

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 10, 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
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 9:35 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 3, 2008.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 3, 2008. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, June 10, 2008.**

MOTION: Hudkins moved and Schorr seconded approval of all claims processed through Tuesday, June 10, 2008. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

3) **SPECIAL PRESENTATION:**

A. Presentation of the Commissioners Award of Excellence to Adam Powers, an employee with the Department of Corrections, for May, 2008.

The Commissioners Award of Excellence for May, 2008 was presented to Adam Powers, an employee with the Department of Corrections, in the category of loss prevention.

4) **PUBLIC HEARINGS:**

A. Comprehensive Plan Amendment No. 08009, by the Director of Planning, at the request of the Director of the Public Works & Utilities Department and the Director of the Parks & Recreation Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt text and map changes to the Environmental Resources and Mobility and Transportation Chapters related to the multi-use trails and public transportation sections. (See New Business Item 5A for correlating documentation.)

The Vice Chair opened the public hearing.

The Clerk administered the oath to David Cary, Planning Department.

Cary said Comprehensive Plan Amendment No. 080009 incorporates both the multi-use trails portion of the Comprehensive Plan and the Public Transportation section of the Mobility and Transportation Chapter of the Comprehensive Plan. He said the portion that applies most directly to the County is the trails portion and said it includes trails that extend into the City of Waverly's jurisdiction that were not previously part of the plan. Completion of the Homestead Trail is also identified.

Hudkins noted plans to pave Arbor Road east of North 70th Street to provide access to a proposed motocross track at the Abbott Sports Complex and asked whether there are provisions in the amendment to include the possibility of a trail.

Cary said not at this time. He said the normal process is for trails to be built when roads are built to urban standards, not necessarily when they are paved. Cary said it could be discussed further if there is interest.

In response to a question from Stevens, Cary said the concept of paved shoulders is included in the Plan.

4) **PUBLIC HEARINGS CONTINUED:**

It was noted the Planning Department and City Council have approved the Comp Plan amendment.

The Vice Chair closed the public hearing.

NEW BUSINESS ITEM 5A:

A. A resolution in the matter of Comprehensive Plan Amendment No. 08009, by the Director of Planning, at the request of the Director of the Public Works & Utilities Department and the Director of the Parks & Recreation Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt text and map changes to the Environmental Resources and Mobility and Transportation Chapters related to the multi-use trails and public transportation sections. (R-08-0036)

MOTION: Hudkins moved and Stevens seconded approval of a resolution in the matter of Comprehensive Plan Amendment No. 08009, by the Director of Planning, at the request of the Director of the Public Works & Utilities Department and the Director of the Parks & Recreation Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt text and map changes to the Environmental Resources and Mobility and Transportation Chapters related to the multi-use trails and public transportation sections. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

RETURNING TO PUBLIC HEARINGS:

B. Comprehensive Plan Amendment No. 08012, by the Director of Planning, at the request of the Lancaster Engineer, the Nebraska Department of Roads and the Director of the Public Works & Utilities Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the County Rural Road element and the National Functional Street and Road Classifications maps of the 2030 Lincoln-Lancaster County Comprehensive Plan. (See New Business Item 5B for correlating documentation.)

The Vice Chair opened the public hearing.

The Clerk administered the oath to Mike Brienzo, Planning Department.

4) **PUBLIC HEARINGS CONTINUED:**

Brienzo said Comprehensive Plan Amendment No. 08012 has three parts: 1) Amend the 2030 Lincoln City–Lancaster County Comprehensive Plan, County Rural Road element, to show North 141st Street, a two-mile segment between Raymond Road to Davey Road, for potential paving; 2) Amend the 2030 Lincoln City–Lancaster County Comprehensive Plan, County Rural Road element, to show the realignment of South 148th Street north of Nebraska Highway 2, a 1.5 mile segment of 148th Street and .25 miles of 162nd Street, and the closure of at-grade north and south access at Nebraska Highway 2 to/from 148th Street; and 3) Amend the 2030 Lincoln City–Lancaster County Comprehensive Plan, National Functional Street and Road Classification maps to show West Vine Street, Northwest 40th Street to Northwest 56th Street, as an “urban collector”. He said the Planning Commission and City Council have recommended approval.

Schorr referenced the realignment of South 148th Street north of Nebraska Highway 2 and asked how the East Beltway will connect.

Brienzo said South 148th Street is east of where the East Beltway will connect, approximately .5 mile from the “Bennet Corner”. He said when the Beltway system is complete there will be no at-grade access to Highway 2 or the East Beltway, starting at South 162nd Street. Brienzo said the next access point will be South 134th Street which would be eliminated for direct access.

Stevens asked whether there are still plans for a major north/south street through the West Vine Street area.

Brienzo said yes, the Plan shows Northwest 40th Street crossing over Interstate 80 to the south and connecting to “O” Street. He said it will connect with the Airport industrial area north of the Interstate. Brienzo said Northwest 48th Street will be the main corridor through the area and will provide access to Highway 34 and the Interstate.

Heier noted the Board has asked the Nebraska Department of Roads (NDOR) to go down the half mile section line when re-routing North 148th Street. He said NDOR indicated traffic would be unable to make the turns and they would have to move the road to the north.

Heier also noted the Board has asked the Planning Department to prepare a plan for area between 148th Street, 162nd Street, Highway 2 and the realigned 148th Street.

The Vice Chair closed the public hearing.

NEW BUSINESS ITEM 5B:

- B. A resolution in the matter of Comprehensive Plan Amendment No 08012, by the Director of Planning, at the request of the Lancaster Engineer, the Nebraska Department of Roads and the Director of the Public Works & Utilities Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the County Rural Road element and the National Functional Street and Road Classifications maps of the 2030 Lincoln-Lancaster County Comprehensive Plan. (R-08-0037)**

MOTION: Stevens moved and Schorr seconded approval of a resolution in the matter of Comprehensive Plan Amendment No 08012, by the Director of Planning, at the request of the Lancaster Engineer, the Nebraska Department of Roads and the Director of the Public Works & Utilities Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the County Rural Road element and the National Functional Street and Road Classifications maps of the 2030 Lincoln-Lancaster County Comprehensive Plan. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution in the matter of Comprehensive Plan Amendment No. 08009, by the Director of Planning, at the request of the Director of the Public Works & Utilities Department and the Director of the Parks & Recreation Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt text and map changes to the Environmental Resources and Mobility and Transportation Chapters related to the multi-use trails and public transportation sections. (R-08-0036)**

Item was moved forward on the agenda.

- B. A resolution in the matter of Comprehensive Plan Amendment No 08012, by the Director of Planning, at the request of the Lancaster Engineer, the Nebraska Department of Roads and the Director of the Public Works & Utilities Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the County Rural Road element and the National Functional Street and Road Classifications maps of the 2030 Lincoln-Lancaster County Comprehensive Plan. (R-08-0037)**

Item was moved forward on the agenda.

5) **NEW BUSINESS CONTINUED:**

- C. A resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to various General Fund agencies. The amount to be transferred is \$521,549. (R-08-0038)**

Dennis Meyer, Budget and Fiscal Officer, appeared and said the Board will be transferring funds from the Contingency Fund to cover departments that are over budget. He said this year's appropriation is less than the five-year average of \$1.3 million.

MOTION: Stevens moved and Schorr seconded approval of a resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to various General Fund agencies. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

- D. A grant contract between the City of Lincoln and Lancaster County on behalf of the Lancaster County Attorney's Office. The County Attorney's Office shall receive \$8,551.50 in grant funds for the purpose of funding the community based sexual assault coordinated response team to improve system collaborations, along with training key responders to improve system data collection, and to improve investigations of sexual offenders by going over past cases. The term of the agreement is from August 1, 2007 to July 31, 2008. (C-08-0245)**

MOTION: Stevens moved and Schorr seconded approval of a grant contract between the City of Lincoln and Lancaster County on behalf of the Lancaster County Attorney's Office. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- E. An agreement with Sandra Findley for substance abuse education intervention classes to participants in the pretrial release program. The County will pay up to \$11,200 for the services. Term of the agreement is July 1, 2008 through June 30, 2009. (C-08-0246)**

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Sandra Findley for substance abuse education intervention classes to participants in the pretrial release program. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- F. An agreement between Parallels and Lancaster County, on behalf of the Lancaster County Drug Court, for substance use evaluation services for persons placed in the Adult Drug Court. The term of the agreement is from July 1, 2008 to June 30, 2009. The County will pay \$150 per evaluation. (C-08-0247)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Parallels and Lancaster County, on behalf of the Lancaster County Drug Court, for substance use evaluation services for persons placed in the Adult Drug Court. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

G. An agreement between the Community Mental Health Center (CMHC) and Mary Hepburn O'Shea for transition services for individuals with severe mental illness to transition them from inpatient hospitalization to community living. The County will provide direct and indirect staff. Mary Hepburn O'Shea will provide bedroom units and ancillary services to include up awake staff. The County will pay reimbursement at a rate of \$15 per hour for up to 65 hours for up awake staff. Term of the agreement is July 1, 2008 to June 30, 2009. (C-08-0248)

Item was held at the request of the County Attorney's Office.

H. Renewal application for adult day services license with the Nebraska Department of Health and Human Services for the Midtown Center in connection with the Community Mental Health Center (CMHC). The County will pay \$175 for the renewal license. (C-08-0249)

MOTION: Schorr moved and Hudkins seconded approval of a renewal application for adult day services license with the Nebraska Department of Health and Human Services for the Midtown Center in connection with the Community Mental Health Center (CMHC). Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

I. An agreement with Dr. James A Fosnaugh 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 Dr James A Fosnaugh 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-08-0252)

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of an agreement with Dr. James A Fosnaugh 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. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Theisen Construction Inc for repair of County Bridge T-171, Project No 08-02, in the amount of \$59,636.40. (B-08-0031)

MOTION: Hudkins moved and Stevens seconded to award a bid to Theisen Construction Inc for repair of County Bridge T-171, Project No 08-02, in the amount of \$59,636.40, as recommended by the Purchasing Agent and County Engineer. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

K. Authorization of Wells Fargo Bank, as Trustee, to disburse and make payment from the Lancaster Leasing Corporation Renewal and Replacement Fund to Electronic Contracting Company, in the amount of \$74,660, for a nurse call system at Lancaster Manor and in the amount of \$80,777, for a suppression control panel replacement at Lancaster Manor. Total amount of the disbursement is \$155.437.

MOTION: Stevens moved and Schorr seconded to authorize Wells Fargo Bank, as Trustee, to disburse and make payment from the Lancaster Leasing Corporation Renewal and Replacement Fund to Electronic Contracting Company, in the amount of \$74,660, for a nurse call system at Lancaster Manor and in the amount of \$80,777, for a suppression control panel replacement at Lancaster Manor. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

L. Salary increase for Deputy County Attorney, Tyler Jacobsen, from \$56,000 to \$57,680 pursuant to his six month review, effective June 5, 2008.

MOTION: Stevens moved and Schorr seconded approval of a salary increase for Deputy County Attorney, Tyler Jacobsen, from \$56,000 to \$57,680 pursuant to his six month review, effective June 5, 2008. Hudkins, Stevens, Schorr and Heier 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. **County Clerk's Monthly Report for May, 2008.**
2. **Clerk of the District Court's Monthly Report for May, 2008.**
3. **Assessor/Register of Deeds Monthly Report for May, 2008.**
4. **Records & Information Management's Monthly Report for May, 2008.**

B. Setting of a public hearing for Tuesday, June 17, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding increasing the appropriations for the Mental Health Fund for the continued operation of the Heather Program and the County/City Property Management Fund for the increases in salaries.

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

- * **Todd B. and Michelle Jansa, in the amount of \$60, located on West Agnew Road between Northwest 70th Street and Highway 79; Project No. C55-D-402(4). (C-08-0250)**
- * **Gary L. and Lilo Johnson, in the amount of \$3,717, located on North 176th Street and Fletcher Road; Project No BR-3304(7). (C-08-0251)**

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

7) **ADJOURNMENT:**

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

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 10, 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: Scott Gaines, Chief Administrative Deputy Assessor/Register of
Deeds
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 10:09 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, June 3, 2008.**

MOTION: Schorr moved and Stevens seconded approval of the Minutes of the Board of Equalization meeting held on Tuesday, June 3, 2008. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 173 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Hudkins moved and Stevens seconded approval of 173 additions and deductions to the tax assessment rolls. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

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

Holy Family Sisters of the Needy
Seventh-day Adventist Schools of Lincoln
Vital Services, Inc.

MOTION: Stevens moved and Schorr seconded approval of motor vehicle tax exemptions for Holy Family Sisters of the Needy, Seventh-day Adventist Schools of Lincoln and Vital Services, Inc. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

4) **ADJOURNMENT:**

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

Dan Nolte
County Clerk