

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 21 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bernie Heier
Deb Schorr
Bob Workman

Commissioners Absent: Ray Stevens, Chair
Larry Hudkins, Vice Chair

Others Absent: 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, December 14, 2004.**

MOTION: Schorr moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated December 14, 2004. Schorr and Workman voted aye. Heier abstained from voting. Motion carried.

2) **PUBLIC COMMENT:**

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

3) **CLAIMS FOR REVIEW:**

A. Payment Voucher 782-6615, dated October 26, 2004 - Families First and Foremost has requested payment to BryanLGH Medical Center, in the amount of \$1,665.24, for services provided in March and April of 2004. The claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

Reneé Dozier, Families First and Foremost, gave a brief explanation and recommended denial of the payment voucher.

Kristy Mundt, Deputy County Attorney, requested a copy of a letter from BryanLGH Medical Center, dated December 13, 2004 be made a part of the record (Exhibit 1).

3) **CLAIMS FOR REVIEW CONTINUED:**

MOTION: Schorr moved and Workman seconded denial of Payment Voucher 782-6615, dated October 26, 2004 to BryanLGH Medical Center, in the amount of \$1,665.24, for services provided in March and April of 2004. Workman, Schorr and Heier voted aye. Motion carried.

4) **CLAIMS: Approval of all claims processed through Tuesday, December 21, 2004.**

MOTION: Workman moved and Schorr seconded approval of all claims processed through December 21, 2004. Workman, Schorr and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. County Special Permit 04048, Adams Street Acreages Community Unit Plan, requested by Lyle Loth of ESP on behalf of James M. Buel, for four residential acreages, on property generally located one-half mile east of North 148th and Adams Streets in Lancaster County, Nebraska.

B. County Preliminary Plat 04022, Adams Street Acreages, requested by Lyle Loth of ESP on behalf of James M. Buel, for four residential acreage lots, on property generally located one-half mile east of North 148th and Adams Streets in Lancaster County, Nebraska.

Heier opened the public hearings and asked if anyone wished to provide testimony.

No one appeared.

Heier stated he visited with Don Thomas, County Engineer, regarding traffic counts in the area. He stated from the county line to 176th Street the traffic count is 167 vehicles per day, from 176th Street to 162nd Street the count is 200 vehicles per day and from 162nd to 148th Streets the vehicle count is 229.

Heier asked if anyone wished to testify either in favor or opposition to the proposal.

No one appeared and the hearings were closed.

6) **OLD BUSINESS:**

- A. An agreement with EPOS Corporation to act as a technology service provider for the County Treasurer's Office for property tax collection. The agreement is effective upon execution through December 31, 2004, and for a three year term thereafter. (C-04-0501)

MOTION: Workman moved and Schorr seconded approval of an agreement with EPOS Corporation to act as a technology service provider for the County Treasurer's Office for property tax collection. Heier, Workman and Schorr voted aye. Motion carried.

7) **NEW BUSINESS:**

- A. A resolution in the matter of County Special Permit 04048, requested by Lyle Loth of ESP on behalf of James M. Buel, to create four residential acreage units on property generally located one-half mile east of North 148th and Adams Streets in Lancaster County, Nebraska. (R-04-0154)
- B. A resolution in the matter of County Preliminary Plat 04022, Adams Street Acreages, requested by Lyle Loth of ESP on behalf of James M. Buel, for four residential acreage lots on property generally located one-half mile east of North 148th and Adams Streets in Lancaster County, Nebraska. (R-04-0155)

MOTION: Schorr moved and Workman seconded approval of Resolution 04-0154, County Special Permit 04048, and approval of Resolution 04-0155, County Preliminary Plat 04022, Adams Street Acreages. Workman, Heier and Schorr voted aye. Motion carried.

- C. A program agreement between the State of Nebraska, Department of Roads and Lancaster County for Project BR-3270(4), Hickman Southeast, Lancaster County Structure X-117. The County will pay ten to 20 percent of the cost and will allocate \$95,600 for the project. The Federal Highway Administration will pay up to 80 percent of the project cost and the State will pay zero to ten percent of the project cost. (C-04-0620)

MOTION: Workman moved and Schorr seconded approval of a program agreement between the State of Nebraska, Department of Roads and Lancaster County for Project BR-3270(4), Hickman Southeast, Lancaster County Structure X-117. Heier, Schorr and Workman voted aye. Motion carried.

- D. A utility relocation agreement between Lancaster County and the Norris Public Power District of Beatrice, Nebraska relating to Project C55-Q-407(2), Old Cheney Road (South 148th to South 190th Streets). The total amount of the project is estimated at \$154,275.79, of which \$89,942.79 is estimated to be the share of the cost chargeable to the County. (C-04-0622)

7) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Workman seconded approval of a utility relocation agreement between Lancaster County and the Norris Public Power District of Beatrice, Nebraska relating to Project C55-Q-407(2), Old Cheney Road (South 148th to South 190th Streets). Workman, Schorr and Heier voted aye. Motion carried.

E. A utility relocation agreement between Lancaster County and the Norris Public Power District of Beatrice, Nebraska relating to Project C55-A-401(5), North 162nd Street (Salt Creek to Davey Road). The total amount of the project is estimated at \$127,880.93, of which \$70,334.51 is estimated to be the share of the cost chargeable to the County. (C-04-0623)

MOTION: Schorr moved and Workman seconded approval of a utility relocation agreement between Lancaster County and the Norris Public Power District of Beatrice, Nebraska relating to Project C55-A-401(5), North 162nd Street (Salt Creek to Davey Road). Workman, Heier and Schorr voted aye. Motion carried.

F. A preliminary engineering agreement with Olsson Associates for the Jamaica North Trail; Project STPB-55(150). Lancaster County will pay Olsson Associates a fixed fee for profit of \$6,939.25, and up to \$58,493.90 for actual costs, for a total of \$65,433.15. (C-04-0628)

MOTION: Workman moved and Schorr seconded approval of a preliminary engineering agreement with Olsson Associates for the Jamaica North Trail; Project STPB-55(150). Schorr, Heier and Workman voted aye. Motion carried.

G. Addendum number one to County Contract C-04-0601 with Progressive Construction L.L.C. for construction of the County vehicle storage facility. The addendum incorporates a provision relinquishing control of the construction site to the Contractor. (C-04-0624)

MOTION: Workman moved and Schorr seconded approval of addendum number one to County Contract C-04-0601 with Progressive Construction L.L.C. for construction of the County vehicle storage facility. Schorr, Heier and Workman voted aye. Motion carried.

H. Addendum number one to County Contract C-04-0602 with Midwest Roofing Inc. for re-roofing of the Lancaster County Extension Building. The addendum incorporates a provision relinquishing control of the construction site to the contractor. (C-04-0625)

7) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded approval of addendum number one to County Contract C-04-0602 with Midwest Roofing Inc. for re-roofing of the Lancaster County Extension Building. The addendum incorporates a provision relinquishing control of the construction site to the contractor. Schorr, Heier and Workman voted aye. Motion carried.

I. Health Insurance Portability and Accountability Act of 1996 (HIPAA) Health Information Privacy Amendment to Plan Document United HealthCare Choice Plus for the Lancaster County health benefit plan number 704579. This amends the health benefit plan document as required by HIPAA to protect individuals protected health information. (C-04-0626)

MOTION: Schorr moved and Workman seconded approval of Health Insurance Portability and Accountability Act of 1996 (HIPAA) Health Information Privacy Amendment to Plan Document United HealthCare Choice Plus for the Lancaster County health benefit plan number 704579. This amends the health benefit plan document as required by HIPAA to protect individuals protected health information. Workman, Schorr and Heier voted aye. Motion carried.

J. Certification of plan amendment to plan document United HealthCare Choice Plus for Lancaster County health benefit plan number 704579. The amendment certifies that Lancaster County, as plan sponsor, has amended the health benefit plan document as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). (C-04-0627)

MOTION: Workman moved and Schorr seconded approval of the certification of plan amendment to plan document United HealthCare Choice Plus for Lancaster County health benefit plan number 704579. The amendment certifies that Lancaster County, as plan sponsor, has amended the health benefit plan document as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Heier, Workman and Schorr voted aye. Motion carried.

K. A resolution in the matter of amending the 2005 Fiscal One and Six-Year Lancaster County Road and Bridge Improvement Program to add Project C55-W-64, Southwest 14th Street between West Pella and West Hallam Roads. (R-04-0153)

MOTION: Workman moved and Schorr seconded approval of Resolution 04-0153 in the matter of amending the 2005 Fiscal One and Six-Year Lancaster County Road and Bridge Improvement Program to add Project C55-W-64, Southwest 14th Street between West Pella and West Hallam Roads. Schorr, Workman and Heier voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

L. A resolution in the matter of designating banks as depositories for Lancaster County, Nebraska. (R-04-0156)

MOTION: Workman moved and Schorr seconded approval of Resolution 04-0156 in the matter of designating banks as depositories for Lancaster County, Nebraska. Workman, Schorr and Heier voted aye. Motion carried.

M. A resolution approving a Notice of Privacy Practices form in connection with the County sponsored, self-insured group health benefit plan, and stating the health benefit is not a "small health plan" under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). (R-04-0157)

MOTION: Schorr moved and Workman seconded approval of Resolution 04-0157 approving a Notice of Privacy Practices form in connection with the County sponsored, self-insured group health benefit plan, and stating the health benefit is not a "small health plan" under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Heier, Workman and Schorr voted aye. Motion carried.

N. A political subdivision tort claim filed against Lancaster County Corrections by Isaiah Luster for lost property, in the amount of \$80.

MOTION: Schorr moved and Workman seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against Lancaster County Corrections by Isaiah Luster for lost property, in the amount of \$80. Workman, Schorr and Heier voted aye. Motion carried.

O. Reappointment of Deb Arends and Dean S. Lesoing and the new appointment of Jane L. Schroeder to the Lancaster County Extension Board for three year terms, beginning January 1, 2005 and ending December 31, 2007.

MOTION: Workman moved and Schorr seconded approval of the reappointment of Deb Arends and Dean S. Lesoing and the new appointment of Jane L. Schroeder to the Lancaster County Extension Board for three year terms, beginning January 1, 2005 and ending December 31, 2007. Heier, Workman and Schorr voted aye. Motion carried.

P. Letter of authorization to Randall Funding and Development, Inc. to write the 2005 U.S. Smokeless Tobacco Company Polaris Ranger Donation Program grant, and to submit the grant electronically if required, on behalf of the Lancaster County Sheriff.

7) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Workman seconded approval of a letter of authorization to Randall Funding and Development, Inc. to write the 2005 U.S. Smokeless Tobacco Company Polaris Ranger Donation Program grant, and to submit the grant electronically if required, on behalf of the Lancaster County Sheriff. Heier, Workman and Schorr 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. **Nebraska Department of Roads' 2004 Annual Report.**

B. A request from Deion P. Christophe, an employee with the Lancaster County Corrections Department, to voluntarily participate in the County Retirement Plan having met the requirements.

C. Authorization to submit an application and dues for Lancaster County, in the amount of \$365, for WorkWell membership.

D. Microcomputer request control number 2004-459, in the amount of \$787.50, from the County Extension budget for a Pentium IV computer.

E. Authorization for Emergency Management to purchase a computer for operation of the Weathersentry system, to be funded from the Emergency Management budget.

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

9) **POTENTIAL LITIGATION REGARDING THE OPERATION OF A MOTOCROSS TRACK OWNED BY HUSKER OFF ROAD RIDING CLUB, L.L.C., LOCATED AT 8800 KOLBROOK ROAD:**

Mundt stated the Sheriff's Office received complaints regarding the operation of a motocross track at 8800 Kolbrook Road on December 11th and December 12th, 2004. She explained that those complaints were investigated and verified by the Sheriff's Office. Based on the two complaints, as well as numerous others, the County Attorney's Office requested authorization to file a civil suit to enjoin such use on the property.

MOTION: Schorr moved and Workman seconded to authorize the County Attorney's Office to file a civil action against Husker Off Road Riding Club, L.L.C. and David Samani to enjoin the use of a motocross track at 8800 Kolbrook Road.

9) **POTENTIAL LITIGATION CONTINUED:**

Workman stated he felt it appropriate that the matter be settled in court.

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

10) **ADJOURNMENT:**

MOTION: Schorr moved and Workman seconded adjournment of the Board of Commissioners meeting at 1:55 p.m.. Workman, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 21, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier
Deb Schorr
Bob Workman

Commissioners Absent: Ray Stevens, Chair
Larry Hudkins, Vice Chair

Others Absent: Norm Agena, County Assessor/Register of Deeds
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 Equalization was called to order 1:55 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 14, 2004.**

MOTION: Schorr moved and Workman seconded approval of the minutes of the Board of Equalization dated December 14, 2004. Schorr and Workman voted aye. Heier abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 170 additions and deductions to the tax assessment rolls per Exhibit A.

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Christian Retirement Homes, Inc. d/b/a Eastmont Towers
Sheridan Lutheran Church
Southeast Nebraska Mobile Diagnostic Services, Inc.

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

5) **ADJOURNMENT:**

MOTION: Schorr moved and Workman seconded adjournment of the Board of Equalization meeting at 1:57 p.m.. Heier, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk