

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 25, 2008
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Bernie Heier, Vice Chair
Larry Hudkins
Deb Schorr
Ray Stevens

Commissioners Absent: Bob Workman, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
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, March 18 2008.

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting held on March 18, 2008. Stevens, Schorr and Heier voted aye. Hudkins was absent from voting. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, March 25, 2008.

MOTION: Stevens moved and Schorr seconded approval of all claims processed through March 25, 2008. Schorr, Heier and Stevens voted aye. Hudkins was absent from voting. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. Resolution No. R-08-0016 in the matter of supporting Amendment 1, updating Article XI, Section 1 of the Nebraska Constitution (R-08-0016) - Rick Hoppe, Administrative Aide to the Mayor, Lori Seibel, Community Health Endowment, President/Chief Executive Officer

(Commissioner Hudkins entered the Hearing Room at 9:34 a.m..)

Lori Seibel, President of the Community Health Endowment, reported on the local impact relating to Amendment 1 stating the amendment would allow them to change their investment strategy to provide a more diversified portfolio.

Rick Hoppe, Administrative Aide to the Mayor, agreed that the amendment would allow for more flexibility regarding investments and added that it also places strict safeguards in the State Constitution for the investments.

Submitted into the record was documentation entitled *Facts About Amendment 1* (Exhibit 1).

MOTION: Schorr moved and Stevens seconded approval of Resolution No. R-08-0016 in the matter of supporting Amendment 1, updating Article XI, Section 1 of the Nebraska Constitution.

The Clerk read the resolution into the record.

The County Board thanked all Lancaster County storm spotters for their services.

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

B. Resolution No. R-08-0019 in the matter of recognizing March 29, 2008 as "Central Plains Severe Weather Symposium" and Storm Spotter Appreciation Day (R-08-0019) - Doug Ahlberg, Lancaster County Emergency Management Director

Doug Ahlberg, Emergency Management Director, stated the symposium would be held at the Harding Center located at 33rd and Holdrege Streets on Saturday, March 29, 2008.

The Clerk read the resolution into the record.

3) **SPECIAL PRESENTATIONS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of Resolution No. R-08-0019 in the matter of recognizing March 29, 2008 as "Central Plains Severe Weather Symposium" and Storm Spotter Appreciation Day. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. Continuation of a public hearing for an application for Corporate Manager for Andrew Reetz in connection with Hillcrest Country Club located at 9401 "O" Street, Lincoln, Lancaster County, Nebraska. (See New Business Item 5A for correlating documentation.)

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

No one appeared and the hearing was closed.

The Vice Chair requested New Business 5A be moved forward.

5) **NEW BUSINESS:**

A. A resolution in the matter of an application for corporate manager for Andrew Reetz in connection with a Class I (Beer, Wine & Distilled Spirits) liquor license for Hillcrest Country Club, located at 9401 "O" Street, Lincoln, Lancaster County, Nebraska. (R-08-0017)

MOTION: Hudkins moved and Schorr seconded approval of Resolution No. R-08-0017 in the matter of an application for corporate manager for Andrew Reetz in connection with a Class I (Beer, Wine & Distilled Spirits) liquor license for Hillcrest Country Club, located at 9401 "O" Street, Lincoln, Lancaster County, Nebraska.

Stevens thanked the applicant for filing an amendment to the liquor application.

Hudkins also thanked the applicant and his employees for their willingness to attend hospitality training.

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

RETURNING TO PUBLIC HEARINGS:

B. Issuance of \$2,100,000 of Industrial Development Revenue Bonds, Series 2008 (Plastic Companies Enterprises, Inc. Project). (See New Business Item 5B for correlating documentation.)

The Vice Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Lauren Wismer with Gilmore and Bell, and Shelly Carpenter, Financial Officer with Plastic Companies Enterprises.

Wismer stated the resolution approves the issuance of \$2,100,000 of Industrial Development Revenue Bonds which would be used to acquire equipment for lease to Plastic Companies Enterprises. He stated the issuance would impose no liability on the part of Lancaster County.

Carpenter stated the company assembles power distribution units which go into data centers throughout the United States.

In response to a question asked by Hudkins, Carpenter stated they chose the bonds because the interest rate is extremely attractive.

NEW BUSINESS ITEM 5B:

B. A resolution authorizing issuance of \$2,100,000 Industrial Development Revenue Bond, Series 2008 (Plastic Companies Enterprises, Inc. Project). (R-08-0020)

MOTION: Hudkins moved and Schorr seconded approval of a resolution authorizing issuance of \$2,100,000 Industrial Development Revenue Bond, Series 2008 (Plastic Companies Enterprises, Inc. Project).

Stevens indicated he had not seen the resolution.

Wismer apologized for the oversight.

NOTE: A copy of the resolution was provided to the County Clerk's Office before the meeting was called to order.

MOTION: Stevens moved that the resolution be deferred for one week.

Motion failed for lack of a second.

NEW BUSINESS ITEM 5B CONTINUED:

Tom Fox, Deputy County Attorney, stated he reviewed the resolution and has no concerns.

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

RETURNING TO PUBLIC HEARINGS:

C. Comprehensive Plan Amendment No. 08001, requested by the Director of Public Works and Utilities Department, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt the proposed Wastewater Facilities Master Plan. (See New Business Item 5C for correlating documentation.)

The Vice Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Steve Henrichsen, Planning Department, and Steve Masters, Public Works & Utilities.

Henrichsen gave a brief overview of Comprehensive Plan Amendment No. 08001.

Masters gave an overview of the Wastewater Facilities Master Plan stating that the plan helps to drive the projects needed to meet the growth of the community.

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

NEW BUSINESS ITEM 5C:

C. A resolution in the matter of Comprehensive Plan Amendment No. 08001, by the Director of Planning at the request of the Director of the Public Works and Utilities Department to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adopt the Wastewater Facilities Master Plan as provided in Exhibit A. (R-08-0018)

NEW BUSINESS ITEM 5C CONTINUED:

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. R-08-0018 in the matter of Comprehensive Plan Amendment No. 08001, by the Director of Planning at the request of the Director of the Public Works and Utilities Department to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adopt the Wastewater Facilities Master Plan as provided in Exhibit A. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

A. A resolution in the matter of an application for corporate manager for Andrew Reetz in connection with a Class I (Beer, Wine & Distilled Spirits) liquor license for Hillcrest Country Club, located at 9401 "O" Street, Lincoln, Lancaster County, Nebraska. (R-08-0017)

This item was moved forward on the agenda.

B. A resolution authorizing issuance of \$2,100,000 Industrial Development Revenue Bond, Series 2008 (Plastic Companies Enterprises, Inc. Project).

This item was moved forward on the agenda.

C. A resolution in the matter of Comprehensive Plan Amendment No. 08001, by the Director of Planning at the request of the Director of the Public Works and Utilities Department to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adopt the Wastewater Facilities Master Plan as provided in Exhibit A. (R-08-0018)

This item was moved forward on the agenda.

D. An application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service at a wedding reception on Saturday, May 10, 2008 from 4 p.m. to 1 a.m. at Country Pines located at 6308 West Adams Street, Lincoln, Lancaster County, Nebraska.

MOTION: Schorr moved and Stevens seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service at a wedding reception on Saturday, May 10, 2008 from 4 p.m. to 1 a.m. at Country Pines located at 6308 West Adams Street, Lincoln, Lancaster County, Nebraska. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

E. An application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a wedding reception on Saturday, May 17, 2008 from 5 p.m. to 1 a.m. at Country Pines located at 6308 West Adams Street, Lincoln, Lancaster County, Nebraska.

MOTION: Stevens moved and Schorr seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for a wedding reception on Saturday, May 17, 2008 from 5 p.m. to 1 a.m. at Country Pines located at 6308 West Adams Street, Lincoln, Lancaster County, Nebraska. Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

F. Agreements with Mobility Options and Orthofix, Inc. 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 agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and Mobility Options and Orthofix, Inc. will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contain a 30 day termination provision. (C-08-0112) (C-08-0113)

MOTION: Schorr moved and Hudkins seconded approval of agreements with Mobility Options and Orthofix, Inc. 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 and Stevens voted aye. Motion carried.

G. A contract between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of Lancaster County Human Services. Under the contract the County will organize and sponsor three community education events regarding New Americans and language issues. The County will be paid \$1,200 for the services. (C-08-0114)

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of a contract between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of Lancaster County Human Services. Under the contract the County will organize and sponsor three community education events regarding New Americans and language issues. Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

H. A post construction surveying agreement between the Lancaster County Engineering Department and WNK Surveying, in the amount of \$900, for surveying services relating to Project No. STPD-34-6(133), located at Northwest 48th Street and Highway 34. (C-08-0115)

MOTION: Stevens moved and Hudkins seconded approval of a post construction surveying agreement between the Lancaster County Engineering Department and WNK Surveying, in the amount of \$900, for surveying services relating to Project No. STPD-34-6(133), located at Northwest 48th Street and Highway 34. Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

I. A surveying agreement with WNK Surveying, in the amount of \$2,775, for surveying services for the Lancaster County Engineering Department relating to Project No. C55-KP-412(1), located on South 98th Street from Old Cheney Road to Pioneers Boulevard; Box Culvert J-21 at South 134th and Van Dorn Streets; Box Culvert V-176 at Southwest 100th Street and Hallam Road; and Box Culvert S-206 at South 82nd Street and Bennet Road. (C-08-0116)

MOTION: Stevens moved and Schorr seconded approval of a surveying agreement with WNK Surveying, in the amount of \$2,775, for surveying services for the Lancaster County Engineering Department relating to Project No. C55-KP-412(1), located on South 98th Street from Old Cheney Road to Pioneers Boulevard; Box Culvert J-21 at South 134th and Van Dorn Streets; Box Culvert V-176 at Southwest 100th Street and Hallam Road; and Box Culvert S-206 at South 82nd Street and Bennet Road. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

J. An agreement between Lancaster County, Prudential Life Insurance company of America, and Aetna Life Insurance Company. The agreement provides the terms and conditions by which Prudential will issue a group long term care insurance policy for County employees as a result of the County discontinuing coverage under the Aetna policy as of July 31, 2008. County employees will be given the option to remain covered under the Aetna policy, or request coverage for group long term care insurance benefits under Prudential's policy. The effective date of the agreement is August 1, 2008. (C-08-0117)

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Lancaster County, Prudential Life Insurance Company of America, and Aetna Life Insurance Company. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

K. Utility Permit No. 919 for Nebraska Public Power District to install a water line at the Sheldon Power Plant proceeding along Southwest 58th Street, West Pella Road, Southwest 72nd Street and West Hallam Road to the County line. There will be no cost to Lancaster County. (C-08-0118)

MOTION: Stevens moved and Schorr seconded approval of Utility Permit No. 919 for Nebraska Public Power District to install a water line at the Sheldon Power Plant proceeding along Southwest 58th Street, West Pella Road, Southwest 72nd Street and West Hallam Road to the County line. There will be no cost to Lancaster County. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

L. A contract between Lancaster County, on behalf of the Lancaster County Mental Health Center, and WARJAR, Inc., for certified alcohol and drug abuse counselor services. The services will be provided at the rate of \$30 per hour for up to 20 hours per week. Term of the contract is from the date of execution to June 30, 2009. In compliance with the Health Insurance Portability and Accountability Act (HIPAA) regulations, a business associate agreement between the parties is attached to the contract as Attachment A. (C-08-0119)

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded approval of a contract between Lancaster County, on behalf of the Lancaster County Mental Health Center, and WARJAR, Inc., for certified alcohol and drug abuse counselor services. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

M. Acceptance of a quitclaim deed from Douglas B. Rath, Trustee of the Douglas B. Rath Revocable Trust, and Kimberly K. Rath, Trustee of the Kimberly K. Rath Revocable Trust, to a portion of land described as a part of the Southeast Quarter, Section 2, Township 10 North, Range 5 East of the 6th Principal Meridian, Lancaster County, Nebraska, containing 0.01 acres more or less.

MOTION: Stevens moved and Schorr seconded approval to accept a quitclaim deed from Douglas B. Rath, Trustee of the Douglas B. Rath Revocable Trust, and Kimberly K. Rath, Trustee of the Kimberly K. Rath Revocable Trust, to a portion of land described as a part of the Southeast Quarter, Section 2, Township 10 North, Range 5 East of the 6th Principal Meridian, Lancaster County, Nebraska, containing 0.01 acres more or less. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

N. Recommendation from the Lancaster County Engineering Department to award a bid to Hartmann Construction Company, in the amount of \$561,968.56, for grading construction; Project No. 08-27. (B-08-0015)

MOTION: Hudkins moved and Stevens seconded to award a bid to Hartmann Construction Company, in the amount of \$561,968.56, for grading construction; Project No. 08-27, as recommended by the Lancaster County Engineering Department.

Don Thomas, County Engineer, stated the project is for grading work on Superior Street which didn't get completed under the Shanahan contract and also for South 98th Street.

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

5) **NEW BUSINESS CONTINUED:**

O. Recommendation from the Lancaster County Engineering Department to reject all bids for Fiscal Year 2008 spring gravel hauling to various stockpiles in the County. (B-08-0016)

Thomas reported the project would be re-bid because two bidders were not notified and the bids received were approximately 23 percent over budget.

Bob Walla, Assistant Purchasing Agent, stated one of the bidders is registered to provide aggregate, but not to haul. He added he has not received a response from the second bidder and would be contacting them by letter.

MOTION: Schorr moved and Stevens seconded to reject all bids for Fiscal Year 2008 spring gravel hauling to various stockpiles in the County as recommended by the Lancaster County Engineering Department. Heier, Schorr, Stevens and Hudkins 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. Receive and Place on File:

1. **Lincoln City Libraries Director's Monthly Report for February, 2008.**

B. Setting of public hearings for Tuesday, April 8, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:

1. **Automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution No. R-00-0148, adopted December 12, 2000 for which the county clerk has received no protests.**

6) CONSENT ITEMS CONTINUED:

2. County Change of Zone No. 08008, from AG Agricultural District to AGR Agricultural Residential District and B Business District, on an 80-acre parcel, requested by Jerry and Karen Fletcher on property generally located one-half mile north of the corner of South 162nd Street and Nebraska Highway 2 ("Bennet corner").

- C. Setting of a public hearing for Tuesday, April 15, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an interlocal agreement between Lancaster County and the City of Lincoln for the provision of emergency ambulance services pursuant to Neb. Rev. Stat. §13-303 (Cum. Supp. 2006). The City will provide emergency ambulance services, through the Lincoln Fire Department, outside the City limits to all areas of the County as set forth in the Emergency Medical Services (EMS) Response Dispatch Schedule, a copy of which is reproduced as Attachment 1 to the interlocal agreement. The term of the agreement is from January 1, 2008 through August 31, 2008. The cost to the County is \$60,000. (A copy of the interlocal agreement (C-08-0105) is available for public inspection in the Lancaster County Clerk's Office, 555 South 10th Street, Suite 108, Lincoln, Nebraska.)
- D. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:
- Michael Holle, an employee with the Lancaster County Engineering Department
 - Christine R. Clancy, an employee with Lancaster Manor
 - Shelli Conner, an employee with Lancaster Manor
 - Victoria Keating, an employee with the Lancaster County Assessor/Register of Deeds Office
- E. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:
- Helen Bollinger Trust, in the total amount of \$6,636.50, at approximately North 176th Street and Fletcher Road; Project BR-3340(7) (3 contracts) (C-08-0120) (C-08-0121) (C-08-0122)
 - Russel and Amy Wieseler, in the total amount of \$44,816, at approximately South 98th Street and Old Cheney Road; Project C55-KP-412(1). (3 contracts) (C-08-0123) (C-08-0124) (C-08-0125)

6) **CONSENT ITEMS CONTINUED:**

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

7) **OTHER BUSINESS:**

Hudkins reported that Lancaster Manor has received approval to begin Medicare billing.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 10:26 a.m.. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

Cori Beattie
Deputy County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 25, 2008
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bernie Heier, Vice Chair
Larry Hudkins
Deb Schorr
Ray Stevens

Commissioners Absent: Bob Workman, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
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 10:26 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 18, 2008.**

MOTION: Schorr moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on March 18, 2008. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 16 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Catholic Social Services
Cedars Youth Services
Developmental Services of Nebraska, Inc.
Glad Tidings
Good News Broadcasting Association, Inc.
Priestly Fraternity of St. Peter d/b/a Our Lady of Guadalupe Seminary
Tabitha, Inc. (4 exemption applications)
Temple Baptist Church**

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle tax exemption application for Catholic Social Services, Cedars Youth Services, Developmental Services of Nebraska, Inc., Glad Tidings, Good News Broadcasting Association, Inc., Priestly Fraternity of St. Peter d/b/a Our Lady of Guadalupe Seminary, Tabitha, Inc. (4 applications) and Temple Baptist Church. Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:30 a.m.. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

Cori Beattie
Deputy County Clerk