

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 2, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
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, November 25, 2003.**

MOTION: Workman moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated November 25, 2003. Schorr, Hudkins, Workman and Heier voted aye. Stevens was absent from voting. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. A resolution pledging \$5,000 from the Lancaster County Keno Fund for the Sunken Gardens Renovation Campaign - Senator Chris Beutler. (R-03-0121)

(Commissioner Ray Stevens entered the hearing room at 1:32 p.m..)

Senator Chris Beutler appeared and disseminated brochures regarding the preservation of Sunken Gardens (Exhibit 1). He stated Sunken Gardens was constructed in 1930 and has not been renovated since that time. Senator Beutler stressed that the infrastructure must be maintained, as well as the quality of the gardens. It was noted that *National Geographic* designated Sunken Gardens as one of the best 300 gardens in the United States and Canada.

2) **SPECIAL PRESENTATIONS CONTINUED:**

Senator Beutler added that of the \$1,700,000 needed for renovation, \$1,560,000 has been raised.

MOTION: Schorr moved and Hudkins seconded approval of Resolution 03-0121 pledging \$5,000 from the Lancaster County Keno Fund for the Sunken Gardens Renovation Campaign subject to approval of the Lancaster County Board Keno budget. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

B. The Commissioners Award of Excellence was presented to Vicki Jedlicka, Publication and Resource Assistant with the County Extension Office.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

RETURNED TO ITEM 1 (MINUTES):

Stevens referred to a typographical error in the minutes on page three, second paragraph of Item 6B. The land area of the Comprehensive Plan Conformance No. 03012 reflects an area of 736.9 square miles. It should be corrected to read 736.9 acres.

Both the maker of the motion and the seconder agreed to the correction.

4) **CLAIMS: Approval of all claims processed through Tuesday, December 2, 2003.**

MOTION: Workman moved and Hudkins seconded approval of all claims processed through December 2, 2003. Hudkins Stevens, Workman, Schorr and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. Projects for which the Lancaster County Board intends to use Keno funds.

The Clerk administered the oath to Dave Kroeker, Budget and Fiscal Officer.

5) **PUBLIC HEARINGS CONTINUED:**

Kroeker explained that the Keno Fund began in 1993 and that the County developed a policy regarding the use of Keno revenues. Projects included in the Keno Fund for the Fiscal Year 2004 are as follows:

- ▶ A two year project for a new financial system for the County
- ▶ Digital elevation mapping (LIDAR - Light Detection and Ranging)
- ▶ Prevention grants
- ▶ Partnership for Economic Development
- ▶ HIPAA (Health Insurance Portability and Accountability Act) Compliance/Community Mental Health Center Information System
- ▶ Rural signs project
- ▶ Beltway planning
- ▶ Peoples Health Center
- ▶ Pilot project regarding the Indigent Screener
- ▶ First year pilot project for Community Corrections
- ▶ Sunken Gardens Renovation Project

The Chair asked if anyone wished to provide testimony in favor, opposition or in a neutral position.

No one appeared and the hearing was closed.

MOTION: Workman moved and Schorr seconded approval of the Keno budget for Fiscal Year 2004. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

B. An application for Corporate Manager for Ronald D. Bartholomew and an application for a Class M (Bottle Club) liquor license for the Penalty Box Pub, L.L.C. located at 1800 State Fair Park Drive in Lincoln, Lancaster County, Nebraska.

The Clerk administered the oath to Ronald D. Bartholomew, applicant.

Bartholomew stated he was previously food and beverage manager for the State Fair. He explained he opened his own sports bar on 48th and Highway 2 approximately three years ago and has held a liquor license in his name for approximately four years.

Stevens asked Bartholomew if had attended the "Responsible Hospitality" class.

5) **PUBLIC HEARINGS CONTINUED:**

Bartholomew stated he had attended the class and will be completing it again, with two other employees, in January, 2004.

In response to a question asked by Stevens regarding criminal convictions not being listed on the application, Bartholomew stated his attorney completed the forms on his behalf and was instructed by the Nebraska Liquor Control Commission to complete the question in the manner that he did.

Stevens stated he would like written explanation regarding the reason for not answering the question in its entirety.

The Chair stated that the hearing is held open for one week and requested Bartholomew to supply written explanation.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was recessed.

6) **OLD BUSINESS:**

A. An agreement with Rachael Robinson-Keilig for an evaluation of the gender-specific training for the "Try Another Way" curriculum. Term of the agreement is October 1, 2003 through June 30, 2004. The County will pay \$2,500 for the evaluation services. (C-03-0597)

MOTION: Schorr moved and Stevens seconded approval of an agreement with Rachael Robinson-Keilig for an evaluation of the gender-specific training for the "Try Another Way" curriculum. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

7) **NEW BUSINESS:**

A. An application for a Special Designated License from La Societe Des 40 Hommes (Legionnaire Club) to hold a Christmas dinner at Country Pines, located at 6305 West Adams Street, on Sunday, December 14, 2003 from 4 p.m. to 9 p.m..

Steven Bartos, representing La Societe Des 40 Hommes (Legionnaire Club), appeared and gave a brief overview of the application.

7) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of an application for a Special Designated License from La Societe Des 40 Hommes (Legionnaire Club) to hold a Christmas dinner at Country Pines, located at 6305 West Adams Street, on Sunday, December 14, 2003 from 4 p.m. to 9 p.m.. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

B. Interlocal agreements for the safekeeping, care and sustenance of juveniles while at the Lancaster County Juvenile Detention Center. Lancaster County will be reimbursed \$213 per youth, per day from the contracting county. The agreement is effective upon execution and has a 30 day termination provision. Contracting counties are Butler (C-03-0637), Dawson (C-03-0638) and Saline (C-03-0639).

MOTION: Hudkins moved and Stevens seconded approval of interlocal agreements with Butler, Dawson and Saline counties for the safekeeping, care and sustenance of juveniles while at the Lancaster County Juvenile Detention Center. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

C. A utility relocation agreement with Lancaster Rural Water District No. 1 of Bennet, Nebraska for adjustment of the District's facilities relating to Project STPE-3265(6) on South 68th Street from Roca Road to Saltillo Road. The County will pay up to \$21,720 for the services. (C-03-0643)

MOTION: Stevens moved and Schorr seconded approval of a utility relocation agreement with Lancaster Rural Water District No. 1 of Bennet, Nebraska for adjustment of the District's facilities relating to Project STPE-3265(6) on South 68th Street from Roca Road to Saltillo Road. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

D. An amendment to an agreement with Demars, Gordon, Olson and Zalewski Law Offices under County Contract Number C-03-0368 which provides for legal representation to indigent parties and juveniles in the Separate Juvenile Court of Lancaster County. The parties inadvertently left out a provision which provides additional compensation for those instances where the contractor agrees to accept additional abuse and neglect cases. As a result, the parties wish to amend the compensation to provide for an additional \$1,000 for each case over the maximum limit. (C-03-0640)

7) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of an amendment to an agreement with Demars, Gordon, Olson and Zalewski Law Offices under County Contract Number C-03-0368 which provides for legal representation to indigent parties and juveniles in the Separate Juvenile Court of Lancaster County. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

E. Acceptance of a grant award from the Nebraska Emergency Management Agency (NEMA) by the Lincoln-Lancaster County Emergency Management Agency to provide funding for the State Domestic Preparedness Equipment Grant Program. The total amount of the grant award is \$1,224,782.78. The grant period is May 1, 2003 to April 30, 2005.

Doug Ahlberg, Emergency Services Director, appeared and stated acceptance of the grant would allow them to purchase radio and communications equipment for the volunteer fire departments, Lincoln Fire Department, Lincoln Police Department, Lancaster County Sheriff's Office and to also augment necessary equipment for the Bureau of Fire Prevention and the Health Department when dealing with issues of weapons of mass destruction.

MOTION: Schorr moved and Hudkins seconded acceptance of a grant award from the Nebraska Emergency Management Agency (NEMA) by the Lincoln-Lancaster County Emergency Management Agency to provide funding for the State Domestic Preparedness Equipment Grant Program. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

F. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for funding for the project "A Coordinated Response to Reducing Domestic Violence in Lancaster County", in the amount of \$20,000. The grant period is June 1, 2003 to December 31, 2003.

MOTION: Hudkins moved and Stevens seconded acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for funding for the project "A Coordinated Response to Reducing Domestic Violence in Lancaster County", in the amount of \$20,000. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

G. A resolution in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. (R-03-0126)

MOTION: Workman moved and Stevens seconded approval of Resolution 03-0126 in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

Schorr clarified that the authorization was not indefinite, but during the holiday period.

H. A resolution authorizing the installation of "Watch for Slow Trucks" signs on South 54th Street in advance of the north and south drives of Schwarck Quarries, .4 mile south of Bennet Road for southbound traffic and one north of Wittstruck Road for northbound traffic. (R-03-0127).

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0127 authorizing the installation of "Watch for Slow Trucks" signs on South 54th Street in advance of the north and south drives of Schwarck Quarries, .4 mile south of Bennet Road for southbound traffic and one north of Wittstruck Road for northbound traffic. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

I. A resolution concurring with the State of Nebraska, Department of Roads to award Project BR-3280(3), Sprague East, County Structure T-109 to Elk Horn Construction Company, in the amount of \$386,638.50. (R-03-0128)

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0128 concurring with the State of Nebraska, Department of Roads to award Project BR-3280(3), Sprague East, County Structure T-109 to Elk Horn Construction Company, in the amount of \$386,638.50. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

8) **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. Receive and Place on File:

1. **Noxious Weed Control Authority's Monthly Report for October, 2003.**
2. **Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for October, 2003.**
3. **Sheriff's Report of Fees for October, 2003.**

B. A request from Mulijah Vinson, an employee at Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan.

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

Ronald Liesveld on South 96th Street north of Princeton Road; Project C.P.-X-95. This is a donation. (C-03-0641)

Randy and Judith Kohl on South 96th Street north of Princeton Road; Project C.P.-X-95. This is a donation. (C-03-0642)

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

9) **OTHER BUSINESS:**

Craig Groat, 4935 Huntington, Lincoln, Nebraska, disseminated and briefly discussed documentation entitled *AICP Code of Ethics and Professional Conduct* (Exhibit 2).

10) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 2:20 p.m.. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 2, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Rob Ogden, Chief Field Deputy in the County
Assessor/Register of Deeds Office
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:20 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 25, 2003.**

MOTION: Schorr moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated November 25, 2003. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and meeting proceeded as planned.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Cedars Youth Services
Shepherd of the Hills**

MOTION: Workman moved and Stevens seconded approval of a motor vehicle tax exemption for Shepherd of the Hills and to also approve a motor vehicle tax exemption for Cedars Youth Services subject to the vehicle(s) being titled and registered to the applicant. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 2:21 p.m.. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk