

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 18, 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 9:32 a.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 11, 2008.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on March 11, 2008. Hudkins, Stevens and Workman voted aye. Heier abstained from voting. Schorr was absent from voting. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, March 18, 2008.**

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through March 18, 2008. Hudkins, Heier, Stevens and Workman voted aye. Schorr was absent from voting. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence was presented to Michael Fox, an employee at Lancaster Manor, for February, 2008.

4) **PUBLIC HEARINGS:**

Commissioner Schorr entered the Hearing Room at 9:35 a.m..

The Chair introduced and welcomed Haiyan Wang, interpreter; Professor Zunwen Quin, Director of the Yangtze River Valley Economic Institute and Professor Jun Zhyang, with the China Academy of Social Sciences.

A. An application for Corporate Manager for Andrew Reetz in connection with Hillcrest County Club located at 9401 "O" Street, Lincoln, Lancaster County, Nebraska.

The Chair opened the public hearing.

The oath was administered to Andrew Reetz, applicant.

Stevens requested that Reetz amend the application to conform with the Sheriff's recommendation which noted two improper registration violations, a speeding violation in 2005 and a speeding violation in 2006 in Cass County.

Reetz agreed he would make those a part of the application.

Hudkins asked Reetz if he had completed the hospitality course.

Reetz responded that he had not, but he would contact the Nebraska Restaurant Association to enroll himself, as well as the beverage manager, for the course.

The hearing was recessed for one week.

B. Increase appropriations for the Bridge & Special Road Fund for Project No. 07-29. The increase is due to the termination of a contract which results in the work to be re-bid. (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 for Lancaster County.

Meyer gave a brief overview regarding the increase in appropriations for the Bridge & Special Road Fund.

4) **PUBLIC HEARINGS CONTINUED:**

Tom Fox, Deputy County Attorney, indicated the terminated contract was with Shanahan Brothers Construction, Inc..

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

A. A resolution in the matter of supplementing appropriations from the previously adopted budget for the Bridge & Special Road Fund, in the amount of \$240,883. (R-08-0013)

MOTION: Hudkins moved and Heier seconded approval of Resolution No. R-08-0013 in the matter of supplementing appropriations from the previously adopted budget for the Bridge & Special Road Fund, in the amount of \$240,883. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

The Chair requested that New Business Item 5H be moved forward on the agenda.

H. An interlocal agreement between Lancaster County and the City of Lincoln. The City will provide emergency ambulance services, through the Lincoln Fire Department, outside the City limits and to all areas of the County pursuant to the EMS Response Dispatch schedule in Attachment 1 of the agreement. The term of the agreement is from January 1, 2008 to August 31, 2008 and the cost to the County is \$60,000. (C-08-0105)

Workman explained the County Board would not be taking action on the agreement, but will hold a public hearing on the matter at a later date.

Heier stated one of his concerns is that the rural fire districts be billed for the ambulances actually arriving on the scene.

Rick Hoppe, Administrative Assistant to the Mayor, stated he spoke with Julie Righter with the 911 Center, to discuss how the distinction can be made between the call for dispatch and those where the ambulance actually arrives at the scene and provides the service. He explained when the calls are split up to determine what portion of the readiness costs the rural fire districts are responsible for, the dispatch numbers are included, however, the 911 Center can manually research those numbers to determine which actually resulted in service as opposed to dispatches only.

5) **NEW BUSINESS CONTINUED:**

Heier stated Lincoln Fire and Rescue generally responds to Charlie (Basic Life Support) and/or Delta (Advanced Life Support) calls and requested that the 911 Center document who made the call. He stated concern was expressed by some of the rural fire districts that Lincoln Fire and Rescue should not have been at the scene.

Hoppe stated they would do their best to track those as accurately as they can.

Workman asked Tom Fox, Deputy County Attorney, to address the purpose of a public hearing.

Fox stated there is a statute (Neb. Rev. Stat. §13-303) which allows for the establishment of emergency medical services. He said while the County is not necessarily establishing emergency services throughout the County, he feels it is in the County's best interest to proceed with the hearing.

Item held for a future public hearing.

B. A resolution authorizing the installation of a "School Bus Stop Ahead" sign on West Old Cheney Road 500 feet east of 5031 West Old Cheney Road for westbound traffic. (R-08-0014)

MOTION: Stevens moved and Heier seconded approval of Resolution No. R-08-0014 authorizing the installation of a "School Bus Stop Ahead" sign on West Old Cheney Road 500 feet east of 5031 West Old Cheney Road for westbound traffic. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

C. A resolution in the matter of amending the regulations pertaining to occupancy above or below property owned by Lancaster County. This resolution adds the standard County hold harmless provision and increases the minimum general liability insurance requirements to the current minimum general liability insurance requirements. This resolution is effective upon execution and replaces County Resolution No. 4751. (R-08-0015)

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of Resolution No. R-08-0015 in the matter of amending the regulations pertaining to occupancy above or below property owned by Lancaster County. This resolution adds the standard County hold harmless provision and increases the minimum general liability insurance requirements to the current minimum general liability insurance requirements. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

D. An application for a Special Designated License from Meier's Cork 'N Bottle to provide liquor beverage service for a wedding reception on Saturday, April 5, 2008 from 3 p.m. to 12 a.m. at Country Pines located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.

MOTION: Heier moved and Stevens seconded approval of an application for a Special Designated License from Meier's Cork 'N Bottle to provide liquor beverage service for a wedding reception on Saturday, April 5, 2008 from 3 p.m. to 12 a.m. at Country Pines located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

E. An agreement with Promed 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 Promed 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-08-0102)

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

5) **NEW BUSINESS CONTINUED:**

- F. An amendment to a contract between Lancaster County and Vanguard Industries, Inc., found at County Contract No. C-07-0081, for fuel tank maintenance and service. The amendment renews the contract for an additional one-year term. (C-08-0103)**

MOTION: Stevens moved and Heier seconded approval of an amendment to a contract between Lancaster County and Vanguard Industries, Inc., found at County Contract No. C-07-0081, for fuel tank maintenance and service. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- G. A contract between the Lancaster County Engineering Department and Pavers, Inc., in the amount of \$42,480, to seal cracks in asphalt pavement on various County roads. (C-08-0104)**

MOTION: Stevens moved and Schorr seconded approval of a contract between the Lancaster County Engineering Department and Pavers, Inc., in the amount of \$42,480, to seal cracks in asphalt pavement on various County roads. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

- H. An interlocal agreement between Lancaster County and the City of Lincoln. The City will provide emergency ambulance services, through the Lincoln Fire Department, outside the City limits and to all areas of the County pursuant to the EMS Response Dispatch schedule in Attachment 1 of the agreement. The term of the agreement is from January 1, 2008 to August 31, 2008 and the cost to the County is \$60,000. (C-08-0105)**

This item was moved forward on the agenda.

- I. An amendment to the administrative services agreement between Lancaster County and Blue Cross Blue Shield of Nebraska (BCBSNE), under County Contract No. C-0-0508, for the provision of claim administration services for Lancaster County's self-funded group health care program. The amendment corrects an error in Part VI.A.3 regarding the BlueCard program access fees and the AEA (Administrative Expense Allowance) amounts. The amendment is effective January 1, 2008. (C-08-0106)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of an amendment to the administrative services agreement between Lancaster County and Blue Cross Blue Shield of Nebraska (BCBSNE), under County Contract No. C-0-0508, for the provision of claim administration services for Lancaster County's self-funded group health care program. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

J. A permit allowing Russel Wieseler, Amy A. Wieseler, and the Lacey Lammle Trust to construct and utilize a concrete box culvert underneath South 98th Street as a golf cart underpass. The location of the under pass shall be 1,500 feet north of the intersection of South 98th Street and Old Cheney Road. (C-08-0107)

Fox referred to the permit and stated the last sentence of Item 4 (Use of Culvert) was changed to read as follows: *The underpass will not be used immediately after construction but will be available in the future.* He added that a sentence was included at the end of Item 3 (Construction of Culvert) to read as follows: *The completion date will be contingent upon the weather.*

MOTION: Heier moved and Schorr seconded approval of a permit allowing Russel Wieseler, Amy A. Wieseler, and the Lacey Lammle Trust to construct and utilize a concrete box culvert underneath South 98th Street as a golf cart underpass.

Stevens stated he is concerned that there are not enough termination/expiration clauses in the permit. He stated he would like to see language added indicating an expiration date or that the permit expires upon change of ownership.

Fox stated the permit is issued to the owners. He added that it doesn't specifically state in the permit that upon transfer of ownership the permit would terminate, however, it is implied in Section 2 of the resolution.

MOTION: Stevens moved to defer the permit for one week.

Motion failed for lack of a second.

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

5) **NEW BUSINESS CONTINUED:**

K. A change order to a contract between Lancaster County and Electronic Contracting Company to change the audible indicating devices in the fire alarm system at Lancaster Manor from horn/strobe indicating devices to multi-tone indicating devices. The change order is an increase in the amount of \$1,337 for change to the multi-tone indicating devices. The total contract price will be \$80,777. (C-08-0111)

MOTION: Hudkins moved and Stevens seconded approval of a change order to a contract between Lancaster County and Electronic Contracting Company to change the audible indicating devices in the fire alarm system at Lancaster Manor from horn/strobe indicating devices to multi-tone indicating devices. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

L. Recommendation from the Lancaster County Engineering Department to award a bid to Constructors, Inc., in the amount of \$708,710.51, for asphaltic concrete paving; Project No. 08-26, South 82nd Street. (B-08-0012)

MOTION: Hudkins moved and Schorr seconded approval to award a bid to Constructors, Inc., in the amount of \$708,710.51, for asphaltic concrete paving; Project No. 08-26, South 82nd Street as recommended by the Lancaster County Engineering Department. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

M. Recommendation from the Lancaster County Engineering Department to award a bid to Rush Creek Construction, Inc., in the amount of \$98,247.18 , for Parts I through VII for Project No. 08-25; Erosion Control at Box Culverts. (B-08-0013)

MOTION: Heier moved and Stevens seconded approval to award a bid to Rush Creek Construction, Inc., in the amount of \$98,247.18 , for Parts I through VII for Project No. 08-25; Erosion Control at Box Culverts as recommended by the Lancaster County Engineering Department. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

N. Recommendation from the Lancaster County Engineering Department to award a bid to M.E. Collins Contracting Co., Inc., in the amount of \$358,270.53, for Parts I through VI for Project No. 08-05, Concrete Box Culverts. (B-08-0014)

MOTION: Hudkins moved and Stevens seconded approval to award a bid to M.E. Collins Contracting Co., Inc., in the amount of \$358,270.53, for Parts I through VI for Project No. 08-05, Concrete Box Culverts as recommended by the Lancaster County Engineering Department. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

O. A political subdivision tort claim filed against the Lancaster County Corrections Department by Sarah E. Finegan, in the amount of \$40, for lost property.

MOTION: Heier moved and Hudkins seconded to accept the recommendation of the Corrections Director and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Sarah E. Finegan for lost property. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

P. A political subdivision tort claim filed against the Lancaster County Corrections Department by Amanda J. Bartek, in the amount of \$100, for lost property.

MOTION: Heier moved and Hudkins seconded to accept the recommendation of the Corrections Director and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Amanda J. Bartek for lost property. Schorr, Stevens, Hudkins, Heier and Workman voted aye. 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. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- * **Harold and Meredith Parde, in the amount of \$541, on Olive Creek Road east of South 38h Street; Project No. CP-X-139. (C-08-0108)**
- * **Vicki Rohach on West Pella Road east of Southwest 86th Street; Project No. CP-V-156. This is a donation. (C-08-0109)**
- * **Gene William Schmutte, Trustee, in the amount of \$379, on Stagecoach Road east of South 12th Street; Project CP-T-240. (C-08-0110)**

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

7) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 10:24 a.m.. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 18, 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
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 10:24 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 11, 2008.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on March 11, 2008. Hudkins, Stevens, Schorr and Workman voted aye. Heier abstained from voting. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 11 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Stevens moved and Hudkins 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.
Cornhusker Place of Lincoln-Lancaster County, Inc.
Dialysis Center of Lincoln, Inc.
Lincoln Church of Christ
St. Monica's (2 exemption applications)**

MOTION: Schorr moved and Stevens seconded approval of the motor vehicle tax exemption applications for Christian Record Services, Inc., Cornhusker Place of Lincoln-Lancaster County, Inc., Dialysis Center of Lincoln, Inc., Lincoln Church of Christ and St. Monica's (2 exemption applications). Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

**Fireworks Pine Lake Property Holdings LLC
Telesis Pine Lake Property Holdings LLC**

Scott Gaines, Deputy County Assessor/Register of Deeds, appeared and gave a brief overview of the notices.

MOTION: Schorr moved and Stevens seconded to send notice of assessed valuation change for property taxation purposes to Fireworks Pine Lake Property Holdings, L.L.C. and to Telesis Pine Lake Property Holdings, L.L.C.. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:27 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk