

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 26, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Others Present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
John Glynn, Chief Deputy County
Gwen Thorpe, Deputy Chief Administrative Officer

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 19, 2007.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on June 19, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, June 26, 2007.**

MOTION: Heier moved and Hudkins approval of all claims processed through June 26, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- 3) **OLD BUSINESS:**

A. An agreement with Quality Pain Therapies, Inc. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Quality Pain Therapies, Inc. will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30 day termination provision. (C-07-0216)

3) **OLD BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of an agreement with Quality Pain Therapies, Inc. to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Quality Pain Therapies, Inc. will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **NEW BUSINESS:**

A. An agreement between Lancaster County and the State of Nebraska, Department of Roads for the installation of roadway lighting using 'High Risk Rural Road Program' funds; Project No. HRRR-55(161), South 120th and A Streets. The County's estimated share of the project is \$2,300. (C-07-0254)

MOTION: Heier moved and Hudkins seconded approval of an agreement between Lancaster County and the State of Nebraska, Department of Roads for the installation of roadway lighting using 'High Risk Rural Road Program' funds; Project No. HRRR-55(161), South 120th and A Streets. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

B. An interlocal agreement with the State of Nebraska, Administrative Office of the Courts for the administration of the Lancaster County Family Drug Court through the Juvenile Court Bailiff II assigned to the Lancaster County Family Drug Court. The Juvenile Court Bailiff will perform drug court coordinator responsibilities and support services that are in addition to her current duties. The Administrative Office of the Courts will pay the County a sum total, not to exceed \$11,254.88, for such services and to cover the Juvenile Court Bailiff II's additional salary, withholding and benefits for performing the drug court coordinator responsibilities and support services. Term of the agreement is from July 1, 2006 through June 30, 2007. (C-07-0255)

This item was held for further review at the request of the County Attorney's Office.

4) **NEW BUSINESS CONTINUED:**

C. An interlocal agreement with the State of Nebraska, Administrative Office of the Courts for the administration of the Lancaster County Family Drug Court through the Juvenile Court Bailiff II assigned to the Lancaster County Family Drug Court. The Juvenile Court Bailiff will perform drug court coordinator responsibilities and support services that are in addition to her current duties. The Administrative Office of the Courts will pay the County a sum total, not to exceed \$11,254.88, for such services and to cover the Juvenile Court Bailiff II's additional salary, withholding and benefits for performing the drug court coordinator responsibilities and support services. Term of the agreement is from July 1, 2007 through June 30, 2008. (C-07-0256)

This item was held for further review at the request of the County Attorney's Office.

D. An affiliation agreement with the Board of Regents of the University of Nebraska on behalf of the Clinical Psychology Training Program for three graduate psychology students who will provide services such as psychotherapy, counseling and psychological testing for the Community Mental Health Center. Term of the agreement is June 1, 2007 to May 31, 2008 and the County will pay \$46,716 for these services. (C-07-0257)

MOTION: Hudkins moved and Schorr seconded approval of an affiliation agreement with the Board of Regents of the University of Nebraska on behalf of the Clinical Psychology Training Program for three graduate psychology students who will provide services such as psychotherapy, counseling and psychological testing for the Community Mental Health Center. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

E. An agreement with Mary L. Paine Ph.D. for specialized services at the Community Mental Health Center to assist with mental health services. Term of the agreement is July 1, 2007 through June 30, 2008. The County will pay \$65 per hour for up to 40 hours per week. The County will also pay \$100 per weekend where Dr. Paine has agreed to provide on-call services. (C-07-0258)

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

4) **NEW BUSINESS CONTINUED:**

F. A service provider agreement between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of the Community Mental Health Midtown Center, for adult day care services. Term of the agreement is May 1, 2007 through April 30, 2008. (C-07-0259)

MOTION: Stevens moved and Heier seconded approval of a service provider agreement between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of the Community Mental Health Midtown Center, for adult day care services. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

G. Utility Permit No. 880 allowing the City of Lincoln to provide sanitary sewer service to development at South 70th Street and Yankee Hill Road at no cost to the County. (C-07-0260)

MOTION: Heier moved and Hudkins seconded approval of Utility Permit No. 880 allowing the City of Lincoln to provide sanitary sewer service to development at South 70th Street and Yankee Hill Road at no cost to the County. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

H. Grant of a temporary easement from Lancaster County, Nebraska (Grantor) to the City of Lincoln, Nebraska (Grantee) allowing the Grantee to temporarily occupy various portions of Wilderness Park, as specifically described in the temporary easement, for the purpose of providing access, storage and de-watering in conjunction with the construction of a sanitary sewer. The Grantor will be paid \$1,190 for the temporary easement. (C-07-0261)

MOTION: Hudkins moved and Schorr seconded to grant a temporary easement from Lancaster County, Nebraska (Grantor) to the City of Lincoln, Nebraska (Grantee) allowing the Grantee to temporarily occupy various portions of Wilderness Park, as specifically described in the temporary easement, for the purpose of providing access, storage and de-watering in conjunction with the construction of a sanitary sewer. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- I. Grant of an easement from Lancaster County, Nebraska (Grantor) to the City of Lincoln, Nebraska (Grantee) in a portion of Wilderness Park, as specifically described in the easement, for the purpose of constructing, reconstructing, maintaining, operating and replacing a sanitary sewer. The Grantor will be paid \$1,400 for the easement. (C-07-0262)**

MOTION: Stevens moved and Heier seconded to grant an easement from Lancaster County, Nebraska (Grantor) to the City of Lincoln, Nebraska (Grantee) in a portion of Wilderness Park, as specifically described in the easement, for the purpose of constructing, reconstructing, maintaining, operating and replacing a sanitary sewer. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

- J. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, for the Project Here to Overcome (H2O). The County will receive \$49,795 of which \$19,795 is the County's match share. Term of the grant award is July 1, 2007 to June 30, 2008. (C-07-0263)**

MOTION: Stevens moved and Hudkins seconded to accept a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, for the Project Here to Overcome (H2O). Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

- K. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, for the Where Do I Belong project. The County will receive \$31,070 of which \$8,070 is the County's match share. Term of the grant award is July 1, 2007 to June 30, 2008. (C-07-0264)**

MOTION: Stevens moved and Heier seconded to accept a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, for the Where Do I Belong project. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

L. A letter of agreement with William E. Peters, Esq., to represent the Lancaster County Board of Equalization and Assessment in appeals of its decisions regarding the eligibility of real estate parcels in Lancaster County to be valued as provided in Ne. Rev. Stat. §77-1343 through 77-1348 (Supp. 2006). (C-07-0265)

MOTION: Heier moved and Schorr seconded approval of a letter of agreement with William E. Peters, Esq., to represent the Lancaster County Board of Equalization and Assessment in appeals of its decisions regarding the eligibility of real estate parcels in Lancaster County to be valued as provided in Ne. Rev. Stat. §77-1343 through 77-1348 (Supp. 2006). Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

M. A resolution regarding the proposed sale of County property generally located at 831 Westgate Boulevard, Lincoln, Lancaster County, Nebraska which includes declaring the property surplus, determination of fair market value and setting the sale date of the property for July 19, 2007. (R-07-0048)

MOTION: Hudkins moved and Heier seconded approval of Resolution 07-0048 regarding the proposed sale of County property generally located at 831 Westgate Boulevard, Lincoln, Lancaster County, Nebraska which includes declaring the property surplus, determination of fair market value and setting the sale date of the property for July 19, 2007.

In response to a question asked by Stevens, Kerry Eagan, Chief Administrative Officer, stated he spoke with Captain Juilffs who indicated the sale would probably be held at 2 p.m. in the Justice and Law Enforcement Center.

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

N. A resolution in the matter of setting salaries of the Election Commissioner and Chief Deputy Election Commissioner for the term of office starting September 7, 2007. (R-07-0049)

Eagan stated cost of living increases are not included in the resolution. Elected officials salaries, he stated, have cost of living increases included in their salaries which is currently 2.5 percent or the cost of living index for Midwest Consumers not to exceed four percent.

4) **NEW BUSINESS CONTINUED:**

Stevens stated he would be in favor of the inclusion of cost of living increases.

MOTION: Stevens moved and Schorr seconded approval of Resolution 07-0049 in the matter of setting salaries of the Election Commissioner and Chief Deputy Election Commissioner for the term of office starting September 7, 2007 with the inclusion of an annual cost of living increase of 2.5 percent or the increase in the U.S. Department of Labor Statistics CPI for all Urban Consumers, Mid-West Region not to exceed four percent. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

O. Recommendation of the Purchasing Agent and the County Engineer to award a bid to Logan Contractors Supply, in the amount of \$10,755, for a trailer mounted 200 gallon melting kettle. (B-07-0037)

MOTION: Hudkins moved and Stevens seconded to award a bid to Logan Contractors Supply, in the amount of \$10,755, for a trailer mounted 200 gallon melting kettle. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

P. Recommendation from the Purchasing Agent and the Emergency Management Director to issue an order for Harris Stratex Radio Equipment from Harris Corporation, in the amount of \$15,318. Prices have been established by the Western States Contracting Alliance Contract (No. 02702). (B-07-0038)

MOTION: Heier moved and Stevens seconded to issue an order for Harris Stratex Radio Equipment from Harris Corporation, in the amount of \$15,318. Prices have been established by the Western States Contracting Alliance Contract (No. 02702). Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

Q. Request from the Lancaster County Sheriff's Office to purchase eight 2008 Crown Victoria police package vehicles, at a cost of \$23,695 per vehicle and one 2008 4 x 4 Ford Explorer, at a cost of \$24,197, from Anderson Ford under the 2006/2007 State of Nebraska vehicle bid. (B-07-0039)

Appearing were Sheriff Terry Wagner, Chief Deputy Sheriff Bill Jarrett and Vince Mejer, Purchasing Agent.

4) **NEW BUSINESS CONTINUED:**

Wagner stated his office was notified approximately ten days ago that the 2007 State of Nebraska bid with Anderson Ford would be honored on 2008 Crown Victorias and Ford products through June 29, 2007 with delivery in September.

Discussion took place regarding purchasing options.

MOTION: Hudkins moved and Heier seconded to authorize the Sheriff's Office to purchase five new vehicles, subject to review and concurrence of the Purchasing Agent, with a review of the request at mid-year.

(Commissioner Stevens exited the Hearing Room at 10 a.m..)

ROLL CALL: Schorr, Hudkins, Heier and Workman voted aye. Stevens was absent from voting. Motion carried.

R. A one step pay increase for Tammy Donahoo, Juvenile Detention Supervisor, due to exceptional circumstances.

MOTION: Schorr moved and Heier seconded approval of a one step pay increase for Tammy Donahoo, Juvenile Detention Supervisor, due to exceptional circumstances. Heier, Schorr, Hudkins and Workman voted aye. Stevens was absent from voting. Motion carried.

S. Request from Lutz & Company, P.C., on behalf of the Women's Clinic of Lincoln, for a refund of personal property taxes for 2004, 2005 and 2006.

Rob Ogden, Chief Deputy County Assessor, recommended approval of the refund.

MOTION: Heier moved and Hudkins seconded approval of a request from Lutz & Company, P.C., on behalf of the Women's Clinic of Lincoln, for a refund of personal property taxes for 2004, 2005 and 2006. Heier, Schorr, Hudkins and Workman voted aye. Stevens was absent from voting. Motion carried.

T. A political subdivision tort claim filed against the Lancaster County Corrections Department by Diane Hawkins for lost property, in the amount of \$60.

4) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Schorr seconded to accept the recommendation of the Corrections Director and approve a political subdivision tort claim filed against the Corrections Department by Diane Hawkins for lost property, in the amount of \$60. Schorr, Hudkins, Heier and Workman voted aye. Stevens was absent from voting. Motion carried.

U. Appointment of Carl G. Marks to the Veterans Service Committee for a five year term, beginning July, 2007.

Gary Chalupa, Veterans Service Officer, introduced Carl Marks and stated he has met all requirements and his bond is in place.

Marks gave a brief overview of his military background and qualifications for the position and stated he looks forward to serving on the committee.

MOTION: Hudkins moved and Schorr seconded approval of the appointment of Carl G. Marks to the Veterans Service Committee for a five year term, beginning July 1, 2007. Hudkins, Schorr, Heier and Workman voted aye. Stevens was absent from voting. Motion carried.

5) **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 on Tuesday, July 10, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding Street Name Change No. 07001, requested by the Director of Planning, to rename certain streets in the unincorporated villages of Walton, Kramer, Martell, Prairie Home, Princeton and Rokeby, Lancaster County, Nebraska.

5) **CONSENT ITEMS CONTINUED:**

B. Request from Rhapsody Ziemann, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County retirement plan having met the requirements.

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

6) **OTHER BUSINESS:**

The Chair stated he was informed that there may not be adequate time for the notice relating to the July 3rd public hearing date on the bond issue for the Lancaster Event Center.

MOTION: Hudkins moved and Heier seconded to add to the agenda discussion regarding the scheduling of a public hearing relating to the bond issue for the Lancaster Event Center. Hudkins, Schorr, Heier and Workman voted aye. Stevens was absent from voting. Motion carried.

Workman stated they had advertised that the hearing would be held on July 3, 2007, however, there was a question as to whether the notice should be published ten days in advance of the hearing.

Tom Fox, Deputy County Attorney, explained that in reviewing the statutes the Public Facilities Construction and Finance Act has a provision regarding bonds. The provision, he stated, indicates a ten day notice prior to the time of a public hearing, however, there has been some question as to whether the provision applies to the present situation. Fox stated it would be the recommendation of the County Attorney's Office to err on the side of caution and publish notice ten days prior to the hearing.

Schorr stated that after discussions with the Chief Administrative Officer and her private legal counsel she would be abstaining from voting on the issue.

6) **OTHER BUSINESS CONTINUED:**

MOTION: Heier moved and Hudkins seconded to set a public hearing for Tuesday, July 17, 2007, at 8:30 a.m., in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building concerning the issuance by the Lancaster County Fairgrounds Joint Public Agency of its Limited Tax Facility Bonds, Series 2007 in the maximum principal amount of \$8,000,000 pursuant to the Joint Public Agency Act to pay the costs of constructing an additional livestock pavilion, a roof for the existing outdoor area with a connecting building housing meeting rooms, a cafeteria and storage, additional parking, concrete flooring in an existing building, certain additional equipment and fencing, together with related improvements at the Agency's existing facilities, located at 4100 North 84th Street, Lincoln, Nebraska. Hudkins, Heier and Workman voted aye. Schorr abstained from voting. Stevens was absent from voting. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Commissioners meeting at 10:36 a.m.. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 26, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Commissioners Absent: Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
John Glynn, Chief Deputy County
Rob Ogden, Chief Deputy County Assessor/Register of Deeds
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 10:36 a.m. and Commissioner Schorr exited the Hearing Room.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 19, 2007.**

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on June 19, 2007. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 8 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Christ's Place
Nebraska SPF Swine Accrediting Agency, Inc.
Sisters of Mary, Queen of Mercy**

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

4) **APPEAL OF PENALTY ON 2007 PERSONAL PROPERTY TAX FOR MCKINLEY SCIENTIFIC:**

Rob Ogden, Chief Deputy County Assessor/Register of Deeds Office, explained there are no provisions in the statute to waive the penalty.

MOTION: Heier moved and Hudkins seconded to deny the appeal of a penalty on 2007 personal property tax for McKinley Scientific. Heier, Hudkins and Workman voted aye. Schorr was absent from voting. Motion carried.

5) **LANCASTER COUNTY ASSESSOR/REGISTER OF DEEDS REPORT OF CORRECTIVE ACTION NEEDED FOR OVERVALUED AND UNDERVALUED PROPERTIES PURSUANT TO NEB. REV. STAT. § 77-1315.01 PER ATTACHMENT C:**

Ogden gave an overview regarding the report.

MOTION: Heier moved and Hudkins seconded to accept the recommendation of the Chief Deputy County Assessor/Register of Deeds and send notice of assessed valuation change for property taxation purposes restoring the values for 2006 per Attachment C. Heier, Hudkins and Workman voted aye. Schorr was absent from voting. Motion carried.

6) **ADJOURNMENT:**

MOTION: Hudkins moved and Heier seconded adjournment of the Board of Equalization meeting at 10:40 a.m.. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

Dan Nolte, County Clerk