

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 27, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

The Board of Equalization meeting was convened at 1:30 p.m.

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

Absent: Bruce Medcalf, County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 13, 2001. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Workman seconded the approval of the minutes of the Board of Equalization meeting dated November 13, 2001. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 44 additions and deductions to the tax assessment rolls per Exhibit A.

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Social Services
Developmental Services of Nebraska, Inc.
Faith Bible Church
Martin Luther Homes of Nebraska Inc.
Messiah Lutheran Church
Priestly Fraternity of St. Peter
St. Mary's Church
St. Patrick's Catholic Church
School Sisters of Christ the King
Women In Community Service, Inc.

MOTION: Heier moved and Workman seconded approval of motor vehicle tax exemptions for Catholic Social Services, Developmental Services of Nebraska, Inc., Faith Bible Church, Messiah Lutheran Church, Priestly Fraternity of St. Peter, St. Mary's Church, St. Patrick's Catholic Church, School Sisters of Christ the King and Women In Community Service, Inc. and to approve a motor vehicle tax exemption for Martin Luther Homes of Nebraska Inc. subject to the vehicle(s) being titled and registered to the applicant. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting at 1:35 p.m. until 3:05 p.m. when it was reconvened.

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

Theodore and Marie Foltz

Norm Agena, County Assessor, recommended a new value of \$54,400 for 2001 with a 20 percent penalty and 14 percent interest on all back taxes.

MOTION: Heier moved and Workman seconded to accept the County Assessor's recommendation and set a new value of \$54,400 for 2001 with a 20 percent penalty and 14 percent interest on all back taxes for Theodore and Marie Foltz. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Equalization meeting at 3:16 p.m. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

Patricia Owen
Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 27, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

The Board of Commissioners meeting was convened at 1:35 p.m.

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

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

Absent: Bruce Medcalf, County Clerk

The Board of Commissioners meeting was convened at 1:35 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 13, 2001 and the minutes of the Fiscal Year 2002, One and Six-Year Road and Bridge Improvement Program public hearing dated November 7, 2001. (Copies of these minutes are on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated November 13, 2001 and the minutes of the Fiscal Year 2002, One and Six-Year Road and Bridge Improvement Program public hearing dated November 7, 2001. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, November 27, 2001.

MOTION: Workman moved and Hudkins seconded approval of the claims processed through November 27, 2001. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. **The County-City Volunteer of the Month Award was presented to Jim Linderholm for his services with Urban Development.**

B. **A one step increase, due to exceptional circumstances, for the following employees in the County Attorney's Office: (M-01-136)**

Nancy Weber, Paralegal I

Katie Schmidt, Client Services Associate

Robin Schlegelmilch, Client Services Associate

Taylor Tran, Client Services Associate

MOTION: Hudkins moved and Workman seconded approval of a one step increase for Nancy Weber, Katie Schmidt, Robin Schlegelmilch and Taylor Tran, employees in the County Attorney's Office. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. **A corporate manager application from Joseph K. McDermott in connection with a Class C and a Class K liquor license for the Nebraska State Board of Agriculture d/b/a Nebraska State Fair Park.**

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

Joseph McDermott, applicant, appeared and indicated he has been with the Nebraska Board of Agriculture as assistant manager for thirteen years. He explained he would be acting as Interim Director until such time that a new person is hired. At that time he will return to his position as assistant manager and the new director would make application for a corporate manager license.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

The Chair noted that action regarding the application would be taken on Tuesday, December 4, 2001.

B. **Redistricting of the County Commissioner districts for Lancaster County, Nebraska.**

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

Kent Morgan, Planning Department, highlighted criteria used in determining the new districts to ensure compliance with legal requirements:

4) **PUBLIC HEARINGS CONTINUED:**

- Population Balance
- Precinct Based
- Compact and Contiguous
- Urban/Rural Balance
- Continuity of District Boundaries

David Johnson, Deputy County Attorney, submitted documentation into the record titled *Proposed Redistricting Plan, November 2001* (Exhibit 1).

In response to a question asked by Campbell, Johnson explained that the County Board could delay action for one week to allow for additional public comment.

MOTION: Heier moved and Stevens seconded to delay action on Resolution 01-115 (New Business Item 5A) one week.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

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

C. Expenditure of Lancaster County Keno proceeds, in the amount of \$100,000, to be applied toward the purchase of abandoned Union Pacific Railroad right-of-way for use as the Homestead Trail, extending from the Jamaica Station at Mile Post 66 south to Marietta, Kansas at Mile Post 125. (M-01-141)

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

Randall Petersen, attorney representing the Beatrice Branch Landowners Association, appeared and explained the group being represented is comprised of Lancaster County and Gage County landowners who own property contiguous to the rail line. He stated the association objects to the use of the rail line as a trail as well as the Gage County Board, the Beatrice Natural Resource District (NRD) and the Gage County Sheriff.

Petersen stated that Union Pacific Railroad is asking approximately \$500,000 for the old portion of rail line running through the City of Beatrice. In return Union Pacific is willing to give the City of Beatrice the remainder of the line, including the line located in Lancaster County. He asked why the Lancaster County Board would authorize the expenditure of any money since the City of Beatrice is paying for their land.

Petersen also stated a non-profit group is trying to raise \$200,000 to assist in the funding of the trail, however, it is his understanding that they are not close to their share. He asked what will happen if they cannot raise the \$200,000.

4) **PUBLIC HEARINGS CONTINUED:**

Petersen stated a referendum petition is being circulated in Beatrice and suggested it may be prudent for the County Board to delay action on the funding for approximately one month to allow the referendum process to run its course.

Extensive discussion took place regarding revisionary clauses, reverter clauses, the Rails to Trails Act and categories of landowners.

David Schwaninger, 28500 Southwest 14th Street, Hallam, Nebraska, appeared in opposition and addressed his concerns regarding better use of Keno funds, such as using the money for public schools. Other concerns addressed by Schwaninger were litter, public wandering onto private property, methamphetamine labs along the trail and maintenance of the trail.

Appearing in support of the expenditure of Keno proceeds were the following individuals:

- O Ross Greathouse, Great Plains Trails Network and Nebraska Trails Foundation
- O Curt Donaldson, 2860 R Street, Lincoln, Nebraska

In response to a question asked by Workman regarding the appraisal amount for Lancaster County's portion of the land, Terry Genrich, Parks and Recreation Natural Resources Manager, stated the amount was approximately \$717,000.

Genrich also indicated that it is possible that the Nebraska Trails Foundation will accept title for the entire parcel and then transfer the property to the respective parties.

Heier clarified that if the Lancaster County Board votes in favor of the expenditure of Keno funds that they (Lancaster County) would not be liable for the property.

Genrich stated that was correct. The Lower Platte South Natural Resources District (NRD) would accept title for what is located within Lancaster County. He added that if the County Board votes in favor of the expenditure it would be contingent upon an agreement with Union Pacific Railroad and all parties involved.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Stevens moved and Workman seconded approval of the expenditure of Lancaster County Keno proceeds, in the amount of \$100,000, to be applied toward the purchase of abandoned Union Pacific Railroad right-of-way for use as the Homestead Trail, extending from the Jamaica Station at Mile Post 66 south to Marietta, Kansas at Mile Post 125 pending a final agreement to be drafted between Union Pacific Railroad and all parties involved. Stevens, Workman, Campbell and Heier voted aye. Hudkins voted no. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution in the matter of approving the redistricting of the County Commissioner districts for Lancaster County, Nebraska. (R-01-115)**

This item was held for one week.

- B. A contract with PharMerica to provide pharmacy and related services to the Lancaster County Corrections Department, beginning September 1, 2001 and ending August 31, 2004 with one, three year renewal option. Pricing for prescription and non-prescription items will be billed in compliance with the Nebraska Medicaid published fee schedule. Annual estimated cost of pharmacy services for Corrections is \$150,000. (C-01-568)**

Johnson requested that both New Business Items 5B and 5C be approved subject to the deletion of Subsection 1.3.

MOTION: Workman moved and Hudkins seconded approval of a contract with PharMerica and the Lancaster County Corrections Department subject to the deletion of Subsection 1.3. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- C. A contract with PharMerica to provide pharmacy and related services to the Lancaster County Community Mental Health Center, beginning September 1, 2001 and ending August 31, 2004 with one, three year renewal option. Pricing for prescription and non-prescription items will be billed in compliance with the Nebraska Medicaid published fee schedule. Annual estimated cost of pharmacy services for the Community Mental Health Center is \$93,700. (C-01-569)**

MOTION: Hudkins moved and Heier seconded approval of a contract with PharMerica and the Lancaster County Community Mental Health Center subject to the deletion of Subsection 1.3. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

- D. Grant contracts with the following agencies:**

- O Good Neighbor Center, Inc. for an emergency food and clothing center for low income families, in the amount of \$30,000, beginning July 1, 2001 and ending June 30, 2002. (C-01-567)**
- O Nebraska Urban Indian Health Coalition (NUIHC) for the Domestic Violence Project Coordinator, in the amount of \$14,987, beginning June 1, 2001 and ending May 31, 2002. (C-01-566)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Hudkins seconded approval of grant contracts with the Good Neighbor Center, Inc. and Nebraska Urban Indian Health Coalition. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

E. An amendment to a lease agreement with Alternative Business Solutions to replace the Konica Model 7050 copier and accessories, located at Lancaster Manor, with a Konica Model 7055 copier and accessories. The County will pay \$.0248 per copy for a minimum of 57,000 copies per month. Related agreement with CitiCorp Vendor Finance a/k/a CitiCapital to pay for copier lease. (C-01-570)

MOTION: Workman moved and Stevens seconded approval of an amendment to a lease agreement with Alternative Business Solutions. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

F. Utility Permit Number 582, requested by Touch America, Inc., for six, two-inch HDPE conduits along road right-of-way for a primary and diverse route in the regeneration facility located at North 70th Street. (C-01-564)

Johnson requested that New Business Items 5F and 5G be approved subject to the deletion of the first sentence of Subsection 8.

MOTION: Workman moved and Hudkins seconded approval of Utility Permit Number 582 requested by Touch America, Inc. subject to the deletion of the first sentence of Subsection 8. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

G. Utility Permit Number 583, requested by AT&T Corporation, for six, two-inch HDPE conduits along road right-of-way for a primary and diverse route into the regeneration facility located at North 70th Street. (C-01-565)

MOTION: Workman moved and Hudkins seconded approval of Utility Permit Number 583 requested by AT&T Corporation subject to the deletion of the first sentence of Subsection 8. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

H. Acceptance of assignment of services from DMG-Maximus to Maximus for the services outlined in the contract executed on October 28, 1997. The services to be provided are for the development of a central services cost allocation plan based upon actual costs in certain fiscal years. (C-01-563)

MOTION: Heier moved and Stevens seconded approval of acceptance of assignment of services from DMG-Maximus to Maximus. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

I. A resolution directing the County Engineer to conduct a study regarding vacating a portion of County road, Wildrose Lane, which lies outside Highway 34 right-of-way and is depicted in Attachment "A". (R-01-114)

Don Thomas, County Engineer, disseminated and summarized the following documentation:

- Site map of Wildrose Lane as it currently exists, including on and off ramps and Kawasaki Motors (Exhibit 2)
- Aerial map of Wildrose Lane denoting three options (Exhibit 3)
- Site map showing the extension of Fletcher Avenue to the east to Northwest 12th Street (Exhibit 4)

In response to a question asked by Workman, Thomas stated the railroad continues to have an issue with two crossings.

Allan Abbott, Director of the City of Lincoln Public Works and Utilities Department, stated there would be approximately 9,000 additional vehicles in 20 years traveling on Fletcher Avenue upon completion of the extension to Northwest 12th Street.

The following individuals appeared in opposition to the resolution and cited concerns regarding school bus and fire/rescue use, farm to market use, safety and cost:

- Karen Cook, 7002 Northwest 27th Street
- Larry England, 1901 West Alvo Road (Written comments submitted into the record (Exhibit 5); listing of 77 names of individuals opposed to the closing of the existing Wildrose Lane (Exhibit 6)
- Kimberly Burruss, 7505 Northwest 27th Street
- Mark Benes, 2400 West Alvo Road
- Carol Hudkins, 8600 Northwest 112th Street
- Jim Burden, 7000 Northwest 27th Street (Maps (Exhibit 7); written comments (Exhibit 8)
- Todd Willet, 7701 Northwest 27th Street

Those attending in opposition who did not speak: Richard Parrott, Bill England and Ben Wahlbrick.

Heier asked each opponent which crossing they would prefer to keep - - Wildrose Lane as it exists currently or Wildrose Lane after it is realigned.

All opponents responded they would prefer to keep the crossing at Wildrose Lane as it currently exists.

5) **NEW BUSINESS CONTINUED:**

Hudkins requested documentation showing the number of accidents on Wildrose Lane from January 1, 2000 to November 27, 2001 be made a part of the record (Exhibit 9)

Richard Grundman, general manager for Kawasaki Motors, appeared and explained that with the new rail car facility 320 new employees will be added to first shift. He said there is also the possibility of an additional 320 new employees on second shift, as well as 320 new employees on third shift. He stated it is the feeling of Kawasaki Motors that they need as many access points to their plant as possible and that they would like to retain Wildrose Lane as it currently exists.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Hudkins moved and Heier seconded to deny a resolution directing the County Engineer to conduct a study regarding vacating a portion of County road, Wildrose Lane, which lies outside Highway 34 right-of-way and is depicted in Attachment "A". Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

J. A resolution requesting to vacate a portion of a County road located on West Davey Road approximately 2600 to 3300 blocks west of 1st Street in Section 20, Township 12 North, Range 6 East, Road 1183, in Lancaster County, Nebraska. (R-01-118)

MOTION: Hudkins moved and Heier seconded approval of Resolution 01-118. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

K. A resolution in the matter of Comprehensive Plan Conformity Number 01003: Lancaster County Road and Bridge Construction Program, Fiscal Years 2002 and 2003-2007. (R-01-119)

By direction of the Chair, Resolution 01-119 was held for one week.

L. A resolution authorizing installation of the following traffic signs in Lancaster County, Nebraska: (R-01-120)

- O A driveway warning sign on "A" Street in advance of the first house drive west of South 134th Street and on the south side of "A" Street for eastbound traffic.**
- O Install a double arrow sign for eastbound traffic at the intersection of Judith Drive and Country Lane in EL-DE Acres subdivision.**

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of Resolution 01-120. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

M. Recommendation from the Purchasing Agent and the Lancaster County Sheriff to award an order from a State of Nebraska contract (CA#5690) to Tincer Ford Mercury, in the amount of \$20,790, for one, 2002 Ford LTD Crown Victoria police pursuit vehicle. (B-01-51)

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

N. Authorization of Wells Fargo Bank, as Trustee, to disburse \$1,962.50 from the juvenile detention center bond proceeds to Sinclair Hille Architects for architectural services for the Juvenile Detention Center. (M-01-135)

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

O. Request from Patrick B. Cavanaugh, Esq., for award of attorney's fees in the amount of \$95.52 pursuant to Resolution 4630 for reimbursement of general assistance to Lancaster County from Social Security Income benefits paid to Kathryn Westwood. (M-01-138)

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

P. A political subdivision tort claim filed against the Lancaster County Corrections Department by Janice Marie Stuckey, in the amount of \$15, for lost property.

MOTION: Workman moved and Hudkins seconded to accept the Director's recommendation and deny the tort claim filed by Janice Marie Stuckey. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

Q. A request from William A. Wyman for a refund of real estate taxes for 1999, in the approximate amount of \$494.46 and for 2000, in the approximate amount of \$492.76. (M-01-130)

MOTION: Stevens moved and Hudkins seconded approval of a refund request from William A. Wyman for 1999, in the approximate amount of \$494.46 and for 2000, in the approximate amount of \$492.76. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

R. New appointments and reappointments of the following individuals to the Lancaster County Extension Board for three year terms:

<u>Name of Individual</u>	<u>Term</u>
Dean C. Lesoing (new appointment)	01/2002 to 01/2005
Emilia Gonzalez-Clements (new appointment)	01/2002 to 01/2003
Gaylan Suhr (reappointment)	01/2002 to 01/2005
Deb Arends (reappointment)	01/2002 to 01/2005

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

6) **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. Register of Deeds Monthly Report for October, 2001.
2. Sheriff's Report of Fees for October, 2001.
3. Lincoln City Libraries Director's Report for October, 2001.

B. Setting of a public hearing for Tuesday, December 4, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a Local Law Enforcement Block Grant for the Lancaster County Sheriff's Office in the amount of \$147,230. The Federal government's share is \$132,507 and the County's share is \$14,723. The hearing is required by the Federal government and will outline the purpose for which the funds will be used.

C. Setting of a public hearing for Tuesday, December 11, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding an application for Corporate Manager from Rebecca P. Haskins in relation to a Class E and Class K liquor license for Gas 'N Shop located at 4003 West Highway 34 in Lancaster County, Nebraska.

6) CONSENT ITEMS CONTINUED:

D. A right-of-entry agreement between the Lancaster County Engineering Department and Willie J. and Donna C. Verbeek at 2700 Saltillo Road; Project BR-3300(2). (C-01-571)

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

O Everett F. Hodtwalker, Trustee of the Everett F. Hodtwalker Revocable Living Trust, in the total amount of \$21,501.62, on Old Cheney Road from 112th to 148th Streets; Project C55-Q-407(1).

(3 contracts) (C-01-572 through C-01-574)

O Robert C. Lemke, in the total amount of \$25,012.20, at 12000 to 13600 Old Cheney Road; Project C55-Q-407(1). (3 contracts)

(C-01-575 through C-01-577)

O Wilma Schulz, in the total amount of \$2,065.25, at 5405 South 120th Street; Project C55-Q-407(1). (3 contracts) (C-01-578 through C-01-580)

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

7) ADJOURNMENT:

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 5:30 p.m. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

Patricia Owen
Deputy County Clerk