

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 17, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

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

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 10, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated April 17, 2001. Campbell, Hudkins, Heier and Workman voted aye. Steinman abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 7 additions and deductions to the tax assessment rolls per Exhibit A.

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

- 3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Arc of Nebraska
Catholic Social Services
Christian Heritage Children's Home
Clyde Malone Community Center
Our Lady of Guadalupe Seminary, a division of The Priestly Fraternity of St. Peter
St John's Church Catholic Bishop
Salvation Army

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for Arc of Nebraska, Christian Heritage Children's Home, Clyde Malone Community Center, Our Lady of Guadalupe Seminary, St. John's Church Catholic Bishop and Salvation Army and to also approve a motor vehicle tax exemption for Catholic Social Services subject to the vehicle(s) being titled and registered to the applicant. Heier, Workman, Hudkins, Steinman and Campbell voted aye. Motion carried.

4) **APPROVAL OF 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY FOR 2001 PER EXHIBIT B:**

MOTION: Heier moved and Workman seconded approval of 451 tax exemptions on real and personal property for 2001 for Developmental Services of Nebraska, Eastern Nebraska Baptist Association, Nebraska Conference of the United Methodist Church and St. Elizabeth Regional Medical Center (2 exemptions). Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **PARTIAL APPROVALS OF 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY FOR 2001 PER EXHIBIT C:**

MOTION: Steinman moved Heier seconded approval of partial 451 tax exemptions on real and personal property for 2001 for Berean Fundamental Church of Lincoln, Blessed Sacrament Church, BryanLGH Medical Center, Camp Creek Antique Machinery & Threshing Association, Capitol City Christian Church, Catholic Bishop of Lincoln, Inc., Christian Heritage Children's Home (2 exemptions), Christian Retirement Homes (2 exemptions), Community Blood Bank, Gateway Manor, Inc. (2 exemptions), Good News Broadcasting Association, Grace Evangelical Lutheran Church, Home Service for Independent Living, IBEW Local Union #265 Building Corp., Lincoln Area Health Ed Center, Lincoln Christian School Association, Lincoln Interfaith Council, Lincoln Lodge #175-Order of Moose, Lincoln Monthly Meeting Society of Friends, Madonna Rehabilitation Hospital, Marian Sisters of the Diocese, Mid-America Union of SDA, MLH Mill Towne, Inc., Mount Olive Evangelic Lutheran Church, Nebraska Conference of the United Methodist Church, Nebraska District of the Lutheran Church Missouri Synod, Nebraska Academy of Sciences, Inc., New Covenant Baptist Church, North Star Lodge #227 (2 exemptions), Northeast Community Church, Planned Parenthood of Lincoln, Southwest Alliance Church, Tabitha Home, The ARC of Nebraska, Union College, United Brotherhood of Carpenters & Joiners #1055 and United Presbyterian Welfare Foundation, Inc. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT**

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

Campbell asked the Board to reopen the Board of Equalization meeting.

MOTION: Hudkins moved and Workman seconded to reopen the Board of Equalization meeting. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

Lane Rolofson, representing Capitol City Christian Church, requested the Board reconsider the partial exemption and explained the 1.5 acres will be used for children's activities until such time that they convert the area to a parking lot.

Robin Hendricksen, Chief Deputy County Assessor, stated the same issue has been before the Nebraska Supreme Court. The ruling in *Indian Hills Community Church vs. Lancaster County* stated that an exemption cannot be granted for green space or held for future development. Hendricksen stated it is their opinion that the 1.5 acres is excess land and should be taxable until such time that there is a building permit or active construction.

Campbell asked if the Board had a different motion than what was previously made.

No motion was offered.

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

Bruce Medcalf
County Clerk

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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 10, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated April 10, 2001. Campbell, Hudkins, Heier and Workman voted aye. Steinman abstained. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 17, 2001.**

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

- 3) **SPECIAL PRESENTATIONS:**

- A. A resolution proclaiming April 23 through April 27, 2001 as "National Crime Victims' Rights Week". (R-01-19) (Kathy Stevenson, Lincoln Police Department's Victim Witness Unit.)**

MOTION: Hudkins moved and Steinman seconded approval of Resolution 01-19. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- B. The County-City Volunteer of the Month Award was presented to the County-City Building Information Desk Volunteers.**

The Clerk noted the Volunteer of the Month Award was removed from the agenda.

C. The Commissioners Award of Excellence was presented to Janet Martin, a Staff Services Specialist at Lancaster Manor.

D. Region V Annual Report - Dave Merrill, Executive Director

Dave Merrill, Executive Director for Region V, submitted documentation entitled *The Mission of Region V Service* (Exhibit A) and gave a brief summary of the following:

- * Number of individuals served
- * The four Lincoln programs
- * Mission statement
- * Position papers

Merrill noted that the Governing Board has recommended that the \$1.78 per capita be continued, however, they will be using the new census figures for 2000.

Tim Kosier, Area Director for Region V Services-Lincoln 1, submitted documentation entitled *Informed Choice* (Exhibit B) and gave a brief overview of the following:

- * The Socialization Opportunities, Activities & Recreation (SOAR) office located on North 70th Street
- * The Life Enrichment Activities Program (LEAP) office located on Old Cheney Road

4) **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. (This public hearing was continued from April 3, 2001.)

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

Kevin Siebert, bond counsel, appeared and explained that Federal tax law requires that issues by the Hospital Authority be approved by the County Board because the Hospital Authority is not an elected body. He stated Developmental Services of Nebraska provides a broad range of services primarily to the mentally handicapped residents of Lancaster County. Siebert stated all of the facilities are presently in operation or in the process of being operational.

Scott LeFevre, Executive Director of Developmental Services of Nebraska, appeared and stated they serve individuals with developmental disabilities and individuals who have been displaced from their homes. He added that they provide mental health services and they have outpatient mental health facilities. LeFevre explained that they are trying to make the continuum of care more congruent with the needs of those they serve.

In response to a question asked by Steinman, LeFevre stated they serve approximately 400 individuals in Lancaster County per year.

Workman asked what the interest rate change would be after the interim debt is refinanced.

Siebert stated it would be 5.95 percent.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

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

B. 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.

The Chair opened the public hearing.

Brian Carstens, appearing on behalf of Gerry and Dianne Krieser, stated the project is an Agricultural "AG" cluster.

Steinman asked if the City Council voiced any objections or concerns.

Carstens stated they would be adding a condition that potential lot owners be notified that the property is located next to potential corridors.

Steinman asked if the beltway corridors were an issue with the City Council.

Carstens stated no.

Workman stated he would feel more comfortable if there was a written disclosure.

Carstens stated that would not be a problem.

Heier asked how long the process had taken.

Carstens stated it has taken approximately six to seven months.

In response to a question asked by Campbell, Mike DeKalb, Planning Department, suggested that the County Attorney's Office include a condition that there be disclosure of the location of the beltway when drafting the subdivision agreement.

The Chair closed the public hearing.

MOTION: Heier moved and Hudkins seconded approval of City/County Final Plat 00036 with the condition that there be written disclosure of possible beltway routes to potential lot owners. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

C. 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.

Campbell opened the public hearing.

K.C. Engdahl, attorney representing DLH, Inc., appeared and submitted a petition into the record, consisting of 138 signatures obtained at the Yankee Doodles convenience store in support of Cheetahs Gentleman's Club (Exhibit C). It was also noted the petition had been previously exhibited to the County Board in prior proceedings. Of the total 138 signatures, 61 of the signatories were located within the 3,000 foot perimeter surrounding Coaches Sports Bar & Grill. Twelve signatures were located within the Yankee Hill neighborhood.

Engdahl next submitted a copy of an Amended Order from District Court proceedings which took place on April 11, 2001 (Exhibit D). He explained that the Amended Order was pertinent because it could bear upon some of the issues which the County Board is required to take into consideration regarding the business operating in a lawful manner. Engdahl referred to the following violations currently pending at the Liquor Control Commission:

- a) A multiple, single date disturbance charge (wrongful contact) at Cheetahs.
- b) Disturbance complaint (altercation) at Coaches which was erroneously entered.
- c) County Board action based upon Resolution 3557.
- d) Serving liquor to a minor and serving an over-intoxicated individual.

Also submitted into the record by Engdahl was an aerial map depicting a 1,000 foot and 3,000 foot buffer surrounding the property located at 640 West Prospector Court (Exhibit E). It was noted that there are approximately 30 to 35 residences located within the 1,000 foot buffer and approximately 80 to 85 residences, including the Regional Center, within the 3,000 foot buffer.

Engdahl also addressed traffic issues noting that the business is fairly isolated with the only access being Folsom Street. He stated residences cannot be seen from the facility, however, a portion of the Regional Center can be seen across the street (diagonally). Although residences exist to the south, Engdahl said, there is no direct line of sight between the business and the homes located there.

The Clerk administered the oath to Duane L. Hartman, applicant.

In response to questions asked by Engdahl, Hartman indicated he owns half of the shares of stock for DLH, Inc. d/b/a Coaches Sports Bar & Grill and that the liquor license for Coaches is in his name. A description of the Coaches premises was given by Hartman noting that the Cheetahs facility is located adjacent to Coaches.

Engdahl asked if the Cheetahs facility is currently under the Coaches liquor license.

Hartman responded yes.

Engdahl asked if the liquor license application currently before the County Board includes the space where Cheetahs is located.

Hartman responded yes.

Hartman also gave a description of the surrounding area stating that no homes can be seen from the site. He stated floodplain exists approximately 3/4 of a mile to the west, along with an access ramp to Van Dorn Street, the Regional Center and a set of railroad tracks. To the north, Hartman stated it would be over a half mile to any existing residences. The closest residences to the east, he stated, would be approximately a mile to a mile and a half. Hartman stated residences do exist to the south along Folsom Street and Southwest 6th Street. He also said a number of acreages exist. Hartman added that to the immediate south of the site is Dynamic Fusion, Hartland Homes and a shop which are all owned by him with the exception of Dynamic Fusion.

Hudkins asked about the proximity of the closest residence to the south.

Hartman responded that it was approximately 350 feet from the site.

Campbell asked if anyone else wished to provide testimony.

Steinman submitted the following documentation into the record:

- * Letter from the West A Neighborhood Association opposing the application for a liquor license from DLH, Inc. (Exhibit F)
- * E-mail from Joyce Arington opposing the application for a liquor license from DLH, Inc. (Exhibit G)

Campbell requested that a letter from Scott and Christie Bailey, dated April 16, 2001, opposing the application for a liquor license from DLH, Inc. (Exhibit H) be made a part of the record.

Terry Wagner, County Sheriff, referred to a letter from his office stating he didn't feel comfortable making any recommendation because of the pending appeals .

Steinman stated she felt the information was incomplete because there is another entity serving alcohol and conducting themselves as if they are a licensed establishment. Because that business is operating under the liquor licenses for Coaches Sports Bar and Grill, the Board doesn't have information regarding the backgrounds of those individuals operating the other entity.

Ben Houchin, Deputy County Sheriff who conducts background checks on liquor license applicants, stated he had visited Coaches and observed a door linking Coaches with Cheetahs. He stated the door is locked, however, it could be unlocked easily. Houchin also noted that the door is in the back kitchen area of Coaches and does go directly into the second stage area of Cheetahs.

Campbell asked if anyone else wished to provide additional testimony.

Deb Vocasek, West A Neighborhood resident, appeared in opposition stating they do not want an establishment like Cheetahs in their neighborhood where homes, schools, churches and daycare centers are located. She added that Cheetahs is now serving lunch buffets and asked if the food being prepared in the Cheetahs facility or if it was prepared in Coaches and transported to Cheetahs through the door adjoining the two businesses. In conclusion, Vocasek stated there are three establishments serving alcohol under one roof - Coaches Sports Bar and Grill, Cheetahs and Yankee Doodle's.

Joyce Champoux, President of the Yankee Hill Neighborhood Association, appeared in opposition. She stated she has viewed the petitions from Coaches and Yankee Doodles and there are approximately 15 signatures which are located in the Yankee Hill neighborhood. Champoux stated that most of the signatures were from individuals who rent and some were signatures from people who live out of town.

In response to a statement made by Steinman that it was her understanding there were a number of people from the Yankee Hill Neighborhood Association who had viewed the petition, Champoux responded that was correct.

Robyn Robinson, 2940 SW 6 Street, appeared in opposition and stated that the establishment can be seen from Scott and Christie Bailey's deck and also from the Bailey's back yard. She added that she and her three year old daughter were on their way home one day and observed an individual urinating in the parking lot at Cheetahs.

In response to a question asked by Hudkins, Robinson stated they have problems with litter, cars in the ditches and signage being knocked down. She also stated she doesn't let her daughter go outside to play on Wednesday through Saturday because she doesn't feel comfortable with her being outside in the neighborhood.

David Johnson, Deputy County Attorney, requested that a copy of a transcript from a Nebraska Liquor Control Commission hearing which was held on October 19, 2000 be made a part of the record (Exhibit I). He stated he was presenting the material because Commissioner Steinman had talked about the importance of having knowledge about the owner of Cheetahs due to the fact that it didn't seem as though Duane Hartman was the individual who was responsible for the employees within Cheetahs who are serving alcohol. In support of that he noted the following contained in Exhibit I:

- * Page 30, Lines 21 - 25
- * Page 31, Lines 1 - 15
- * Page 37, Lines 1 - 21
- * Page 49, Lines 1 - 6

Johnson stated it is his understanding of the statutes pertaining to liquor that the individual who applies for the license is the individual who is in control of the license. He further stated that person does not necessarily rent out their license and indicate that they have no control over the individuals who are serving the alcohol or over the premises with regard to the conduct in the serving of the alcohol. It is that individual who applies for the license, that individual who indicates they are the primary holder of the license. Johnson stated in this case, Mr. Hartman is the individual on the present application who is the primary holder of the license.

Johnson referred to Exhibit C (petition containing signatures obtained at Yankee Doodle's convenience store) and stated that the petition doesn't state anything about a liquor license; it indicates that the individuals who signed the petition are in support of Cheetahs Gentleman's Club.

Johnson also stated there are clearly two businesses being operated within one establishment which is not the way the original application was completed. He stated in reviewing the present application he still isn't sure if it is clear that they are two distinct businesses, however, from Mr. Hartman's indications and testimony before the County Board and other quasi-judicial bodies it would indicate that Mr. Hartman attempts to operate as two distinct businesses under one liquor license.

Engdahl stated at one time there was an application before the County Board from DTR, Inc. for a separate liquor license for the Cheetahs facility and requested that a copy of an agreement between DTR, Inc. and Duane Hartman Investments, Inc. be submitted into the record (Exhibit J).

Engdahl stated prior to Cheetahs there was nothing that suggested that there was any unlawful or improper activity at Coaches. He said that the business had always operated satisfactorily, however, it had been under a microscope for the past year.

Campbell closed the public hearing.

MOTION: Steinman moved and Hudkins seconded to deny the 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 and to direct the County Attorney's Office to draft a resolution for signature by the County Board at their Staff Meeting to be held Thursday morning, April 19, 2001 for presentation to the Nebraska Liquor Control Commission on Thursday afternoon, April 19, 2001.

Workman stated he would support the motion and indicated he is bothered by one of the applicant's criminal background, the disturbance charges and the neighborhood opposition. He stated the major concern he has is the unknown entity operating under the Coaches license.

Campbell stated she felt the application has changed. She added that there is also the question of who the community holds accountable. She stated she feels there is confusion in the application as to how that accountability flows and the County Board, as a public body, needs to be very clear regarding the accountability.

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

5) **OLD BUSINESS:**

- A. A contract with Simplex Time Recorder for system tests and inspections on the Corrections Department's smoke detection system, beginning March, 2001 to March, 2002. The County will pay \$6,927 for the services. (C-01-116)**

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

- B. A resolution in the matter of instituting eminent domain proceedings; Project C-55-S-405(1), Tract 18. (R-01-22)**

MOTION: Steinman moved and Heier seconded approval of Resolution 01-22. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. An application for a Special Designated License from the Nebraska Board of Agriculture for a beer garden for exhibitors, spectators and participants in association with the Americruise car show on Friday, July 27th and Saturday, July 28th from 8 a.m. to 6 p.m. and on Sunday, July 29th from Noon to no later than 6 p.m. on the exhibit side of the 4-H Building located in State Fair Park.**

Sharon Schrock, Nebraska State Board of Agriculture, appeared for any questions by the County Board.

MOTION: Steinman moved and Heier seconded approval.

Hudkins asked Schrock if the Nebraska State Board of Agriculture would have any objections to the beer garden opening at 10 a.m. on Friday and Saturday.

Schrock stated no.

FRIENDLY AMENDMENT: Approve the application for a Special Designated License from the Nebraska State Board of Agriculture for a beer garden for exhibitors, spectators and participants in association with the Americruise car show on Friday, July 27 and Saturday, July 28 from 10 a.m. to 6 p.m. and on Sunday, July 29 from Noon to 6 p.m.

Both the maker of the motion and the seconder agreed.

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

B. An agreement with Bryan LGH Medical Center for non-physician substance abuse treatment services for adolescents placed in the Juvenile Drug Court, beginning April 2, 2001 and ending September 30, 2001. The County will pay up to \$25,000 for the services. (C-01-162)

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

C. An agreement with Educational Service Unit 18 to provide educational services for youth detained at the Juvenile Detention Center, beginning August 13, 2001 and ending June 30, 2002. The County will pay up to \$713,057. (C-01-165)

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

D. An agreement with Educational Service Unit 18 to provide educational services to youth detained at the Juvenile Detention Center, beginning June 4, 2001 and ending July 20, 2001. The County will pay up to \$49,300. (C-01-166)

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

- E. An interlocal agreement with the City of Lincoln for the Lincoln-Lancaster Women’s Commission for three year terms for members of the Commission, and for placement of the staff in the Office of the Mayor of the City. The City and County will contribute equally to the budget of the Commission. (C-01-164)**

Bonnie Coffey, Executive Director of the Lincoln-Lancaster Women’s Commission, appeared and gave a brief overview of the changes to the interlocal agreement.

MOTION: Steinman moved and Heier seconded approval of an interlocal agreement with the City of Lincoln for the Lincoln-Lancaster Women’s Commission reducing the length of the term for members of the commission from three years to two years, and for placement of the staff in the Office of the Mayor of the City. The City and County will contribute equally to the budget of the Commission. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- F. An agreement with Nemaha County for housing youth at the Lancaster County Juvenile Detention Center for a one year period, beginning upon the date of execution of the agreement. The County will receive \$190 per day for each youth housed. (C-01-163)**

David Johnson, Deputy County Attorney, requested that the agreement be held until such time that he places it back on the agenda.

MOTION: Heier moved and Workman seconded to hold the agreement until the County Attorney’s Office places the agreement back on the agenda. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- G. A contract with Brester Construction, Inc. for the remodel and addition of the new Election Commission Building at 601 North 46th Street, in the amount of \$230,800. (C-01-178)**

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

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

- * **Robert M. and Viola C. Sanks, in the total amount of \$9,050.39, on West Denton Road; Project C55-N-404(1). (3 contracts) (C-01-169 through C-01-171)**
- * **John O. Wessel, in the total amount of \$15,788.50, on South 68th Street from Hickman Road to Saltillo Road; Project STPE-3265(6). (3 contracts) (C-01-173 through C-01-175)**

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

- I. Approval of a grant application submitted by Dean Settle of the Community Mental Health Center on behalf of Lancaster County. The application is for \$12,250 from the Nebraska Department of Education, Vocational Rehabilitation Division to be used for assessment of employment service needs, job integration, work site job analysis and work site intensive on the job skills training. \$12,250 of matching funds will come from the County. (M-01-50)**

MOTION: Steinman moved and Heier seconded approval.

Kerry Eagan, Chief Administrative Officer, stated there is funding in the budget for the grant.

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

- J. A cooperative agreement award for a grant from the Nebraska Department of Education, Vocation Rehabilitation Division. The County will receive \$12,250 and provide a match on behalf of the Community Mental Health Center. The funds will be used for assessment of employment services needs, job integration, work site job analysis and work site intensive on the job skills training. (C-01-180)**

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

- K. An agreement with ServiceLinc to provide employment services to individuals referred to them by the Community Mental Health Center, beginning April 1, 2001 and ending December 31, 2001. The County's payment should not exceed \$19,450 for the services. (C-01-179)**

David Johnson, Deputy County Attorney, requested the Board's approval be limited to the date of June 30, 2001 which would reflect the date of the cooperative agreement. He also requested the Board to direct Dean Settle, Director of the Community Mental Health Center, to initial the change and forward the agreement to ServiceLinc for their initials. Johnson added that one fully executed original should be returned to the County Clerk's Office.

MOTION: Steinman moved and Heier seconded approval of an agreement with ServiceLinc to provide employment services to individuals referred to them by the Community Mental Health Center, beginning April 1, 2001 and ending June 30, 2001 and to direct Dean Settle, Director of the Community Mental Health Center, to initial the change from December 31, 2001 to June 30, 2001, return the agreement(s) to ServiceLinc for their initials on the change, and return one fully executed original to the County Clerk's Office. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

L. Supplemental attachment to an interlocal agreement for Homestead Trail. (C-01-166)

Burdette Piening, 11700 West A Street, stated he was appearing on behalf of the board members of the Lancaster County Farm Bureau who wish to go on record as opposing any County participation in the Homestead Trail Project from Lincoln to Beatrice. He stated the Farm Bureau feels it is not economically feasible as proposed for the following reasons:

- * Lack of accessibility for emergency vehicles
- * Major use is only a short time of the year
- * Lack of compensation for adjoining landowners
- * No reports on percentage of use compared to percentage of population
- * Less than two percent of the total population would use the trail
- * Access to adjoining property would be hampered
- * Who would be responsible for maintenance and fence building?
- * No way to enforce illegal entrance onto private property
- * Project would divert funds from other conservation efforts by the NRD
- * Normal agricultural practices would be in jeopardy
- * Federal and State monies should be used for roads, not for trails
- * 40 class action lawsuits have been filed nationwide on behalf of thousands landowners who claim an unlawful taking of their land for nature trails without compensation

Extel Schroeder, 3300 North 176 Street, appeared and stated there are problems which aren't being reported. He also stated the reversionary agreement should have priority.

Hudkins gave a brief explanation regarding reversionary clauses.

Danny Walker, concerned citizen, appeared in opposition of the supplemental attachment.

Tom Tabor, Great Plains Trails Network Board of Directors member, appeared in support of the supplemental attachment. He stated the trail would provide opportunities for recreation and health, economic opportunities for Roca, Princeton, Pickrell and Cortland and opportunities for birding and wildlife enthusiasts.

In response to a question asked by Heier, Mike Brienzo, Planning Department, stated the item before the County Board is an amendment to the prior interlocal agreement and would not change the previous agreement. He stated all parties would continue to work with the farmers to ensure they have access to their land and to maintain all crossings which they would need.

Lynn Johnson, Parks and Recreation, stated a survey of City and County residents was conducted to determine the usage of some of the trails. Two-thirds of the respondents indicated they use the trails approximately 50 times per year. He said their experience with maintenance of limestone chip trails is that it costs approximately \$3,000 per mile which includes mowing and grading.

Workman asked how many miles of trail are located in Lancaster County.

Johnson stated there are 12.5 miles of trails in the County, which would cost approximately \$30,000 to \$40,000 per year for maintenance.

MOTION: Steinman moved and Workman seconded approval. Heier, Workman, Steinman and Campbell voted aye. Hudkins voted no. Motion carried.

M. A resolution adopting criteria to be considered when allowing homeowners to pave roads in their subdivision. (R-01-23)

David Johnson, Deputy County Attorney, informed the Board that the County Engineer's Office added the word "street" to Section 2 and added Section 7.

MOTION: Hudkins moved and Steinman seconded approval of Resolution 01-23. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

N. Recommendation from the Purchasing Agent and the County Engineer to award a bid for production and hauling of gravel surface coarse material to the following: (B-01-22)

Project 01-27H - 7,900 Tons, Waverly Maintenance Station

Westover Rock & Sand (Hauler) at \$1.83/Ton	=	\$14,457
Western Sand & Gravel (Producer) at \$6/Ton	=	<u>\$47,400</u>
		\$61,857

Project 01-28H - 5,000 Tons, Raymond Maintenance Station

Western Sand & Gravel (Hauler) at \$2.34/Ton	=	\$11,700
Western Sand & Gravel (Producer) at \$6/Ton	=	<u>\$30,000</u>
		\$41,700

Project 01-29H - 2,900 Tons, Emerald Stockpile

Westover Rock & Sand (Hauler) at \$3.23/Ton	=	\$ 9,367
Western Sand & Gravel (Producer) at \$6/Ton	=	<u>\$17,400</u>
		\$26,767

Project 01-30H - 7,600 Tons, SW 98 St & W Saltillo Rd Stockpile

Tri Bundy (Hauler) at \$3.75/Ton	=	\$28,500
Western Sand & Gravel (Producer) at \$6/Ton	=	<u>\$45,600</u>
		\$74,100

Project 01-31H - 6,000 Tons, Roca Maintenance Station

Westover Rock & Sand (Hauler) at \$3.43/Ton	=	\$20,580
Western Sand & Gravel (Producer) at \$6/Ton	=	<u>\$36,000</u>
		\$56,580

Project 01-32H - 3,000 Tons, S 68 St (Olive Creek & Princeton Rd)

Stockpile

Westover Rock & Sand (Hauler) at \$4.18/Ton	=	\$12,540
Western Sand & Gravel (Producer) at \$6/Ton	=	<u>\$18,000</u>
		\$30,540

Project 01-33H - 2,600 Tons, Walton Station (S 134 & A Streets)

Stockpile

Westover Rock & Sand (Hauler) at \$2.22/Ton	=	\$ 5,772
Western Sand & Gravel (Producer) at \$6/Ton	=	<u>\$15,600</u>
		\$21,372

Total Cost of Haul and Production is \$312,916.

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

- O. Authorization of Wells Fargo Bank, as Trustee, to disburse \$3,627.14 from the juvenile detention center bond proceeds to Sinclair Hille Architects for architectural services for the new Lancaster County Juvenile Detention Center. (M-01-49)**

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

- P. A request from Barb Bais and Greg Pettibone for a refund of real estate taxes for 1999 in the approximate amount of \$335.92. An adjustment will be made to the second half of the 2000 taxes. (M-01-48)**

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

- Q. Authorization of bank references to release information to Experian in conjunction with the Credit Bureau of Lincoln application for membership. (C-01-142)**

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

7) **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. Receive and Place on File:

- 1. Lancaster Manor's Monthly Report.**
- 2. Records & Information Management's Monthly Report for March, 2001.**
- 3. Register of Deeds Monthly Report for March, 2001.**

B. Right-of-way contracts relating to road improvements between the Lancaster County Engineer and Noble L. and Jacquelyn Ann Swanson, in the total amount of \$5,220, on South 68th Street from Hickman Road to Saltillo Road; Project STPE-3265(6). (4 contracts) (C-01-167 and C-01-168) (C-01-176 and C-01-177)

C. A leasehold contract relating to road improvement between the Lancaster County Engineer and Brian Etmund, in the amount of \$10, on South 68th Street from Hickman Road to Saltillo Road. (C-01-172)

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

8) **EXECUTIVE SESSION REGARDING PENDING LITIGATION:**

MOTION: At 4:45 p.m. Steinman moved and Heier seconded to enter into Executive Session for the purpose of discussing pending litigation. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

MOTION: At 4:51 p.m. Heier moved and Hudkins seconded to exit Executive Session. Heier, Hudkins, Steinman, Campbell and Workman voted aye. Motion carried.

9) **ADJOURNMENT**

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

Bruce Medcalf
County Clerk