

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 22, 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
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 1:31 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 15, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated November 15, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, November 22, 2005.**

MOTION: Workman moved and Schorr seconded approval of all claims processed through November 22, 2005. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. Hospital Authority No. 1 of Lancaster County, Nebraska to issue Development Revenue Bonds (Grand Lodge Project), Series 2005. (See New Business Item 5A for correlating documentation.)

The Chair opened the public hearing and asked if anyone wished to testify in favor of the proposal.

3) **PUBLIC HEARINGS CONTINUED:**

The oath was administered to Chuck Addy, bond counsel.

Addy indicated the issuance of bonds would be for Phase II of the Grand Lodge Project. He stated the County Board approved Phase I on February 25, 2003.

Submitted into the record was a brochure regarding Phase II (Exhibit 1).

The oath was administered to Lisa Henning, Executive Director of Grand Lodge.

In response to a question asked by Workman regarding Phase I, Henning stated they are at 100 percent occupancy in the independent living units and approximately 90 percent of the units are occupied in the assisted living units.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

B. County Final Plat No. 05094, Wyndam Place 2nd Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, for two lots and one outlot, on property generally located at North 176th and Holdrege Streets, and more specifically Knotting Drive and North 179th Street in Lancaster County, Nebraska. (See New Business Items 5B and 5C for correlating documentation.)

Patricia Owen, Chief Deputy County Clerk, stated Kent Seacrest, attorney for applicants, requested a two week delay regarding County Final Plat No. 05094.

Board consensus, with Heier abstaining, was to hold County Final Plat No. 05094 for two weeks (December 6, 2005).

The Chair asked if anyone wished to provide testimony.

No one appeared.

4) OLD BUSINESS:

- A. A resolution in the matter of County Special Permit No. 05038, requested by Lyle Loth on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to construct dwellings within 1,320 feet of a public lake, on property generally located northeast of the corner of South 96th Street and Wagon Train in Lancaster County, Nebraska. (R-05-0135)

- B. A resolution in the matter of County Special Permit No. 05039, Wagon Train Estates Community Unit Plan, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to develop five residential acreage units with associated waiver requests on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (R-05-0136)

- C. A resolution in the matter of County Preliminary Plat No. 05013, Wagon Train Estates, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, for five residential acreage lots on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (R-05-0137)

Board consensus was to hear Old Business Items 4A through 4C together.

In response to a question asked by Workman, Lyle Loth of ESP, indicated a revised map was submitted.

Mike DeKalb, Planning Department, displayed the revised site map showing all requested revisions.

MOTION: Workman moved and Heier seconded approval of Resolution 05-0135, County Special Permit No. 05038; Resolution 05-0136, County Special Permit No. 05039, Wagon Train Estates Community Unit Plan and County Preliminary Plat No. 05013, Wagon Train Estates.

Heier stated he would vote in favor of the resolution, however, he remains concerned with Nebraska Game and Parks Commission's apparent 'taking' of private property for hunting by the public.

4) **OLD BUSINESS CONTINUED:**

ROLL CALL: Heier, Workman and Hudkins voted aye. Stevens voted no. Schorr abstained from voting. Motion carried.

D. A resolution in the matter of County Change of Zone No. 05048, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of the owner, Paul Green, on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (R-05-0147)

E. A resolution in the matter of County Special Permit No. 05033, requested by Lyle Loth of ESP on behalf of Paul Green, to allow dwelling units within 1,320 feet of a public lake on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (R-05-0146)

F. A resolution in the matter of County Preliminary Plat No. 05012, Conestoga Lake Estates, on property generally located northeast of Southwest 98th Street and West Pioneers Boulevard in Lancaster County, Nebraska. (R-05-0148)

Board consensus was to hear Old Business Items 4D through 4F together.

Workman stated he was in favor of the reduced number of lots from 15 to 14, however, he could not support the requirement that the developer improve the fence.

Schorr stated it was her original request to include language regarding the fence into the resolution, however, after further consideration and discussion with the County Attorney's Office she would be willing to remove the condition from the resolution.

MOTION: Stevens moved and Workman seconded approval of Resolution 05-0147, County Change of Zone No. 05048; Resolution 05-0146, County Special Permit No. 05033 and Resolution 05-0148, County Preliminary Plat No. 05012, Conestoga Lake Estates with the stipulation that point 1.14 be changed from "Redraw the lot lines of lots 4, 5 and 5 to reduce the number of lots from 15 to 14" to "Redraw the lots lines 4, 5 and 6 to reduce the number of lots from 15 to 14" and to remove point 1.15 (Improve the existing fence on the east, west and north property lines to the satisfaction of the applicant and existing adjoining property owners, at the sole expense of the applicant". Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

5) NEW BUSINESS:

- A. A resolution approving the issuance by Hospital Authority No. 1 of Lancaster County, Nebraska of not to exceed an additional \$13,050,000 principal amount of its Development Revenue Bonds (Grand Lodge Project) solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended; and approving the issuance sale and delivery of an additional series of such bonds, in the amount of \$13,050,000; and related matters. (R-05-0153)

MOTION: Schorr moved and Workman seconded approval of Resolution 05-0153 approving the issuance by Hospital Authority No. 1 of Lancaster County, Nebraska of not to exceed an additional \$13,050,000 principal amount of its Development Revenue Bonds (Grand Lodge Project) solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended; and approving the issuance sale and delivery of an additional series of such bonds, in the amount of \$13,050,000; and related matters. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

- B. A resolution in the matter of County Final Plat No. 05094, Wyndam Place 2nd Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, consisting of two lots and one outlot, on property generally located at North 176th and Holdrege Streets, more specifically Knotting Drive and North 179th Street in Lancaster County, Nebraska. (R-05-0152)
- C. A subdivision agreement with Bernie and Connie Heier, for County Final Plat No. 05094, Wyndam Place 2nd Addition, on property generally located at North 176th and Holdrege Streets, more specifically Knotting Drive and North 179th Street in Lancaster County, Nebraska. (C-05-0575)

The Clerk noted for the record that New Business Items 5B and 5C would be held at the request of Kent Seacrest, attorney for the applicants.

- D. A resolution concurring with the State of Nebraska Department of Roads to award a bid to Elk Horn Construction Company, in the amount of \$811,844.63, regarding Federal Aid Project BRO-7055(101), Waverly North. (R-05-0154)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of Resolution 05-0154 concurring with the State of Nebraska Department of Roads to award a bid to Elk Horn Construction Company, in the amount of \$811,844.63, regarding Federal Aid Project BRO-7055(101), Waverly North. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

E. Recommendation from the Purchasing Agent to award a bid and approve a contract with LeGrande Excavating for loading snow from City and County parking lots at a rate of \$85 per hour, snow removal from sidewalks at \$68 per hour and applying ice melt at \$72 an hour for truck mounted and \$68 for sidewalk spreader. Term of the agreement is November 1, 2005 through May 1, 2006. (C-05-0576)

MOTION: Schorr moved and Workman seconded approval of a contract with LeGrande Excavating for loading snow from City and County parking lots at a rate of \$85 per hour, snow removal from sidewalks at \$68 per hour and applying ice melt at \$72 an hour for truck mounted and \$68 for sidewalk spreader as recommended by the Purchasing Agent. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

F. Contract Addendum No. 1 to an agreement with Wagey Drug Company, Inc., executed in January, 2000 under County Specification #99-129, for pharmacy and related services, including supplies, equipment, delivery and consulting services for the Lancaster County General Assistance Program. Wagey has agreed to provide storage and distribution of medication for those General Assistance clients qualified to participate in the RX Assistance Program and the parties wish to amend the agreement to reflect such service. (C-05-0577)

MOTION: Heier moved and Workman seconded approval of Contract Addendum No. 1 to an agreement with Wagey Drug Company, Inc., executed in January, 2000 under County Specification #99-129, for pharmacy and related services, including supplies, equipment, delivery and consulting services for the Lancaster County General Assistance Program. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- G. An addendum to the 2005-2006 labor agreement with the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), Local 2468 amending the labor agreement to establish a Temporary Retirement Incentive and to add a new Article 41 entitled Temporary Retirement Incentive. (C-05-0578)**

MOTION: Stevens moved and Schorr seconded approval of an addendum to the 2005-2006 labor agreement with the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), Local 2468 amending the labor agreement to establish a Temporary Retirement Incentive and to add a new Article 41 entitled Temporary Retirement Incentive. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

- H. First Amendment to the Mutually Preferred Mental Health Facility Agreement between Lancaster County, on behalf of the Community Mental Health Center, and Mutual of Omaha Insurance Company, United of Omaha Life Insurance Company and United Work Life Insurance Company for payment of services for patients at the Community Mental Health Center. The agreement amends the existing fee schedule to include a reimbursement schedule for outpatient services of the Preferred Providers Organization (PPO) plans. (C-05-0579)**

MOTION: Stevens moved and Workman seconded approval of First Amendment to the Mutually Preferred Mental Health Facility Agreement between Lancaster County, on behalf of the Community Mental Health Center, and Mutual of Omaha Insurance Company, United of Omaha Life Insurance Company and United Work Life Insurance Company for payment of services for patients at the Community Mental Health Center. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

- I. First Amendment to a Facility Services Agreement between Lancaster County, on behalf of the Community Mental Health Center, and Exclusive Healthcare, Inc. for payment of services for patients at the Community Mental Health Center. The agreement amends the existing fee schedule to include a reimbursement schedule for outpatient services for the Health Maintenance Organization (HMO) and Point-of-Service Plans. (C-05-580)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of First Amendment to a Facility Services Agreement between Lancaster County, on behalf of the Community Mental Health Center, and Exclusive Healthcare, Inc. for payment of services for patients at the Community Mental Health Center. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

J. Multnomah Community Ability Scale (MCAS) License Agreement between Network Ventures, Inc. and Lancaster County, on behalf of the Community Mental Health Center, for a license to utilize MCAS, a rating scale of symptoms and functioning, designed to be used with mental health consumers who have a severe and persistent mental illness. The County will pay a license fee of \$250. (C-05-0581)

MOTION: Schorr moved and Stevens seconded approval of a Multnomah Community Ability Scale (MCAS) License Agreement between Network Ventures, Inc. and Lancaster County, on behalf of the Community Mental Health Center, for a license to utilize MCAS, a rating scale of symptoms and functioning, designed to be used with mental health consumers who have a severe and persistent mental illness. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

K. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to Metroplex Control Systems, in the amount of \$50,400, for the security system upgrade for the Corrections Department.

MOTION: Workman moved and Schorr 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 Metroplex Control Systems, in the amount of \$50,400, for the security system upgrade for the Corrections Department. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

L. Appointment of Leanne Malecha to the Community Mental Health Center Advisory Committee to complete the unexpired term of Roxanna Copp, ending December 31, 2007.

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of the appointment of Leanne Malecha to the Community Mental Health Center Advisory Committee to complete the unexpired term of Roxanna Copp, ending December 31, 2007. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

M. Reappointment of the following individuals to the Lancaster County Ecological Advisory Committee:

- ▶ Cyril Bish, term to expire December 31, 2006
- ▶ Val Bohaty, term to expire December 31, 2006
- ▶ Marge Davenport, term to expire December 31, 2006
- ▶ Dennis Schroeder, term to expire December 31, 2006
- ▶ Kay Kottas, term to expire December 31, 2007
- ▶ Marilyn McNabb, term to expire December 31, 2007
- ▶ Richard Slama, term to expire December 31, 2007

MOTION: Workman moved and Stevens seconded approval of the reappointment of Cyril Bish, Val Bohaty, Marge Davenport, Dennis Schroeder, Kay Kottas, Marilyn McNabb and Richard Slama to the Lancaster County Ecological Advisory Committee. Workman, Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

N. Reappointment of Norm Agena, County Assessor/Register of Deeds, to the Lancaster County Sheriff's Office Merit Commission for a three year term, beginning January 1, 2006 and ending December 31, 2009.

MOTION: Schorr moved and Stevens seconded approval of the reappointment of Norm Agena, County Assessor/Register of Deeds, to the Lancaster County Sheriff's Office Merit Commission for a three year term, beginning January 1, 2006 and ending December 31, 2009. Stevens, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

O. Letter to the Lincoln City Council opposing the sale of the K Street Complex.

The Chief Deputy Clerk read the letter into the record.

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of a letter to be sent the Chair of the Lincoln City Council opposing the sale of the K Street Complex.

Both the maker of the motion and the seconder agreed that a copy of the letter be sent to all members of the City Council and the Mayor.

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

- 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. Receive and Place on File:

1. County Engineer's Quarterly Report for July, August and September, 2005.
2. County Engineer's Quarterly Report for the Geographic Information System (GIS) division for July, August and September, 2005.

- B. Setting of a public hearing for Tuesday, December 6, 2005 at 1:30 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding application of setback requirements in the Lancaster County Zoning Regulations to any building used as a residence on a farmstead of 20 acres or more effective January 1, 2006.**

C. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements:

- ▶ Lisa D. Spratt, an employee with the Community Mental Health Center
- ▶ Steve A. Slapnicka, an employee with the County Engineering Department
- ▶ Corinne McChesney, an employee with the Clerk of the District Court's Office

6) **CONSENT ITEMS CONTINUED:**

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

7) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:19 p.m.. Workman, Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

Patricia Owen
Chief Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 22, 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: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:19 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 15, 2005.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated November 15, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

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

**Christian Retirement Homes, Inc. d/b/a Eastmont Towers
Cristo Rey Catholic Church
Pius X High School
St. Mark's United Methodist Church
St. Patrick's Catholic Church
School Sisters of Christ the King
Trinity United Methodist Church
Women in Community Service, Inc.**

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

3) **ADJOURNMENT:**

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

Patricia Owen
Chief Deputy County Clerk