

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 2, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

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

Commissioners Absent: Larry Hudkins, Chair
Ray Stevens

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 Thursday, July 28, 2005.**

MOTION: Heier moved and Workman seconded approval of minutes of the Board of Commissioners meeting dated July 28, 2005. Schorr, Workman and Heier voted aye. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Barb Sibley, for her services at Lancaster Manor.

B. Request from Gary Lacey, Lancaster County Attorney, for a one time cash award, in the amount of \$500 each, for Nicole Ringler and Jolene Seachord due to exceptional circumstances.

MOTION: Workman moved and Heier seconded approval of a one time cash award, in the amount of \$500 each, for Nicole Ringler and Jolene Seachord due to exceptional circumstances. Heier, Workman and Schorr voted aye. Motion carried.

3) **CLAIMS: Approval of all claims processed through Tuesday, August 2, 2005.**

MOTION: Workman moved and Heier seconded approval of all claims processed through August 2, 2005. Workman, Schorr and Heier voted aye.
Motion carried.

4) **PUBLIC HEARINGS:**

A. Issuance of bonds by Hospital Authority Number 1 of Lancaster County, Nebraska, in an amount not to exceed \$450,000 (Cornhusker Place of Lincoln-Lancaster County, Inc. Project). (See New Business Item 6A for correlating resolution.)

The Vice Chair opened the public hearing.

The Clerk administered the oath to Lauren Wismer, bond counsel for Hospital Authority Number 1, and Jim Baird, Executive Director of Cornhusker Place.

Wismer explained that a public hearing regarding the bonds is required by Section 1479(f) of the Internal Revenue Code. He stated Cornhusker Place is requesting an extension regarding the maturity of bonds issued one year ago for the purchase of the building where they are currently located. Under the provisions of the code the extension necessitates the approval of the County Board.

The Vice Chair closed the public hearing.

B. County Final Plat 05027, Whitetail Run Addition, requested by Brian D. Carstens and Associates on behalf of Full House, L.L.C., for nine lots and three outlots on property generally located northwest of the intersection of Southwest 14th Street and West Bennet Road in Lancaster County, Nebraska. (See New Business Item 6B and 6C for correlating documentation.)

The Vice Chair opened the public hearing.

The Clerk administered the oath to Brian Carstens, representing Full House, L.L.C..

Carstens gave an overview of the proposal indicating the roads are completed and Full House is ready to begin closing lots.

4) **PUBLIC HEARINGS CONTINUED:**

There was no further testimony and the Vice Chair closed the public hearing.

C. Declare as surplus, property generally located at 7000 Northwest 27th Street, Lancaster County, Nebraska. Any interested party may appear and speak for or against the sale and raise any issue regarding the fair market value of the property which is determined by the County Board.

The Vice Chair opened the public hearing.

The Clerk administered the oath to Kerry Eagan, Chief Administrative Officer.

Eagan submitted a copy of an appraisal prepared by the State of Nebraska, Department of Roads on October 20, 2004 regarding a piece of property adjacent to the County property (Exhibit 1), noting that included in the appraisal is a value for the County property.

Eagan stated the County received a request from an adjacent landowner, Jim Burden, to purchase the surplus property. The appraisal, he said, determined that the State's .62 acres was valued at \$3,410 and the County property, which is 1.1 acres, is valued at \$6,000. Eagan addressed the surplus nature of the property indicating that it was created when Northwest 27th Street was realigned for the interchange at Highway 34 and Northwest 27th Street. He said it was his understanding that the property is not needed for any County purpose.

In response to a question asked by Heier, Kristy Mundt, Deputy County Attorney, explained that the County Board would need to close the hearing and then declare the property surplus, set the fair market value and set the public sale date within the next two months.

Workman asked if the fair market value was the minimum bid the County would accept.

Mundt stated the fair market value would set the minimum bid for the Sheriff's Office to use at the public sale. She explained if there are no bids above the fair market value, it would come back to the County Board and they would have the discretion to accept the bid which is in the County's best interest.

4) **PUBLIC HEARINGS CONTINUED:**

The Clerk administered the oath to Jim Burden, 7000 Northwest 27th Street.

Burden stated he would like to purchase the property to extend his front yard and to exclude the possibility that someone could purchase the corner lots and build a convenience store in front of their residence.

The Vice Chair asked if anyone else wanted to provide testimony.

No one appeared and the hearing was closed.

MOTION: Workman moved and Heier seconded to direct the County Attorney's Office to prepare a resolution declaring property generally located at 7000 Northwest 27th Street as surplus, setting the fair market value at \$6,000 and setting a public sale date for Thursday, September 1, 2005. Heier, Workman and Schorr voted aye. Motion carried.

5) **OLD BUSINESS:**

A. A request from Buffalo County, pursuant to Neb. Rev. Stat. §68-144 and §68-145 for reimbursement of a general assistance payment of \$250 for rental assistance paid to Pablo and Tracy Perez.

Gary Chalupa, Lancaster County General Assistance Office, recommended denial of the claim. He stated there is sufficient evidence that Mr. Perez lived in Lancaster County for the past eight months, however, there is not sufficient evidence that he has lived in the State of Nebraska for 12 months which is also a requirement. Chalupa stated Buffalo County has tried to assist in obtaining evidence from Mr. Perez, however, he has been uncooperative.

MOTION: Heier moved and Workman seconded denial of a request from Buffalo County, pursuant to Neb. Rev. Stat. §68-144 and §68-145 for reimbursement of a general assistance payment of \$250 for rental assistance paid to Pablo and Tracy Perez. Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS:**

A. A resolution approving the issuance, sale and delivery by Hospital Authority Number 1 of Lancaster County, Nebraska, not to exceed \$450,000 total principal amount of its Revenue Refunding Bond (Cornhusker Place of Lincoln-Lancaster County, Inc. Project), Series 2005, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, and related matters. (R-05-0091)

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of Resolution 05-0091 approving the issuance, sale and delivery by Hospital Authority Number 1 of Lancaster County, Nebraska, not to exceed \$450,000 total principal amount of its Revenue Refunding Bond (Cornhusker Place of Lincoln-Lancaster County, Inc. Project), Series 2005, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, and related matters. Workman, Heier and Schorr voted aye. Motion carried.

B. A resolution in the matter of County Final Plat 05027, Whitetail Run Addition, requested by Brian D. Carstens and Associates, on behalf of Full House, L.L.C., consisting of nine lots and three outlots, on property generally located northwest of the intersection of Southwest 14th Street and West Bennet Road in Lancaster County, Nebraska. (R-05-0090)

C. A subdivision agreement with Full House, L.L.C., for County Final Plat 05027, Whitetail Run Addition, on property generally located northwest of the intersection of Southwest 14th Street and West Bennet Road in Lancaster County, Nebraska. (C-05-0403)

New Business Items 6B and 6C were read together.

MOTION: Workman moved and Heier seconded approval of R-05-0090 in the matter of County Final Plat 05027, Whitetail Run Addition, and a subdivision agreement with Full House, L.L.C., for County Final Plat 05027, requested by Brian D. Carstens and Associates, on behalf of Full House, L.L.C., Whitetail Run Addition, on property generally located northwest of the intersection of Southwest 14th Street and West Bennet Road in Lancaster County, Nebraska. Workman, Schorr and Heier voted aye. Motion carried.

D. An application for a Special Designated License from GDE Incorporated, located at 13901 Guildford Street, Suite 6 in Waverly, Nebraska, to provide liquor beverage service at a wedding reception on Saturday, August 20, 2005 from 5 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams in Lancaster County, Nebraska.

6) **NEW BUSINESS CONTINUED:**

Gary Eastep, applicant, appeared and stated he has over ten years experience doing wedding receptions. He stated there would be no beer served in pitchers. Beer will be sold by the glass to individuals showing identification.

MOTION: Workman moved and Heier seconded approval of an application for a Special Designated License from GDE Incorporated, located at 13901 Guildford Street, Suite 6 in Waverly, Nebraska, to provide liquor beverage service at a wedding reception on Saturday, August 20, 2005 from 5 p.m. to 1 a.m. at Country Pines. Workman, Heier and Schorr voted aye. Motion carried.

E. An application for a Special Designated License from the Nebraska State Board of Agriculture d/b/a Nebraska State Fair to provide liquor beverage service in connection with live entertainment to be held during the State Fair. The live entertainment will begin on August 27, 2005 and end on September 5, 2005. Hours of operation will be from 3 p.m. to 1 a.m. each day.

F. An application for a Special Designated License from the Nebraska State Board of Agriculture d/b/a Nebraska State Fair to provide liquor beverage service in connection free concerts to be held during the State Fair. The concerts will be held at the Open Air Auditorium on the following dates:

- August 26, 2005 from 4 p.m. to 1 a.m. (Preview Party)
- August 27, 2005 from 3 p.m. to 1 a.m. (Hoobastank)
- August 28, 2005 from 5 p.m. to 1 a.m. (Sawyer Brown)
- August 29, 2005 from 5 p.m. to 1 a.m. (John Michael Montgomery)
- August 30, 2005 from 5 p.m. to 1 a.m. (Foreigner)
- August 31, 2005 from 3 p.m. to 1 a.m. (Newsboys)
- September 1, 2005 from 5 p.m. to 1 a.m. (Jo Dee Messina)
- September 5, 2005 from 3 p.m. to 10 p.m. (Styx)

G. An application for a Special Designated License from the Nebraska State Board of Agriculture d/b/a Nebraska State Fair to provide liquor beverage service in connection with the Greater Omaha Barbecue Cook-Off on August 26th and August 27th, 2005 during the State Fair. Hours of operation will be from 10 a.m. to 1 a.m. each day.

New Business Items 6E, 6F and 6G were read together.

Jim McDermott, representing the Nebraska State Board of Agriculture, appeared and gave a brief overview of the applications.

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of three applications for Special Designated Licenses from the Nebraska State Board of Agriculture d/b/a Nebraska State Fair to provide liquor beverage service in connection with the following: live entertainment beginning on August 27, 2005 through September 5, 2005; free concerts beginning August 26, 2005 through September 5, 2005 and the Greater Omaha Barbecue Cook-Off on August 26 - 27, 2005. Schorr, Heier and Workman voted aye. Motion carried.

H. An agreement with Healthy Families Project for strength-based, child and family centered, culturally competent and community-based mentoring and support to parents whose children are enrolled in the System of Care. Term of the agreement is July 1, 2005 through August 31, 2005. The County will pay \$24,329.60 for such services. (C-05-0405)

MOTION: Workman moved and Heier seconded approval of an agreement with Healthy Families Project for strength-based, child and family centered, culturally competent and community-based mentoring and support to parents whose children are enrolled in the System of Care. Workman, Schorr and Heier voted aye. Motion carried.

I. An agreement with Saint Monica's Substance Abuse Treatment for Women for non-physician substance abuse treatment services for females placed in the Lancaster County Adult Drug Court. Term of the agreement is July 1, 2005 through June 30, 2006. The County will pay up to \$28,000 for the services. (C-05-0406)

MOTION: Heier moved and Workman seconded approval of an agreement with Saint Monica's Substance Abuse Treatment for Women for non-physician substance abuse treatment services for females placed in the Lancaster County Adult Drug Court. Heier, Workman and Schorr voted aye. Motion carried.

J. An agreement with Educational Service District 101 for Corrections Learning Network (CLN) programming for the Lancaster County Corrections Department. Educational Service District 101 will provide the County with free programming of inmate educational and basic skills training. The County will provide Educational Service District 101 with information regarding school enrollment and classroom size. Term of the agreement is from the date of execution until June 14, 2006. (C-05-0407)

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Heier seconded approval of an agreement with Educational Service District 101 for Corrections Learning Network (CLN) programming for the Lancaster County Corrections Department. Schorr, Workman and Heier voted aye. Motion carried.

K. An interlocal agreement between Lancaster County and Platte County to house inmates at the Platte County Detention Facility who are held under Lancaster County's lawful authority. Lancaster County will pay Platte County the sum of \$50 per inmate for each day the inmate is housed by Platte County. The agreement is effective upon execution by both parties and will be for a one year period. (C-05-0408)

MOTION: Heier moved and Workman seconded approval of an interlocal agreement between Lancaster County and Platte County to house inmates at the Platte County Detention Facility who are held under Lancaster County's lawful authority. Workman, Schorr and Heier voted aye. Motion carried.

L. Renewal of an annual maintenance agreement for RTA (Ron Turley Associates) software for the Lancaster County Engineering Department, in the amount of \$1,300. Term of the agreement is October 1, 2005 through September 30, 2006. (C-05-0404)

MOTION: Workman moved and Heier seconded approval of the renewal of an annual maintenance agreement for RTA (Ron Turley Associates) software for the Lancaster County Engineering Department, in the amount of \$1,300. Heier, Workman and Schorr voted aye. Motion carried.

M. An agreement with Meri Sue Pepper to coordinate and plan several community events to celebrate the completion of the SAMHSA grant (Families First and Foremost). Term of the agreement is July 1, 2005 through September 30, 2005. The County will pay \$2,500 for the services. (C-05-0411)

MOTION: Heier moved and Workman seconded approval of an agreement with Meri Sue Pepper to coordinate and plan several community events to celebrate the completion of the SAMHSA grant (Families First and Foremost). Workman, Schorr and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

N. An agreement with Michaela Kriz to coordinate and plan several community events to celebrate the completion of the SAMHSA grant (Families First and Foremost). Term of the agreement is July 1, 2005 through September 30, 2005. The County will pay \$2,500 for the services. (C-05-0412)

MOTION: Workman moved and Heier seconded approval of an agreement with Michaela Kriz to coordinate and plan several community events to celebrate the completion of the SAMHSA grant (Families First and Foremost). Heier, Workman and Schorr voted aye. Motion carried.

O. 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 July 1, 2005 through June 30, 2006 and includes a 30-day termination provision. (C-05-0413)

MOTION: Heier moved and Workman seconded approval of an agreement with Sandra Findley for substance abuse education and intervention classes to participants in the pretrial release program. Heier, Workman and Schorr voted aye. Motion carried.

P. An agreement between the City of Lincoln and Lancaster County, on behalf of Families First and Foremost, to rent Star City Shores on August 18, 2005 from 8:15 p.m. until 10:15 p.m., for up to 900 participants, to celebrate the completion of the SAMHSA grant (Families First and Foremost). The County will pay \$400 to rent Star City Shores and \$1 per person for food and refreshments. The total contract price not to exceed \$1,300. (C-05-0414)

MOTION: Heier moved and Workman seconded approval of an agreement between the City of Lincoln and Lancaster County, on behalf of Families First and Foremost, to rent Star City Shores on August 18, 2005 from 8:15 p.m. until 10:15 p.m., for up to 900 participants, to celebrate the completion of the SAMHSA grant (Families First and Foremost). Heier, Workman and Schorr voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

Q. Acceptance of a contract award from the Nebraska State Patrol for the Lancaster County Family Drug Court, in the amount of \$36,563. Term of the contract is May 1, 2005 through November 30, 2005. (C-05-0409)

MOTION: Heier moved and Workman seconded approval of the acceptance of a contract award from the Nebraska State Patrol for the Lancaster County Family Drug Court, in the amount of \$36,563.

Workman discussed his concern regarding the creation of an entity which Lancaster County would have to be support when funds run out.

Heier stated everyone agreed at the July 28th Staff Meeting that the Family Drug Court would not be a program that the County would be obligated to carry on.

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

R. A resolution in the matter of withdrawing County Federal-Aid Bridge Replacement Project No. BRO-7055(90), Lincoln West and including that work in City Project No. STPN-BR-TMT-5267(1), Southwest 40th Street. (R-05-0092)

MOTION: Workman moved and Heier seconded approval of Resolution 05-0092 in the matter of withdrawing County Federal-Aid Bridge Replacement Project No. BRO-7055(90), Lincoln West and including that work in City Project No. STPN-BR-TMT-5267(1), Southwest 40th Street. Workman, Heier and Schorr voted aye. Motion carried.

S. Revision to a request from the Lancaster County Personnel Policy Board to create election of Personnel Policy Board Members by Classified Employees Personnel Policy Bulletin.

Don Taute, Personnel Director, gave a brief overview of the revision.

MOTION: Heier moved and Workman seconded approval of a revision to a request from the Lancaster County Personnel Policy Board to create election of Personnel Policy Board Members by Classified Employees Personnel Policy Bulletin. Heier, Schorr and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

T. Reappointment of James Lamphere to the Government Access and Information Committee, term to expire January 1, 2007.

MOTION: Workman moved and Heier seconded approval of the reappointment of James Lamphere to the Government Access and Information Committee, term to expire January 1, 2007. Workman, Heier and Schorr voted aye. Motion carried.

- 7) **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 a public hearing for Tuesday, August 16, 2005 at 7 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding Lancaster County's proposed budget for fiscal year 2005-2006.

B. Setting of public hearings for Tuesday, August 16, 2005 at 1:30 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. County Special Permit 05010, Whitetail Ridge Community Unit Plan (f/k/a Tiedeman Acres), requested by Brian D. Carstens and Associates on behalf of Bruce D. Tiedeman and Beverly A. Tiedeman, to develop 14 residential acreage units, with associated waiver requests, on property generally located southwest of the intersection of South 25th Street and Roca Road in Lancaster County, Nebraska.

2. County Preliminary Plat 05002, Whitetail Ridge (f/k/a Tiedeman Acres), requested by Brian D. Carstens and Associates on behalf of Bruce D. Tiedeman and Beverly A. Tiedeman, to develop 14 residential acreage lots, with associated waiver requests, on property generally located southwest of the intersection of South 25th Street and Roca Road in Lancaster County, Nebraska.

7) **CONSENT ITEMS CONTINUED:**

- C. Setting of a public hearing for Tuesday, August 23, 2005 at 1:30 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding a request from the Nebraska State Board of Agriculture d/b/a Nebraska State Fair for an addition to licensed premise of the Blue Oasis Building.**
- D. A leasehold contract relating to culvert construction between the Lancaster County Engineering Department and Steve Schuelke, in the amount of \$25, at North 170th Street and Alvo Road. (C-05-0410)**

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

8) **ADJOURNMENT:**

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

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 2, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Commissioners Absent: Larry Hudkins, Chair
Ray Stevens

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 Thursday, July 28, 2005.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated July 28, 2005. Schorr, Workman and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 4 additions and deductions to the tax assessment roll per Exhibit "A".

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

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**Capital Humane Society
First Church of the Nazarene**

The Clerk noted the exemption for First Church of the Nazarene should be denied.

MOTION: Heier moved and Workman seconded approval of a motor vehicle tax exemption for Capital Humane Society and denial of a motor vehicle tax exemption for the First Church of the Nazarene because the exemption application was not filed within 30 days of the purchase. Workman, Schorr and Heier voted aye. Motion carried.

4) **PROTEST OF EXEMPT STATUS:**

First Methodist Episcopal Church

Norm Agena, County Assessor/Register of Deeds, recommended denial of the protest. He explained that by State Statute the property owner was to have filed an appeal with the Tax Equalization and Review Commission (TERC). He stated the County Board statutorily does not have the authority to hear the protest of the appeal.

MOTION: Workman moved and Heier seconded denial of the protest on exempt status for First Methodist Episcopal Church as recommended by the County Assessor/Register of Deeds. Workman, Schorr and Heier voted aye. Motion carried.

5) **APPEALS FILED ON DENIAL OF HOMESTEAD EXEMPTIONS:**

Lyle L. Hollibaugh
Daraleene E. Jones
Elruth Knight
Fidencio and Marie Meza

Charles M. and Marilyn Muir
Jose and Linda Salinas
Virginia M. Smith
Delores J. Yonker

Agena explained that by State Statute the County Board has, by passing a resolution, the authority to extend the filing deadline for homestead exemptions to July 20th. He stated all individuals listed on the agenda filed after June 30 and prior to July 20th. Agena added that none of the individuals filed late in the previous year.

MOTION: Heier moved and Workman seconded to extend the filing deadline for homestead exemptions to July 20, 2005 per Neb. Rev. Stat. §77-3513. Heier, Workman and Schorr voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Heier moved and Workman seconded adjournment of the Board of Equalization meeting at 2:29 p.m.. Heier, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk