

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, DECEMBER 18, 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  
Cori Beattie, Deputy County Clerk  
Tom Fox, Deputy County Attorney

The location 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, December 11, 2007.**

**MOTION:** Heier moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on December 11, 2007. Hudkins, Heier and Workman voted aye. Stevens abstained. Schorr was absent from voting. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, December 18, 2007.**

**MOTION:** Hudkins moved and Stevens seconded approval of all claims processed through December 18, 2007. Hudkins, Heier, Stevens and Workman voted aye. Schorr was absent from voting. Motion carried.

(Commissioner Schorr entered the Hearing Room at 9:31 a.m..)

3) **OLD BUSINESS:**

- A. An agreement with Murphy Tractor and Equipment Co., Inc. for two motor graders complete with trade-in allowance for the County Engineer, in the amount of \$304,410. Murphy Tractor will pay for all costs of repair, including parts and labor, in excess of \$4,500 per unit during the next seven years. (C-07-0550)**

**MOTION:** Heier moved and Stevens seconded approval of an agreement with Murphy Tractor and Equipment Co., Inc. for two motor graders complete with trade-in allowance for the County Engineer, in the amount of \$304,410. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **NEW BUSINESS:**

- A. An application for a Special Designated License from Twisted Steele, Inc. d/b/a The Bar to provide liquor beverage service for a New Year's Eve party on Monday, December 31, 2007 from 8 p.m. to 1 a.m. at Country Pines, located at 6305 W. Adams Street, Lincoln, Lancaster County, Nebraska.**

Appearing was Neal Grummert, applicant.

Stevens referred to page three of the application regarding non-taxable entities.

Grummert stated they are a taxable entity.

In response to a question asked by Hudkins regarding hospitality training, Grummert stated he has completed the training.

Stevens suggested the applicant submit a notarized statement indicating the form relating to non-taxable entities was signed in error and that the organization is a "C" corporation.

This item was held until later in the agenda.

4) **NEW BUSINESS CONTINUED:**

**B. A resolution in the matter of County maintenance of roads in The Quarry Subdivision (amended final plat) and The Quarry 6<sup>th</sup> Addition generally located between South 46<sup>th</sup> Street and South 54<sup>th</sup> Street just north of Wittstruck Road. (R-07-0110)**

**MOTION:** Stevens moved and Heier seconded approval of Resolution No. R-07-0110 in the matter of County maintenance of roads in The Quarry Subdivision (amended final plat) and The Quarry 6<sup>th</sup> Addition generally located between South 46<sup>th</sup> Street and South 54<sup>th</sup> Street just north of Wittstruck Road. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

**C. A resolution in the matter of designating banks as depositories for Lancaster County for 2008. (R-07-0111)**

**MOTION:** Schorr moved and Stevens seconded approval of Resolution No. R-07-0111 in the matter of designating banks as depositories for Lancaster County for 2008. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

**D. A resolution in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. (R-07-0112)**

**MOTION:** Heier moved and Stevens seconded approval of Resolution No. R-07-0112 in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

**E. A grant contract with the Lincoln Literacy Council for an Employment Specialist to serve 100 women in the Sudanese and Refugee Women's groups, as part of the Targeted Assistance Discretionary (TAG) Grant program, in the amount of \$15,000. Term of the grant contract is October 1, 2007 to September 30, 2008. (C-07-0551)**

**MOTION:** Stevens moved and Heier seconded approval of a grant contract with the Lincoln Literacy Council for an Employment Specialist to serve 100 women in the Sudanese and Refugee Women's groups, as part of the Targeted Assistance Discretionary (TAG) Grant program, in the amount of \$15,000. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

**F. A grant contract with Lincoln Action Program for a part-time Career Development Specialist who will assist 100 clients in overcoming barriers to employment and furnish citizenship/naturalization education to 45 clients, as part of the Targeted Assistance Discretionary (TAG) Grant program, in the amount of \$15,000. Term of the grant contract is October 1, 2007 to September 30, 2008. (C-07-0552)**

**MOTION:** Stevens moved and Heier seconded approval of a grant contract with Lincoln Action Program for a part-time Career Development Specialist who will assist 100 clients in overcoming barriers to employment and furnish citizenship/naturalization education to 45 clients, as part of the Targeted Assistance Discretionary (TAG) Grant program, in the amount of \$15,000. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**G. A contract with PharMerica for pharmacy and related services for the Corrections Department, Lancaster Manor, the Youth Services Center and the Community Mental Health Center, beginning December 16, 2007 and ending December 15, 2010 with one, three year renewal option. Pricing for pharmaceuticals will be billed in compliance with the Nebraska Medicaid published fee schedule. Attached to the contract is a Business Associate agreement to comply with Health Insurance Portability and Accountability Act (HIPAA) regulations. (C-07-0553)**

**MOTION:** Stevens moved and Hudkins seconded approval of a contract with PharMerica for pharmacy and related services for the Corrections Department, Lancaster Manor, the Youth Services Center and the Community Mental Health Center, beginning December 16, 2007 and ending December 15, 2010 with one, three year renewal option. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

**H. An engineering agreement with Speece-Lewis Engineers, in the amount of \$38,700, for hydraulic analysis, bridge design and bridge plan preparation relating to Project BRO-7055(102), Malcolm Southeast (Northwest 98<sup>th</sup> Street from West "O" to West Holdrege Streets). (C-07-0554)**

4) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Schorr seconded approval of an engineering agreement with Speece-Lewis Engineers, in the amount of \$38,700, for hydraulic analysis, bridge design and bridge plan preparation relating to Project BRO-7055(102), Malcolm Southeast (Northwest 98<sup>th</sup> Street from West "O" to West Holdrege Streets). Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

**I. An engineering agreement with Speece-Lewis Engineers, in the amount of \$38,800, for hydraulic analysis, bridge design and bridge plan preparation relating to Project BR-3280(4), Sprague East (West Sprague Road from Southwest 2<sup>nd</sup> to Southwest 14<sup>th</sup> Streets). (C-07-0555)**

**MOTION:** Hudkins moved and Stevens seconded approval of an engineering agreement with Speece-Lewis Engineers, in the amount of \$38,800, for hydraulic analysis, bridge design and bridge plan preparation relating to Project BR-3280(4), Sprague East (West Sprague Road from Southwest 2<sup>nd</sup> to Southwest 14<sup>th</sup> Streets). Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

**J. An engineering agreement with Kleinfelder Central Inc. to conduct soil borings between West Holdrege and West Adams Streets on Northwest 84<sup>th</sup> Street, Northwest 98<sup>th</sup> Street, Northwest 112<sup>th</sup> Street, Northwest 126<sup>th</sup> Street and Northwest 140<sup>th</sup> Street for the design of pole foundations on the new electrical transmission line between Columbus and Lincoln, Nebraska. (C-07-0556)**

**MOTION:** Heier moved and Hudkins seconded approval of an engineering agreement with Kleinfelder Central Inc. to conduct soil borings between West Holdrege and West Adams Streets on Northwest 84<sup>th</sup> Street, Northwest 98<sup>th</sup> Street, Northwest 112<sup>th</sup> Street, Northwest 126<sup>th</sup> Street and Northwest 140<sup>th</sup> Street for the design of pole foundations on the new electrical transmission line between Columbus and Lincoln, Nebraska.

Stevens stated there was a revised agreement and asked when the soil boring tests would be completed.

Tom Fox, Deputy County Attorney, stated the revised date is February 28, 2008.

4) **NEW BUSINESS CONTINUED:**

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

**K. An interlocal agreement with the City of Lincoln and Lancaster County, on behalf of the Sheriff's Office, to provide compliance checks with regard to businesses selling tobacco products. The County will receive up to \$2,740 for fiscal year 2008. Term of the agreement is from July 1, 2007 until June 30, 2008. (C-07-0557)**

**MOTION:** Schorr moved and Stevens seconded approval of an interlocal agreement with the City of Lincoln and Lancaster County, on behalf of the Sheriff's Office, to provide compliance checks with regard to businesses selling tobacco products. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

**RETURNING TO NEW BUSINESS ITEM 4A:**

The applicant, Neal Gummert, presented the County Board with a notarized statement relating to non-taxable entities on page three of the application.

The Chair read the notarized statement into the record.

**MOTION:** Stevens moved and Hudkins seconded to accept a notarized statement from the applicant and approve an application for a Special Designated License from Twisted Steele, Inc. d/b/a The Bar to provide liquor beverage service for a New Year's Eve party on Monday, December 31, 2007 from 8 p.m. to 1 a.m. at Country Pines, located at 6305 W. Adams Street, Lincoln, Lancaster County, Nebraska. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

**L. An agreement with K & S Health Care d/b/a Willingham Health Services for health care staffing services at the Lancaster County Community Mental Health Center. Term of the agreement is from January 1, 2008 to December 31, 2008. The County will pay for services pursuant to the rates in Attachment "A" of the agreement. (C-07-0570)**

4) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Heier seconded approval of an agreement with K & S Health Care d/b/a Willingham Health Services for health care staffing services at the Lancaster County Community Mental Health Center. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

**M. A settlement agreement and mutual release between Shanahan Brothers Construction Inc. and Lancaster County. The parties agree to mutually terminate the portion of County Contract No. C-07-0128 regarding Part II, Sections C and D of Project 07-29, and to release each other and sureties from all claims regarding Part II of Project 07-29. Shanahan Brothers will provide ownership of \$29,360.76 worth of culvert pipe purchased by Shanahan for Part II of Project 07-29, and a lien waiver on such pipe, in consideration of the County withdrawing any claim of default or delay on Part II of Project 07-29. Additionally, the County will make final payment to Shanahan for the completion of Part I of Project 07-29, in the amount of \$74,760.82. (C-07-0571)**

Don Thomas, County Engineer, objected to Item 2 under Recitals on page one of the agreement. He stated he felt the claim was deceiving when the contractor made a business decision to work on another job rather than the County's job. He asked why it was included in the agreement when it isn't factual.

Workman read Item 2 which states: *Shanahan claims it was unable to complete the Project because of excessive weather events.*

**MOTION:** Heier moved and Stevens seconded approval of a settlement agreement and mutual release between Shanahan Brothers Construction Inc. and Lancaster County, noting the County Engineer's objection to Item 2 under Recitals on page one of the agreement.

Hudkins concurred with the County Engineer that the claim was not factual, however, the Board needs to weigh the time constraints. Hudkins asked the County Attorney's Office if they should proceed with signing the agreement.

4) **NEW BUSINESS CONTINUED:**

Fox stated it was Shanahan Brothers' claim that they were unable to complete the project because of excessive weather events, however, the County's claim is different. He explained that the claim doesn't have anything to do with the conditions of the agreement. The conditions reflect a mutual release and termination of the agreement and the receiving of the pipe in consideration for the release of the contractor.

Workman concurred with the discussion.

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

**N. An agreement with Kirkham Michael for professional civil engineering services. Kirkham Michael will perform a preliminary wetland assessment delineation on the site of the new Lancaster County Jail Facility. The services will be completed within 60 days from the date of execution of the agreement and the cost to the County is \$1,000. (C-07-0572)**

**MOTION:** Schorr moved and Stevens seconded approval of an agreement with Kirkham Michael for professional civil engineering services. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**O. An agreement with Optioncare 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 Optioncare 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-07-0573)**

**MOTION:** Stevens moved and Hudkins seconded approval of an agreement with Optioncare 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, Hudkins, Heier, Stevens and Workman voted aye. 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. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:**

- ▶ John N and Gloria J Baker on West Yankee Hill Road west of Southwest 56<sup>th</sup> Street; Project CP-N-127. This is a donation. (C-07-0558)
- ▶ Thomas G and Emma Louise Julian, in the amount of \$183.40, on West Martell Road east of Southwest 142<sup>nd</sup> Street; Project No. CP-U-154. (C-07-0559)
- ▶ William Kubes, Samuel C and Alvia M Troutt, in the amount of \$109, on Kolbrook Road east of Southwest 98<sup>th</sup> Street; Project CP-N-234. (C-07-0560)
- ▶ Donald G and Jean K Sugden on Firth Road east of South 176<sup>th</sup> Street; Project No. CP-Y-212. This is a donation. (C-07-0561)
- ▶ Wayne Alan and Maureen Kay Sutton, in the amount of \$25, on Little Salt Road east of North 134<sup>th</sup> Street; Project No. CP-A-276. (C-07-0562)
- ▶ Alltel Communications, in the total amount of \$705.50, on South 82<sup>nd</sup> Street from Hickman Road to Roca Road; Project C55-S-404(3). (2 contracts) (C-07-0563 and C-07-0564)
- ▶ Guy M Lammle, Trustee, in the total amount of \$44,507, on South 98<sup>th</sup> Street from Old Cheney Road to "A" Street; Project No. C55-KP-412(1). (3 contracts) (C-07-0567 through C-07-0569)

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

6) **ADJOURNMENT:**

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

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Dan Nolte  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, DECEMBER 18, 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  
Cori Beattie, Deputy County Clerk  
Tom Fox, Deputy County Attorney  
Scott Gaines, County Assessor/Register of Deeds

The location of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:59 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 11, 2007.**

**MOTION:** Schorr moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on December 11, 2007. Hudkins, Schorr, Heier and Workman voted aye. Stevens abstained. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 37 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) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Christian Retirement Homes, Inc. d/b/a Eastmont Towers  
Cristo Rey Catholic Church  
MOSAIC  
St. Joseph Catholic School  
St. Mark's United Methodist Church**

**MOTION:** Stevens moved and Hudkins seconded approval of motor vehicle tax exemptions for Christian Retirement Homes, Inc. d/b/a Eastmont Towers, Cristo Rey Catholic Church, MOSAIC, St. Joseph Catholic School and St. Mark's United Methodist Church. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **ADJOURNMENT:**

**MOTION:** Heier moved and Schorr seconded adjournment of the Board of Equalization meeting at 10:01 a.m.. Schorr, Stevens, Hudkins, heier and Workman voted aye. Motion carried.

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Dan Nolte  
County Clerk