

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, MAY 31, 2005**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:31 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 24, 2005.**

**MOTION:** Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated May 24, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **CLAIMS FOR REVIEW:**

**A. A payment voucher payable to Industrial Services, Inc. for invoice 118-954, in the amount of \$760.15. This payment includes a \$54.45 fuel surcharge which is past due and a current fuel charge of \$29.70. The total surcharge is \$84.15. The current contract does not include payment for fuel surcharges.**

**MOTION:** Stevens moved and Heier seconded approval of a payment voucher payable to Industrial Services, Inc. for invoice 118-954, with the exception of \$84.15 for the fuel surcharge. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, May 31, 2005.

**MOTION:** Workman moved and Heier seconded approval of all claims processed through Tuesday, May 31, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

- 4) **PUBLIC HEARINGS:**

A. Continuation of a public hearing regarding an application for Corporate Manager for Jason Lee Meininger in connection with an application for a Class B (Beer Off Sale) and a Class I (Bottle Club) liquor license for Hidden Valley Estates L.L.C. d/b/a Hidden Valley Golf Course, located at 10501 Pine Lake Road, Lancaster County, Nebraska. (See New Business Item 5A for correlating resolution.)

The Chair asked if anyone wished to testify.

No one appeared and the Chair closed the public hearing.

B. County Final Plat 05023, Prairie Lake Estates 1<sup>st</sup> Addition, requested by ESP, Inc. on behalf of Marvin and Cynthia Renner, for one lot on property generally located north and west of the corner of South 54<sup>th</sup> Street and Gage Road in Lancaster County, Nebraska. (See New Business Items 5D and 5E for correlating documentation.)

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

No one appeared and the Chair closed the public hearing.

C. County Final Plat 05030, North Branched Oak Estates, requested by Brian D. Carstens and Associates on behalf of Robert and Michelle Benes, for three lots and one outlot on property generally located southeast of the intersection of Northwest 84<sup>th</sup> Street and West Rock Creek Road in Lancaster County, Nebraska. (See New Business Items 5B and 5C for correlating documentation.)

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

Brian Carstens appeared to answer questions.

4) **PUBLIC HEARINGS CONTINUED:**

Stevens said the preliminary plat indicated that the applicant would relinquish the right to direct vehicular access to West Rock Creek Road and to direct vehicular access to Northwest 84<sup>th</sup> Street, except for two farm accesses. He said that appears to have been changed to allow two access points onto Northwest 84<sup>th</sup> Street.

Mike DeKalb, Planning Department, appeared and explained that the language was amended during the process. There is a combined access point for Lots 1 and 2. Lot 3 has its own access point.

No one else appeared and the Chair closed the public hearing.

- D. Comprehensive Plan Amendment 05012, by the Director of Planning at the request of Prairie Homes, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change the land use from Urban Residential to Commercial and to change the commercial size designation from Neighborhood Center to Community Center, on land generally located at North 84<sup>th</sup> and Adams Streets.**

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

No one appeared and the Chair closed the public hearing.

**MOTION:** Stevens moved and Schorr seconded to keep the public hearing open for one week, pending discussion and action by the City Council. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution in the matter of a corporate manager liquor license application for Jason Lee Meininger, in connection with an application for a Class IB liquor license for Hidden Valley Estates L.L.C. d/b/a Hidden Valley Golf Course, located at 10501 Pine Lake Road, Lancaster County, Nebraska. (R-05-0062)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Schorr moved and Workman seconded approval of Resolution 05-0062 in the matter of a corporate manager liquor license application for Jason Lee Meininger, in connection with an application for a Class IB liquor license for Hidden Valley Estates L.L.C. d/b/a Hidden Valley Golf Course, located at 10501 Pine Lake Road, Lancaster County, Nebraska. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

**B. A resolution in the matter of County Final Plat 05030, North Branched Oak Estates, requested by Brian D. Carstens and Associates, on behalf of Robert and Michelle Benes, consisting of three lots and one outlot, on property generally located southeast of the intersection of Northwest 84<sup>th</sup> Street and West Rock Creek Road in Lancaster County, Nebraska. (R-05-0060)**

**C. A subdivision agreement with Robert and Michelle Benes for County Final Plat 05030, North Branched Oak Estates, on property generally located southeast of the intersection of Northwest 84<sup>th</sup> Street and West Rock Creek Road in Lancaster County, Nebraska. (C-05-0290)**

**MOTION:** Stevens moved and Schorr seconded approval of Resolution 05-0060 in the matter of County Final Plat 05030, North Branched Oak Estates, requested by Brian D. Carstens and Associates, on behalf of Robert and Michelle Benes, consisting of three lots and one outlot, on property generally located southeast of the intersection of Northwest 84<sup>th</sup> Street and West Rock Creek Road in Lancaster County, Nebraska and the corresponding subdivision agreement (C-05-0290). Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

**D. A resolution in the matter of County Final Plat No. 05023, Prairie Lake Estates 1<sup>st</sup> Addition, requested by Lyle Loth of ESP, Inc., on behalf of Marvin and Cynthia Renner, consisting of one (1) lot, on property generally located north and west of the corner of South 54<sup>th</sup> Street and Gage Road, Lancaster County, Nebraska. (R-05-0061)**

**E. A subdivision agreement with Marvin and Cynthia Renner, for County Final Plat No. 05023, Prairie Lake Estates 1<sup>st</sup> Addition, on property generally located north and west of the corner of South 54<sup>th</sup> Street and Gage Road, Lancaster County, Nebraska. (C-05-0299)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Heier seconded approval of Resolution 05-0061 in the matter of County Final Plat No. 05023, Prairie Lake Estates 1<sup>st</sup> Addition, requested by Lyle Loth of ESP, Inc., on behalf of Marvin and Cynthia Renner, consisting of one (1) lot, on property generally located north and west of the corner of South 54<sup>th</sup> Street and Gage Road, Lancaster County, Nebraska and the corresponding subdivision agreement (C-05-0299).

Workman noted there is a single lagoon and that every lot has a septic tank.

Marvin Renner, applicant, appeared and explained that the septic tanks will catch solids and only liquids will flow through to the lagoon. He said this is the same type of system utilized in small communities such as Princeton and Cortland.

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

**F. A program resolution for grading, culverts, surfacing, preliminary engineering and utility relocation for West Denton Road. The estimated cost for the project is \$980,000. (R-05-0063)**

Don Thomas, County Engineer, appeared and said this covers the last two miles of West Denton Road from 56<sup>th</sup> Street into Denton.

**MOTION:** Stevens moved and Heier seconded approval of Resolution 05-0063 in the matter of a program resolution for grading, culverts, surfacing, preliminary engineering and utility relocation for West Denton Road. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

**G. A resolution authorizing the installation of the following traffic signs: (R-05-0064)**

- ▶ Two temporary "No Parking" signs for southbound traffic on South 68<sup>th</sup> Street, one north and one south of the drive for 14220 South 68<sup>th</sup> Street
- ▶ Two temporary "No Parking" signs for northbound traffic on South 68<sup>th</sup> Street, one north and one south of the drive for 14220 South 68<sup>th</sup> Street
- ▶ One 20 ton weight limit sign at the east end of County structure H-46 for westbound traffic
- ▶ One 20 ton weight limit sign at the west end of County structure H-46 for eastbound traffic

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Workman moved and Stevens seconded approval of Resolution 05-0064 authorizing the installation of traffic signs. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

**H. A resolution in the matter of approving an amendment to a conservation easement agreement granted by Batie Farms, Inc., to the Lower Platte South Natural Resources District, to allow for the consolidation of three (3) home sites into a cluster of five (5) acreage lots. (R-05-0065)**

**MOTION:** Heier moved and Workman seconded approval of Resolution 05-0065 in the matter of approving an amendment to a conservation easement agreement granted by Batie Farms, Inc., to the Lower Platte South Natural Resources District, to allow for the consolidation of three (3) home sites into a cluster of five (5) acreage lots. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

**MOTION:** Stevens moved and Workman seconded to reconsider the motion. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

Betty Lou Craft, Route 1, Roca, Nebraska, appeared and urged preservation of prairie land.

**MOTION:** Heier moved and Schorr seconded approval of Resolution 05-0065 in the matter of approving an amendment to a conservation easement agreement granted by Batie Farms, Inc., to the Lower Platte South Natural Resources District, to allow for the consolidation of three (3) home sites into a cluster of five (5) acreage lots.

Heier explained that the Lower Platte South Natural Resources District (NRD) allowed the amendment to the conservation easement.

Stevens said the original agreement allowed three homesteads, each five acres in size. The revised plan allows five homesteads, each three acres in size, concentrating the fifteen acres in one part of the prairie.

Schorr added that the five lots will have a single access point to one major roadway.

5) **NEW BUSINESS CONTINUED:**

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

- I. An interlocal agreement between the City of Lincoln and Lancaster County for the grading, paving and bridge construction of SW 40<sup>th</sup> Street from West "A" Street, north to the existing City limits. The County will contribute \$197,568 to the City as its share of the project. The agreement is effective upon execution and will continue until the completion of the project. (C-05-0300)**

Don Thomas, County Engineer, and Roger Figard, City Engineer, appeared and gave a brief summary of the project.

Heier asked Figard to explain why the project did not involve Southwest 48<sup>th</sup> Street, instead of Southwest 40<sup>th</sup> Street.

Figard said there are environmental, wetland, railroad and utility issues.

**MOTION:** Stevens moved and Workman seconded approval of an interlocal agreement between the City of Lincoln and Lancaster County for the grading, paving and bridge construction of SW 40<sup>th</sup> Street from West "A" Street, north to the existing City limits. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

- J. An agreement between Lancaster County and Great Plains Appraisal Company, on behalf of Wayne Kubert and Tom Kubert, for the services of a referee coordinator to coordinate referees who will hear all property tax protests for the 2005 tax year which are before the Lancaster County Board of Equalization. The coordinator is also responsible for ensuring that all papers related to such protests, along with written findings and recommendations, are made available to the Board. The referee coordinator shall be reimbursed at a rate of \$680 per working day up to \$96,000. (C-05-0291)**

**MOTION:** Stevens moved and Workman seconded approval of an agreement between Lancaster County and Great Plains Appraisal Company, on behalf of Wayne Kubert and Tom Kubert, for the services of a referee coordinator to coordinate referees who will hear all property tax protests for the 2005 tax year which are before the Lancaster County Board of Equalization. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- K. A contract with Pavers, Inc. of Waverly, Nebraska for concrete repair on North 84<sup>th</sup> Street, Project No. 05-19. Work will begin on or before June 6, 2005 and be completed within ten working days. The County will pay \$33,071 for the services. (C-05-0292)**

**MOTION:** Workman moved and Heier seconded approval of a contract with Pavers, Inc. of Waverly, Nebraska for concrete repair on North 84<sup>th</sup> Street, Project No. 05-19. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- L. An agreement between Mary Ann Meisner and Lancaster County for a professional, non-paid internship at the Community Mental Health Center. Meisner will provide the County with eight hours per week of evaluation and counseling services to individuals in the outpatient therapy department. (C-05-0293)**

**MOTION:** Schorr moved and Workman seconded approval of an agreement between Mary Ann Meisner and Lancaster County for a professional, non-paid internship at the Community Mental Health Center. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

- M. An agreement with the Board of Regents with the University of Nebraska regarding a Federal work study program with the Lancaster County Public Defender's Office. The County will pay 30 percent of the hourly rate for the period of August 19, 2005 through August 17, 2006. (C-05-0294)**

The item was held at the request of the County Attorney's Office.

- N. A licensing agreement with Swank Motion Pictures, Inc. for showing video cassette movies at the Lancaster County Youth Services Center. Term of the agreement will be from July 1, 2005 through June 30, 2006 and the County will pay \$225 for the license. (C-05-0295)**

**MOTION:** Stevens moved and Workman seconded approval of a licensing agreement with Swank Motion Pictures, Inc. for showing video cassette movies at the Lancaster County Youth Services Center. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

- O. A license agreement and lease form with Evare, LLC for a financial software program, Evare Desktop, to be utilized by the Lancaster County Treasurer's Office. The County will pay \$3,000 for a one year lease commencing June 1, 2005. (C-05-0301)

**MOTION:** Heier moved and Schorr seconded approval of a license agreement and lease form with Evare, LLC for a financial software program, Evare Desktop, to be utilized by the Lancaster County Treasurer's Office. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

- P. Recommendation from the Purchasing Agent and the County Engineer to recognize all bids for annual requirements for the production of gravel surface coarse material, limestone, rock and gravel for ice control as follows: (B-05-022)

ROCK:	Kerford Limestone Company	\$ 9.50/ton - Weeping Water
GRAVEL:	Bluff Gravel Company	\$ 6.50/ton - Morse Bluff
	Lyman Richey Sand/Gravel	\$ 6.95/ton - Gretna
	Concrete Industries, Inc. d/b/a	\$ 7.15/ton - Ashland Western Sand & Gravel
ICE CONTROL:	Concrete Industries, Inc. d/b/a	\$ 4.15/ton - Ashland Western Sand & Gravel
	Lyman Richey Sand/Gravel	\$ 4.35/ton - Gretna

The award of individual projects will be correlated by the County Engineer with separate bids for hauling of product from production sites on an as-needed-basis.

**MOTION:** Heier moved and Stevens seconded approval of a recommendation from the Purchasing Agent and the County Engineer to recognize all bids for annual requirements for the production of gravel surface coarse material, limestone, rock and gravel for ice control. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**Q. Award of bid to Blue Cross Blue Shield of Nebraska for Lancaster County's Self-Insured Health Insurance Program, pursuant to the 2005 Request for Proposals, Bid No. 05-063. (B-05-0023)**

**MOTION:** Heier moved and Schorr seconded approval of an award of bid to Blue Cross Blue Shield of Nebraska for Lancaster County's Self-Insured Health Insurance Program, pursuant to the 2005 Request for Proposals. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

**R. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Tyler Technologies, in the amount of \$224,050, for services rendered in relation to the new property tax system (Orion) for the County Assessor/Register of Deeds Office.**

**MOTION:** Schorr moved and Stevens seconded approval to authorize Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Tyler Technologies, in the amount of \$224,050, for services rendered in relation to the new property tax system (Orion) for the County Assessor/Register of Deeds Office. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

**S. A request from General Electric Capital Corporation, on behalf of Colonial Pacific Leasing Corporation, for a refund of personal property taxes for 2004, in the approximate amount of \$848.74.**

Norm Agena, County Assessor/Register of Deeds, appeared and recommended approval, explaining the company reported three leases on equipment that were not in Lancaster County. The leases have been properly reported in Douglas County.

**MOTION:** Stevens moved and Heier seconded to accept the recommendation of the County Assessor and grant a request from General Electric Capital Corporation, on behalf of Colonial Pacific Leasing Corporation, for a refund of personal property taxes for 2004, in the approximate amount of \$848.74. Stevens, Heier, Schorr and Hudkins voted aye. Workman abstained, due to a possible conflict of interest. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- T. Appointment of Dick Esseks to the Lincoln-Lancaster County Planning Commission for the remainder of a six-year term expiring August 24, 2005, replacing Dan Marvin, and for a new six-year term expiring August 24, 2011.**

**MOTION:** Stevens moved and Workman seconded approval of appointment of Dick Esseks to the Lincoln-Lancaster County Planning Commission for the remainder of a six-year term expiring August 24, 2005, replacing Dan Marvin, and for a new six-year term expiring August 24, 2011. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

- U. Reappointment of Patricia Owen and appointments of Michelle Zuhlke and Rita Dey to the Government Access & Information Committee for one-year terms, expiring January 1, 2006.**

**MOTION:** Workman moved and Stevens seconded approval of reappointment of Patricia Owen and appointments of Michelle Zuhlke and Rita Dey to the Government Access & Information Committee for one-year terms, expiring January 1, 2006. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

- V. Letter to Mayor Coleen Seng outlining Lancaster County's concerns with the possible sale of the K Street Complex, located at 440 South 8<sup>th</sup> Street.**

Item was held, pending further discussion at the June 2, 2005 Staff Meeting.

- 6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

- A. Setting of a public hearing for Tuesday, June 14, 2005 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Final Plat No. 04062, The Preserve at Cross Creek 1<sup>st</sup> Addition, requested by Brian D. Carstens and Associates on behalf of Land II, L.L.C., consisting of nine lots, on property generally located at South 68<sup>th</sup> Street and Roca Road.**

6) **CONSENT ITEMS CONTINUED:**

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

- ▶ Daniel L. and Vicki M. Creal, in the amount of \$68.50, on North 190<sup>th</sup> Street south of Holdrege Street; Project C.P.J-262. (C-05-0296)
- ▶ Sharon and Victor Meyer on West Superior Street west of Northwest 98<sup>th</sup> Street; Project C.P.M-107. This is a donation. (C-05-0297)
- ▶ E & B Lending, Inc., in the amount of \$189.50, on North 190<sup>th</sup> Street south of Holdrege Street; Project C.P.J-262. (C-05-0298)

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

7) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 2:23 p.m. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 31, 2005  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

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

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk

Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:23 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 24, 2005.**

**MOTION:** Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated May 24, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 3 additions and deductions to the tax assessment rolls per Exhibit A.**

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Cornhusker Place, Inc.  
Holy Family Sisters of the Needy  
Lincoln Lutheran School Association  
Redeemer Lutheran Church  
Transfiguration, Inc.  
VITAL Services, Inc.

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

4) **ADJOURNMENT:**

**MOTION:** Schorr moved and Heier seconded to adjourn the meeting at 2:25 p.m. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk