

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 22, 2008
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 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, January 15, 2008.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on January 15, 2008. Hudkins, Stevens, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

- 2) **CLAIMS:** **Approval of all claims processed through Tuesday, January 22, 2008.**

(Commissioner Schorr entered the hearing room at 9:31 a.m..)

MOTION: Hudkins moved and Heier seconded approval of all claims processed through January 22, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **OLD BUSINESS:**

- A. An interlocal agreement with the City of Lincoln to share the cost of right-of-way acquisitions for the East Beltway. The project will be funded equally by the City and the County. The annual cost to the County will not exceed the County's yearly budgeted amount for right-of-way acquisitions on the East Beltway in its Road and Bridge Improvement Program. The duration of the agreement will be from the date of execution until the completion of the acquisition of right-of-way for the East Beltway. (C-08-0004)**

Heier stated he would not vote on the agreement due to a conflict of interest.

MOTION: Hudkins moved and Stevens seconded approval of an interlocal agreement with the City of Lincoln to share the cost of right-of-way acquisitions for the East Beltway. Schorr, Stevens, Hudkins and Workman voted aye. Heier abstained from voting due to a conflict of interest. Motion carried.

4) **NEW BUSINESS:**

- A. An application for a Special Events Permit from the 2008 Animal Run to hold a fund raiser for a local charity on Saturday, February 2, 2008 beginning at 8 a.m..**

MOTION: Stevens moved and Schorr seconded approval of an application for a Special Events Permit from the 2008 Animal Run to hold a fund raiser for a local charity on Saturday, February 2, 2008 beginning at 8 a.m..
Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

- B. An amendment to an agreement, under County Contract No. C-07-0223, between Lancaster County and Cedars Youth Services to provide juvenile justice programs for Juvenile Court. The amendment decreases the yearly amount paid for the agreement from \$313,066 to \$286,066. The new total amount of the agreement is \$858,198. (C-08-0027)**

MOTION: Schorr moved and Stevens seconded approval of an amendment to an agreement, under County Contract No. C-07-0223, between Lancaster County and Cedars Youth Services to provide juvenile justice programs for Juvenile Court. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

C. A grant contract with Lincoln Council on Alcoholism and Drugs Inc. to provide funding for the project management of the Federal Drug Free Communities Grant, in the amount of \$71,369. The grantee will contribute \$99,216 in matching funds which may include cash or in-kind services. Term of the grant contract is October 1, 2007 through September 30, 2008. (C-08-0028)

MOTION: Stevens moved and Heier seconded approval of a grant contract with Lincoln Council on Alcoholism and Drugs Inc. to provide funding for the project management of the Federal Drug Free Communities Grant, in the amount of \$71,369. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

D. An interlocal agreement with the State of Nebraska Probation Administration for two probation officers to provide additional pre-sentence investigation report services in order to decrease the time needed to complete pre-sentence investigations of inmates housed by the Lancaster County Corrections Department. Term of the agreement is January 1, 2008 to June 30, 2008 and the County will pay up to \$27,104.36. (C-08-0029)

MOTION: Heier moved and Stevens seconded approval of an interlocal agreement with the State of Nebraska Probation Administration for two probation officers to provide additional pre-sentence investigation report services in order to decrease the time needed to complete pre-sentence investigations of inmates housed by the Lancaster County Corrections Department.

Stevens stated Lancaster County, through the interlocal agreement, will pay the salary of one additional State employee so that the process for pre-sentence investigations will move faster. Although it is the State's responsibility to conduct the investigation, it takes approximately eight weeks, however, if the County pays for an additional employee the amount of time it takes to conduct the investigation could possibly be cut in half.

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

4) **NEW BUSINESS CONTINUED:**

E. An amendment to the State of Nebraska Health and Human Services Subgrant Renewal Terms and Assurance for the Targeted Assistance Discretionary Grant Program, found at County Contract Number C-07-0477. The amendment amends Section II of the Subgrant Renewal, which concerns the submitting of reports. The amendment also amends Attachment D of the Subgrant Renewal. (C-08-0030)

MOTION: Schorr moved and Stevens seconded approval of an amendment to the State of Nebraska Health and Human Services Subgrant Renewal Terms and Assurance for the Targeted Assistance Discretionary Grant Program, found at County Contract Number C-07-0477. Stevens, Schorr, Heier, Hudkins and Workman voted aye. Motion carried.

F. Utility Permit No. 910 for Aquila Gas Co. Inc. to construct a four-inch gas line along the south portion of Pine Lake Road right-of-way beginning approximately one-quarter mile west of South 112th Street, running east to South 112th Street and then south along future South 112th Street (private roadway) into the Hidden Valley Estates Subdivision located in the north one-half of fractional Section 19, Township 9 North, Range 8 East. (C-08-0031)

MOTION: Heier moved and Hudkins seconded approval of Utility Permit No. 910 for Aquila Gas Co. Inc. to construct a four-inch gas line along the south portion of Pine Lake Road right-of-way beginning approximately one-quarter mile west of South 112th Street, running east to South 112th Street and then south along future South 112th Street (private roadway) into the Hidden Valley Estates Subdivision located in the north one-half of fractional Section 19, Township 9 North, Range 8 East. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

G. A utility relocation agreement between the Lancaster County Engineer and Lancaster Rural Water District No 1, Project No C55-KP-412(1), located on South 98th Street from Old Cheney Road to Pioneers Boulevard. The total amount of the project is estimated at \$59,532. (C-08-0032)

MOTION: Stevens moved and Schorr seconded approval of a utility relocation agreement between the Lancaster County Engineer and Lancaster Rural Water District No 1, Project No C55-KP-412(1), located on South 98th Street from Old Cheney Road to Pioneers Boulevard. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

H. Recommendation from the Purchasing Agent and the Administrator of Lancaster Manor to award a bid for a nurse call system to Electronic Contracting Company, in the amount of \$74,600. (B-08-0001)

MOTION: Stevens moved and Heier seconded approval to award a bid for a nurse call system to Electronic Contracting Company, in the amount of \$74,600, as recommended by the Purchasing Agent and the Lancaster Manor Administrator. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

I. Recommendation from the Purchasing Agent and the Administrator of Lancaster Manor to award a bid for a fire suppression system to Electronic Contracting Company. The total amount, including installation, for bid lines 1 through 6 is \$79,400. (B-08-0002)

MOTION: Schorr moved and Stevens seconded approval to award a bid for a fire suppression system to Electronic Contracting Company, in the amount of \$79,400 (Bid Lines 1 through 6) as recommended by the Purchasing Agent and the Lancaster Manor Administrator. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

J. Approval of the County Purchasing Department's recommendation to declare NECO Security Company an irresponsible bidder and to disqualify them from receiving any business from the County for a three year period pursuant to Paragraph 18 of the Lancaster County Purchasing Manual.

MOTION: Stevens moved and Heier seconded approval of the County Purchasing Department's recommendation to declare NECO Security Company an irresponsible bidder and to disqualify them from receiving any business from the County for a three year period pursuant to Paragraph 18 of the Lancaster County Purchasing Manual. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

K. Setting of salary for Ron Fetters, Lancaster Manor Administrator, at \$149,040, effective December 20, 2007.

MOTION: Hudkins moved and Heier seconded approval of setting of salary for Ron Fetters, Lancaster Manor Administrator, at \$149,040, effective December 20, 2007. Heier, Hudkins and Workman voted aye. Stevens and Schorr voted no. Motion carried.

L. A political subdivision tort claim filed against the Lancaster County Corrections Department by Michael S Madlock, in the amount of \$159.99, for lost property.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the Corrections Director and deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Michael S Madlock, in the amount of \$159.99, for lost property. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

M. Formal demand for \$20,000 made upon Lancaster County by David Whiteside for the alleged breach of contract by the Lancaster County Agricultural Society, Inc..

MOTION: Heier moved and Hudkins seconded to deny a formal demand for \$20,000 made upon Lancaster County by David Whiteside for the alleged breach of contract by the Lancaster County Agricultural Society, Inc..

Heier stated he didn't believe it was within the jurisdiction of Lancaster County.

ROLL CALL: Hudkins, Stevens, Schorr, Heier 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. Receive and Place on File:

1. Nebraska Department of Education Accreditation and School Improvement Rule 18 Interim Education Programs Annual Report for the Pathfinder Education program at the Lancaster County Youth Services Center.

B. Request from Laura L. Hill, an employee with the Lancaster County Corrections Department, to participate in the County's retirement plan, having met the requirements.

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

- * Mildred Gerdes, in the amount of \$398, located 2,193 feet south of West Little Salt Road; Project CP-C-157. (C-08-0033)
- * Cathy Heetderks, in the amount of \$91, located 2,391 feet east of South 176th Street; Project CP-Y-212. (C-08-0034)
- * Cathy Heetderks, in the total amount of \$95, on Firth Road 1,365 feet west of South 190th Street; Project CP-Y-211. (2 contracts) (C-08-0035 and C-08-0036)

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

6) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners at 10:09 a.m.. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 22, 2008
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, 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 10:09 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 15, 2008.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on January 15, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 42 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Hudkins 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 Record Services, Inc.
Madonna Rehabilitation Hospital
St. Paul Lutheran Church
Sisters of Mary, Queen of Mercy
Union College
Wyuka Cemetery**

MOTION: Stevens moved and Heier seconded approval of motor vehicle tax exemptions for Christian Record Services, Inc., Madonna Rehabilitation Hospital, St. Paul Lutheran Church, Sisters of Mary, Queen of Mercy, Union College and Wyuka Cemetery. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **APPEAL OF PENALTY ON 2007 PERSONAL PROPERTY TAX FOR HARDWOOD HEAVEN:**

Scott Gaines, Deputy County Assessor/Register of Deeds, gave an overview of the appeal, noting that Nebraska State Statute does not allow for a waiver of the penalty unless it was wrongly imposed or incorrectly calculated. Recommendation was denial.

MOTION: Schorr moved and Stevens seconded denial of the appeal of penalty on 2007 personal property tax for Hardwood Heaven. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES FOR THE FOLLOWING:**

**Jay R and Nancy E Wood (2 notices)
Penny P Krieger**

MOTION: Hudkins moved and Heier seconded to send notice of assessed valuation change for property taxation purposes for Jay R and Nancy E Wood (2 notices) and Penny P Krieger. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **APPEAL FILED BY PANSING HOGAN & BACHMAN, LLP, ON BEHALF OF LRDF1 LINCOLN, LLC , RELATING TO NOTICE OF ASSESSED VALUATION CHANGE FOR 2006 AND 2007:**

The Clerk stated the taxpayer has requested the item be deferred for one week.

By direction of the Chair, the appeal filed by Pansing, Hogan & Bachman, L.L.P., on behalf of LRDF1 Lincoln, L.L.C., was deferred for one week.

7) **ADJOURNMENT:**

MOTION: Schorr moved and Heier seconded adjournment of the Board of Equalization meeting at 10:14 p.m.. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk