

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 6, 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, August 30, 2005.**

MOTION: Workman moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated August 30, 2005. Schorr, Workman and Hudkins voted aye. Stevens and Heier abstained from voting. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Ruth Martens for her services with the Lincoln Library Commission.

3) **CLAIMS: Approval of all claims processed through Tuesday, September 6, 2005.**

MOTION: Schorr moved and Stevens seconded approval of all claims processed through September 6, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Issuance of Revenue Bonds by Hospital Authority Number 1 of Lancaster County, Nebraska, in an amount not to exceed \$7,000,000 (Clark Jeary Home Corporation of Lincoln Project). (See New Business Item 5B for correlating documentation.)

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

Lauren Wismer, bond counsel, stated the bonds would be used to construct a new facility for Clark Jeary in south Lincoln which will replace the existing facility.

Scott Howerter, President of the Board of Directors at Clark Jeary, stated they are constructing their new facility at 33rd and Yankee Hill Road and it would consist of 40 assisted units and 72 independent units. He added that the existing facility was sold to Pius.

In response to a question asked by Workman, Wismer stated the bonds are being issued through the Hospital Authority. He stated the total cost of the project is approximately 12 million dollars, of which five million dollars is from Clark Jeary. Wismer added that there is no liability for the County and no liability for the Hospital Authority.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

B. Amending the Lancaster County Air Pollution Resolution of 1993 to increase the fee for open burning permits from \$50 to \$100. (See New Business Item 5C for correlating documentation.)

The Chair opened the public hearing.

The Clerk administered the oath to Scott Holmes, Environmental Health Division of the Lincoln-Lancaster County Health Department.

Holmes stated the increase in fees for burn permits was related to commercial and industrial operations; the fees do not apply to agriculture. He stated the proposed fee would increase would be from \$50 to \$100.

The Chair asked if anyone else wished to testify.

4) **PUBLIC HEARINGS CONTINUED:**

No one appeared and the hearing was closed.

C. Amending Article 1, Section 6 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards to increase the fee associated with inspecting asbestos removal from \$50 to \$100. (See New Business Item 5D for correlating documentation.)

The Chair opened the public hearing.

Holmes stated that the review of fees was a part of their budget process. He noted that they worked with the asbestos removal companies located in Lincoln and feel they have a fee the companies can work with and felt was fair.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

D. Amending Section XIII of County Resolution 02-030, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County. (See New Business Item 5E for correlating documentation.)

The Chair opened the public hearing.

Holmes stated public notice was sent to local installers offering them the opportunity to meet with the Health Department regarding the procedures for the regulations of on-site wastewater treatment systems. He stated they are proposing to increase the fee on an on-site system (septic tank or lagoon) for new construction from \$200 to \$275. Commensurate with the increase, he said, other fees would be similarly raised. Holmes stated the Health Department is also proposing a new fee called an area development fee and explained that they are required by the zoning code to review all land use subdivisions and all plats. He stated prior to the current budget year, the Planning Department transferred approximately \$25,000 per year to the Health Department to conduct those reviews, however, due to budget cuts that is no longer viable. Holmes stated the new fee was created to recoup some of the cost for the reviews. The proposed area development fee would be \$275, with a \$25 per lot fee for each additional lot on larger developments.

4) **PUBLIC HEARINGS CONTINUED:**

Workman asked if the resolution includes language regarding the transfer of property.

Holmes stated they have addressed that language, however, that is a different proposal which will come to the County Board in approximately a month.

The Chair asked if anyone else wished to testify.

The Clerk administered the oath to Peter Katt, attorney representing the Realtors Association of Lincoln.

Katt disseminated a letter to the County Board from Douglas H. Rotthaus, Executive Vice President of the Realtors Association of Lincoln (Exhibit 1). He stated the Realtors are concerned that property sold will incur mandatory inspection costs, as well as costs for any necessary repairs. Katt stated the Realtors Association feels it would be better handled at the state level, rather than the County level.

The Clerk administered the oath to Dan Klein, representing Regal Building Systems and the Builders Achieving Excellence group.

Klein asked if the proposal has an impact on the guideline changes at the Department of Environmental Quality relating to homes constructed within the County.

The oath was administered to John Chess, Lincoln-Lancaster County Health Department.

In response to Klein, Chess stated there would be a proposal submitted to the Nebraska Department of Environmental Quality from the Nebraska On-Site Wastewater Association which would implement a mandatory lateral based on the percolation rate.

The Chair asked if anyone else wished to testify.

Stevens suggested that the hearing be recessed for one week to allow individuals to address any concerns regarding the amendment of Section XIII of County Resolution 02-030, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County.

Workman concurred.

4) **PUBLIC HEARINGS CONTINUED:**

MOTION: Workman moved and Stevens seconded to recess the public hearing for one week to allow individuals to address any concerns regarding the amendment of Section XIII of County Resolution 02-030, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

E. Setting the final tax request at a different amount than the prior year for Lancaster County and the Rural Library for Lancaster County. (See New Business Item 5F for correlating resolution.)

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

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

MOTION: Schorr moved and Stevens seconded to declare an emergency and add the naming of Doug Ahlberg as the designated official for response from Lancaster County, Nebraska to victims of Hurricane Katrina. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

Doug Ahlberg, Emergency Management Director, indicated he would be meeting with the Nebraska Health and Human Services Department to discuss the possible participation of the City of Lincoln and Lancaster County regarding emergency public assistance for victims of Hurricane Katrina.

Schorr read Resolution 05-0117 into the record.

MOTION: Schorr moved and Stevens seconded approval of Resolution 05-0117 in the matter of naming Doug Ahlberg as the designated official for response from Lancaster County, Nebraska to victims of Hurricane Katrina. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

A. Sub-grant award agreement with the Nebraska Emergency Management Agency for the State Domestic Preparedness Equipment Grant Program, covering \$120,000 of grants funds.

Ahlberg stated he was asked by the Nebraska Emergency Management Agency to administer two grants. One grant is for a corporate overview of the American Red Cross, in the amount of \$50,000. The second grant, Ahlberg stated, is an inter-operability grant with the Nebraska State Patrol and the 911 Center, in the amount of \$70,000. He stated both grants were Homeland Security funds.

MOTION: Stevens moved and Workman seconded approval of a sub-grant award agreement with the Nebraska Emergency Management Agency for the State Domestic Preparedness Equipment Grant Program, covering \$120,000 of grants funds. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

B. A resolution in the matter of approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska not to exceed \$7,000,000 total principal amount Revenue Bond (Clark Jeary Home Corporation of Lincoln Project), Series 2005 solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, and related matters. (R-05-0115)

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0115 in the matter of approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska not to exceed \$7,000,000 total principal amount Revenue Bond (Clark Jeary Home Corporation of Lincoln Project), Series 2005. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

C. A resolution in the matter of amending the Lancaster County Air Pollution Resolution of 1993 to increase the fee for open burning permits from \$50 to \$100. (R-05-0112)

MOTION: Heier moved and Stevens seconded approval of Resolution 05-0112 in the matter of amending the Lancaster County Air Pollution Resolution of 1993 to increase the fee for open burning permits from \$50 to \$100. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. A resolution in the matter of amending Article 1, Section 6 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards to increase the fee associated with inspecting asbestos removal from \$50 to \$100. (R-05-0113)

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0113 in the matter of amending Article 1, Section 6 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards to increase the fee associated with inspecting asbestos removal from \$50 to \$100. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

E. A resolution in the matter of amending Section XIII of County Resolution 02-0030, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County, as provided in Attachment "A". (R-05-0111)

This item was held for one week.

