

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 28, 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
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, June 21, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated June 21, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **CLAIM FOR REVIEW:**

A. Reconsideration of a claim for a payment voucher, dated April 5, 2005, from Families First and Foremost payable to Hy-Vee Food Stores, Inc., in the amount of \$ \$108.85, for floral products purchased for a farewell reception for Sheryl Schrepf.

MOTION: Schorr moved and Workman seconded approval of a claim for a payment voucher, dated April 5, 2005, from Families First and Foremost payable to Hy-Vee Food Stores, Inc..

Stevens suggested the Board should reconsider their previous action.

2) **CLAIMS FOR REVIEW CONTINUED:**

MOTION: Schorr moved and Workman seconded to reconsider a claim for a payment voucher, dated April 5, 2005, from Families First and Foremost payable to Hy-Vee Food Stores, Inc.. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

MOTION: Schorr moved and Workman seconded approval of a claim for a payment voucher, dated April 5, 2005, from Families First and Foremost payable to Hy-Vee Food Stores, Inc., in the amount of \$108.85, for floral products purchased. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **CLAIMS: Approval of all claims processed through Tuesday, June 28, 2005.**

MOTION: Heier moved and Workman seconded approval of all claims processed through June 28, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **OLD BUSINESS:**

A. A political subdivision tort claim filed against Lancaster County by Roger P. Cox, on behalf of Henry L. Balters, in the amount of \$10,000.

Roger Cox, attorney representing Henry Balters, gave a brief explanation of the claim and requested the Board authorize the County Attorney's Office to enter into negotiations for a lesser amount than stated in the claim.

MOTION: Schorr moved and Stevens seconded to authorize the County Attorney to begin discussions with Roger Cox, on behalf of Henry L. Balters.

In response to a question asked by Heier, Cox suggested that the claim be held pending discussions. He stated the Board would then have the opportunity to act upon the claim at a later date.

Kristy Mundt, Deputy County Attorney, stated if the Board chooses to adopt Commissioner Schorr's motion she would recommend that the claim be placed on hold which would allow the Board to approve, deny or not act upon the claim for a period of six months. If the Board chooses to not act upon the claim, it would allow the claimant to file the claim in District Court after six months.

Workman asked if passage of the motion would be considered a statement that the County is liable.

4) **OLD BUSINESS:**

Mundt stated the motion allows for discussions with the claimant to determine all of the facts and where the liability rests.

Cox made a statement on behalf of the claimant that they would not regard the motion made by Commissioner Schorr to be any admission of responsibility on the part of the County and would not argue it so to constitute that if there would be any further litigation in the matter.

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

5) **NEW BUSINESS:**

New Business Item 5P was moved forward on the agenda.

P. Reappointment of Jim Cada to the Veterans Service Committee for a five year term beginning July 1, 2005.

Gary Chalupa, Veterans Service Officer, stated they received two applications for the position and both met the requirements of the state statute. He indicated that the Board made a recommendation at a previous staff meeting to proceed in obtaining the bond for Jim Cada. Chalupa stated the bond was obtained and is in place.

MOTION: Stevens moved and Workman seconded approval of the reappointment of Jim Cada to the Veterans Service Committee for a five year term beginning July 1, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

A. A resolution in the matter of Comprehensive Plan Amendment 05003, to update and amend the Trails and Bicycle Facilities Plan map in the 2025 Lincoln/Lancaster County Comprehensive Plan to reflect the location of the Dead Man's Run trail from North 33rd to North 48th Streets on the south side of Huntington/Leighton Avenues and to update the map to show completed trail and grade separations. (R-05-0075)

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded approval of Resolution 05-0075 in the matter of Comprehensive Plan Amendment 05003, to update and amend the Trails and Bicycle Facilities Plan map in the 2025 Lincoln/Lancaster County Comprehensive Plan to reflect the location of the Dead Man's Run trail from North 33rd to North 48th Streets on the south side of Huntington/Leighton Avenues and to update the map to show completed trail and grade separations. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

B. A resolution in the matter of Comprehensive Plan Amendment 05004, to update and amend the Future Road Improvements County map in the 2025 Lincoln/Lancaster County Comprehensive Plan to designate South 82nd Street from Hickman Road to Panama Road as potential paving. (R-05-0076)

MOTION: Schorr moved and Stevens seconded approval of Resolution 05-0076 in the matter of Comprehensive Plan Amendment 05004, to update and amend the Future Road Improvements County map in the 2025 Lincoln/Lancaster County Comprehensive Plan to designate South 82nd Street from Hickman Road to Panama Road as potential paving. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

C. A resolution in the matter of Comprehensive Plan Amendment 05005, to amend the 2025 Lincoln Area Street and Roadway Improvement map and related text in the 2025 Lincoln/Lancaster County Comprehensive Plan to change Fletcher Avenue from 4+1 lanes to 2+1 lanes and the functional classification from Minor Arterial to Urban Collector. (R-05-0077)

MOTION: Stevens moved and Heier seconded approval of Resolution 05-0077 denying Comprehensive Plan Amendment 05005, to amend the 2025 Lincoln Area Street and Roadway Improvement map and related text in the 2025 Lincoln/Lancaster County Comprehensive Plan to change Fletcher Avenue from 4+1 lanes to 2+1 lanes and the functional classification from Minor Arterial to Urban Collector. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. A resolution in the matter of Comprehensive Plan Amendment 05007, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan for a change from Priority B of Tier I to Priority A of Tier I, generally located between Northwest 70th and Northwest 56th Streets, from West Superior to West Adams Street. (R-05-0078)

MOTION: Heier moved and Schorr seconded approval of Resolution 05-0078 denying Comprehensive Plan Amendment 05007, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan for a change from Priority B of Tier I to Priority A of Tier I, generally located between Northwest 70th and Northwest 56th Streets, from West Superior to West Adams Street. Schorr, Heier and Hudkins voted aye. Workman and Stevens voted no. Motion carried.

E. A resolution in the matter of Comprehensive Plan Amendment 05009, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan for a change from Agricultural to Industrial and Regional Commercial; for inclusion in the 2025 Lincoln/Lancaster County Future Service Limit; interchange of Interstate 80 and Highway 77 (North 56th Street). (R-05-0079)

MOTION: Workman moved and Stevens seconded approval of Resolution 05-0079 in the matter of Comprehensive Plan Amendment 05009, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan for a change from Agricultural to Industrial and Regional Commercial; for inclusion in the 2025 Lincoln/Lancaster County Future Service Limit; interchange of Interstate 80 and Highway 77 (North 56th Street).

Stevens asked which map pertains to the resolution, the applicant's or the one proposed by the Planning Department.

Mundt stated the resolution is drafted based upon the staff recommendation and the Planning Commission. She referred to Page 1 of Exhibit A, Paragraph 5 noting there are four items reflected in the resolution.

Duncan Ross, Planning Department, stated the map would be the one proposed by the Planning staff.

5) **NEW BUSINESS CONTINUED:**

Stevens offered a friendly amendment specifying that the Board was adopting the map of the proposed Planning staff amendment which follows the ridge (Page 14 of Exhibit A).

The maker of the motion agreed.

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

F. A resolution in the matter of transferring appropriations from the General Fund Miscellaneous budget to various General Fund agencies. (R-05-0082)

Dave Kroeker, Budget and Fiscal Director, gave a brief overview of the resolution noting an increase of \$110,000 in the Juvenile Court budget and \$2,000 in the Human Services budget.

MOTION: Stevens moved and Heier seconded approval of Resolution 05-0082 in the matter of transferring appropriations from the General Fund Miscellaneous budget to various General Fund agencies. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

G. A resolution in the matter of adopting modifications made to the Summary Plan Description for the Lancaster County Flexible Spending Account. (R-05-0081)

MOTION: Workman moved and Stevens seconded approval of Resolution 05-0081 in the matter of adopting modifications made to the Summary Plan Description for the Lancaster County Flexible Spending Account. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

H. An amendment to the Lancaster County Flexible Spending Account Plan document to comply with the Working Families Tax Relief Act of 2004. (C-05-0364)

MOTION: Schorr moved and Workman seconded approval of an amendment to the Lancaster County Flexible Spending Account Plan document to comply with the Working Families Tax Relief Act of 2004. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

I. An interlocal agreement with the State of Nebraska Probation Administration for management of the Lancaster County Juvenile Drug Court through the provision of a Drug Treatment Coordinator, Drug Court Officer and electronic monitoring services. Term of the agreement is July 1, 2005 to June 30, 2006. The County will pay up to \$119,052 for such services. (C-05-0347)

MOTION: Stevens moved and Workman seconded approval of an interlocal agreement with the State of Nebraska Probation Administration for management of the Lancaster County Juvenile Drug Court through the provision of a Drug Treatment Coordinator, Drug Court Officer and electronic monitoring services. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

J. An interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 28 juveniles and two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home detention. Term of the agreement is from July 1, 2005 to June 30, 2006. The County will pay up to \$119,012.36 for the services. (C-05-0348)

MOTION: Heier moved and Workman seconded approval of an interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 28 juveniles and two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home detention. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

K. An interlocal agreement with the City of Lincoln for the widening and reconstruction of Leighton Avenue from North 84th Street to a point 1,592 feet east of North 84th Street. The City will be responsible for the cost of widening and reconstruction, and will also be responsible for all maintenance on the new section of Leighton Avenue. The County will give the City permission to perform the work. (C-05-0349)

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of an interlocal agreement with the City of Lincoln for the widening and reconstruction of Leighton Avenue from North 84th Street to a point 1,592 feet east of North 84th Street. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

L. A contract with Leach Camper Sales for the purchase of a Mobile Command Center trailer for the Lancaster County Emergency Management Department. Total value of the contract is \$99,399. As per the contract a deposit of \$50,129.50 (for the custom manufacturer) will be required within seven calendar days of the Board's ratification of the contract. (C-05-0363)

MOTION: Heier moved and Workman seconded approval of a contract with Leach Camper Sales for the purchase of a Mobile Command Center trailer for the Lancaster County Emergency Management Department. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

M. Execution of a lease purchase agreement and related documents and a resolution approving the execution of a lease purchase agreement with Nebraska Association of County Officials (NACo) Leasing Corporation for the acquisition of one Mobile Command Center Trailer for Emergency Management. The lease purchase agreement will begin July 1, 2005 and end July 1, 2012. The principal is \$100,555 with an interest rate of 3.400 percent. Payment will be made semiannually, in the amount of \$8,131.28 and the total payment amount is \$113,837.93. (R-05-0080 and C-05-0362)

MOTION: Workman moved and Stevens seconded approval of the execution of a lease purchase agreement and related documents and a resolution approving the execution of a lease purchase agreement with Nebraska Association of County Officials (NACo) Leasing Corporation for the acquisition of one Mobile Command Center Trailer for Emergency Management. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

N. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Cheever Construction Company, in the amount of \$2,088, for the Centerpointe Juvenile Rehabilitation Center project.

5) **NEW BUSINESS CONTINUED:**

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 Cheever Construction Company, in the amount of \$2,088, for the Centerpointe Juvenile Rehabilitation Center project. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

O. Recommendation from the Purchasing Agent and the Lancaster Manor Administrator to award a request for proposal (RFP) for podiatry services to Midlands Foot Specialist, P.C.. Pricing for services and supply/medication items will be in compliance with the Nebraska Department of Health and Human Services published fee schedule. All prescription and non-prescription items will be billed direct to the residents insurance company (including Medicaid/Medicare). No additional fees will be paid by Lancaster Manor. (B-05-0026)

MOTION: Schorr moved and Stevens seconded approval to award a request for proposal (RFP) for podiatry services to Midlands Foot Specialist, P.C.. Pricing for services and supply/medication items as recommended by the Purchasing Agent and the Lancaster Manor Administrator. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

P. Reappointment of Jim Cada to the Veterans Service Committee for a five year term beginning July 1, 2005.

This item was moved forward on the agenda.

Q. A political subdivision tort claim filed against Lancaster Manor by Leo Jeambey for lost property, in the amount of \$250.

MOTION: Stevens moved and Heier seconded to accept the recommendation of the Administrator of Lancaster Manor and deny the political subdivision tort claim filed against Lancaster Manor by Leo Jeambey for lost property, in the amount of \$250. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

R. A political subdivision tort claim filed against the Lancaster County Corrections Department by Corey Bruhn for lost property, in the amount of \$165.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the Corrections Director and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Corey Bruhn for lost property, in the amount of \$165. Stevens, Heier, Workman, Schorr and Hudkins 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. Noxious Weed Control Authority's Monthly Report for May, 2005.**
- 2. Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for May, 2005.**

B. Request from Ryan D. Schmuecker, an employee with the Lancaster County Sheriff's Office, for early participation in the County's retirement plan, having met the requirements.

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

- ▶ **Dennis and Lorene Krei on Little Salt Road 2,474 feet west of Northwest 76th Street; Project C.P.A.-150. This is a donation. (C-05-0350)**
- ▶ **Richard and Ruth L. Beckler, in the total amount of \$82, on West McKelvie Road 2,498 feet west of Northwest 84th Street; Project C.P. C.P.E-34. (2 contracts) (C-05-0351 and C-05-0352)**
- ▶ **Marjorie E. Alexis Trust, in total amount of \$8,642, on West Adams and Northwest 70th Streets; Project C55-M-407(1). (9 contracts) (C-05-0353 through C-05-0360)**

6) **CONSENT ITEMS CONTINUED:**

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

7) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:15 p.m.. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 28, 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: Scott Gaines, Chief Administrative Deputy County
Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:15 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 21, 2005.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated June 21, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 9 additions and deductions to the tax assessment rolls per Exhibit "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Bishop of Lincoln
Gospel Outreach Ministries
Horizons Community Church
Living Faith Free Methodist Church
Parkview Christian School
Sisters of Mercy**

MOTION: Heier moved and Stevens seconded approval of the motor vehicle tax exemptions with the exception of Sisters of Mercy which was omitted because no vehicle(s) was listed on the form. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PROTEST OF EXEMPT STATUS:**

First Methodist Episcopal Church

Scott Gaines, Chief Administrative Deputy County Assessor/Register of Deeds, gave a brief overview indicating that First Methodist Episcopal Church could file a new exemption application indicating a change in use. He added that the exemption application must be filed by August 1, 2005.

Loren Schwaninger, Chairman of the Administrative Council of the United Methodist Church, appeared and indicated they held a sunrise service on Easter Sunday as well as a groundbreaking ceremony on May 8, 2005 and a commemoration ceremony of the storm on May 22nd. He added they expect to begin construction in approximately two weeks.

MOTION: Stevens moved and Heier seconded to hold the protest, filed by First Methodist Episcopal Church, regarding exempt status for four weeks. 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 2:30 p.m.. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk