

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 17, 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, August 10, 2004 and the minutes of the public hearing held on Tuesday, August 10, 2004 at 7 p.m. regarding the Lancaster County Proposed Budget for Fiscal Year 2004-2005.**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated August 10, 2004 and the minutes of the public hearing held on Tuesday, August 10, 2004 at 7 p.m. regarding the Lancaster County Proposed Budget for Fiscal Year 2004-2005. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

Cori Beattie, Secretary to the County Board and County Coordinator for the County Employee Food Bank Drive, appeared to thank Scott Young, Executive Director of the Food Bank, Larry Williams, Executive Director of the Human Rights Commission, and County and City Department Coordinators.

Young indicated the food from the County and City campaign weighed a total of 19,211 pounds, in addition to 6,922 dollars collected. Young stated that County and City employees are at the foundation of what the Food Bank does.

Also appearing was Deputy Sheriff Emanuel Bartek, Laurie McAdams with Aging Service, Jon Lewallen and Tom Messick with Cook Family Foods.

2) **PUBLIC COMMENT:**

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

3) **CLAIMS FOR REVIEW:**

A. **Payment Voucher 784-9380, dated July 15, 2004, payable to Paulo Bahr, in the amount of \$50. This payment is for reimbursement of a registration fee paid in August, 2003. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-125.).**

MOTION: Schorr moved and Hudkins seconded denial of Payment Voucher 784-9380, dated July 15, 2004, payable to Paulo Bahr, in the amount of \$50. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

B. **Payment Voucher 784-9414, dated August 3, 2004, payable to Elizabeth S. Kimberley, in the amount of \$31.75. This payment is for the reimbursement of a client I.D. and reports from Health and Human Services. The reports were paid for on April 6, 2004, therefore, the claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).**

MOTION: Workman moved and Hudkins seconded approval of Payment Voucher 784-9414, dated August 3, 2004, payable to Elizabeth S. Kimberley, in the amount of \$31.75. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

C. **Payment Voucher 784-9431, dated August 6, 2004, payable to Ruth A. Eisenmann, in the amount of \$70.65. This payment is for the reimbursement of mileage from July 10, 2003 through August 1, 2004. A portion of the claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).**

MOTION: Schorr moved and Hudkins seconded denial of \$14.40 of Payment Voucher 784-9431, payable to Ruth A. Eisenmann, because it was beyond the 90 day time period and approve \$56.25. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, August 17, 2004.**

MOTION: Heier moved and Workman seconded approval of all claims processed through August 17, 2004. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

- A. County Final Plat 03062, Cedar Grove Estates, requested by Olsson Associates on behalf of the owner, Knox Associates, L.L.C., consisting of nine lots, on property generally located at South 176th Street and Old Cheney Road in Lancaster County, Nebraska. (See New Business Item 7A for correlating resolution.)**

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

The Clerk administered the oath to Michael R. Johnson with Olsson Associates.

Workman inquired whether the conditions of approval were completed.

Johnson replied that all conditions were met.

The Clerk administered the oath to Mike DeKalb, Planning Department.

Discussion took place regarding farm access on 176th Street and on Old Cheney Road, with DeKalb stating if agricultural access changes, access onto Old Cheney Road would be relinquished, however, there would be complete access off of Shasta Lane.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

6) **OLD BUSINESS:**

- A. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for The Hub Project. The County will receive \$17,580. Term of the grant award is July 1, 2004 to September 30, 2004. (C-04-0384)**

MOTION: Hudkins moved and Stevens seconded approval of the acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for The Hub Project. The County will receive \$17,580. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

- B. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for The Hub Project. The County will receive \$226,867, of which \$161,898 is the County's match share. Term of the grant award is September 1, 2004 to June 30, 2005. (C-04-0385)**

6) **OLD BUSINESS CONTINUED:**

MOTION: Schorr moved and Hudkins seconded approval of the acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for The Hub Project. The County will receive \$226,867, of which \$161,898 is the County's match share. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

C. A claim filed against Lancaster County by Larry Lienemann pursuant to Article 31 of the American Federation of State, County and Municipal Employees (AFSCME) contract for eyeglass replacement, in the amount of \$109.65.

MOTION: Hudkins moved and Workman seconded approval of a claim filed against Lancaster County by Larry Lienemann pursuant to Article 31 of the American Federation of State, County and Municipal Employees (AFSCME) contract for eyeglass replacement, in the amount of \$109.65. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

7) **NEW BUSINESS:**

A. A resolution in the matter of County Final Plat 03062, Cedar Grove Estates, requested by Olsson Associates on behalf of the owner, Knox Associates, L.L.C., consisting of nine lots, on property generally located at South 176th Street and Old Cheney Road in Lancaster County, Nebraska. (R-04-0100)

B. A subdivision agreement with Knox Associates, L.L.C. for County Final Plat 03062, Cedar Grove Estates, on property generally located on South 176th Street and Old Cheney Road, Lancaster County, Nebraska. (C-04-0388)

New Business Items 7A and 7B were heard together.

MOTION: Hudkins moved and Schorr seconded approval of Resolution 04-0100 in the matter of County Final Plat 03062, Cedar Grove Estates, and approval of a subdivision agreement with Knox Associates, L.L.C. for County Final Plat 03062, Cedar Grove Estates, on property generally located on South 176th Street and Old Cheney Road, Lancaster County, Nebraska. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

C. An application for a Special Designated License from the Wine Merchants, Inc. to cater a wedding reception on Friday, September 3, 2004 from 6:30 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street in Lancaster County, Nebraska.

7) **NEW BUSINESS CONTINUED:**

Appearing was Christopher Piper, representing Wine Merchants, Inc..

MOTION: Hudkins moved and Workman seconded approval of an application for a Special Designated License from the Wine Merchants, Inc. to cater a wedding reception on Friday, September 3, 2004 from 6:30 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street in Lancaster County, Nebraska. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

D. An application for a Special Designated License from Soaring Wings Vineyard, located at 17111 South 138th Street in Springfield, Nebraska, to participate in a wine festival in connection with the Nebraska State Fair, beginning on Friday, September 3, 2004 and ending Sunday, September 5, 2004. Hours of operation will be 12 p.m. to 10 p.m..

Joseph McDermott, Interim Director of the Nebraska State Fair, appeared indicating there are four applications from vineyards to conduct a wine festival during the fair.

In response to a question asked by Hudkins, McDermott stated representatives from the vineyards were present to answer questions.

Schorr asked about the location of the wine festival.

McDermott indicated the festival will be located in the Blue Flame Pavilion on the southwest side of the fairgrounds. He added that they would be providing security and individuals would be checking identification and giving out wristbands.

Also appearing were Jim Ballard with James Arthur Vineyards, David Hanna with Millenium Wines, Inc. and Teresa Kresak with Four Winds Vineyard.

MOTION: Heier moved and Workman seconded approval of an application for a Special Designated License from Soaring Wings Vineyard, located at 17111 South 138th Street in Springfield, Nebraska, to participate in a wine festival in connection with the Nebraska State Fair, beginning on Friday, September 3, 2004 and ending Sunday, September 5, 2004. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

E. An application for a Special Designated License from Four Winds Vineyard, located at 1033 County Road 5 in Ashland, Nebraska, to participate in a wine festival in connection with the Nebraska State Fair, beginning on Friday, September 3, 2004 and ending Sunday, September 5, 2004. Hours of operation will be 12 p.m. to 10 p.m..

7) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded approval of an application for a Special Designated License from Four Winds Vineyard, located at 1033 County Road 5 in Ashland, Nebraska, to participate in a wine festival in connection with the Nebraska State Fair, beginning on Friday, September 3, 2004 and ending Sunday, September 5, 2004. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

F. An application for a Special Designated License from Millenium Wines, Inc., located at 75137 Highway 283 in Lexington, Nebraska, to participate in a wine festival in connection with the Nebraska State Fair, beginning on Friday, September 3, 2004 and ending Sunday, September 5, 2004. Hours of operation will be 12 p.m. to 10 p.m..

MOTION: Hudkins moved and Heier seconded approval of an application for a Special Designated License from Millenium Wines, Inc., located at 75137 Highway 283 in Lexington, Nebraska, to participate in a wine festival in connection with the Nebraska State Fair, beginning on Friday, September 3, 2004 and ending Sunday, September 5, 2004. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

G. An application for a Special Designated License from James Arthur Vineyards, located at 2001 West Raymond Road in Raymond, Nebraska, to participate in a wine festival in connection with the Nebraska State Fair, beginning on Friday, September 3, 2004 and ending Sunday, September 5, 2004. Hours of operation will be 12 p.m. to 10 p.m..

MOTION: Hudkins moved and Schorr seconded approval of an application for a Special Designated License from James Arthur Vineyards, located at 2001 West Raymond Road in Raymond, Nebraska, to participate in a wine festival in connection with the Nebraska State Fair, beginning on Friday, September 3, 2004 and ending Sunday, September 5, 2004. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

H. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Centralized Intake Repository System Project. The County will receive \$29,300, of which \$10,000 is the County's match share. Term of the grant award is July 1, 2004 to June 30, 2005. (C-04-0389)

7) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Hudkins seconded approval of an acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Centralized Intake Repository System Project. The County will receive \$29,300, of which \$10,000 is the County's match share. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

I. An agreement with Lisa Lozano, Attorney at Law, and the firm of Tietjen, Simon & Boyle, represented by Dalton Tietjen, as joint ventures, for the representation of indigent parents and juveniles in Juvenile Court proceedings pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). Term of the agreement is from November 1, 2004 through October 31, 2007. The County will pay \$243,000 for the services provided. (C-04-0390)

MOTION: Workman moved and Heier seconded approval of an agreement with Lisa Lozano, Attorney at Law, and the firm of Tietjen, Simon & Boyle, represented by Dalton Tietjen, as joint ventures, for the representation of indigent parents and juveniles in Juvenile Court proceedings pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

J. A lease agreement between the County of Lancaster and CenterPointe, Inc. for approximately 9,000 square feet in the Old Juvenile Attention Center building, located at 2220 South 10th Street, Lincoln, Nebraska. Term of the agreement is February 1, 2005 through January 31, 2015. CenterPointe will pay the County \$4,200 per month for the leased space. (C-04-0391)

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

K. A resolution directing the County Engineer to conduct a study regarding the vacation of a portion of George Street that is within the unincorporated area of Agnew, located in the southwest quarter of Section 12, Township 12 North, Range 5 East, Lancaster County, Nebraska. (R-04-0101)

MOTION: Hudkins moved and Workman seconded approval of Resolution 04-0101 directing the County Engineer to conduct a study regarding the vacation of a portion of George Street that is within the unincorporated area of Agnew, located in the southwest quarter of Section 12, Township 12 North, Range 5 East, Lancaster County, Nebraska. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

L. A resolution in the matter of adopting the Lancaster County Budget for Fiscal Year beginning July 1, 2004 and ending June 30, 2005. (R-04-0102)

MOTION: Heier moved and Hudkins seconded adoption of the Lancaster County budget for the fiscal year of July 1, 2004 to June 30, 2005 as set forth in Resolution 04-0102, including changes set forth in Attachment "A" which pertain to the County Board's budget work session held on Thursday, August 12, 2004, to extend funding for the developmentally disabled of Region V through December 31, 2004. Also included in Attachment "A" is setting of the tax rate at .02797. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

8) **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. **County Assessor/Register of Deeds Monthly Report for July, 2004.**
2. **2004 Annual Inventory of County Real Property from the County Assessor/Register of Deeds.**
3. **Lancaster Manor's Monthly Report.**
4. **Noxious Weed Control Authority's Monthly Report for July, 2004.**
5. **Noxious Weed Control Authority's Monthly Report for July, 2004 for the Combined Weed Program with the City of Lincoln.**
6. **Records & Information Management's Monthly Report for July, 2004.**

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

- ▶ Larry G. and Laura L. Keiter at Southwest 40th Street and West Denton Road; Project STPE-3305(9). This is a donation. (C-04-0392)
- ▶ Charles B. and N. Karen Stroman, in the amount of \$887.50, at Southwest 56th Street and West Denton Road; Project STPE-3305(9). (C-04-0393)
- ▶ Kevin Loth and Charuth Van Beuzekom, in the total amount of \$3,759.25, at 2200 West Denton Road; Project STPE-3305(9) (2 contracts) (C-04-0394 and C-04-0395)
- ▶ Lyle D. and Alice K. Sittler, in the amount of \$2,765.80, on West Bennet Road from Southwest 72nd to Southwest 86th Streets; Project C55-U-405(1). (C-04-0396)
- ▶ Lyle D. and Ruthelen S. Sittler, in the total amount of \$2,581.80, on West Bennet Road from Southwest 72nd to Southwest 86th Streets; Project C55-U-405(U). (2 contracts) (C-04-0397 and C-04-0398)

8) **CONSENT ITEMS CONTINUED:**

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

9) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:25 p.m.. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 17, 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 2:25 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 10, 2004.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Equalization dated August 10, 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 49 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Workman moved and Hudkins 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 MOTOR VEHICLE TAX EXEMPTIONS FOR THE FOLLOWING:**

Congregational United Church of Christ
Daughters of the Holy Spirit
Grace Lutheran Church
Lincoln Christian School
Villa Marie School
VITAL Services, Inc.

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

5) **APPROVAL OF 2004 451 TAX EXEMPTIONS ON REAL PROPERTY FOR THE FOLLOWING:**

Bethany Christian Church
CenterPointe, Inc.
Foundation for the Challenged (4 exemptions)

Norm Agena, County Assessor/Register of Deeds, recommended approval of the 2004 451 tax exemptions for Bethany Christian Church, CenterPointe, Inc. and Foundation for the Challenged (4 exemptions).

MOTION: Hudkins moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and approve 2004 451 tax exemptions on real property for Bethany Christian Church (17-16-434-001-000), CenterPointe, Inc. (10-24-441-012-000) and Foundation for the Challenged (11-18-202-017-000, 11-18-202-018-000, 11-12-222-0016-000 and 11-12-222-017-000). Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

6) **APPROVAL OF A 2004 451 TAX EXEMPTION ON PERSONAL PROPERTY WITH A LATE FILING PENALTY FOR THE FOLLOWING:**

Lincoln Lancaster County Human Services Foundation

Agena recommended approval of a 2004 451 tax exemption on personal property with a late filing penalty for Lincoln Lancaster County Human Services Foundation.

MOTION: Hudkins moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and approve a 2004 451 tax exemption on personal property with a late filing penalty for Lincoln Lancaster County Human Services Foundation (P052509). Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

7) **DENIAL OF A 2004 451 TAX EXEMPTION ON PERSONAL PROPERTY FOR THE FOLLOWING:**

Nebraska State Historical Society Foundation

Agena recommended denial of a 2004 451 tax exemption on personal property for the Nebraska State Historical Society Foundation. He explained the equipment is leased and the Historical Society Foundation is required to pay the tax even though they are an exempt organization.

MOTION: Hudkins moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the 2004 451 tax exemption on personal property for the Nebraska State Historical Society Foundation (P052976). Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Hudkins moved and Heier seconded adjournment of the Board of Equalization meeting at 2:30 p.m.. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk