

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 6, 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
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Tom Fox, Deputy County Attorney

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:40 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 30, 2007.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on October 30, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, November 6, 2007.**

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through November 6, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence was presented to Greta Gregory-Strong, an employee with the Community Mental Health Center, for October, 2007.

4) **PUBLIC HEARINGS:**

A. A petition nominating Marilyn Borchardt and James Mastera to the Board of Trustees of Hospital Authority No. 1 of Lancaster County, Nebraska, terms to expire July 30, 2013. (See New Business 6B for correlating documentation.)

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

The oath was administered to Lauren Wismer, attorney representing Hospital Authority No. 1 of Lancaster County, Nebraska.

Wismer stated petitions were provided containing the requisite number of signatures to appoint Marilyn Borchardt and James Mastera to the Board of Trustees. He stated both parties expressed an interest in continuing serving on the Hospital Authority.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

B. Comprehensive Plan Amendment No. 07001, requested by the Director of Public Works and Utilities Department and the General Manager of the Lower Platte South NRD, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt the proposed Cardwell Branch Watershed Master Plan, including associated amendments to the Future Land Use Map designating "opportunity areas" as "green space" and "environmental resources". (See New Business Item 6C for correlating documentation.)

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

4) **PUBLIC HEARINGS CONTINUED:**

The oath was administered to Devin Biesecker, with City of Lincoln Public Works.

Biesecker gave a PowerPoint presentation which highlighted the following:

- ▶ Lincoln Watershed Management/Natural Resources District (NRD) Partnership
- ▶ Watershed Master Planning
- ▶ Project Overview of the Cardwell Branch Watershed Master Plan
- ▶ Phase 1: United States Geological Service Watershed Assessment - Federal Emergency Management Agency (FEMA) Floodplain Map Update
- ▶ Phase 2: Watershed Master Plan
- ▶ Study Recommendations
- ▶ Opportunity Areas
- ▶ Sensitive Areas
- ▶ Stormwater Management Practices
- ▶ Capital Improvement Projects - Recommendations
- ▶ Project Timeline

Stevens asked when FEMA approval would be given.

Biesecker stated they anticipate FEMA's process to begin mid-2008 with final approval taking up to one year.

Schorr stated she believed the total dollar figure was approximately three million and asked Biesecker where the funds would come from and the expected completion date of the projects.

Biesecker stated the proposed projects would be incorporated with other Master Plan projects and would be completed on a priority basis. The City's funding, he said, would come from future bond issue dollars. He added that most of the projects would be City and NRD funding.

Stevens asked if the new floodplain mapping would be filed with Building and Safety.

Biesecker stated the City Council would have to adopt the new floodplain mapping upon finalization by FEMA and they would then become the regulatory floodplain for the City of Lincoln and Lancaster County.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

C. County Special Permit No. 07043, requested by the Farmers Cooperative in Dorchester, Nebraska, for authority to operate a facility for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals, on property generally located near S.W. 14th Street and W. Hallam Road, in Lancaster County, Nebraska. (See New Business Item 6D for correlating documentation.)

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

No one appeared and the hearing was closed.

5) **OLD BUSINESS:**

A. A grant contract with El Centro de Las Americas to provide funding for the Multi Cultural Youth Leadership Program to provide cross cultural experiences for youth, in the amount of \$3,000. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0466)

MOTION: Heier moved and Stevens seconded approval of a grant contract with El Centro de Las Americas to provide funding for the Multi Cultural Youth Leadership Program to provide cross cultural experiences for youth, in the amount of \$3,000. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS:**

A. Quitclaim deed from Lancaster County, Grantor, to Premium Protein Products, L.L.C., a Kansas limited liability company, for the following described real estate:

Lots 1 And 2, LCIDC Industrial Park 1st Addition, Lincoln, Lancaster County, Nebraska.

6) **NEW BUSINESS CONTINUED:**

Bill Austin, attorney representing Premium Protein Products, stated LCIDC 1st Addition Industrial Park is located in northwest Lincoln at approximately N.W. 48th and Adams Streets. He explained Premium Protein is subdividing the property and will be selling a portion of it. Austin further stated there was a lease which had not been released that was in conjunction with industrial development bonds issued in 1989. He stated those bonds were paid off on November 1, 2004 and the quitclaim deed will provide a release of any leasehold interest remaining.

Schorr declared a conflict of interest noting the Mr. Alan Wood and Mr. Bill Austin are partners of her husband.

MOTION: Heier moved and Hudkins seconded approval of a quitclaim deed from Lancaster County, Grantor, to Premium Protein Products, L.L.C., a Kansas limited liability company, for the following described real estate: Lots 1 And 2, LCIDC Industrial Park 1st Addition, Lincoln, Lancaster County, Nebraska. Heier, Hudkins, Stevens and Workman voted aye. Schorr abstained from voting. Motion carried.

B. A resolution in the matter of the reappointment of Marilyn Borchardt and James Mastera to the Board of Trustees of Hospital Authority No. 1 of Lancaster County, Nebraska, terms to expire July 30, 2013. (R-07-0098)

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0098 in the matter of the reappointment of Marilyn Borchardt and James Mastera to the Board of Trustees of Hospital Authority No. 1 of Lancaster County, Nebraska, terms to expire July 30, 2013. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

C. A resolution in the matter of Comprehensive Plan Amendment No. 07001, by the Director of Planning at the request of the Director of the Public Works and Utilities Department and the Lower Platte South Natural Resources District (NRD), to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adopt the Cardwell Branch Watershed Master Plan as a subarea plan, and to amend the Lincoln/Lancaster County Land Use Plan as provided in Exhibit "A". (R-07-0097)

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0097 in the matter of Comprehensive Plan Amendment No. 07001, by the Director of Planning at the request of the Director of the Public Works and Utilities Department and the Lower Platte South Natural Resources District (NRD), to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adopt the Cardwell Branch Watershed Master Plan as a subarea plan, and to amend the Lincoln/Lancaster County Land Use Plan as provided in Exhibit "A". Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

D. A resolution in the matter of County Special Permit No. 07043, requested by Farmers Cooperative in Dorchester, Nebraska, for authority to operate a facility for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals on a five-acre tract, more or less, of a 154.76 acre parcel generally located at Southwest 14th Street and West Hallam Road, Lancaster County, Nebraska. (R-07-0099)

MOTION: Hudkins moved and Schorr seconded approval of Resolution 07-0099 in the matter of County Special Permit No. 07043, requested by Farmers Cooperative in Dorchester, Nebraska, for authority to operate a facility for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals on a five-acre tract, more or less, of a 154.76 acre parcel generally located at Southwest 14th Street and West Hallam Road, Lancaster County, Nebraska. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

E. A resolution authorizing the change of traffic signs at the following locations in Lancaster County: Replacement of the existing 50 mile per hour speed sign with a 40 mile per hour speed sign on "A" Street east of South 112th Street for eastbound traffic and the replacement of the existing 50 mile per hour speed sign with a 40 mile per hour speed sign on South 112th Street north of "A" Street for southbound traffic. (R-07-0100)

Heier requested the resolution be held one week for further information regarding the sign on South 112th Street north "A" Street for southbound traffic.

By direction of the Chair, the item was held.

6) **NEW BUSINESS CONTINUED:**

Tom Fox, Deputy County Attorney, stated it was his understanding the signage was for improved safety in the area.

F. A resolution approving a project for Plastics Companies Enterprises, Inc., a Texas Corporation, and determining the intent of the County of Lancaster to issue its Industrial Development Revenue Bonds in a principal amount not to exceed \$2,000,000 to finance the costs of such project, and related matters. (R-07-0101)

Lauren Wismer, attorney representing Plastics Companies Enterprises, Inc., stated the purpose of the resolution is to state the intent of the County to issue revenue bonds to provide financing for an industrial project by Plastics Companies Enterprises. He stated they are located at 1919 Yolande Drive.

Shelly Carpenter, representing Plastics Companies Enterprises, Inc., stated one of the divisions of Plastics Companies Enterprises is Geis Manufacturing which is a power distribution unit. She stated the location on Yolande Drive was purchased and will be used for additional manufacturing space. The bond will be used for purchasing equipment to use at the facility.

MOTION: Heier moved and Schorr seconded approval of Resolution 07-0101 approving a project for Plastics Companies Enterprises, Inc., a Texas Corporation, and determining the intent of the County of Lancaster to issue its Industrial Development Revenue Bonds in a principal amount not to exceed \$2,000,000 to finance the costs of such project, and related matters. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

G. A grant contract with Cedars Youth Services to provide funds for the Intensive Diversion Program for juveniles, in the amount of \$35,000. The funds are Federal grant funds distributed through the United States Department of Justice. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0479)

MOTION: Stevens moved and Schorr seconded approval of a grant contract with Cedars Youth Services to provide funds for the Intensive Diversion Program for juveniles, in the amount of \$35,000. The funds are Federal grant funds distributed through the United States Department of Justice. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

H. A grant contract with Volunteer Partners, Inc. to assist in the general operations of the Juvenile Community Service Program, in the amount of \$20,000. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0480)

MOTION: Stevens moved and Hudkins seconded approval of a grant contract with Volunteer Partners, Inc. to assist in the general operations of the Juvenile Community Service Program, in the amount of \$20,000. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

I. A grant contract with Volunteer Partners, Inc. to provide funding for the Emergency Volunteer Program and to provide services outlined in Exhibit "B", in the amount of \$7,388. The grant period is July 1, 2007 through June 30, 2008. (C-07-0481)

MOTION: Stevens moved and Schorr seconded approval of a grant contract with Volunteer Partners, Inc. to provide funding for the Emergency Volunteer Program and to provide services outlined in Exhibit "B", in the amount of \$7,388. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

J. A grant contract with Friendship Home for funding of the general operation of the Hotel-Motel Project, in the amount of \$3,500. Term of the grant contract is July 1, 2007 to June 30, 2008. (C-07-0482)

MOTION: Stevens moved and Heier seconded approval of a grant contract with Friendship Home for funding of the general operation of the Hotel-Motel Project, in the amount of \$3,500. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

K. A contract with PayFlex Systems U.S.A. Inc. for flexible benefits administration. The County will pay \$4.50 per month for each participating employee and other costs as outlined in Exhibit "A" of the contract. The term of the contract is for three years from the date of execution. (C-07-0483)

MOTION: Stevens moved and Heier seconded approval of a contract with PayFlex Systems U.S.A. Inc. for flexible benefits administration. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

L. Addendum to a real estate purchase agreement between Lancaster County and West O Properties, L.L.C., found at County Contract No. C-07-0311, for the purchase of 37.41 acres of real estate legally described as Lot 73 and Lot 74, located in the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the 6th PM. The addendum sets a new closing date of November 13, 2007 for the purchase of the property.

MOTION: Stevens moved and Heier seconded approval of an addendum to a real estate purchase agreement between Lancaster County and West O Properties, L.L.C., found at County Contract No. C-07-0311, for the purchase of 37.41 acres of real estate legally described as Lot 73 and Lot 74, located in the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the 6th PM. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

M. An addendum to an agreement between Lancaster County, the City of Lincoln and Konica Minolta Business Solutions, under County Contract No. C-02-0558, for cost-per-copy photocopy services for various County and City departments. The addendum extends the agreement for an additional one year term beginning January 1, 2008 and ending December 31, 2008, and also maintains the cost-per-copy rate. (C-07-0484)

MOTION: Stevens moved and Hudkins seconded approval of an addendum to an agreement between Lancaster County, the City of Lincoln and Konica Minolta Business Solutions, under County Contract No. C-02-0558, for cost-per-copy photocopy services for various County and City departments. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

N. An agreement between Lancaster County and Lisa Oliveras for project coordinator services and curriculum implementation for "The Odds Are . . .", a youth gambling prevention program. Term of the agreement is July 1, 2007 to June 30, 2008. The County's payment for such services will not exceed \$20,000. (C-07-0485)

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of an agreement between Lancaster County and Lisa Oliveras for project coordinator services and curriculum implementation for "The Odds Are . . .", a youth gambling prevention program. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

O. An agreement with Physicians Laboratory Services 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 Physicians Laboratory Services 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-07-0486)

MOTION: Heier moved and Stevens seconded approval of an agreement with Physicians Laboratory Services 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. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

P. A grant contract with United Way of Lincoln and Lancaster County to administer the 2-1-1 Information Line Project, a telephone access line for residents of Lancaster County to seek information and referral, in the amount of \$2,500. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0487)

MOTION: Heier moved and Schorr seconded approval of a grant contract with United Way of Lincoln and Lancaster County to administer the 2-1-1 Information Line Project, a telephone access line for residents of Lancaster County to seek information and referral, in the amount of \$2,500. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

Q. Recommendation from the Purchasing Agent and the County Engineering Department to issue an order from State of Nebraska Contract No. 12029 OC, for five, three-quarter ton 4x4 Dodge pickups, in the total amount of \$102,527.50. (B-07-0061)

MOTION: Stevens moved and Heier seconded approval to issue an order from State of Nebraska Contract No. 12029 OC, for five, three-quarter ton 4x4 Dodge pickups, in the total amount of \$102,527.50, as recommended by the Purchasing Agent and the County Engineering Department. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

R. Approval of Keno Human Services Prevention Fund Grants for 2007, totaling \$34,591, to the following agencies:

- ▶ **Human Services Federation, in the amount of \$ 3,750, for Year 2 - Medical Translation and Interpretation (MTI) Project Operations**
- ▶ **Court Appointed Special Advocates (CASA) of Lancaster County, in the amount of \$1,190, for National Training/12 Volunteers**
- ▶ **Center for People in Need, in the amount of \$6,776, for publication of Self-Sufficiency booklets**
- ▶ **Community Crops, in the amount of \$ 2,500, to print nutritional, safety tips about foods grown in gardens**
- ▶ **Lincoln Literacy Council, in the amount of \$6,775, to provide English as Second Language (ESL) and support services to offsite partner agency's clients**
- ▶ **People's City Mission, in the amount of \$3,000, to be used towards utility costs for new refrigerators to freeze chicken donations**
- ▶ **St. Monica's, in the amount of \$3,750, to be used towards transportation of targeted Temporary Aid to Needy Families (TANF) clients**
- ▶ **Y.W.C.A., in the amount of \$6,850, Independent Living Skills - Pregnant Or Parenting Teens**

MOTION: Heier moved and Stevens seconded approval of Keno Human Services Prevention Fund Grants for 2007, in the total amount of \$34,591.

Heier questioned the designation of \$2,500 to Community Crops to print nutritional and safety tips about foods grown in gardens.

Hudkins concurred with Heier and pointed out that the Extension Office does extensive work related to that issue.

6) **NEW BUSINESS CONTINUED:**

Schorr stated there are additional services being provided as a part of the grant, not just printing the brochures.

ROLL CALL: Schorr, Stevens, Heier and Workman voted aye. Hudkins voted no. Motion carried.

S. Adoption of 2008 Lancaster County Legislative Priorities.

Kerry Eagan, Chief Administrative Officer, reviewed the following:

- ▶ Property Tax Relief through Appropriate State Funding
 - Full funding for State Prisoner Reimbursement Program
 - Increase Lancaster County distribution from the Highway Trust Fund
 - Mental health funding
- ▶ Amend Neb. Rev. Stat. §23-120(3)(b) to Authorize Twenty Year Projects
- ▶ Amend Neb. Rev. Stat. §13-1622 to Allow Increase in Self-Retention
- ▶ Transfer of Development Rights
- ▶ Other Priorities
 - Allow reuse of bubble packs by jails
 - Clarify how the County Visitors Improvement Fund can be spent
 - Require tax stickers on mobile homes
 - Authorize sale of surplus county personal property by electronic auction

MOTION: Hudkins moved and Stevens seconded approval to adopt the 2008 Lancaster County Legislative Priorities. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

7) **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. Clerk of the District Court's Monthly Report for October, 2007.**
- 2. County Clerk's Monthly Report for October, 2007**
- 3. County Treasurer's Report on Distress Warrants for 2006, in the amount of \$197,968.59.**

7) **CONSENT ITEMS CONTINUED:**

B. Request from Patricia O. Ullrich, an employee at the Corrections Department, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.

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

8) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 10:34 a.m.. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 6, 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
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Tom Fox, Deputy County Attorney
Scott Gaines, Deputy County Assessor/Register of Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:34 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 30, 2007.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on October 30, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 54 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Heier 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) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:35 a.m. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk