

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 3, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins
Linda Steinman

Commissioners Absent: Bob Workman, Vice Chair

Others Present: Connie Ahlschwede, County Assessor's Office
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 27, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated March 27, 2001. Campbell, Hudkins, Heier and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 61 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Steinman seconded approval. Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Calvary Community Church
City Impact
Faith Apostolic Holiness Church
First Evangelical Covenant Church
Nebraska Crop Improvement Association
Nebraskans for Public Television, Inc.**

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Calvary Community Church, City Impact, Faith Apostolic Holiness Church and First Evangelical Covenant Church and to also approve motor vehicle tax exemptions for Nebraska Crop Improvement Association and Nebraskans for Public Television, Inc. subject to titling and registering the vehicle(s) to the applicant. Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 3, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins
Linda Steinman

Commissioners Absent: Bob Workman, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 27, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated March 27, 2001. Campbell, Hudkins, Heier and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 3, 2001.**

MOTION: Steinman moved and Hudkins seconded approval. Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

- A. Issuance of Revenue Bonds of Hospital Authority Number 1 of Lancaster County, Nebraska for Developmental Services of Nebraska, Inc., in an amount not to exceed \$1,400,000, to finance health care facilities to be located at 8125 Joshua Drive, 1720 Timber Ridge Road, and 5001 North 57th Street in Lincoln, Nebraska.**

The Chair opened the public hearing.

David Johnson, Deputy County Attorney, appeared and indicated Kevin Siebert, attorney with Rembolt Ludtke & Berger LLP, had contacted the County Clerk's Office requesting that the hearing be held open to Tuesday, April 17, 2001.

The Chair asked if anyone wished to testify.

No one appeared and the hearing was recessed until Tuesday, April 17, 2001 at 1:30 p.m.

- B. County Change of Zone 203, requested by POWER Engineers, Inc. to amend Article 4.003 and Article 5.003 of the Lancaster County Zoning Resolution to add "cable and fiber optic communication distribution systems" as a permitted use in the "AG" Agricultural and "AGR" Agricultural Residential zoning districts.**

The Chair opened the public hearing and asked if anyone wished to testify on the Change of Zone.

Mike DeKalb, Planning Department, explained that the Federal government has changed the definition in the way that regulations apply to fiber optic cables versus regular telephone transmission lines. He explained that the current zoning code in the County in "AG" (Agriculture) and "AGR" (Agriculture Residential) has provisions which allow telephone and other types of wired communications devices to be there by right, however, it was determined that fiber optic cable was no longer in the same category because of the new changes in Federal regulations. DeKalb stated the change of zone will correct the problem.

Hudkins asked if the County could designate the location of buried cable(s) in the right-of-way.

DeKalb stated he was unaware of any provisions for the location of cable(s) and suggested the Board speak with the County Attorney's Office.

3) **PUBLIC HEARINGS CONTINUED:**

Campbell suggested the Board followup on Commissioner's Hudkins' question with Don Thomas, County Engineer, at their staff meeting on Thursday, April 5th.

Campbell asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Steinman moved and Heier seconded approval of County Change of Zone 203.

Campbell noted a resolution would be prepared for the agenda on April 10th.

ROLL CALL: Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

4) **NEW BUSINESS:**

A. A grant contract with the University of Nebraska to administer the evaluation of the Lincoln-Lancaster County Drug Court, beginning November 1, 2000 and ending October 31, 2001. The County will grant \$10,000 for the services. (C-01-126)

David Johnson, Deputy County Attorney, requested the contract be held until the County Attorney's Office places the item back on the agenda.

MOTION: Heier moved and Hudkins seconded to hold the grant contract until the County Attorney's Office places the item back on the County Board's agenda. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

B. Application and service contract with the Credit Bureau of Lincoln, Nebraska, Inc. to supply the County Attorney's Office with credit reports. The County will pay a \$75 initiation fee and a \$15 minimum monthly fee. The County will also pay the charges for the information requested should it exceed the minimum monthly fee. (C-01-142)

Hudkins asked if the Court Screener would have access to the credit reports.

David Johnson, Deputy County Attorney, stated he would check with the contractor and his office regarding access by the court screener.

4) **NEW BUSINESS CONTINUED:**

By direction of the Chair, the application and service contract with the Credit Bureau of Lincoln, Nebraska, Inc. was held for one week.

C. A construction contract with Hartmann Construction Company for grading in relation to Project 01-22. The work will be performed in the area of 96th Street and Pioneers Boulevard, 134th Street and Fletcher Avenue, and North 70th Street and Bluff Road. The County will pay \$287,033.11 for the services. The project will be completed during the 2001 construction season. (C-01-132)

MOTION: Hudkins moved and Steinman seconded approval. Heier, Hudkins, Campbell and Steinman voted aye. Motion carried.

D. Contracts with the following service providers for cremation/burial services as outlined in Lancaster County's General Assistance program, beginning March 1, 2001 and ending February 28, 2003. (Nine of the ten providers returned the contracts by the deadline stated.) (C-01-133 through C-01-141)

Aspen Aftercare	Metcalf Funeral Home
Butherus-Maser & Love Funeral Home	Roper & Sons, Inc.
Calvary Cemetery	Wadlow Rozanek Colonial
Lincoln Memorial Funeral Home	Chapel
Lincoln Memorial Park & Mausoleum	Wyuka Funeral Home

Campbell noted that a letter was submitted by Wyuka Cemetery addressing some of their concerns. She requested that it be referred to the General Assistance Monitoring Committee.

MOTION: Heier moved and Steinman seconded approval. Campbell, Steinman, Heier and Hudkins voted aye. Motion carried.

E. An addendum to a contract (C-00-147) with the Nebraska Commission on Law Enforcement and Criminal Justice for the Victim Information and Notification Everyday (VINE) system. The addendum permits the County to be reimbursed \$2,000 for services provided. (C-01-130)

MOTION: Hudkins moved and Steinman seconded approval. Heier, Steinman, Campbell and Hudkins voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- F. Approval to proceed with an Office of Community Justice Grant which requires the contribution of a \$100,000 in kind match by the County and use of a County facility. (M-01-39)**

David Johnson, Deputy County Attorney, clarified that the County is not obligated to provide the funds or the facility for the grant. If the County Board approves the item, he explained, the application process would move forward.

MOTION: Heier moved and Hudkins seconded approval to proceed with an application for an Office of Community Justice Grant. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

- G. Notice of termination or non-renewal to Solutions for service agreements on three pieces of equipment and related accessories. The equipment is located at the Corrections Department and the County Attorney's Office. (M-01-38)**

MOTION: Heier moved and Hudkins seconded approval. Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

- H. Recommendation from the Purchasing Agent to award a bid off of a State of Nebraska contract (#CA-5526C-1) to Husker Automotive Group, in the amount of \$22,344, for one, 2001 full size 15 passenger van for the Community Mental Health Center. (B-01-20)**

MOTION: Heier moved and Steinman seconded approval. Hudkins, Heier, Campbell and Steinman voted aye. Motion carried.

- I. A political subdivision tort claim filed against Lancaster County by Darold Longhofer, in the amount of \$255.54, for damaged property.**

Campbell noted the Board had received a recommendation to approve the claim.

MOTION: Heier moved and Steinman seconded approval of a tort claim filed by Darold Longhofer, in the amount of \$255.54. Campbell, Heier, Steinman and Hudkins voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

J. A request from Noel Parrott for a refund of real estate taxes for 1999 in the approximate amount of \$2,025.10 and a decrease of taxes in the approximate amount of \$2,018.42 for 2000. (M-01-36)

Campbell noted that there was a request from the County Assessor's Office to hold the item for one week.

By direction of the Chair, the request from Noel Parrott was held for one week.

5) **CONSENT ITEMS:** These are items of business that are routine and 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 17, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:**

1. **City/County Final Plat 00036, Stevens Creek Ridge Addition, requested by Brian D. Carstens and Associates, on behalf of Gerry A. and Dianne Krieser, for five lots on property generally located at 134th and Holdrege Streets.**

2. **An application for a Class M (Bottle Club) liquor license from DLH, Inc. d/b/a Coaches Sports Bar and Grill located at 640 West Prospector Court in Lancaster County, Nebraska.**

B. **Setting of a public hearing for Tuesday, April 24, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding Comprehensive Plan Amendment 94-56, requested by the Director of Planning for an amendment to the 1994 Lincoln/Lancaster County Comprehensive Plan to adopt the "Southeast Lincoln/Highway 2 Subarea Plan" for the area generally located from South 56th to South 98th Streets, from Old Cheney Road to one-half mile south of Yankee Hill Road, including any associated amendments to the land use, phasing, utility and/or community facilities sections of the Plan.**

5) CONSENT ITEMS CONTINUED:

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

- ▶ Clayton F. Etmund, in the total amount of \$6,332.25, on South 68th Street from Hickman Road to Saltillo Road; Project STPE-3265(6). (2 contracts) (C-01-129 and C-01-127)
- ▶ Thomas J. Fitchett, Trustee, in the amount of \$16,677, near the Kawasaki Motors Manufacturing Corporation USA at Northwest 27th Street and Highway 34; Project 01-23. (C-01-128)

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Campbell, Hudkins, Heier and Steinman voted aye. Motion carried.

6) PENDING & POTENTIAL LITIGATION - EXECUTIVE SESSION

MOTION: At 1:53 p.m. Steinman moved and Hudkins seconded to enter into Executive Session for the purpose of discussing pending and potential litigation. Heier, Campbell, Steinman and Hudkins voted aye. Motion carried.

MOTION: At 2:13 p.m. Heier moved and Hudkins seconded to exit Executive Session. Steinman, Heier, Campbell and Hudkins voted aye. Motion carried.

By direction of the Chair, the Board of Commissioners meeting was recessed until 2:18 p.m. when it was reconvened.

CLERK'S NOTE: The County Board exited Executive Session to proceed with the Lancaster County Leasing Corporation meeting until such time that the County Attorney and Chief Deputy County Attorney for the Civil Division were in attendance for the Executive Session.

MOTION: At 2:19 p.m. Steinman moved and Hudkins seconded to enter into Executive Session for the purpose of discussing pending and potential litigation. Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

MOTION: At 2:30 p.m. Steinman moved and Heier seconded to exit Executive Session. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

8) **ADJOURNMENT**

MOTION: Steinman moved and Heier seconded adjournment of the Board of Commissioners meeting. Steinman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk