approval of Resolution 04-0043 as amended.

General discussion regarding alternative language.

AMENDMENT: Schorr moved and Workman seconded to amend the original motion to include the first sentence of the alternative language in its entirety, deleting the first nine words of the second sentence and including the word "shall" after "The County and the City".

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

ROLL CALL ON MOTION AS AMENDED: Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

By direction of the Chair New Business Item 9C was held to allow the County Attorney's Office to draft a resolution to include the following language: As called for in the adopted Comprehensive Plan, an independent study to quantify the economic impacts of acreage development has been completed. The County and City shall continue to look at ways to contain public costs and coordinate public resource allocation, especially in the area of road construction. A variety of management techniques could be used, including the shared engineering and funding of road projects that aid urban expansion and adoption of rural land use policies that minimize future capital and operating costs.

D. A resolution in the matter of amending Resolution 04-0016 which adopted the 2000 Edition of the Lincoln Plumbing Code. The amendment changes the effective date of those Code sections, which require that persons engaging in the plumbing business be registered by the City of Lincoln Building and Safety Department, to July 1, 2005. (R-04-0045)

E. A resolution in the matter of amending Resolution 04-0015 which adopted Lincoln's Heating, Ventilating and Cooling Code. The amendment changes the effective date of those Code sections, which require that persons engaging in the heating, cooling and ventilating business be registered by the City of Lincoln Building and Safety Department, to July 1, 2005. (R-04-0046)

New Business Items 9D and 9E were heard together.

Heier asked about the electrical code.

Workman stated he thought electrical was handled through the State.

- **MOTION:** Workman moved and Hudkins seconded approval of Resolution 04-0045 in the matter of amending Resolution 04-0016 which adopted the 2000 Edition of the Lincoln Plumbing Code and approval of Resolution 04-0046 in the matter of amending Resolution 04-0015 which adopted Lincoln's Heating, Ventilating and Cooling Code. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.
- F. A change order supplemental agreement number 1 with L.J. Webb Contractor, Inc. for Project 04-21 for culvert replacement and maintenance. The original contract was approved on April 27, 2004. The change order will increase the contract amount by an additional \$24,086.95. (C-04-0209)
- MOTION: Heier moved and Workman seconded approval of a change order supplemental agreement number 1 with L.J. Webb Contractor, Inc. for Project 04-21 for culvert replacement and maintenance. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.
- G. A contract with M.E. Collins Contracting Company, Inc. for labor, materials and equipment necessary for maintenance of concrete box culverts, Project 04-13, at various locations within Lancaster County, in the amount of \$234,452.92. The work will commence on May 3, 2004 and be completed by October 15, 2004. (C-04-0211)

- **MOTION:** Schorr moved and Hudkins seconded approval of a contract with M.E. Collins Contracting Company, Inc. for labor, materials and equipment necessary for maintenance of concrete box culverts, Project 04-13, at various locations within Lancaster County, in the amount of \$234,452.92. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.
- H. A contract with Brandt Excavating for labor, materials and equipment necessary for erosion control at box culverts and bridges, Project 04-02, in the amount of \$83,948.93. The work will commence on May 10, 2004 and be completed by September 3, 2004. (C-04-0212)
- **MOTION:** Heier moved and Hudkins seconded approval of a contract with Brandt Excavating for labor, materials and equipment necessary for erosion control at box culverts and bridges, Project 04-02, in the amount of \$83,948.93. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.
- An agreement with Southeast Community College (SECC) to host the Community Mental Health Center's Staff Development Day on May 14, 2004. SECC will provide the facilities, training packets, registration support, evaluation, food catering and guest speaker. The County will pay \$3,720 for such services. (C-04-0213)
- **MOTION:** Hudkins moved and Workman seconded approval of an agreement with Southeast Community College (SECC) to host the Community Mental Health Center's Staff Development Day on May 14, 2004. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.
- J. An addendum to an agreement between Lancaster County and Spectrum Rehabilitation Services, Inc. for rehabilitation services to Lancaster Manor. The addendum amends the original agreement to include a provision on client records. (C-04-0214)
- **MOTION:** Workman moved and Hudkins seconded approval of an addendum to an agreement between Lancaster County and Spectrum Rehabilitation Services, Inc. for rehabilitation services to Lancaster Manor. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

- K. Payment of attorney fees, in the amount of \$128.75, to Mary Stoughton Wenzl pursuant to Resolution 4572 for recovery of General Assistance Funds previously paid on behalf of Mahdi Abdoul Al-Shiblawy.
- **MOTION:** Hudkins moved and Schorr seconded approval of payment of attorney fees, in the amount of \$128.75, to Mary Stoughton Wenzl pursuant to Resolution 4572 for recovery of General Assistance Funds previously paid on behalf of Mahdi Abdoul Al-Shiblawy. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.
- L. Appointment of Estel Schroeder to the Lincoln-Lancaster County Ecological Advisory Committee for a three year term beginning January 1, 2004 and ending December 31, 2006.
- **MOTION:** Heier moved and Workman seconded approval of the appointment of Estel Schroeder to the Lincoln-Lancaster County Ecological Advisory Committee for a three year term beginning January 1, 2004 and ending December 31, 2006. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.
- M. Appointment of Bob Evnen to the Lancaster County Personnel Policy Board beginning July 1, 2004 and ending June 30, 2009.
- MOTION: Schorr moved and Hudkins seconded approval of the appointment of Bob Evnen to the Lancaster County Personnel Policy Board beginning July 1, 2004 and ending June 30, 2009. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.
- N. An agreement between Lancaster County and BryanLGH for a temporary exchange of parking bays, beginning May 17, 2004 and ending June 30, 2005. (C-04-0217)

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

O. Hiring of Kara Mickle as a Lancaster Deputy County Attorney at a salary of \$53,000 beginning May 10, 2004.

Item moved forward on the agenda.

- 10) <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 April, 2004.
 - 2. Noxious Weed Control Authority's Monthly Report for April, 2004.
 - 3. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for April, 2004.
 - 4. Records and Information Management's Monthly Report for April, 2004.
 - B. Setting of public hearings for Tuesday, May 25, 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:

1. **County Special Permit 206, Four Wind Estates Community Unit Plan**, requested by Brian D. Carstens and Associates on behalf of Harlan and Judith Stiefel, for seven single family residential acreage lots, and associated waiver requests, on property generally located northeast of the intersection of Southwest 84th Street and West Old Cheney Road, Lancaster County, Nebraska.

2. **County Preliminary Plat 03009, Four Wind Estates**, requested by Brian D. Carstens and Associates on behalf of Harlan and Judith Stiefel, for seven single family residential acreage lots and associated waiver requests, on property generally located northeast of the intersection of Southwest 84th Street and West Old Cheney Road in Lancaster County, Nebraska.

3. **County Special Permit 04012**, requested by Douglas Rogers on behalf of U.S. Cellular Wireless Communications, for authority to construct a 225 foot broadcast tower capable of accommodating at least five carriers, with a request to waive the fall zone, on property generally located northeast of the intersection of South 148th Street and Highway 2, Lancaster County, Nebraska.

C. Setting of a public hearing for Tuesday, June 1, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding a petition from ten percent of the property owners living in Nealrene Acres and Nealrene Acres First Addition for formation of a Special Paving Improvement District for the paving of Ricky Road, Weeks Drive and Aubree Avenue. The name of the Special Paving Improvement District will be called Nealrene Acres Road Improvement District.

10) CONSENT ITEMS CONTINUED:

- D. Request from Ryan Ehrlich, an employee in the Lancaster County Engineering Department, to voluntarily participate in the County's retirement plan having met the requirements.
- E. Right-of-way contracts between the Lancaster County Engineering Department and the following individuals:
 - **Goldie M. England**, Trustee, in the amount of \$14,215, at North 1st Street and McKelvie Road. (Interlocal project with Lincoln Electric System). (C-04-0210)
 - Scott D. Tallman and Laurie Stoehr-Tallman, in the total amount of \$9,427.40, on Rokeby Road between South 56th and South 70th Streets; Project C55-P-427(1). (2 contracts) (C-04-0215 and C-04-0216)
- **MOTION:** Workman moved and Hudkins seconded approval of the Consent Items. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

11) ADJOURNMENT:

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 3:11 p.m.. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

Bruce Medcalf County Clerk

MINUTES LANCASTER COUNTY BOARD OF EQUALIZATION TUESDAY, MAY 11, 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:	Kerry Eagan, Chief Administrative Officer Bruce Medcalf, County Clerk Kristy Mundt, Deputy County Attorney Rob Ogden, Chief Field Deputy County Assessor/Register of Deeds Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 3:11 p.m..

1) <u>MINUTES:</u> Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 4, 2004.

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated May 4, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

2) **PUBLIC COMMENT:**

Gary Lacey, County Attorney, appeared and explained problems with the traffic court and mental health dockets.

3) ADDITIONS AND DEDUCTIONS:

Approval of 37 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) MOTOR VEHICLE TAX EXEMPTIONS:

Cedars Youth Services Tabitha, Inc.

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

5) **REMOVAL OF A TAX EXEMPTION ON REAL PROPERTY FOR 2004**:

Mount Carmel Cemetery Association

Rob Ogden, Chief Field Deputy County Assessor/Register of Deeds, explained that a portion of the property was sold to a builder.

MOTION: Heier moved and Workman seconded to accept the recommendation from the County Assessor/Register of Deeds to remove a tax exemption on real property for 2004 for Mount Carmel Cemetery Association. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

6) **ADJOURNMENT**:

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Equalization meeting at 3:17 p.m.. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf County Clerk