

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 29, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
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, March 22, 2005.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated March 22, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

SPECIAL PRESENTATIONS:

Exceptional circumstance awards for Tim Genuchi, Accounting Operations Manager in the County Clerk's Office, in the amount of \$1,500, Liz Thanel, Accountant in the County Treasurer's Office, in the amount of \$1,500, and Mary Ellen Docter, Real Estate Supervisor in the County Treasurer's Office, in the amount of \$500.

MOTION: Stevens moved and Workman seconded approval of one time cash awards for Tim Genuchi, Accounting Operations Manager in the County Clerk's Office, in the amount of \$1,500, Liz Thanel, Accountant in the County Treasurer's Office, in the amount of \$1,500, and Mary Ellen Docter, Real Estate Supervisor in the County Treasurer's Office, in the amount of \$500.

SPECIAL PRESENTATIONS CONTINUED:

Stevens explained that the County recently converted their previous accounting system to a new software package and credited its success, to a large extent, to the hard work of Tim Genuchi, Liz Thanel and Mary Ellen Docter.

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

2) **PUBLIC COMMENT:**

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

3) **CLAIM FOR REVIEW:**

A. Reconsideration of Payment Voucher 782-6922, dated December 6, 2004 - Families First and Foremost is requesting payment to Cedars Youth Services, in the amount of \$588, pursuant to Neb. Rev. Stat. §23-138 (Reissue 1997).

Rebecca Leapley and Melissa Lewis appeared on behalf of Cedars Youth Services.

Leapley briefly outlined why they were asking for reconsideration of the claim, noting that the claim was originally submitted 26 days after services were rendered.

MOTION: Workman moved and Heier seconded to reconsider Payment Voucher 782-6922. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

In response to a question asked by Schorr, Leapley stated the date, July 26th, located on the bottom right corner of the *Fee For Service Authorization* was the date that Cedars originally submitted the claim.

MOTION: Schorr moved and Workman seconded to approve payment to Cedars Youth Services, in the amount of \$648.

FRIENDLY AMENDMENT: Stevens indicated the payment is \$588 instead of \$648.

Both the maker of the motion and the seconder concurred with the friendly amendment.

3) **CLAIMS FOR REVIEW CONTINUED:**

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

CLARIFICATION OF MOTION: Schorr moved and Workman seconded approval of Payment Voucher 782-6922, dated December 6, 2004 - Families First and Foremost is requesting payment to Cedars Youth Services, in the amount of \$588. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, March 29, 2005.**

MOTION: Workman moved and Heier seconded approval of all claims processed through March 29, 2005. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. Contribution of County Keno funds, in an amount not to exceed \$27,000, to the Nebraska State Fair Board under Legislative Resolution 209CA for the first quarter of 2005. (See New Business Item 7A for correlating resolution.)

The Chair opened the public hearing.

Richard Bjorklund, Executive Director of State Fair Park, appeared and thanked the County for their support and contribution.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

B. Comprehensive Plan Amendment 05001, requested by the Public Works and Utilities Department and the Lower Platte South Natural Resources District, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan, to include the Stevens Creek Watershed Master Plan as a subarea plan and to adjust the Future Land Use Plan accordingly. (See New Business Item 7B for correlating resolution.)

5) **PUBLIC HEARINGS CONTINUED:**

The Chair opened the public hearing.

Mike DeKalb, Planning Department, stated there are three components to the amendment: amending text to include the Stevens Creek Watershed Master Plan as a list of subarea plans, amending the list of watershed management plans and amending the future land use map for the City of Lincoln and Lancaster County.

DeKalb explained that the land which abuts the floodplain map moves back and forth and reflects what is beside it, with the land use designations staying the same along the sides. He added there was a slight adjustment at North 84th and Holdrege Streets on the east northeast corner. DeKalb explained that when the floodplain was pulled back it left a small area undesignated. It is now designated industrial.

DeKalb stated City Council approved the amendment at their meeting on March 27, 2005 with two amendments (Exhibit 1). Recommendation to the County Board was to approve Comprehensive Plan Amendment 05001 with the amendments as suggested by the City Council. It was also noted that the second motion made by Camp should read as follows: "The future wastewater trunk sewer line is not to be built in or negatively impact the native prairie or the historic Stevens Creek Stock Farm".

Glenn Johnson, Lower Platte South Natural Resources District (NRD), stated the Stevens Creek Watershed was selected because it is within the growth areas. He stated they have the opportunity to do the master planning in advance of development to identify opportunities and strategies. Johnson stated the watershed has also had the advantage of a number of previous studies.

Vicki Luther, Heartland Center for Leadership Development, stated their role was to design the events and different tools used to get information out to citizens. She discussed the tools and techniques used to engage the public in the project such as the 25 member citizen advisory committee, questionnaire mailings, three open houses, stakeholders meetings, six landowner meetings, three interest group meetings, two bus tours, a web page and eight watershed newsletters.

5) **PUBLIC HEARINGS CONTINUED:**

Pat O'Neill with CDM and project manager for the consultant team discussed the following goals and objectives of the plan: floodplain management, with the objective of reducing future flooding potential in the watershed as it develops; long term stream stability to reduce future erosion potential; preservation of water quality to protect stream habitat and the natural integrity of the streams and the coordination of natural elements with existing or future infrastructure projects planned in the watershed with the objective of identifying opportunity areas to provide multiple benefits.

O'Neill stated floodplain management is the primary component. He stated the major recommendation from the master plan to complete the area is updated Federal Emergency Management Agency (FEMA) floodplain maps. Until officially adopted by FEMA, the areas are referred to as 'flood prone areas'.

O'Neill said long term stream stability and the preservation of water quality components build upon existing standards and projects.

To complete the process, he said, they are recommending two components: improvement projects to address existing problems such as stream instability and to offset impacts from future development with site specific structural best management practices (BMPs).

Nicole Fleck-Tooze, Public Works and Utilities, discussed site specific BMPs in relation to who should bear the cost for offsetting impacts to water quality and stream stability caused by urban development. She stated a cost share concept will be developed which will assume private and public responsibility. The cost of the structural BMP is estimated at \$210 per acre of drainage area. Fleck-Tooze stated the concept would assume that the City and the NRD would share in the cost of approximately one-half of the construction for the BMP. Additional cost for maintenance, she said, is projected to be approximately \$500 per year.

Fleck-Tooze explained that the fourth major element of the plan is opportunity areas which are general planning locations within the watershed that highlight where natural elements or existing/future infrastructure meet. She stated the master plan identifies the following four general planning areas: between Adams and Holdrege Streets, between Highway 34 and "A" Street, Van Dorn and between Pine Lake Road and Yankee Hill Road.

5) **PUBLIC HEARINGS CONTINUED:**

General discussion followed regarding densities of one to three acres and/or one to 20 acres, BMPs and the cost share concept.

The Chair asked if anyone else wished to provide testimony.

Marlene Rickertson, 9259 Pioneer Court, stated her major concern was the trunk line which on previous maps was drawn through the middle of their historic farm and a native prairie. She stated the amendments which the City Council adopted took care of those concerns and she urged the Board to adopt the Comprehensive Plan Amendment with the amendments as approved by the City Council. She stated she is also concerned about opportunity areas.

Jo Gutgsell appeared on behalf of the Preservation Association to encourage the Board to adopt the Comprehensive Plan Amendment with the two amendments as adopted by the City Council.

Mary Roseberry-Brown, representing Friends of Wilderness Park, appeared in support of Comprehensive Plan Amendment 05001.

Submitted for the record was a letter from Russell Miller supporting the Comprehensive Plan Amendment (Exhibit 2).

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

6) **OLD BUSINESS:**

A. A resolution in the matter of County Change of Zone 04087, requested by Rudolf Strnot, to construct and operate a mini-storage facility on property generally located on the southeast corner of 134th and "O" Streets (Highway 34) in Lancaster County, Nebraska. (R-05-0027)

Submitted for the record was a letter from Lawrence Buller opposing the Change of Zone (Exhibit 3).

6) **OLD BUSINESS CONTINUED:**

MOTION: Heier moved and Schorr seconded approval of Resolution 05-0027 in the matter of County Change of Zone 04087, requested by Rudolf Strnot, to construct and operate a mini-storage facility on property generally located on the southeast corner of 134th and "O" Streets (Highway 34) in Lancaster County, Nebraska. Workman, Heier, Schorr and Hudkins voted aye. Stevens voted no. Motion carried.

7) **NEW BUSINESS:**

A. A resolution in the matter of contributing County Keno funds, in an amount not to exceed \$27,000, to the State Fair Board under Legislative Resolution 209CA for the first quarter of 2005. (R-05-0032)

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0032 in the matter of contributing County Keno funds, in an amount not to exceed \$27,000, to the State Fair Board under Legislative Resolution 209CA for the first quarter of 2005.

Heier noted that the County is not required by the constitutional amendment to donate or contribute any money, however, the City of Lincoln has come to the County with the request. He added that it is a one time contribution, at the present point in time.

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

B. A resolution in the matter of Comprehensive Plan Amendment 05001, by the Director of Planning, at the request of the Interim Director of the Public Works and Utilities Department and the Lower Platte South Natural Resources District, to include the Stevens Creek Watershed Master Plan as a subarea plan, and to adjust the Future Land Use Plan accordingly, as provided in Exhibit "A". (R-05-0033)

MOTION: Workman moved and Heier seconded approval of Resolution 05-0033 in the matter of Comprehensive Plan Amendment 05001, by the Director of Planning, at the request of the Interim Director of the Public Works and Utilities Department and the Lower Platte South Natural Resources District, to include the Stevens Creek Watershed Master Plan as a subarea plan, and to adjust the Future Land Use Plan accordingly, as provided in Exhibit "A" and to also include the amendments approved by the City Council on March 28, 2005.

7) **NEW BUSINESS CONTINUED:**

Kristy Mundt, Deputy County Attorney, stated she prepared a new resolution with an additional section indicating that the City Council approved the Comprehensive Plan Amendment with the two amendments and that they are included in the resolution as Exhibit "B".

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

C. An application for a Special Designated License from B&B-Q Inc. d/b/a Cheerleaders to provide liquor beverage service for a wedding reception on Saturday, April 16, 2005 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street in Lancaster County, Nebraska.

MOTION: Stevens moved and Workman seconded approval of an application for a Special Designated License from B&B-Q Inc. d/b/a Cheerleaders to provide liquor beverage service for a wedding reception on Saturday, April 16, 2005 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street in Lancaster County, Nebraska. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

D. An agreement with Southeast Community College (SECC) to host the Community Mental Health Center's staff training day on April 8, 2005. SECC will provide the facilities, training packets, registration support, food catering and guest speaker. The County will pay \$5,428 for the services. (C-05-0160)

MOTION: Workman moved and Stevens seconded approval of an agreement with Southeast Community College (SECC) to host the Community Mental Health Center's staff training day on April 8, 2005. SECC will provide the facilities, training packets, registration support, food catering and guest speaker. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

- E. A contract with Brandt Excavating, in the amount of \$95,721.23, for labor, materials and equipment necessary for erosion control at box culverts and bridges in connection with Project 05-28. The work will begin on April 11, 2005 and be completed by September 16, 2005. (C-05-0161)

MOTION: Stevens moved and Workman seconded approval of a contract with Brandt Excavating, in the amount of \$95,721.23, for labor, materials and equipment necessary for erosion control at box culverts and bridges in connection with Project 05-28. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

- F. A contract with Monarch Oil of Omaha, Nebraska for crack and joint sealing for Project 05-30, at various locations in the County. The work will begin on March 21, 2005 and be completed before May 2, 2005. The County will pay \$24,350 for such services. (C-05-0162)

MOTION: Workman moved and Heier seconded approval of a contract with Monarch Oil of Omaha, Nebraska for crack and joint sealing for Project 05-30, at various locations in the County. The work will begin on March 21, 2005 and be completed before May 2, 2005. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

- G. A grant contract with the Board of Regents, University of Nebraska-Center on Children, Families and the Law, to assist in the general operations of the Juvenile Court Improvement program, a project dedicated to improving the court and legal system for children, in the amount of \$2,000. Term of the grant contract is July 1, 2004 through June 30, 2005. (C-05-0163)

Board consensus was to hold the grant contract.

- H. An interlocal agreement for Regional Intelligent Transportation System Architecture Plan between Lancaster County and the City of Lincoln to describe projects for technologies, interagency collaboration, communication and technical integration for improving transportation safety, efficiency and security. The agreement will be in effect from the date of execution and continue until final payment is made unless terminated by either party upon 30 days written notice. The County will contribute \$25,000 for the 2004-2005 fiscal year. (C-05-0168)

7) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Heier seconded approval of an interlocal agreement for Regional Intelligent Transportation System Architecture Plan between Lancaster County and the City of Lincoln to describe projects for technologies, interagency collaboration, communication and technical integration for improving transportation safety, efficiency and security.

Workman asked how the County's contribution was established.

Board consensus was to reschedule the item on the agenda for April 5, 2005 and to ask Kerry Eagan, Chief Administrative Officer, to request Mike Brienzo, City Engineering Department, to attend.

Heier withdrew his second to the motion.

I. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Don McKinney, Inc., in the amount of \$23,259, for the Sheriff's garage.

MOTION: Heier moved and Workman seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Don McKinney, Inc., in the amount of \$23,259, for the Sheriff's garage. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

J. Notice of termination of County Contract C-04-0278 with Cedar Youth Services for behavioral health services to high need youth who are wards of the State residing in Lancaster County. Termination is effective April 30, 2005.

MOTION: Schorr moved and Stevens seconded approval of a notice of termination of County Contract C-04-0278 with Cedar Youth Services for behavioral health services to high need youth who are wards of the State residing in Lancaster County. Termination is effective April 30, 2005. Workman, Schorr, Heier, Stevens and Hudkins 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. Setting of public hearings for Tuesday, April 12, 2005 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 05006, requested by Matt Steinhausen on behalf of Dr. Harley Batie, to identify the Krull House, located at 17800 S.W. 2nd Street, south of Martell Road, as a historic structure and to create a parcel accompanying the house of approximately ten acres for historic preservation.
2. County Final Plat 05007, Coupe DeVille Heights 1st Addition, requested by Brian D. Carstens and Associates on behalf of Richard E. and Melinda J. Coupe, for three outlots on property generally located north and west of the corner of Northwest 84th Street and West Bluff Road in Lancaster County, Nebraska.

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

- ▶ Richard L. and Marjorie A. Peach, in the total amount of \$1,543.75, at 1400 West Denton Road; Project STPE-3305(9). (2 contracts) (C-05-0164 and C-05-0165)
- ▶ Donald L. and Esther L. Pester, in the total amount of \$11,044, at 6901 Southwest 12th Street; Project STPE-3305(9). (2 contracts) (C-05-0166 and C-05-0167)

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

9) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 3:20 p.m.. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 29, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
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 3:20 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 22, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated March 22, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 57 additions and deductions to the tax assessment rolls per Exhibit A.

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Bishop of Lincoln
Cedars Youth Services
Christian Record Services, Inc.
Dialysis Center of Lincoln, Inc.
Living Faith Free Methodist Church
Northern Lighthouse
Our Lady of Guadalupe Seminary, a division of the Priestly Fraternity of
St. Peter
Tabitha, Inc. (3 exemption applications)
Transfiguration, Inc.

MOTION: Workman moved and Stevens seconded approval of motor vehicle tax exemptions for Catholic Bishop of Lincoln, Cedars Youth Services, Christian Record Services, Inc., Dialysis Center of Lincoln, Inc., Living Faith Free Methodist Church, Northern Lighthouse, Our Lady of Guadalupe Seminary and Tabitha, Inc. and to also approve motor vehicle tax exemptions for a 1998 Buick Century and a 2003 Dodge Caravan minivan for Transfiguration, Inc.. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 3:24 p.m.. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk