

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 19, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

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

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

The meeting of the Board of Commissioners was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 12, 2006.**

MOTION: Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting held on September 12, 2006.

Stevens requested the minutes be corrected to reflect that he was in attendance.

CLARIFICATION OF MOTION: Approval of the minutes of the Board of Commissioners meeting held on September 12, 2006 as corrected.

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

- 2) **SPECIAL PRESENTATIONS:**

A. A resolution proclaiming Monday, September 25, 2006 as Family Day - A Day To Eat Dinner With Your Children (R-06-0094)

The Clerk read the resolution into the record.

2) **SPECIAL PRESENTATIONS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of Resolution 06-0094 proclaiming September 25, 2006 as Family Day - A Day to Eat Dinner With Your Children. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

3) **CLAIMS: Approval of all claims processed through Tuesday, September 19, 2006.**

MOTION: Workman moved and Hudkins seconded approval of all claims processed through September 19, 2006. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. County Special Permit No. 06045, requested by Brenda Messick, for authority to operate a horse training, boarding and breeding facility (riding stable) on approximately 7.62 acres, more or less, generally located at North 84th Street and Little Salt Road, Lancaster County, Nebraska. (See New Business Item 5A for correlating documentation.)

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

The oath was administered to Brenda Messick, applicant.

Messick gave a brief overview of the proposal and stated she did not realize that on less than ten acres she needed a permit to operate a horse training, boarding and breeding facility.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

- A. A resolution in the matter of County Special Permit No. 06045, requested by Brenda Messick, for authority to operate a horse training, boarding and breeding facility (riding stable) on property generally located at North 84th Street and Little Salt Creek Road, Lancaster County, Nebraska. (R-06-0093)**

MOTION: Workman moved and Hudkins seconded approval of Resolution 06-0093 in the matter of County Special Permit No. 06045, requested by Brenda Messick, for authority to operate a horse training, boarding and breeding facility (riding stable) on property generally located at North 84th Street and Little Salt Creek Road, Lancaster County, Nebraska. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

- B. A resolution in the matter of approving an additional expenditure in the amount of \$1,887.52, pursuant to Section 7 of utility relocation agreement, C-05-0072. (R-06-0095)**

MOTION: Heier moved and Stevens seconded approval of Resolution 06-0095 in the matter of approving an additional expenditure, in the amount of \$1,887.52, pursuant to Section 7 of utility relocation agreement, C-05-0072. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

- C. A resolution directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's office to begin tax foreclosure proceedings. (R-06-0096)**

MOTION: Heier moved and Workman seconded approval of Resolution 06-0096 directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's office to begin tax foreclosure proceedings. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

- D. A resolution in the matter of setting the election and boundaries of The Highlands Road Improvement District in Lancaster County, Nebraska. (R-06-0097)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of Resolution 06-0097 in the matter of setting the election and boundaries of The Highlands Road Improvement District in Lancaster County, Nebraska. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

E. Two applications for Special Designated Licenses from Ken's Liquor, Inc. to provide liquor beverage service for the following events at Country Pines, located at 6305 West Adams Street:

- ▶ Arbor Day Foundation open house on Sunday, October 8, 2006 from 12 p.m. to 10 p.m.
- ▶ Gamma Phi Beta Alumni open house on Friday, October 27, 2006 from 8 p.m. to 1 a.m.

MOTION: Stevens moved and Heier seconded approval of two applications for Special Designated Licenses from Ken's Liquor, Inc. to provide liquor beverage service for the following events at Country Pines, located at 6305 West Adams Street: Arbor Day Foundation open house on October 8, 2006 from 12 p.m. to 10 p.m. and the Gamma Phi Beta Alumni open house on October 27, 2006 from 8 p.m. to 1 a.m. subject to the recommendations of the Sheriff, County Engineering and the Health Department. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

F. A grant contract with CenterPointe, Inc. for the following programs: Community Support, in the amount of \$42,679; Youth Residential, in the amount of \$33,239; Outpatient Services, in the amount of \$101,006; Day Rehabilitation, in the amount of \$95,347; and Dual Diagnosis/Residential Treatment, in the amount of \$87,658. The total amount of the grant contract is \$359,928. Term of the grant contract is July 1, 2006 to June 30, 2007. (C-06-0515)

MOTION: Stevens moved and Workman seconded approval of a grant contract with CenterPointe, Inc. for the following programs: Community Support, in the amount of \$42,679; Youth Residential, in the amount of \$33,239; Outpatient Services, in the amount of \$101,006; Day Rehabilitation, in the amount of \$95,347; and Dual Diagnosis/Residential Treatment, in the amount of \$87,658. The total amount of the grant contract is \$359,928. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

G. A grant contract with the Rape/Spouse Abuse Crisis Center for funding for the oversight and management of two full-time advocates who supply enhanced 24 hour advocacy to victims in person or by phone, in the amount of \$60,313, and advocate cell phone support, in the amount of \$1,200. Total amount of the grant contract is \$61,513. The grantee will contribute \$15,441 in matching funds. Term of the grant contract is from July 1, 2006 to June 30, 2007. (C-06-0516)

MOTION: Hudkins moved and Workman seconded approval of a grant contract with the Rape/Spouse Abuse Crisis Center for funding for the oversight and management of two full-time advocates who supply enhanced 24 hour advocacy to victims in person or by phone, in the amount of \$60,313, and advocate cell phone support, in the amount of \$1,200. Total amount of the grant contract is \$61,513. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

H. A grant contract with the Good Neighbor Center to provide an emergency food and clothing center for low income families in the Lincoln/Lancaster County area, in the amount of \$57,000. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0517)

MOTION: Workman moved and Stevens seconded approval of a grant contract with the Good Neighbor Center to provide an emergency food and clothing center for low income families in the Lincoln/Lancaster County area, in the amount of \$57,000. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

I. A grant contract with Lincoln Medical Education Partnership to provide funding for the Family Violence Council Program, in the amount of \$25,883, and the Pathways to Self-Sufficiency through Education Program, in the amount of \$30,500. The total amount of the grant contract is \$56,383. Term of the grant contract is from July 1, 2006 through June 30, 2007. (C-06-0518)

MOTION: Stevens moved and Workman seconded approval of a grant contract with Lincoln Medical Education Partnership to provide funding for the Family Violence Council Program, in the amount of \$25,883, and the Pathways to Self-Sufficiency through Education Program, in the amount of \$30,500. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

- J. An agreement with the Lancaster County Medical Society (LCMS) to enroll qualified Lancaster County General Assistance clients in national pharmaceutical discount programs and to provide related services, including medical record development, the training of General Assistance caseworkers and the training of staff at the Community Mental Health Center. Term of the agreement is July 1, 2006 through June 30, 2007. The County will reimburse LCMS based upon the established rates for each discount program and \$2,000 per month for related services. The County will also reimburse LCMS \$3,000 for training the staff at the Community Mental Health Center. (C-06-0519)

MOTION: Hudkins moved and Stevens seconded approval of an agreement with the Lancaster County Medical Society (LCMS) to enroll qualified Lancaster County General Assistance clients in national pharmaceutical discount programs and to provide related services, including medical record development, the training of General Assistance caseworkers and the training of staff at the Community Mental Health Center. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

- K. An interlocal agreement with the Village of Denton for law enforcement services within the Village limits. The Lancaster County Sheriff will assign one Deputy to duty in the Village limits and provide a cruiser. The Village will reimburse the County at the overtime rate of pay for the Deputy assigned. Term of the agreement will be from September 1, 2006 to August 31, 2007. (C-06-0520)

MOTION: Heier moved and Workman seconded approval of an interlocal agreement with the Village of Denton for law enforcement services within the Village limits. The Lancaster County Sheriff will assign one Deputy to duty in the Village limits and provide a cruiser. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

- L. An interlocal agreement with the City of Hickman for the provision of law enforcement services within the City, as needed by the City. The Sheriff will assign one Deputy for duty and provide one Sheriff's cruiser. Term of the agreement is from November 1, 2006 to October 31, 2007. The County will be reimbursed at the Deputy's overtime rate for the services provided and will be reimbursed 44.5 cents per mile for cruiser maintenance. (C-06-0521)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of an interlocal agreement with the City of Hickman for the provision of law enforcement services within the City, as needed by the City. The Sheriff will assign one Deputy for duty and provide one Sheriff's cruiser. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

M. Agreement and acceptance of proposal with the Lincoln League of Women Voters to assist with voter registration sites in Lancaster County. The County will pay up to \$2,000 for the services. Term of the agreement is September 1, 2006 to August 31, 2007. (C-06-0522)

MOTION: Stevens moved and Hudkins seconded approval of an agreement and acceptance of proposal with the Lincoln League of Women Voters to assist with voter registration sites in Lancaster County. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

N. An agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steve McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the Statewide Primary Election for Lancaster County on November 7, 2006. The agreement will commence upon execution by both parties and will continue until November 10, 2006. The County will pay \$42 per polling location for the delivery services. (C-06-0523)

MOTION: Heier moved and Workman seconded approval of an agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steve McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the Statewide Primary Election for Lancaster County on November 7, 2006.

Stevens noted that the agreement indicates the election was a primary election instead of a general election.

Kristy Mundt, Deputy County Attorney, stated a correction would be made.

5) **NEW BUSINESS CONTINUED:**

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

O. An interlocal agreement with the City of Lincoln to provide the City with an appropriate facility (Youth Assessment Center) for temporary detention of juveniles taken into custody by the Lincoln Police Department, pursuant to Neb. Rev. Stat. §43-248. Term of the agreement is July 1, 2006 through June 30, 2007 and the City will pay the County \$50,000 for these services. (C-06-0524)

MOTION: Stevens moved and Workman seconded approval of an interlocal agreement with the City of Lincoln to provide the City with an appropriate facility (Youth Assessment Center) for temporary detention of juveniles taken into custody by the Lincoln Police Department, pursuant to Neb. Rev. Stat. §43-248. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

P. A grant award agreement with the Division of Behavioral Health Services of the Department of Health and Human Services (HHS) to provide youth problem gambling prevention services for the Gamblers Assistance Program. The County will receive \$50,000 from HHS through Legislative Bill 332, Administration Tobacco Cash Funds. Term of the grant award is July 1, 2006 through June 30, 2007. (C-06-0525)

MOTION: Heier moved and Stevens seconded approval of a grant award agreement with the Division of Behavioral Health Services of the Department of Health and Human Services (HHS) to provide youth problem gambling prevention services for the Gamblers Assistance Program. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

Q. An interlocal agreement between Lancaster County and the City of Lincoln for medical services to the Youth Services Center through the Lincoln-Lancaster County Health Department for the period from July 1, 2006 through June 30, 2007. (C-06-0526)

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Workman seconded approval of an interlocal agreement between Lancaster County and the City of Lincoln for medical services to the Youth Services Center through the Lincoln-Lancaster County Health Department for the period from July 1, 2006 through June 30, 2007. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

R. Request from the Lancaster County Personnel Policy Board to create a pay plan for employees represented by the pay ranges prefixed by 'C' and 'E'.

MOTION: Stevens moved and Heier seconded approval of a request from the Lancaster County Personnel Policy Board to create a pay plan for employees represented by the pay ranges prefixed by 'C' and 'E'. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

S. Request from the Lancaster County Public Defender to appoint Dorothy A. Walker, as a Deputy Public Defender, and to set her salary at \$51,642, effective September 14, 2006.

MOTION: Hudkins moved and Stevens seconded approval of a request from the Lancaster County Public Defender to appoint Dorothy A. Walker, as a Deputy Public Defender, and to set her salary at \$51,642, effective September 14, 2006. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

T. A political subdivision tort claim filed by Jason Gray against the Lancaster County Corrections Department for lost property, in the amount of \$70.

MOTION: Heier moved and Stevens seconded to accept the Director's recommendation and approve a tort claim filed by Jason Gray against the Lancaster County Corrections Department for lost property, in the amount of \$20 using the County's depreciation schedule. Heier, Workman, Stevens, Hudkins and Schorr 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. Lancaster Manor's Monthly Report.
2. Records and Information Management's Monthly Report for August, 2006.
3. Seven certificates of insurance regarding properties under the Lincoln-Lancaster Public Building Commission naming Lancaster County as an additional insured.

B. Setting of public hearings for Tuesday, September 26, 2006 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building for following:

1. Amending Section XIII of County Resolution Number 02-30, Procedures for the regulation of on-site wastewater treatment systems in Lancaster County, by increasing various fees as provided in Attachment "A". (A copy of the proposed amendment(s) is on file in the County Clerk's Office.)
2. Amending Article 2, Section 30, Appendix II and Appendix III of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, to increase the fees associated with construction permits and to provide consistency with the Federal and State Regulations on air quality, as provided in Attachments "A", "B", "C". (A copy of the proposed amendment(s) is on file in the County Clerk's Office.)
3. Amending Resolution Number 5069, the Lancaster County Air Pollution Control Resolution, to increase the fee for open burning permits.

C. Setting of a public hearing for Tuesday, October 10, 2006 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for a Class I (Spirits, Wine, Beer, On Sale Only) liquor license from Leonard P. Jimenez d/b/a La Paloma, located at 13940 "O" Street, Suite 9, Lancaster County, Nebraska.

6) **CONSENT ITEMS CONTINUED:**

D. Request from Amy Tegley, an employee in the County Treasurer's Office, to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.

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

7) **ADJOURNMENT:**

MOTION: Stevens moved and Workman seconded adjournment of the Board of Commissioners meeting at 9:59 a.m.. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 19, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Others Present: Norm Agena, County Assessor/Register of Deeds
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The meeting of the Board of Equalization was called to order at 9:59 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 12, 2006.**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on September 12, 2006 with a correction noting that Commissioner Stevens was present at the meeting. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 13 additions and deductions to the tax assessment rolls per Attachment "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**BryanLGH Medical Center
Cristo Rey Catholic Church
Shepherd of the Hills
Sisters of Mary Queen of Mercy
Trinity Lutheran Church & School
VITAL Services, Inc.**

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

4) **APPEALS FILED ON PENALTY ASSESSED ON PERSONAL PROPERTY FOR THE FOLLOWING:**

**Marsha Foster
Bernie Hier
Meginnis Ford
Telesis, Inc.**

Heier stated for the record that the appeal listed for Bernie Hier was not his appeal. He indicated the last name is spelled differently than his.

Scott Miller, appeared on behalf of Telesis, Inc., and indicated that their personal property schedule was filed late, however, due to changes made in the process by the Assessor/Register of Deeds Office, he feels the ten percent penalty should be waived.

Norm Agena, County Assessor/Register of Deeds, stated that state statute does not allow the County Board to waive the late filing penalty. He explained that the filing deadline is May 1 of every year. Schedules filed between May 1st and August 1st must be assessed a ten percent penalty and schedules filed between August 1st and the end of the year are assessed a 25 percent late filing penalty.

Recommendation by the Assessor/Register of Deeds was to assess a ten percent penalty.

MOTION: Stevens moved and Workman seconded to deny the appeal(s) and assess a ten percent penalty on personal property for Marsha Foster, Bernie Hier, Meginnis Ford and Telesis, Inc.. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5) **NOTICE OF ASSESSED VALUATION CHANGE FOR 2006 FOR THE FOLLOWING:**

**Muir N. and Sheryl L. Cooper
David B. and Patricia A. Lambrecht**

The Clerk noted the notice of assessed valuation change for David and Patricia Lambrecht also pertains to 2005.

Agenda gave a brief explanation regarding the notices.

MOTION: Hudkins moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and send notice of assessed valuation change for 2006 for Muir N. and Sheryl L. Cooper and for 2005 and 2006 for David B. and Patricia A. Lambrecht. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the meeting of the Board of Equalization at 10:10 a.m.. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

Bruce Medcalf
County Clerk