

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 4, 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
Dan Nolte, County Clerk
Gwen Thorpe, Chief Deputy Administrative Officer

The location announcement of the *Nebraska Open Meetings Act* was given and the meeting was called to order at 9:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 28, 2007 and minutes of the public hearing held on Tuesday, August 14, 2007 at 7 p.m. regarding the Proposed Budget for Lancaster County for Fiscal Year 2007-2008.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting held on August 28, 2007 and the minutes of the public hearing regarding the proposed budget for fiscal year 2007-2008 held on August 14, 2007. Stevens, Schorr, Heier and Workman voted aye. Hudkins was absent from voting. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 4, 2007.**

MOTION: Schorr moved and Heier seconded approval of all claims processed through September 4, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. Setting the final tax request at a different amount than the prior year tax request. The request is for both Lancaster County and the Rural Library for Lancaster County. (See New Business Item 5A for correlating resolution.)

The Chair opened the public hearing.

The oath was administered to Dennis Meyer, Budget and Fiscal Officer.

Meyer gave a brief overview of the final tax request.

Hudkins asked if the accountants were contacted for the Raymond and Malcolm Rural Fire Districts.

Meyer stated he had contacted both entities.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **OLD BUSINESS:**

A. An agreement between Lancaster County and Lorena Pulgarin for project coordinator services for the Medical Translation and Interpretation Project. Term of the contract is from July 1, 2007 to June 30, 2008. The County's payment for such services will not exceed \$20,000. (C-07-0307)

MOTION: Schorr moved and Stevens seconded approval of an agreement between Lancaster County and Lorena Pulgarin for project coordinator services for the Medical Translation and Interpretation Project. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **OLD BUSINESS CONTINUED:**

B. An agreement with the Lancaster County Medical Society (LCMS) to enroll qualified Lancaster County Community Mental Health Center clients in national pharmaceutical discount programs and to provide related services, including medical record development, and the training of staff at the Community Mental Health Center. Term of the agreement is July 1, 2007 through June 30, 2008. The program and \$1,000 per month for related services. (C-07-0331)

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

5) **NEW BUSINESS:**

A. A resolution in the matter of setting the 2007-2008 property tax request for Lancaster County at a different amount than that of the prior year. (R-07-0083)

MOTION: Stevens moved and Hudkins seconded approval of Resolution No. 07-0083 in the matter of setting the 2007-2008 property tax request for Lancaster County at a different amount than that of the prior year. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

B. A resolution in the matter of approving an additional expenditure, in the amount of \$67.85, pursuant to Section 7 of County Contract No. C-07-0020 for Project No. C55-SXP-404(2), South 82nd Street from Panama Road to Hickman Road. (R-07-0082)

MOTION: Heier moved and Hudkins seconded approval of Resolution 07-0082 in the matter of approving an additional expenditure, in the amount of \$67.85, pursuant to Section 7 of County Contract No. C-07-0020 for Project No. C55-SXP-404(2), South 82nd Street from Panama Road to Hickman Road. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

C. A resolution in the matter of authorizing the installation and/or removal of traffic signs in Lancaster County, Nebraska at the following intersections: (R-07-0084)

North 162nd Street and Alvo Road

- ▶ Install stop signs on North 162nd Street for northbound and southbound traffic at the Alvo Road intersection which will provide a four-way stop.
- ▶ Install 'all way' signs below each stop sign at the intersection.
- ▶ Install stop ahead signs. One for northbound traffic on North 162nd Street 500 feet south of the Alvo Road intersection and one for southbound traffic on North 162nd Street approximately 500 feet north of the Alvo Road intersection.

Two months after installation of signage the following changes will be made at North 162nd Street and Alvo Road:

- ▶ Removal of stop signs on Alvo Road for eastbound and westbound traffic.
- ▶ Removal of the existing stop ahead sign on Alvo Road for westbound traffic.
- ▶ Removal of 'all way' signs below each stop sign at the intersection.
- ▶ Install 'Cross Traffic Does Not Stop' signs below the stop signs on North 162nd Street for northbound and southbound traffic. Remove these warning signs after a six-month adjustment period.

North 176th Street and Alvo Road

- ▶ Install stop signs on North 176th Street for northbound and southbound traffic at the Alvo Road intersection which will provide a four-way stop at the intersection.
- ▶ Install 'all way' signs below each stop sign at the intersection.
- ▶ Install stop ahead signs. One for northbound traffic on North 176th Street 500 feet south of the Alvo Road intersection and one for southbound traffic on North 176th Street 500 feet north of the Alvo Road intersection.

Two months after installation of signage the following changes will be made at North 176th Street and Alvo Road:

- ▶ Removal of stop signs on Alvo Road for eastbound and westbound traffic.
- ▶ Removal of 'all way' signs below each stop sign at the intersection.
- ▶ Install 'Cross Traffic Does Not Stop' signs below the stop signs on North 176th Street for northbound and southbound traffic. Remove these warning signs after a six-month adjustment period.

MOTION: Heier moved and Stevens seconded approval of Resolution 07-0084 in the matter of authorizing the installation and/or removal of traffic signs in Lancaster County, Nebraska at North 162nd Street and Alvo and North 176th Street and Alvo Road. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

D. A resolution approving the issuance of not to exceed \$10,000,000 aggregate principal amount of Limited Tax Facility Bonds, Series 2007 of the Lancaster County Fairgrounds Joint Public Agency and directing County representatives to vote in favor of approval of an Amended and Restated Facilities Agreement between the Agency and the Lancaster County Agricultural Society. (R-07-0085)

Alan Wood, attorney representing the Lancaster County Agricultural Society and the Lancaster Event Center, spoke about the amended and restated facilities agreement indicating the amended agreement would have an Exhibit A consisting of a short legal description and an Exhibit B containing a description of the 2000 improvements, as well as the 2007 improvements. Wood stated the most important change was to Section 7 (Pledge of Excess Revenues) on Page 5 of the agreement. He stated the section provides that after the Ag Society has provided for payment of its operation expenses at the facilities, any excess will be placed in an Operations Reserve Fund. If the annual audited financial statements of the Ag Society shows that the balance of the Reserve Fund exceeds 50 percent of the budget operating expenses of the Lancaster Event Center Division of the Society, then 50 percent of any funds over that would be allocated to bond interest and principal. Wood stated they are requesting the County Board to give its approval and authorize the representatives on the Joint Public Agency (JPA) Board to approve the amended and restated facilities agreement.

Scott Keene with Ameritas Investment Corporation stated he and Lauren Wismer, bond counsel, would be asking for the County Board's approval of a resolution setting the maximum terms and conditions of the issuance of the bonds. He stated the dollar amount would not exceed \$10,000,000 and the interest rate would not exceed 5.5 percent. Current interest rates, he stated, would have a twenty year financing and go to market with a true interest cost of approximately 4.77 percent.

Wismer stated the purpose of the resolution is to approve the issuance of bonds by the JPA and to direct the County representatives of the JPA Board to approve the amended and restated facilities agreement.

Stevens stated he would like to hold the resolution and the amended and restated facilities agreement for one week to allow for discussion at the Staff Meeting on Thursday, September 6.

5) **NEW BUSINESS CONTINUED:**

Board consensus was to hold the item until the end of the meeting to allow for additional information.

E. An agreement with Arcadia Health Care for health care staffing services at the Lancaster County Community Mental Health Center. Term of the agreement is from July 1, 2007 to June 30, 2008. The County will pay registered nurses from \$36.95 to \$39.95. (C-07-0349)

MOTION: Heier moved and Stevens seconded approval of an agreement with Arcadia Health Care for health care staffing services at the Lancaster County Community Mental Health Center. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

F. An addendum to an agreement with Behavioral Interventions (BI) Inc., County Contract C-04-0500, for monitoring services for the Lancaster County Community Corrections operation of electronic field monitoring devices. The addendum adds BI Cellular monitoring devices to the agreement which will enable electronic monitoring service to be installed without a telephone line connected to the Community Corrections client's home. The County will pay \$4.50 per unit, per day for each cellular unit provided. (C-07-0350)

MOTION: Stevens moved and Heier seconded approval of an addendum to an agreement with Behavioral Interventions (BI) Inc., County Contract C-04-0500, for monitoring services for the Lancaster County Community Corrections operation of electronic field monitoring devices. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

G. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, Grant No. 07-CA-517, Legislative Bill 193 County Aid Grant, in the amount of \$190,686 and a match of \$76,274 for a total of \$266,960, covering the period from July 1, 2007 through June 30, 2008. (C-07-0351)

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, Grant No. 07-CA-517, Legislative Bill 193 County Aid Grant, in the amount of \$190,686 and a match of \$76,274 for a total of \$266,960, covering the period from July 1, 2007 through June 30, 2008. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

H. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, Grant No. 06-JA-602, Block Grant Program, in the amount of \$63,506 and a match of \$7,056 for a total of \$70,562, covering the period from July 1, 2007 through June 30, 2008. (C-07-0352)

MOTION: Heier moved and Stevens seconded approval of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice, Grant No. 06-JA-602, Block Grant Program, in the amount of \$63,506 and a match of \$7,056 for a total of \$70,562, covering the period from July 1, 2007 through June 30, 2008. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

I. Recommendation from the County Engineer to award a bid for the asphaltic paving of Yankee Hill Road to Pavers, Inc., in the amount of \$373,711.06. (B-07-0049)

MOTION: Schorr moved and Stevens seconded to award a bid for asphaltic paving of Yankee Hill Road to Pavers, Inc., in the amount of \$373,711.06 as recommended by the County Engineer. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

J. Request from Don Thomas, Lancaster County Engineer, for a one step pay increase for Alex Olson due to exceptional circumstances.

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

5) **NEW BUSINESS CONTINUED:**

K. Request from Dennis Keefe, Lancaster County Public Defender, to appoint Jennifer Houldin as an Attorney I, at an annual salary of \$51,642, effective September 10, 2007.

MOTION: Stevens moved and Heier seconded approval of a request from Dennis Keefe, Lancaster County Public Defender, to appoint Jennifer Houldin as an Attorney I, at an annual salary of \$51,642, effective September 10, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

L. Request from Dennis Keefe, Lancaster County Public Defender, to appoint Andrew Weeks as an Attorney I, at an annual salary of \$54,000, effective September 17, 2007.

MOTION: Stevens moved and Hudkins seconded approval of a request from Dennis Keefe, Lancaster County Public Defender, to appoint Andrew Weeks as an Attorney I, at an annual salary of \$54,000, effective September 17, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

M. Request from Gary Renner for a refund of 2006 personal property taxes, in the approximate amount of \$63.

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of the request.

MOTION: Hudkins moved and Heier seconded approval of a request from Gary Renner for a refund of 2006 personal property taxes, in the approximate amount of \$63. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

N. Request from Corinne Starman-Wible, on behalf of Firethorn Golf Club, for a refund of 2006 personal property taxes, in the approximate amount of \$2,757.

Gaines recommended approval of the request.

MOTION: Heier moved and Stevens seconded approval of a request from Corinne Starman-Wible, on behalf of Firethorn Golf Club, for a refund of 2006 personal property taxes, in the approximate amount of \$2,757. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

O. A political subdivision tort claim filed against the Lancaster County Corrections Department by Charlie B. Bush for lost property, in the amount of \$105.

MOTION: Heier moved and Hudkins seconded to accept the recommendation of the director of the Corrections Department and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Charlie B. Bush for lost property, in the amount of \$105. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

P. Appointment of the following individuals to six year terms on the Lincoln-Lancaster County Planning Commission:

- ▶ Leirion Gaylor Baird, term to expire September 24, 2013 (replaces Mary Strand)
- ▶ Robert R. Moline, term to expire September 24, 2013 (replaces Gerry Krieser)
- ▶ Wendy J Francis, term to expire September 24, 2013 (replaces Jon Carlson)

MOTION: Stevens moved and Schorr seconded approval of the appointment of Leirion Gaylor Baird, Robert R. Moline and Wendy J. Francis to the Lincoln-Lancaster County Planning Commission, terms to expire September 24, 2013. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

RETURNING TO NEW BUSINESS 5D:

A copy of the amended and restated facilities agreement was entered into the record (Exhibit 1). Wismer reviewed the following changes:

- ▶ Page 4, Section 6 (Insertion of 'Managing Director' as the Chief Operating Official)
- ▶ Page 5, Section 7 (Specifies it the Lancaster Event Center Division of the Society)
- ▶ Page 5, Section 8 (Addition of a deductible amount not to exceed \$50,000)
- ▶ Page 5, Section 8(b) (Addition of a comma after Section 13-926)
- ▶ Page 1, Draft 1 (Change to Draft #2)
- ▶ Page 1, August 29 (Change to September 3, 2007)

CONTINUATION OF NEW BUSINESS ITEM 5D:

Also entered into the record was a copy of the resolution (Exhibit 2). Wismer stated the following changes were made:

- ▶ Page 1 (Draft information removed)
- ▶ Page 1, Section 1(b) (Corrected a typographical error from 2007 to 2000, added a zero to make the original aggregate \$5,000,000, replaced the word 'by' with the word 'pay')
- ▶ Page 1, Section 1© (Added certain equipment, limit the aggregate principal amount to \$10,000,000, include that the levy is not expected to exceed 0.42 cents)
- ▶ Page 2, Section 1(e)(2) (Specified that the amended and restated facilities agreement is between the agency and the society)
- ▶ Page 2, Section 2 (Removal of a space between the word 'here' and the word 'by')
- ▶ Page 2, Section 4 (Removal of the reference to CPEP)
- ▶ Page 3 (Added 'Approved as to Form' for the County Attorney's Office)

Workman stated if the resolution is approved it would then proceed to the JPA for their consideration. The JPA consists of two County Commissioners (Bernie Heier and Bob Workman), Ron Dowding, Chet Hill and Jay Wilkinson.

Schorr stated for the record that she would be abstaining because her husband is law partner of Alan Wood, legal counsel to the Agricultural Society.

MOTION: Hudkins moved and Heier seconded approval of Resolution 07-0085 approving the issuance of not to exceed \$10,000,000 aggregate principal amount of Limited Tax Facility Bonds, Series 2007 of the Lancaster County Fairgrounds Joint Public Agency and to direct the County representatives to vote in favor of approval of an Amended and Restated Facilities Agreement between the Agency and the Lancaster County Agricultural Society.

Stevens addressed his concerns relating to the resolution and the amended and restated facilities agreement.

ROLL CALL: Hudkins, Heier and Workman voted aye. Stevens voted no. Schorr abstained from voting. 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. Airport Authority of the City of Lincoln, Nebraska Accountants' Report and Financial Statements for June 30, 2007 and 2006.

B. Setting of a public hearing for Tuesday, October 9, 2007 at 9:30 a.m. regarding an application for an amusement license from Joy Citta, on behalf of the Cornhusker Council Boy Scouts, to hold a carnival/haunted woods on Friday, October 26; Saturday, October 27 and Sunday, October 28, 2007 at the Cornhusker Council Outdoor Education Center, located at 600 South 120th Street, Lincoln, Lancaster County, Nebraska. Hours of operation will be from 7 p.m. to midnight on October 26th and October 27th and from 6 p.m. to 10 p.m. on October 28, 2007.

C. Request from Glaucio Xavier, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.

D. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Myron Gerdes, in the amount of \$59, on West Little Salt Road just west of Northwest 27th Street; Project CP-C-116. (C-07-0348)

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

7) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 10:40 a.m.. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 4, 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
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Scott Gaines, Deputy County Attorney
Dan Nolte, County Clerk
Gwen Thorpe, Chief Deputy Administrative Officer

The Board of Equalization meeting was called to order at 10:40 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 28, 2007.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on August 28, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 23 additions and deductions to the tax assessment rolls per Attachments "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**The Arc of Nebraska
Christ Lutheran Church & Schools
Vital Services, Inc.**

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

4) **APPEAL OF LATE FILING PENALTY ON PERSONAL PROPERTY FOR THE FOLLOWING:**

**Title Midwest, Inc. (Ten percent late filing penalty)
Four Seasons Landscapes, L.L.C. (25 percent late filing penalty)
Myotherapy Institute (25 percent late filing penalty)
Mary's Place (25 percent late filing penalty)**

Scott Gaines, Deputy County Assessor/Register of Deeds, stated the County Board has no authority to waive the penalty. Recommendation was denial.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the Deputy County Assessor/Register of Deeds and deny appeals relating to late filing penalty on personal property for Title Midwest, Inc. (10 percent late filing penalty); Four Seasons Landscapes, L.L.C. (25 percent late filing penalty); Myotherapy Institute (25 percent late filing penalty) and Mary's Place (25 percent late filing penalty). Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NOTICE OF ASSESSED VALUATION CHANGES FOR PROPERTY TAXATION PURPOSES:**

**Michael D. Anderson, Trustee
Joan F. Till
James M. & Karen M. Skinner
Aksarben Thoroughbred Company L.L.C.
Henry D. & Judith I. Sader (2 notices)
Daniel K. & Rebecca L. Brown
Charles S. Willnerd
Michael A. & Dianna G. Wolfe
Richard E. & Melinda J. Coupe**

Randall Lee & Jeanette Benes
John S. & Margaret A. Traudt
Douglas C. Rix
Thomas L. & Deborah A. Nyhoff
Roger & Lynn Engelbart
Bradley A. Yost

MOTION: Hudkins moved and Heier seconded approval to send notice of assessed valuation change for property taxation purposes for Michael D. Anderson (Parcel I.D. 21-09-401-001-000); James M. & Karen M. Skinner (Parcel I.D. 23-13-301-003-000); Aksarben Thoroughbred Company L.L.C. (Parcel ID 25-34-200-002-000); Henry D. & Judith I. Sader (Parcel ID 09-36-400-006-000); Henry & Judy Sader (Parcel ID 09-36-400-004-000); Charles S. Willnerd (Parcel ID 14-27-402-001-000); Daniel K. & Rebecca L. Brown (Parcel ID 03-20-100-006-000); Michael A. & Dianna G. Wolfe (Parcel ID 14-20-200-011-000); Richard E. & Melinda J. Coupe (Parcel ID 05-15-402-001-000); Randall Lee & Jeanette Benes (Parcel ID 13-17-200-004-000); John S. & Margaret A. Traudt (Parcel ID 15-14-200-008-000); Douglas C. Rix (Parcel ID 24-33-400-009-000); Roger & Lynn Engelbart (Parcel ID 04-05-200-011-000); Thomas L. & Deborah A. Nyhoff (Parcel ID 07-16-100-005-000); Bradley A. Yost (Parcel ID 02-30-300-005-000) and Joan F. Till (Parcel ID S12, T9, R7, 6th P.M., Lots 40 & 41 NW). Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:46 a.m.. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Dan Nolte
County Clerk