

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 17, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

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

Commissioners Absent: Deb Schorr, Chair

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

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, October 10, 2006.

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on October 10, 2006. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, October 17, 2006.

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through October 17, 2006. Workman, Hudkins, Heier and Stevens voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. Continuation of a public hearing on 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. (See New Business Item 5A for correlating documentation.)

3) **PUBLIC HEARINGS:**

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

No one appeared and the hearing was closed.

NEW BUSINESS:

- A. A resolution in the matter of an application for a Class I (Beer, Wine & Distilled Spirits, On Sale Only) Liquor License for Leonard P. Jimenez, d/b/a La Paloma, located at 13940 "O" Street, Suite 9, Lancaster County, Nebraska. (R-06-0113)

It was noted that an amendment of the application has been filed with additional information relating to misdemeanor convictions.

MOTION: Heier moved and Hudkins seconded approval of Resolution R-06-0113 in the matter of an application for a Class I (Beer, Wine & Distilled Spirits, On Sale Only) Liquor License for Leonard P. Jimenez, d/b/a La Paloma, located at 13940 "O" Street, Suite 9, Lancaster County, Nebraska. Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

4) **OLD BUSINESS:**

- A. A resolution in the matter of striking uncollectible property tax from the tax list. (R-06-0105)

NOTE: This item was tabled at the October 3, 2006 Board of Commissioners Meeting.

MOTION: Hudkins moved and Stevens seconded to remove the item from the table and to proceed with action. Workman, Hudkins, Heier and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded approval of Resolution R-06-0105 in the matter of striking uncollectible property tax from the tax list. Workman, Stevens, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution in the matter of an application for a Class I (Beer, Wine & Distilled Spirits, On Sale Only) Liquor License for Leonard P. Jimenez, d/b/a La Paloma, located at 13940 "O" Street, Suite 9, Lancaster County, Nebraska. (R-06-0113)

Item was moved forward on the agenda.

- B. An agreement between CCS, Inc. and Lancaster County, on behalf of Lancaster Manor, for computer software and hardware consulting, programming, planning, maintenance and resolution management at the rate of \$125.00 per billable hour, and attached Business Associate Agreement assuring compliance with HIPAA Privacy and Security Rules. (C-06-0559)

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

- C. A grant contract with Lincoln Action Program, Inc. to provide funding for the following programs: LAP Education Outreach in the amount of \$12,900; Emergency Services in the amount of \$67,500; and Project CHIRP in the amount of \$9,600. Total amount of the grant contract is \$90,000. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0556)

Item was held at the request of the Human Services Administrator.

- D. A grant contract with Lighthouse, Inc., to provide funding for the After School Program in the amount of \$10,500. Term of the agreement is July 1, 2006 to June 30, 2007. (C-06-0557)

MOTION: Stevens moved and Hudkins seconded approval of a grant contract with Lighthouse, Inc., to provide funding for the After School Program in the amount of \$10,500. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- E. A grant contract with the People's City Mission for funding for the Family Shelter Program in the amount of \$40,000, and the Day Services Program in the amount of \$25,000. Total amount of the grant contract is \$65,000. Term of the grant contract is July 1, 2006 through June 30, 2007. (C-06-0561)

MOTION: Stevens moved and Heier seconded approval of a grant contract with the People's City Mission for funding for the Family Shelter Program in the amount of \$40,000, and the Day Services Program in the amount of \$25,000. Total amount of the grant contract is \$65,000. Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

F. A subdivision agreement with Oak Prairie, LLC, for County Final Plat No. 06073, Oak Prairie Estates Second Addition, on property generally located at Northwest 140th Street and West Holdrege Street. (C-06-0560)

MOTION: Heier moved and Stevens seconded approval of a subdivision agreement with Oak Prairie, LLC, for County Final Plat No. 06073, Oak Prairie Estates Second Addition, on property generally located at Northwest 140th Street and West Holdrege Street. Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

G. An amendment to an agreement with BryanLGH Medical Center, under County Contract No. C-04-0219, for the exchange of parking bays on the BryanLGH Medical Center West campus during the renovation project of the hospital facility located at 1600 South 48th Street. The amendment extends the term of the agreement to March 31, 2007. (C-06-0558)

MOTION: Hudkins moved and Heier seconded approval of an amendment to an agreement with BryanLGH Medical Center, under County Contract No. C-04-0219, for the exchange of parking bays on the BryanLGH Medical Center West campus during the renovation project of the hospital facility located at 1600 South 48th Street. The amendment extends the term of the agreement to March 31, 2007.

Stevens asked that the agreement be amended to reflect the address where the renovation project occurred (2300 South 16th Street). He also objected to extending the contract to March 31, 2007.

AMENDMENT: Stevens moved and Workman seconded to amend the agreement to state that it will expire on December 31, 2006.

Heier said BryanLGH should be apprised before changes are made to the agreement.

Kristy Mundt, Deputy County Attorney, appeared and said the change in address should not be a problem. She said the Commissioners were briefed before the term of the agreement was proposed to BryanLGH and the majority were satisfied with the terms.

Stevens said BryanLGH had originally projected that the renovation project would be completed in July, 2005, when the original agreement expired, and said he is concerned with the continued disruption to the Community Mental Health Center.

5) **NEW BUSINESS CONTINUED:**

Hudkins said he is reluctant to shorten the time frame, as it could impact negotiated improvements.

ROLL CALL ON THE AMENDMENT: Stevens voted aye. Heier, Workman and Hudkins voted no. Motion failed.

ROLL CALL ON THE ORIGINAL MOTION: Workman, Hudkins, Stevens and Heier voted aye. Motion carried.

H. A resolution in the matter of amending the adoption of a policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by County Elected Officials, Appointed Officials, Employees and Volunteers. This resolution replaces the daily per diem allowed for meals with a maximum reimbursement schedule and requires employees to submit receipts of actual meal expenses. This resolution is effective November 1, 2006, and replaces County Resolution No. 02-0053. (R-06-0114)

MOTION: Hudkins moved and Heier seconded approval of Resolution R-06-0114 in the matter of amending the adoption of a policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by County Elected Officials, Appointed Officials, Employees and Volunteers. This resolution replaces the daily per diem allowed for meals with a maximum reimbursement schedule and requires employees to submit receipts of actual meal expenses. This resolution is effective November 1, 2006, and replaces County Resolution No. 02-0053. Workman, Heier and Hudkins voted aye. Stevens voted no. Motion carried.

I. A resolution in the matter of amending the Lancaster County Purchasing Manual to provide a threshold of \$1,500 for requiring three (3) informal bids. (R-06-0115)

MOTION: Hudkins moved and Stevens seconded approval of Resolution R-06-0115 in the matter of amending the Lancaster County Purchasing Manual to provide a threshold of \$1,500 for requiring three (3) informal bids. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

J. A recommendation from the Purchasing Department and the Lancaster County Sheriff to issue an award, in the total amount of \$189,960, from State of Nebraska Contract No. 11746-0C, to Anderson Ford for eight (8), 2007 Ford Crown Victoria Police Sedans, with options as specified on the requisition form. (B-06-0036)

MOTION: Stevens moved and Heier seconded to accept the recommendation from the Purchasing Agent and the County Sheriff and to issue an award, in the total amount of \$189,960, from State of Nebraska Contract No. 11746-0C, to Anderson Ford for eight (8), 2007 Ford Crown Victoria Police Sedans, with options as specified on the requisition form. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

K. A recommendation from the Purchasing Agent and the County Engineer to award a bid to Elk Horn Construction Company, for repair of County Bridge H-253, in the amount of \$34,748. (B-06-0037)

MOTION: Heier moved and Hudkins seconded to accept the recommendation from the Purchasing Agent and the County Engineering Department and award a bid to Elk Horn Construction Company, for repair of County Bridge H-253, in the amount of \$34,748. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

L. A political subdivision tort claim filed by Sara Geick against Corrections for lost property, in the amount of \$17.50.

MOTION: Heier moved and Stevens seconded approval of a political subdivision tort claim filed by Sara Geick against Corrections for lost property, in the amount of \$15.00, pursuant to a recommendation from the Corrections Director. Workman, Hudkins, Heier and Stevens voted aye. Motion carried.

M. A political subdivision tort claim filed by William J. Stevens against Lancaster County for damages to his vehicle's windshield, in the amount of \$185.00.

MOTION: Stevens moved and Heier seconded to deny a political subdivision tort claim filed by William J. Stevens against Lancaster County for damages to his vehicle's windshield, in the amount of \$185.00. Heier, Workman, Stevens 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. Records & Information Management's Monthly Report for September, 2006.

B. Two (2) grant applications to the Nebraska Game and Parks Commission Recreational Trails Program, signed by the Lancaster County Board Chair in accordance with the cooperative agreement with Lancaster County Lower Platte South Natural Resources District (NRD) and the Ethel S. Abbott Charitable Foundation, County Contract No. C-06-0531.

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

- ▶ Dean and Edna Buffum, in the amount of \$122.50, on North 70th Street, 2021' south of Rock Creek Road; Project No. C.P-B-36. (C-06-0562)
- ▶ Raymond A., Billie B., Michael A., and Mark D. Leavitt, in the amount of \$1,675, ½ mile north of North 98th Street and McKelvie Road; Project No. BR-G-222. (C-06-0563)
- ▶ Howard and David Rockenbach, in the amount of \$1,585, ½ mile north of North 98th Street and McKelvie Road; Project No BR-G-222. (C-06-0564)
- ▶ Doane Family Trust, in the amount of \$6,693.50, on Bluff Road between North 148th and North 190th Streets; Project No. C55-H-402(1). (C-06-0565)
- ▶ Tyrrell Farms, in the amount of \$10,135, on Bluff Road between North 148th and North 190th Streets; Project No. C55-H-402(1). (C-06-0566)
- ▶ Wayne A. and Shirley K. Trout, in the total amount of \$6,405.50, on Bluff Road between North 148th and North 190th Streets; Project No. C55-H-402(1). (2 contracts) (C-06-0571 and C-06-0572)
- ▶ Lee F. and Betty L. Davison, in the total amount of \$1,164, 1202' south of West Saltillo Road on Southwest 128th Street; Project No. C.P-U-76. (2 contracts) (C-06-0567 and C-06-0568)
- ▶ Steven A. and Diane L. Kraus, in the total amount of \$5,403, 1202' south of West Saltillo Road on Southwest 128th Street; Project No. C.P-U-76. (2 contracts) (C-06-0569 and C-06-0570)

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

7) **EMERGENCY ITEMS AND OTHER BUSINESS:**

Kerry Eagan, Chief Administrative Officer, appeared and asked that an agreement with Misty's to provide catering services for the Management Team Retreat on Thursday, October 19, 2006 be added to the agenda as an emergency item (Exhibit A).

MOTION: Hudkins moved and Stevens seconded to add the item to the agenda as an emergency item. Workman, Stevens, Hudkins and Heier voted aye. Motion carried.

MOTION: Stevens moved and Heier seconded to approve the catering agreement with Misty's. Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

8) **ANNOUNCEMENTS:**

The Clerk announced that the County Board will not hold a Staff Meeting on October 19, 2006, due to attendance at the Management Team Retreat. The retreat will be held at Speedway Motors, 340 Victory Lane.

9) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the meeting of the Board of Commissioners at 9:56 a.m. Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 17, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Commissioners Absent: Deb Schorr, Chair

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

The meeting of the Board of Equalization was called to order at 9:57 a.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 10, 2006.

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on October 10, 2006. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

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

MOTION: Stevens moved and Hudkins seconded to table the item for one week. Workman, Hudkins, Heier and Stevens voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Sesostris Shrine
The Good News Broadcasting Association, Inc.
Vital Services, Inc.

MOTION: Stevens moved and Heier seconded approval of the motor vehicle tax exemptions, with the provision that the motor vehicle exemptions for the Sesostris Shrine and Vital Services, Inc. are subject to being titled and registered in the owners' names. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

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

Scott Anderson
(Parcel ID's: 10-28-300-004-000 and 10-28-308-019-000)
Daniel L. and Pamela L. Bentzinger
(Parcel ID: 17-22-231-028-000)

Norm Agena, County Assessor/Register of Deeds, appeared and said the changes are due to clerical errors.

MOTION: Hudkins moved and Stevens seconded to accept the recommendation of the County Assessor and to send notices of assessed valuation change for 2006 to Scott Anderson and Daniel L. and Pamela L. Bentzinger. Workman, Stevens, Hudkins and Heier voted aye. Motion carried.

5) **NOTICE OF CHANGE IN TAX STATUS AND VALUATION CHANGE:**

TJK Investments, Inc.
(Parcel ID: 10-24-410-049-000)

Agena said ownership was transferred from the City of Lincoln to TJK Investments, Inc. prior to the levy date.

MOTION: Heier moved and Hudkins seconded to accept the recommendation of the County Assessor and to send notice of change in tax status and valuation change to TJK Investments, Inc. Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

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

First Lincoln Federal Credit Union
Brothers Automotive, Inc.

Agenda said the penalties, which are in the 10 percent category, are for late filings.

MOTION: Heier moved and Stevens seconded to deny the appeals filed by First Lincoln Federal Credit Union and Brothers Automotive, Inc. on penalties assessed on personal property. Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the meeting of the Board of Equalization at 10:03 a.m. Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk