

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, DECEMBER 7, 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

Commissioners Absent: 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, November 30, 2004.**

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

- 2) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Denise Otto for her services with Urban Development.

B. The Commissioners Award of Excellence for the month of October was presented to Sgt. Melanie Bailey with the Corrections Department.

C. The Commissioners Award of Excellence for the month of November was presented to Karen Wedding with Cooperative Extension.

- 3) **PUBLIC COMMENT:**

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

4) **CLAIMS FOR REVIEW:**

- A. **Payment Voucher 782-6651, dated October 27, 2004 - Families First and Foremost has requested payment to Visinet, Inc., in the amount of \$203.29. Payment is for services received during January, 2004. Claim is beyond the 90 time period (see Neb. Rev. Stat. §23-135).**

**MOTION:** Heier moved and Hudkins seconded approval of Payment Voucher 782-6651, dated October 27, 2004, to Visinet, Inc., in the amount of \$203.29. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

- B. **Payment Voucher 782-6627, dated October 26, 2004 - Families First and Foremost has requested payment to Kevin and Sarah Steele, in the amount of \$524. Payment is for foster care and respite services provided in May and June, 2004. Claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).**

**MOTION:** Schorr moved and Heier seconded approval of Payment Voucher 782-6627, dated October 26, 2004 to Kevin and Sarah Steele, in the amount of \$524. Heier, Hudkins, Schorr and Stevens voted aye. Motion carried.

- C. **Payment Voucher 782-6621, dated October 26, 2004 - Families First and Foremost has requested payment to the Child Saving Institute, in the amount of \$3,547.50. Payment is for emergency shelter services provided in May and June, 2004. Claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).**

**MOTION:** Hudkins moved and Schorr seconded approval of Payment Voucher 782-6621, dated October 26, 2004 to the Child Saving Institute, in the amount of \$3,547.50. Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

- D. **Payment Voucher 782-6683, dated November 2, 2004 - Families First and Foremost has requested payment to OMNI Behavioral Health, in the amount of \$975. Payment is for services provided in April, 2004. Claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).**

**MOTION:** Schorr moved and Hudkins seconded approval of Payment Voucher 782-6683, dated November 2, 2004 to ONMI Behavioral Health, in the amount of \$975. Hudkins, Heier, Schorr and Stevens voted aye. Motion carried.

- E. **Payment Voucher 782-6727, dated November 9, 2004 - Families First and Foremost has requested payment to Elvira Kobza, in the amount of \$332. Payment is for foster care and respite services provided in July, 2004. Claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).**

4) **CLAIMS FOR REVIEW CONTINUED:**

**MOTION:** Hudkins moved and Heier seconded approval of Payment Voucher 782-6727, dated November 9, 2004 to Elvira Kobza, in the amount of \$332. Heier, Hudkins, Schorr and Stevens voted aye. Motion carried.

**F. Payment Voucher 782-6636, dated October 26, 2004 - Families First and Foremost has requested payment to Mohammed Siddiq, in the amount of \$20. Payment is for interpreting services proved on June 25, 2004. Claim is beyond the 90 day time period.**

**MOTION:** Schorr moved and Hudkins seconded approval of Payment Voucher 782-6636, dated October 26, 2004 to Mohammed Siddiq, in the amount of \$20. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, December 7, 2004.**

**MOTION:** Hudkins moved and Schorr seconded approval of all claims processed through December 7, 2004. Hudkins, Heier, Schorr and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

**A. County Final Plat 03028, The Preserve at Cross Creek, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., consisting of 15 lots on property generally located at South 68<sup>th</sup> Street and Roca Road in Lancaster County, Nebraska.**

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

The Clerk administered the oath to Brian Carstens, with Brian D. Carstens and Associates.

Carstens stated the roads are completed, ditches are seeded and they are now ready to close lots.

Schorr inquired about 68<sup>th</sup> Street.

Carstens stated it is close to being open and added that the second access is open to Roca Road.

Heier referred to Page 11 of the Planning Factsheet and noted that the Board has requested that any reference to a scoring system be completely removed from the reports.

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

5) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Heier regarding contract zoning, DeKalb stated contract zoning is something other than a special permit or use permit where conditions are applied to a straight change of zone.

Heier stated he had looked at the wrong Factsheet and apologized. The Factsheet for The Preserve at Cross Creek does not refer to a scoring system.

DeKalb stated the Planning Department did receive the communication from the County Board requesting that no reference to a point/scoring system be made. He stated the Planning Director would probably be giving a response and advising the Planning Commission accordingly.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

**B. Continuation of a public hearing regarding Comprehensive Plan Amendment 04020, requested by the Director of Planning on behalf of the Nebraska Department of Roads, to amend the Mobility and Transportation element of the 2025 Lincoln/Lancaster County Comprehensive Plan, to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status beginning at the planned South Beltway interchange just south of Saltillo Road and ending at Interstate 80.**

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

Documentation opposing the closure of Old Cheney Road was distributed to the County Board, as well as the County Clerk's Office (Exhibit 1).

The Clerk administered the oath to the following individuals appearing in opposition to Comprehensive Plan Amendment 04020 and addressed concerns regarding increased traffic, noise pollution, safety and the transportation of grain to AGP:

- ▶ Chuck Fricke, appearing on behalf of Information Technology.
- ▶ Dirk Johnson, Yankee Hill Neighborhood Association board member.
- ▶ Wayne Giebelhaus, 5921 Berkeley Drive, Lincoln, Nebraska. (Submitted written testimony into the record - Exhibit 2.)
- ▶ Perry Broders, grain merchandiser representing AGP Grain Marketing.
- ▶ Anne Shoemaker, 3935 South Folsom Street, Lincoln, Nebraska.

In response to a question asked by Heier, Kristy Mundt, Deputy County Attorney, stated there are two issues:

- ▶ Elimination of at-grade crossings
- ▶ Closure of a public road

5) **PUBLIC HEARINGS CONTINUED:**

Mundt stated that at the present time the State of Nebraska, Department of Roads (NDOR) is proposing elimination of the at-grade crossing which they have the statutory authority to do. She explained that in the future if they (NDOR) come before the Board requesting closure of a certain public road, the Board does have opportunity, by unanimous vote, to oppose the closure or barricading of the road. She stated that at the present time the Department of Roads had not given written notice to the Board that they intend to barricade a certain road.

Extensive discussion took place regarding conceptual design.

Hudkins inquired about the reasoning for Public Works and Utilities and the Transportation Department not wanting to build an overpass on Old Cheney Road.

Mike Brienzo, Public Works and Utilities, stated an overpass would not be cost effective because it would drop down into Wilderness Park and it would also have to cross Salt Creek at its current location. He stated there would be environmental impacts to the park and floodplain impacts which would have to be addressed.

Hudkins read a letter from Dave Nielsen, President of the Lancaster County Farm Bureau, dated December 6, 2004, into the record (Exhibit 3).

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

6) **OLD BUSINESS:**

**A. A resolution in the matter of Comprehensive Plan Amendment 04020, by the Director of Planning, on behalf of the Nebraska Department of Roads, to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status, as provided in Exhibit "A". (R-04-0113)**

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 04-0113 denying Comprehensive Plan Amendment 04020, by the Director of Planning, on behalf of the Nebraska Department of Roads, to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status, as provided in Exhibit "A". Schorr, Hudkins and Heier voted aye. Stevens voted no. Motion carried.

7) **NEW BUSINESS:**

- A. **A resolution in the matter of County Final Plat 03028, The Preserve at Cross Creek, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., consisting of 15 lots on property generally located at South 68<sup>th</sup> Street and Roca Road in Lancaster County, Nebraska. (R-04-0146)**
- B. **A subdivision agreement with Land II, L.L.C., filed by Brian D. Carstens and Associates, for County Final Plat 03028, The Preserve at Cross Creek, on property generally located at South 68<sup>th</sup> Street and Roca Road in Lancaster County, Nebraska. (C-04-0591)**

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

**MOTION:** Hudkins moved and Schorr seconded approval of Resolution 04-0146 in the matter of County Final Plat 03028, The Preserve at Cross Creek, and a subdivision agreement with Land II, L.L.C., filed by Brian D. Carstens and Associates, for County Final Plat 03028, The Preserve at Cross Creek, consisting of 15 lots on property generally located at South 68<sup>th</sup> Street and Roca Road in Lancaster County, Nebraska. Heier, Hudkins, Schorr and Stevens voted aye. Motion carried.

**C. Election of Chair and Vice Chair for the Lancaster County Board of Commissioners for 2005.**

**MOTION:** Heier moved and Schorr seconded nomination of Commissioner Larry Hudkins as Chair of the Lancaster County Board of Commissioners for 2005. Term to begin on January 4, 2005. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

**MOTION:** Hudkins moved and Heier seconded nomination of Commissioner Deb Schorr as Vice Chair of the Lancaster County Board of Commissioners for 2005. Term to begin on Tuesday, January 4, 2005. Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

**D. A resolution in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. (R-04-0147)**

**MOTION:** Heier moved and Hudkins seconded approval of Resolution 04-0147 in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. Heier, Hudkins, Schorr and Stevens voted aye. Motion carried.

**E. A resolution in the matter of transferring funds from the General Fund and the other Self Insurance Loss Fund to the Debt Service Fund, in the amount of \$3,100,000. (R-04-0148)**

7) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 04-0148 in the matter of transferring funds from the General Fund and the other Self Insurance Loss Fund to the Debt Service Fund, in the amount of \$3,100,000. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

**F. An agreement between the Lancaster County Youth Services Center and the State of Nebraska, Department of Health and Human Services for detention services for youth committed to, or placed with the State's Office of Juvenile Services. The County will be paid \$202 per youth per day. Term of the agreement is October 1, 2004 through September 30, 2005. (C-04-0592)**

**MOTION:** Heier moved and Hudkins seconded approval of an agreement between the Lancaster County Youth Services Center and the State of Nebraska, Department of Health and Human Services for detention services for youth committed to, or placed with the State's Office of Juvenile Services. Hudkins, Heier, Schorr and Stevens voted aye. Motion carried.

**G. Recommendation from the Purchasing Agent and the Lancaster Manor Administrator to ratify a lease contract with Alternative Business Systems (ABS) using CitiCapital Financing for one digital photocopier system including buy-out of the old lease. Term of the lease is 60 months. The amount of the lease is \$1,373.70 per month for 57,000 copies per month at a cost-per-copy of \$.0241. Included with the lease is an amendment stating that Nebraska law governs the lease agreement and a non-appropriation of funds addendum. (C-04-0593)**

**MOTION:** Schorr moved and Hudkins seconded approval of a lease contract with Alternative Business Systems (ABS) using CitiCapital Financing for one digital photocopier system including buy-out of the old lease. The amount of the lease is \$1,373.70 per month for 57,000 copies per month at a cost-per-copy of \$.0241. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

**H. A maintenance agreement with Alternative Business Systems (ABS) for a Konica 7255 digital photocopier system utilized by Lancaster Manor. The cost for the maintenance is included in the 60 month lease agreement with ABS (financed by CitiCapital). (C-04-0594)**

**MOTION:** Heier moved and Schorr seconded approval of a maintenance agreement with Alternative Business Systems (ABS) for a Konica 7255 digital photocopier system utilized by Lancaster Manor. Heier, Hudkins, Schorr and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

- I. **An agreement with Sandra Findley for substance abuse education and intervention classes to participants in the pretrial release program. The County will pay up to \$11,200 for the services. Term of the agreement is November 1, 2004 through June 30, 2005 and includes a 30 day termination provision. (C-04-0595)**

**MOTION:** Hudkins moved and Heier seconded approval of an agreement with Sandra Findley for substance abuse education and intervention classes to participants in the pretrial release program. The County will pay up to \$11,200 for the services. Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

- J. **Recommendation from the Purchasing Agent and County Engineer to award a bid to Wick's Sterling Trucks, Inc. for four, 56,000 GVWR (LT7501) cab and chassis trucks, in the amount of \$53,875 per truck, complete with Option 27 for one each rear spare wheel less tire. Total amount of the award is \$216,400. (B-04-0055)**

**MOTION:** Hudkins moved and Schorr seconded to award a bid to Wick's Sterling Trucks, Inc. for four, 56,000 GVWR (LT7501) cab and chassis trucks, in the amount of \$53,875 per truck, complete with Option 27 for one each rear spare wheel less tire. Total amount of the award is \$216,400.

Stevens questioned why the recommendation from the County Engineering Department indicated Option 27 as being one each front and rear spare wheel less tire for each truck and the recommendation from the Purchasing Department indicates Option 27 as being one each rear spare wheel less tire for each truck.

It was the consensus of the Board to proceed with the original motion and indicated if there were a correction it would be placed back on the agenda for December 14, 2004.

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

- K. **Recommendation from the Purchasing Agent and Corrections to award an order from a State contract (CA#6100) to Husker Auto Group, in the amount of \$23,836, for one, 2004 one ton fifteen passenger full-size van. (B-04-0056)**

**MOTION:** Heier moved and Hudkins seconded to award an order from a State contract (CA#6100) to Husker Auto Group, in the amount of \$23,836, for one, 2004 one ton fifteen passenger full-size van. Heier, Hudkins, Schorr and Stevens voted aye. Motion carried.



7) **NEW BUSINESS CONTINUED:**

**L. Approval of office policy for letters for County Board signature/use of County Board letterhead.**

**MOTION:** Heier moved and Hudkins seconded approval of an office policy for letters for County Board signature/use of County Board letterhead. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

**M. Reappointment of Bernie Heier to the District Energy Corporation Board of Directors for a two year term beginning January 1, 2005.**

**MOTION:** Hudkins moved and Schorr seconded approval of the reappointment of Bernie Heier to the District Energy Corporation Board of Directors for a two year term beginning January 1, 2005. Hudkins, Heier, 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 Clerk's Monthly Report for November, 2004.**
2. **Clerk of the District Court's Monthly Report for November, 2004.**
3. **Certification of County Highway Superintendent for Determining Incentive Payment.**
4. **Independent Auditors' Report for the year ended June 30, 2004 for the Lancaster County Community Mental Health Center.**

**B. Setting of public hearings for Tuesday, December 21, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building:**

1. **County Change of Zone 04074**, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, on property generally located at North 84<sup>th</sup> Street and Agnew Road in Lancaster County, Nebraska.
2. **County Special Permit 04058, Lakewood Hills Community Unit Plan**, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage units, on property generally located at North 84<sup>th</sup> Street and Agnew Road in Lancaster County, Nebraska.

8) **CONSENT ITEMS CONTINUED:**

3. **County Preliminary Plat 04028, Lakewood Hills**, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage lots, on property generally located at North 84<sup>th</sup> Street and Agnew Road in Lancaster County, Nebraska.

4. **County Final Plat 04126, Lakewood Hills**, requested by Lyle Loth of ESP on behalf of Robert E. Lookabaugh, for nine residential acreage lots, on property generally located at North 84<sup>th</sup> Street and Agnew Road in Lancaster County, Nebraska.

5. **County Special Permit 04048, Adams Street Acreages Community Unit Plan**, requested by Lyle Loth of ESP on behalf of James M. Buel, for four residential acreages, on property generally located one-half mile east of North 148<sup>th</sup> and Adams Streets in Lancaster County, Nebraska.

6. **County Preliminary Plat 04022, Adams Street Acreages**, requested by Lyle Loth of ESP on behalf of James M. Buel, for four residential acreage lots, on property generally located one-half mile east of North 148<sup>th</sup> and Adams Streets in Lancaster County, Nebraska.

**B. Request from the following individuals to voluntarily participate in the County's retirement plan having met the requirements:**

- Tori L. Allen, an employee with Lancaster Manor
- Amanda M. Hertzler, an employee with Records and Information Management

**C. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Jerome L. and Elizabeth S. Dalton, in the total amount of \$3,863.13, on Old Cheney Road from South 148<sup>th</sup> to South 190<sup>th</sup> Streets; Project C55-Q-407(2). (2 contracts) (C-04-0596 and C-04-0597)**

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

9) **ADJOURNMENT:**

**MOTION:** Schorr moved and Hudkins seconded adjournment of the Board of Commissioners at 3:28 p.m.. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, DECEMBER 7, 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

Commissioners Absent: 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 3:28 p.m..

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

**MOTION:** Hudkins moved and Schorr seconded approval of the minutes of the Board of Equalization dated November 30, 2004. Schorr, Hudkins, 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 4 additions and deductions to the tax assessment rolls per Exhibit A.**

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

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Rosemont Alliance Church  
VITAL Services, Inc.**

**MOTION:** Heier moved and Hudkins seconded approval of a motor vehicle tax exemption for Rosemont Alliance Church and to also approve a motor vehicle tax exemption for VITAL Services, Inc. subject to the vehicle being titled and registered by the applicant. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

4) **ADJOURNMENT:**

**MOTION:** Schorr moved and Hudkins seconded adjournment of the Board of Equalization meeting at 3:30 p.m.. Hudkins, Heier, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk