

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 25, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

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

Commissioners Absent: Ray Stevens, Chair

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..

A moment of silence was observed in memory of Elaine Focken, Hallam, Nebraska and in honor of all those who sustained losses with regard to the tornado on May 22, 2004.

Terry Wagner, County Sheriff, gave an overview of his office's response to the calls for service with regard to the storm. He reported that the Sheriff's Office is utilizing their Emergency Mobilization Plan in which a portion of their personnel are placed on 12 hour work days, with no days off and added that there are currently three points of emphasis:

- ▶ Sheriff's deputies are providing security in the Village of Hallam
- ▶ State Patrol is providing perimeter security for the Village of Hallam
- ▶ Sheriff's deputies are patrolling the entire swath of the tornado - Hallam, Bennet, Norris High School, Panama and Holland

Wagner added that there is a curfew in Hallam from 8 p.m. to 8 a.m. and that they would maintain security in Hallam until they feel it is no longer needed.

Mike Merwick, Building and Safety Director, gave a brief overview of documentation regarding post-disaster red flag, choosing a builder/remodeler and building permits (Exhibit 1) which will be available for those who have suffered damage or destruction of their homes. He added that staff from the Building and Safety Department would be available from 12 p.m. to 7 p.m. at the Hickman Town Hall on Tuesdays and Fridays beginning June 1, 2004. Merwick explained that staff would be able to issue building permits, special permits for temporary housing and answer questions.

Doug Ahlberg, Emergency Management Director, gave a brief overview regarding the recent storm activity and indicated they had begun the process of registering volunteers. 350 volunteers were sent to the Village of Hallam and 100 volunteers were sent to Holland and the area south of Holland to check various farmsteads and acreages which were affected by the storm. He reported that Norris High School was not ready to accept volunteers at the present time. Ahlberg also discussed household waste/hazardous materials, debris management and disposal site for materials which cannot be burned and burn permits.

1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 18, 2004.

MOTION: Schorr moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated May 18, 2004. Schorr, Hudkins, Workman and Heier voted aye. 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, May 25, 2004.

MOTION: Workman moved and Schorr seconded approval of all claims processed through May 25, 2004. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. 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. (See New Business Item 5A for resolution.)

B. 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. (See New Business Item 5B for resolution.)

4) **PUBLIC HEARINGS CONTINUED:**

Public hearing Items 4A and 4B were heard together.

The Vice Chair opened the public hearings.

The oath was administered to Brian Carstens.

Carstens appeared on behalf of Harlan and Judith Stiefel and gave a brief explanation regarding the Special Permit and Preliminary Plat. He stated the proposal would include private septic, private wells and private roadways.

Heier referred to a recommendation from the Planning staff regarding build-through standards and stated the County Board, to his knowledge, has never inferred that there would be any deferrals regarding build-throughs. He stated the County Board would continue to consider all applications.

The Vice Chair asked if anyone else wished to testify.

No one appeared and the hearings were closed.

C. 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. (See New Business Item 5C for resolution.)

The Vice Chair opened the public hearing and noted a correction regarding the height of the tower. He stated it should be 255 feet instead of 225 feet.

The Clerk administered the oath to Doug Rogers, appearing on behalf of U.S. Cellular.

Rogers gave a brief overview regarding the proposal.

In response to a question asked by Workman, Rogers referred to a memorandum from Brian Will, Planning Department, relating to a cost comparison between a self-supporting lattice tower and a monopole (Exhibit 2).

Brian Will, Planning Department, indicated waiver of the fall zone would only affect the field access to the property and would not affect any public roadway.

4) **PUBLIC HEARINGS CONTINUED:**

Mike DeKalb, Planning Department, explained that the setback from the County road was more than the height of the tower.

Workman asked if there was any provision for Emergency Services being a co-locater.

The oath was administered to David Kepp, representing U.S. Cellular at 1020 Leavenworth Street, Suite 433, Omaha, Nebraska.

Kepp indicated he would agree to a condition of approval that the County be allowed to install emergency facilities on U.S. Cellular's tower.

Workman asked if it would be at no charge to the County.

Kepp responded it would be at no charge.

The Vice Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

A. A resolution in the matter of County Special Permit 206, requested by Brian D. Carstens and Associates, on behalf of Harlan and Judith Stiefel, to create seven single family residential acreages lots, on property generally located northeast of the intersection of Southwest 84th Street and West Old Cheney Road, Lancaster County, Nebraska. (R-04-0049)

B. A resolution in the matter of County Preliminary Plat 03009, Four Wind Estates, requested by Brian D. Carstens and Associates, on behalf of Harlan and Judith Stiefel, to create seven single family residential acreage lots, on property generally located northeast of the intersection of Southwest 84th Street and West Old Cheney Road, Lancaster County, Nebraska. (R-04-0050)

New Business Items 5A and 5B were heard together.

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded approval of Resolution 04-0049 in the matter of County Special Permit 206, Four Wind Estates Community Unit Plan, and Resolution 04-0050 in the matter of County Preliminary Plat 03009, Four Wind Estates. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

C. A resolution in the matter of County Special Permit 04012 for authority to construct a 255 foot tall broadcast tower for wireless facilities on property generally located northeast of the intersection of South 148th Street and Highway 2, Lancaster County, Nebraska. (R-04-0051)

MOTION: Workman moved and Schorr seconded approval of Resolution 04-0051 in the matter of County Special Permit 04012 with the condition that Emergency Management be given the last option to co-locate on the tower at no charge to the County and to also waive the fall zone. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

D. An application for a Special Designated License from B & B-Q, Inc. to cater a wedding reception on Saturday, June 19, 2004 from 6 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.

MOTION: Workman moved and Heier seconded approval of an application for a Special Designated License from B & B-Q, Inc. to cater a wedding reception on Saturday, June 19, 2004 from 6 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska. Heier, Hudkins, Schorr and Workman voted aye. Motion carried.

E. A dental services agreement with Tom Martin, D.D.S. for dental services at the Lancaster County Corrections Department for individuals housed in the County adult jail facilities. Dr. Martin is a licensed dentist and will be paid \$65 per hour for general services, \$20 per hour for instructing medical staff in dental clinic practice and \$75 per hour for time in preparation of trial or in court testimony. Term of the agreement will be from June 1, 2004 to May 31, 2006 and includes a 90-day termination clause. A Health Insurance Portability and Accountability Act (HIPAA) business association agreement is also included. (C-04-00224)

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Schorr seconded approval of a dental services agreement with Tom Martin, D.D.S. for dental services at the Lancaster County Corrections Department for individuals housed in the County adult jail facilities. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

F. An agreement with the State of Nebraska, Department of Roads in which the Department will provide funds for the purchase of a passenger van for transportation services for the benefit of the general public. The County will contribute \$4,708 toward purchase of an Americans with Disabilities Act (ADA) equipped Ford van. (C-04-0225)

MOTION: Heier moved and Workman seconded approval of an agreement with the State of Nebraska, Department of Roads in which the Department will provide funds for the purchase of a passenger van for transportation services for the benefit of the general public. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

G. A service agreement with Environmental Systems Research Institute, Inc. (ERSI), in the amount of \$7,492.33, for primary and secondary software licenses for the County Assessor/Register of Deeds Office. The agreement covers a guaranteed four hour response time, equipment repairs, telephone support and all software upgrades and other technical support requested by the County Assessor/Register of Deeds for their Geographic Information System (GIS). Term of the agreement begins is July 21, 2004 to July 20, 2005. (C-04-00226)

MOTION: Workman moved and Schorr seconded approval of a service agreement with Environmental Systems Research Institute, Inc. (ERSI), in the amount of \$7,492.33, for primary and secondary software licenses for the County Assessor/Register of Deeds Office. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

H. A non-disclosure agreement between EPOS Corporation and Lancaster County, on behalf of the County Treasurer's Office. (C-04-0227)

MOTION: Workman moved and Heier seconded approval of a non-disclosure agreement between EPOS Corporation and Lancaster County, on behalf of the County Treasurer's Office. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- I. **A contract with Johnson Appraisal, LLC, in the amount of \$14,050, for appraisal services in connection with Project C55-Q-407(2), Old Cheney Road, South 148th to South 190th Streets. (C-04-0228)**

MOTION: Heier moved and Schorr seconded approval of a contract with Johnson Appraisal, LLC, in the amount of \$14,050, for appraisal services in connection with Project C55-Q-407(2), Old Cheney Road, South 148th to South 190th Streets. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

- J. **A contract with Pavers Inc. for asphaltic concrete resurfacing and paving at various locations within the County relating to Project 04-25. The work will be performed between June 1, 2004 and October 15, 2004. The County will pay \$973,300 for the services. (C-04-0230)**

MOTION: Heier moved and Schorr seconded approval of a contract with Pavers Inc. for asphaltic concrete resurfacing and paving at various locations within the County relating to Project 04-25. Workman, Schorr, Heier and Hudkins voted aye. Motion carried.

- K. **An interlocal agreement with the City of Waverly for two Sheriff's deputies to provide law enforcement services within the corporate limits of the City of Waverly. Term of the agreement is from July 1, 2004 to June 30, 2005. The County will be reimbursed up to \$116,733.90. (C-04-0231)**

MOTION: Workman moved and Heier seconded approval of an interlocal agreement with the City of Waverly for two Sheriff's deputies to provide law enforcement services within the corporate limits of the City of Waverly. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

- L. **Recommendation from the City/County Information Services Department and the Purchasing Agent to award a request for proposal to MSI Systems Integrators, in the approximate amount of \$77,010.20, for an AS/400 iSeries Processor and a DASD and Tape Backup Unit for PeopleSoft Enterprise One for Lancaster County. Final configuration of the system may vary slightly from the specified hardware, software, firmware, and may cause the price to be slightly higher or lower than original offer. (B-04-0021)**

5) **NEW BUSINESS CONTINUED:**

Kathy Smith, Purchasing Department, disseminated documentation regarding a final quote from MSI Systems Integrators (Exhibit 3) and indicated that it came in lower than previously expected.

Randy Ober, Information Services, explained the request for proposal was sent to ten prospective companies, with two responses being returned.

MOTION: Schorr moved and Workman seconded approval to award a request for proposal to MSI Systems Integrators, in the amount of \$74,398.87. Schorr, Hudkins, Workman and Heier 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. Receive and Place on File:

1. Lincoln City Libraries Director's Report for April, 2004.

B. Setting of public hearings for Tuesday, June 8, 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 207, Oak Prairie Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Lee and Judy Vieselmeyer, for nine residential acreage units, and associated waiver requests, on property generally located southeast of the intersection of Northwest 140th and West Holdrege Streets (Northwest 140th Street is the County line), Lancaster County, Nebraska.

2. County Preliminary Plat 03010, Oak Prairie, requested by Brian D. Carstens and Associates on behalf of Lee and Judy Vieselmeyer, for nine residential acreage lots, and associated waiver requests, on property generally located southeast of the intersection of Northwest 140th and West Holdrege Streets (Northwest 140th Street is the County line), Lancaster County, Nebraska.

6) **CONSENT ITEMS CONTINUED:**

3. **Comprehensive Plan Amendment 04001**, requested by the Urban Development Department and the Public Works and Utilities Department, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan, by adopting the "North 48th Street/University Place Plan: Neighborhood Revitalization and Transportation Analysis, 2004" as an approved subarea plan, and to amend the land use plan accordingly, on property generally located between North 46th and North 56th Streets from Francis Street north to Adams Street.

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

D. **A right-of-way contract relating to culvert construction between the Lancaster County Engineering Department and the Lora H. Reed Revocable Trust, in the amount of \$184.60, one-quarter mile east of North 162nd Street and Fletcher Avenue; Project C.P.H-46. (C-04-0229)**

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

7) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 3:04 p.m.. Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 25, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Commissioners Absent: Ray Stevens, Chair

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Scott Gains, Chief Administrative Deputy in the County
Assessor/Register of Deeds Office
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 3:04 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 18, 2004.

MOTION: Workman moved and Schorr seconded approval of the minutes of the Board of Equalization meeting dated May 18, 2004. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

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

3) **ADDITIONS AND DEDUCTIONS:**

Approval of 23 additions and deductions to the tax assessment rolls per Exhibit "A".

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Center
Community Blood Bank of the Lancaster County Medical Society
Reach Out Christian Center**

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

5) **APPROVAL OF 2004 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT B:**

Workman requested the exemption for Bethlehem Evangelical Covenant Church be voted on separately because he sits on the Board.

MOTION: Heier moved and Schorr seconded approval of the 2004 451 tax exemptions on real and personal property per Exhibit B, excluding the exemption for Bethlehem Evangelical Covenant Church. Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

MOTION: Heier moved and Schorr seconded approval of the 2004 451 tax exemption for Bethlehem Evangelical Covenant Church. Hudkins, Heier and Schorr voted aye. Workman abstained from voting. Motion carried.

6) **APPROVAL OF 2004 NEW 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT C:**

MOTION: Workman moved and Heier seconded approval of the 2004 new 451 tax exemptions on real and personal property per Exhibit C. Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

7) **APPROVAL OF 2004 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT D:**

MOTION: Heier moved and Workman seconded approval of the 2004 451 tax exemptions on real and personal property with a late filing penalty per Exhibit D.

Norm Agena, County Assessor/Register of Deeds, requested that the exemption for La Societe Des 40 Hommes Et 8 (Exemption 739) be withdrawn. He indicated it was the American Legion building which was sold.

Both the maker of the motion and the seconder agreed to withdraw the tax exemption for La Societe Des 40 Hommes Et 8 (Exemption 739) from Exhibit D.

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

8) **APPROVAL OF 2004 PARTIAL 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT E:**

Bethany Christian Church, Inc.

Harland Johnson, Finance Chair for Bethany Christian Church, read his testimony into the record (Exhibit 1), stating the individual who is currently the daycare director has applied for a 501-C3, however, she has not yet received approval.

Agena explained that if the church operated the daycare it could be exempt, but because the daycare is operated by Kids Choice, Inc. and is not a non-profit organization it cannot be exempt.

Agena stated if the daycare operator receives the 501-C3 status by August 1, 2004, then she may reapply for the exemption.

Nebraska District of the Lutheran Church Missouri Synod

John Hertzler, appeared on behalf of Nebraska District of the Lutheran Church Missouri Synod and explained they feel they are qualified for a full exemption rather than a partial. He stated it is felt that the caretaker's apartment has both religious and educational use. Hertzler stated the apartment is part of a program where students interested and involved in the ministry of the chapel are housed during part of their education at the University. The two criteria for living in the apartment are that the individual(s) must be a student and must be involved in the ministry. Hertzler stated the students lead Bible studies and fellowship activities with other students and often open their apartment up for activities such as Bible studies and interpersonal communication with other students. He stated the

students are considered a part of the chapel staff and attend staff meetings.

Workman asked if rent was charged for the apartment.

Hertzler responded no.

Scott Gaines, Chief Administrative Deputy for the County Assessor/Register of Deeds Office, stated the issue is whether the use of the space, as an apartment, is predominantly an educational use or a religious use. He stated, historically, it has been the contention of the Assessor/Register of Deeds Office that its primary use is for an apartment.

MOTION: Heier moved and Workman seconded approval of 2004 partial 451 tax exemptions on real and personal property per Exhibit E. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

9) **APPROVAL OF 2004 PARTIAL 451 TAX EXEMPTIONS ON REAL PROPERTY WITH LATE FILING PENALTY PER EXHIBIT F:**

MOTION: Heier moved and Workman seconded approval of the 2004 partial 451 tax exemptions on real property with a late filing penalty per Exhibit F. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

10) **APPROVAL OF 2004 PARTIAL 451 TAX EXEMPTIONS ON REAL PROPERTY FOR MID-AMERICAN UNION OF SEVENTH DAY ADVENTIST:**

MOTION: Heier moved and Workman seconded approval of the 2004 partial 451 tax exemptions on real property for Mid-American Union of Seventh Day Adventist. Heier, Hudkins, Schorr and Workman voted aye. Motion carried.

11) **DENIAL OF 2004 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT G:**

Gaines stated Exemption 739 for La Societe Des 40 Hommes Et 8 should be added to Exhibit G.

MOTION: Workman moved and Schorr seconded denial of the 2004 451 tax exemptions on real and personal property per Exhibit G and to also include Exemption 739 for La Societe Des 40 Hommes Et 8.

12) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Equalization meeting at 3:51 p.m.. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

Bruce Medcalf
County Clerk