F. A resolution in the matter of setting the 2005-2006 property tax request for Lancaster County at a different amount than that of the prior year. (R-05-0116)

MOTION: Heier moved and Stevens seconded approval of Resolution 05-0116 in the matter of setting the 2005-2006 property tax request for Lancaster County at a different amount than that of the prior year. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

G. A resolution in the matter of recommending approval of a Corporate Manager liquor license for Alan Budt, in connection with a Class H (Non-Profit) liquor license for Veterans FW 3606, located at 3340 West "A" Street, Lancaster County, Nebraska. (R-05-0114)

MOTION: Schorr moved and Stevens seconded approval of Resolution 05-0114 in the matter of recommending approval of a Corporate Manager liquor license for Alan Budt, in connection with a Class H (Non-Profit) liquor license for Veterans FW 3606, located at 3340 West "A" Street, Lancaster County, Nebraska. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

H. An application for a Special Designated License from Slapshotz Bar & Grill to provide liquor beverage service at adult softball league games for September 20th and September 21st, 2005 from 5:30 p.m. to 11:30 p.m. at the Star City Optimist Youth Foundation, located at 5300 South Folsom Street, Lincoln, Lancaster County, Nebraska.

Joe Ruiz, co-owner of Slapshotz Bar & Grill, gave a brief explanation regarding the application.

Also appearing was the Complex Manager of the Star City Optimist Youth Foundation.

MOTION: Schorr moved and Stevens seconded approval of an application for a Special Designated License from Slapshotz Bar & Grill to provide liquor beverage service at adult softball league games for September 20th and September 21st, 2005 from 5:30 p.m. to 11:30 p.m. at the Star City Optimist Youth Foundation, located at 5300 South Folsom Street, Lincoln, Lancaster County, Nebraska. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

I. A grant contract with Lincoln Council on Alcoholism and Drugs, Inc. for funding for the Substance Abuse Prevention Program, in the amount of \$37,000, and the Substance Abuse Evaluation Program, in the amount of \$5,000. The total amount of the grant will be \$42,000. Term of the grant contract is from July 1, 2005 to June 30, 2006. (C-05-0458)

MOTION: Stevens moved and Workman seconded approval of a grant contract with Lincoln Council on Alcoholism and Drugs, Inc. for funding for the Substance Abuse Prevention Program, in the amount of \$37,000, and the Substance Abuse Evaluation Program, in the amount of \$5,000. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

J. A grant contract with Family Service Association, Inc. for the following programs: Child and Family Behavioral Services, in the amount of \$146,000; Welcome Baby, in the amount of \$31,500; and Community Learning Center Youth, in the amount of \$22,500. Total amount of the grant contract is \$200,000. Term of the grant contract is July 1, 2005 through June 30, 2006. (C-05-0459)

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of a grant contract with Family Service Association, Inc. for the following programs: Child and Family Behavioral Services, in the amount of \$146,000; Welcome Baby, in the amount of \$31,500; and Community Learning Center Youth, in the amount of \$22,500. Total amount of the grant contract is \$200,000. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

K. A grant contract with the Indian Center, Inc. for funding for the Family Needs Program, in the amount of \$5,000. Term of the grant contract is from July 1, 2005 to June 30, 2006. (C-05-0460)

MOTION: Workman moved and Stevens seconded approval of a grant contract with the Indian Center, Inc. for funding for the Family Needs Program, in the amount of \$5,000. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

L. A cooperative agreement with the U.S. Department of the Interior U.S. Geological Survey for joint funding of water resources investigations. The agreement is for the operation and computation of records for four gaging stations, which are Salt Creek at Roca, Little Salt Creek near Lincoln, Stevens Creek near Lincoln and Rock Creek near Ceresco. The County will pay \$9,550 for the service. Term of the agreement is October 1, 2005 to September 30, 2006. (C-05-0461)

MOTION: Heier moved and Workman seconded approval of a cooperative agreement with the U.S. Department of the Interior U.S. Geological Survey for joint funding of water resources investigations. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

M. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees: The Software Group, Inc., in the amount of \$62,850, relating to a contract for training and conversion for the County Assessor/Register of Deeds software and Sinclair Hille Architects, in the amount of \$1,072.50, relating the County Sheriff's vehicle storage facility.

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Heier 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 the following payees: The Software Group, Inc., in the amount of \$62,850, relating to a contract for training and conversion for the County Assessor/Register of Deeds software and Sinclair Hille Architects, in the amount of \$1,072.50, relating the County Sheriff's vehicle storage facility. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

N. Approval of the following grant applications:

- ▶ **Lincoln Community Foundation**, in the amount of \$25,000
- ▶ **Woods Charitable Foundation, Inc.**, in the amount of \$25,000
- ▶ **Cooper Foundation**, in the amount of \$10,000
- ▶ **Abel Foundation**, in the amount of \$7,500
- ▶ **Building Strong Families Foundation**, in the amount of \$20,000

MOTION: Heier moved and Stevens seconded approval of the grant applications for Lincoln Community Foundation, Woods Charitable Foundation, Inc., Cooper Foundation, Abel Foundation and Building Strong Families Foundation. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

O. Appointment of Leticia Meza-Casarin to the Lincoln Lancaster County Women's Commission for a two year term to expire March 1, 2007 (replacing Leslie Doyle).

MOTION: Stevens moved and Heier seconded approval of the appointment of Leticia Meza-Casarin to the Lincoln Lancaster County Women's Commission for a two year term to expire March 1, 2007. Heier, Workman, Schorr, Stevens 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. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:

- ▶ Shellie Koehn, an employee with Lancaster Manor
- ▶ James J. Spanel, an employee with Community Corrections

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

- ▶ Loyd L. Tiedeman, in the total amount of \$4,253.50, at the South 68th Street viaduct; Project C55-S-401(6). (2 contracts) (C-05-0454 and C-05-0455)
- ▶ Edwin E. Tegtmeier, in the total amount of \$13,098.75, at the South 68th Street viaduct; Project C55-S-401(6). (2 contracts) (C-05-0456 and C-05-0457)

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

7) **EMERGENCY BUSINESS:**

MOTION: Stevens moved and Schorr seconded to declare an emergency and add to the agenda the reconsideration of action taken at the County Board Staff Meeting on September 1, 2005 relating to a letter to be sent to Don Thomas, County Engineer, regarding the use of ethanol fuel. Stevens, Schorr, Workman and Hudkins voted aye. Heier voted no. Motion carried.

MOTION: Stevens moved and Schorr seconded to reconsider action taken on September 1, 2005 relating to a letter to be sent to Don Thomas, County Engineer, regarding the use of ethanol fuel.

7) **EMERGENCY ITEMS CONTINUED:**

Discussion followed regarding the County's use of ethanol as an alternative fuel.

Heier requested the letter to be sent to Don Thomas be read into the record.

The Clerk read the letter into the record.

Schorr stated she would support a motion to rescind the letter and continue discussion at the Staff Meeting to be held on September 15, 2005.

Names submitted to attend the Staff Meeting on September 15, 2005 for further discussion regarding the use of ethanol as an alternative fuel:

- ▶ Don Thomas, County Engineer
- ▶ Todd Sneller, Ethanol Board
- ▶ Representative(s) from the University of Nebraska
- ▶ State Purchasing Agent or Maintenance Supervisor

ROLL CALL: Workman, Schorr and Stevens voted aye. Heier and Hudkins voted no. Motion carried.

MOTION: Stevens moved and Workman seconded to rescind the letter to be sent to Don Thomas which was approved on September 1, 2005 and was read into the record.

Schorr called the question.

Hudkins indicated it takes a two-thirds majority vote to call for the question and requested the roll be called.

ROLL CALL ON CALLING THE QUESTION: Schorr, Stevens, Heier, Workman and Hudkins voted aye.

ROLL CALL ON THE MOTION: Stevens, Workman, Schorr and Hudkins voted aye. Heier voted no. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 3:09 p.m.. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 6, 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: Kerry Eagan, Chief Administrative Officer
Scott Gaines, Chief Administrative Deputy County
Assessor/Register of Deeds
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 3:09 p.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 30, 2005.**

MOTION: Schorr moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated August 30, 2005. Schorr, Workman and Hudkins voted aye. Stevens and Heier abstained from voting. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 6 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Stevens moved and Heier 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:**

**Arc of Nebraska
Heartland Bible Church of Lincoln, Nebraska**

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

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 3:10 p.m.. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk