

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 5, 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
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, July 29, 2008.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on July 29, 2008. Hudkins, Stevens, Schorr and Heier voted aye. Workman abstained from voting. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, August 5, 2008.**

MOTION: Heier moved and Hudkins seconded approval of all claims processed through August 5, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. Proposed revisions to the Lincoln-Lancaster County Air Pollution Regulations and Standards. (See New Business Item 4A for correlating documentation.)

The Chair opened the public hearing.

The oath was administered to Rick Thorson, Environmental Health Supervisor with the Lincoln-Lancaster County Health Department.

Thorson stated the majority of the changes relate to the Prevention of Significant Deterioration (PSD) regulations. He said the regulations protect the health of citizens and the environment.

Other changes, Thorson stated, include notification requirements for the relocation of mobile asphalt batch plants and changes to the Construction Permit Section to better define the application of a construction permit fee and to also make changes regarding sulfur content of fuels used for emergency electrical generators.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

4) **NEW BUSINESS:**

A. A resolution in the matter of amending Article 2, Sections 1, 2, 10, 14, 17, 19, 30, 34 and the Table of Contents, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, as provided in Attachment A. (R-08-0055)

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. R-08-0055 in the matter of amending Article 2, Sections 1, 2, 10, 14, 17, 19, 30, 34 and the Table of Contents, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, as provided in Attachment A. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- B. A resolution in the matter of approving the 2008-2009 annual cost of living increase for Unrepresented Classified County employees, in the amount of three percent for employees in the "C", "E", and "X" Classification, effective the pay period beginning August 14, 2008. The resolution also modifies the pay plan for the Classified, Unrepresented employees in the "X" Classification. (R-08-0053)**

MOTION: Schorr moved and Hudkins seconded approval of Resolution No. R-08-0053 in the matter of approving the 2008-2009 annual cost of living increase for Unrepresented Classified County employees, in the amount of three percent for employees in the "C", "E", and "X" Classification, effective the pay period beginning August 14, 2008. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

- C. A resolution in the matter of adopting a scale of wages for job classifications covered by the 2008-2011 agreement between the County of Lancaster and Local 2468 of the American Federation of State, County and Municipal Employees AFL-CIO (AFSCME); specifically, for the pay period beginning August 14, 2008. The scale of wages will take effect the pay period beginning August 14, 2008 and will remain in effect until the beginning of the first pay period in September, 2009. (R-08-0054)**

MOTION: Heier moved and Stevens seconded approval of Resolution No. R-08-0054 in the matter of adopting a scale of wages for job classifications covered by the 2008-2011 agreement between the County of Lancaster and Local 2468 of the American Federation of State, County and Municipal Employees AFL-CIO (AFSCME); specifically, for the pay period beginning August 14, 2008. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

- D. An interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 28 juveniles and two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home detention. Term of the agreement is July 1, 2008 to June 30, 2009 and the County will pay up to \$143,000 for the services. (C-08-0380)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of an interlocal agreement with the State of Nebraska Probation Administration for electronic monitoring of up to 28 juveniles and two probation officers to supervise juveniles who are ordered by the Separate Juvenile Court of Lancaster County to pre-adjudication or predisposition monitoring during home detention. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

E. An agreement with the State of Nebraska Department of Health and Human Services (HHS), Division of Behavioral Health Services to provide youth problem gambling prevention services for the Gamblers Assistance Program. The County will receive \$50,000 from HHS. Term of the agreement is July 1, 2008 through June 30, 2009. (C-08-0381)

MOTION: Schorr moved and Hudkins seconded approval of an agreement with the State of Nebraska Department of Health and Human Services (HHS), Division of Behavioral Health Services to provide youth problem gambling prevention services for the Gamblers Assistance Program. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. A unit price construction contract with Bob and Don's Plumbing for miscellaneous plumbing services for pipe less than two inches (under \$25,000). Term of the contract is from July 1, 2008 through June 30, 2009, with an option to renew the contract for three additional one-year terms. (C-08-0382)

MOTION: Stevens moved and Hudkins seconded approval of a unit price construction contract with Bob and Don's Plumbing for miscellaneous plumbing services for pipe less than two inches (under \$25,000). Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

G. A contract between Kerford Limestone Co. and Lancaster County for the annual supply of rock or gravel for road surfacing and ice control material on an as-needed basis by the County Engineering Department. Term of the contract is one year from the date of execution. The County will pay for products according to the pricing as listed in the contractor's proposal. (C-08-0383)

4) **NEW BUSINESS CONTINUED:**

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

- H. A contract between Western Sand and Gravel Co. and Lancaster County for the annual supply of rock or gravel for road surfacing and ice control material on an as-needed basis by the County Engineering Department. Term of the contract is one year from the date of execution. The County will pay for products according to the pricing as listed in the contractor's proposal. (C-08-0384)**

Item Held at the request of the County Attorney's Office.

- I. A contract between Cornerstone Print and Imaging and Lancaster County, the City of Lincoln and the Public Building Commission for the rebid of annual requirements for offset printing and related services. The County will pay for services according to the pricing in the contractor's accepted proposal. Term of the contract is three years from the date of execution. (C-08-0385)**

MOTION: Hudkins moved and Stevens seconded approval of a contract between Cornerstone Print and Imaging and Lancaster County, the City of Lincoln and the Public Building Commission for the rebid of annual requirements for offset printing and related services. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

- J. A contract between A to Z Printing and Lancaster County, the City of Lincoln and the Public Building Commission for the rebid of annual requirements for offset printing and related services. The County will pay for services according to the pricing in the contractor's accepted proposal. Term of the contract is three years from the date of execution. (C-08-0386)**

MOTION: Stevens moved and Schorr seconded approval of a contract between A to Z Printing and Lancaster County, the City of Lincoln and the Public Building Commission for the rebid of annual requirements for offset printing and related services. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

K. A contract between Capitol Graphics and Lancaster County, the City of Lincoln and the Public Building Commission for the rebid of annual requirements for offset printing and related services. The County will pay for service according to the pricing in the contractor's accepted proposal. Term of the contract is three years from the date of execution. (C-08-0387)

MOTION: Stevens moved and Hudkins seconded approval of a contract between Capitol Graphics and Lancaster County, the City of Lincoln and the Public Building Commission for the rebid of annual requirements for offset printing and related services. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

L. A contract between FireGuard, Inc. and Lancaster County for fire systems inspection services. The County will pay for services according to the pricing in the contractor's accepted proposal. Term of the contract is one year from the date of execution. (C-08-0388)

MOTION: Heier moved and Stevens seconded approval of a contract between FireGuard, Inc. and Lancaster County for fire systems inspection services. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

M. An agreement with the University of Nebraska, Board of Regents on behalf of the Department of Psychology. Under the agreement the University will provide the services of a licensed clinical Ph.D. psychologist for four hours a week at the Community Transition Program at the Heather. Term of the agreement is July 1, 2008 to June 30, 2009 and the County will pay \$8,246.90 for the services. (C-08-0389)

MOTION: Hudkins moved and Stevens seconded approval of an agreement with the University of Nebraska, Board of Regents on behalf of the Department of Psychology. Under the agreement the University will provide the services of a licensed clinical Ph.D. psychologist for four hours a week at the Community Transition Program at the Heather. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

N. Unit price contracts with the following vendors for demolition services for small emergencies and routine maintenance and repair of facilities (under \$25,000). Term of the contracts is from July 1, 2008 through June 30, 2009, with an option to renew for three additional one-year periods.

4) **NEW BUSINESS CONTINUED:**

- * **Brandt Excavating Company (C-08-0390)**
- * **K2 Construction (C-08-0391)**
- * **Mid-Nebraska Grading & Demolition Inc. (C-08-0392)**

MOTION: Stevens moved and Heier seconded approval of unit price contracts with Brandt Excavating Company, K2 Construction and Mid-Nebraska Grading & Demolition Inc. for demolition services for small emergencies and routine maintenance and repair of facilities (under \$25,000). Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

O. An agreement between Olsson Associates Inc. and the Lancaster County Engineering Department for an underground storage tank release investigation ordered by the Nebraska Department of Environmental Quality, Water Quality Division, Petroleum Remediation Section, in the amount of \$21,270; Project 09-03. (C-08-0393)

Don Thomas, County Engineer, gave a brief explanation of the agreement.

MOTION: Heier moved and Stevens seconded approval of an agreement between Olsson Associates Inc. and the Lancaster County Engineering Department for an underground storage tank release investigation ordered by the Nebraska Department of Environmental Quality, Water Quality Division, Petroleum Remediation Section, in the amount of \$21,270; Project 09-03. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

P. Unit price construction contracts with the following vendors for electrical services for small emergencies and routine maintenance and repair of facilities (under \$25,000). Term of the contracts is August 1, 2008 through July 31, 2009, with an option by the owners to renew for three additional one-year periods.

- * **Ensley Electrical Services (C-08-0394)**
- * **Progressive Electric (C-08-0395)**
- * **Innovative Electrical Technologies, Inc. (C-08-0396)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of unit price construction contracts with Ensley Electrical Services, Progressive Electric and Innovative Electrical technologies, Inc. for electrical services for small emergencies and routine maintenance and repair of facilities (under \$25,000). Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

Q. A lease agreement between Lancaster County and Community Alternatives Nebraska, Inc. for approximately 1,842.25 square feet of office space at Trabert Hall, located at 2202 South 11th Street, Lincoln, Nebraska. Term of the agreement is July 1, 2008 through June 30, 2009. Community Alternatives Nebraska, Inc. will pay the County \$959.51 per month for the leased space. (C-08-0397)

MOTION: Hudkins moved and Stevens seconded approval of a lease agreement between Lancaster County and Community Alternatives Nebraska, Inc. for approximately 1,842.25 square feet of office space at Trabert Hall, located at 2202 South 11th Street, Lincoln, Nebraska. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

R. A labor agreement between the County of Lancaster and the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), Local 2468 for a three-year period beginning August 14, 2008. (C-08-0398)

MOTION: Hudkins moved and Stevens seconded approval of a labor agreement between the County of Lancaster and the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), Local 2468 for a three-year period beginning August 14, 2008. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

S. A labor agreement between the County of Lancaster and the Lancaster County Deputy Sheriffs' Association, Fraternal Order of Police, Lodge 29 for a three-year period beginning August 14, 2008. (C-08-0399)

MOTION: Heier moved and Stevens seconded approval of a labor agreement between the County of Lancaster and the Lancaster County Deputy Sheriffs' Association, Fraternal Order of Police, Lodge 29 for a three-year period beginning August 14, 2008. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

T. An agreement between Extended Care Information Network, Inc. d/b/a Allscripts and Lancaster County, on behalf of Lancaster Manor, for patient referral software and services. The cost to the County is a one-time activation fee of \$350 and a monthly subscription fee of \$175. Term of the agreement is from August 1, 2008 to July 31, 2009. (C-08-0400)

MOTION: Stevens moved and Hudkins seconded approval of an agreement between Extended Care Information Network, Inc. d/b/a Allscripts and Lancaster County, on behalf of Lancaster Manor, for patient referral software and services. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

U. A licensing agreement between Lancaster County and Swank Motion Pictures, Inc. for showing video cassette movies at the Youth Services Center. Term of the agreement is from July 1, 2008 through June 30, 2009. The County will pay \$275 for the license. (C-08-0401)

MOTION: Heier moved and Schorr seconded approval of a licensing agreement between Lancaster County and Swank Motion Pictures, Inc. for showing video cassette movies at the Youth Services Center. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

V. An annual telephone support contact with Jantek Electronics, Inc. for the Youth Services Center's time clock system. The service contract includes unlimited technical support via telephone, fax, internet and e-mail. Term of the contract is July 21, 2008 to July 20, 2009. (C-08-0402)

MOTION: Schorr moved and Stevens seconded approval of an annual telephone support contact with Jantek Electronics, Inc. for the Youth Services Center's time clock system. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

W. A Medicare enrollment application reassignment of Medicare benefits regarding Amy L. Turner for the Lancaster County Community Mental Health Center. (C-08-0403)

MOTION: Stevens moved and Hudkins seconded approval of a Medicare enrollment application reassignment of Medicare benefits regarding Amy L. Turner for the Lancaster County Community Mental Health Center. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

X. A breach of contract claim against Lancaster County, filed by Gary Young on behalf of Lynn Kemper, for damages associated with an alleged breach of the collective bargaining agreement between Lancaster County and Fraternal Order of Police Lodge No. 32. Mr. Kemper seeks a retroactive calculation of pay since December 20, 2007; specifically, the difference in his current hourly wage and the wage he would be receiving had he received his merit raise on December 20, 2007.

MOTION: Heier moved and Hudkins seconded to deny the breach of contract claim against Lancaster County, filed by Gary Young on behalf of Lynn Kemper, for damages associated with an alleged breach of the collective bargaining agreement between Lancaster County and Fraternal Order of Police Lodge No. 32 based on the ninety-day filing date. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

Y. A political subdivision tort claim filed against the Lancaster County Corrections Department by Linda J. Moore, in the amount of \$100,000, for alleged discrimination and violation of Constitutional rights.

MOTION: Heier moved and Stevens seconded to accept the Director's recommendation to deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Linda J. Moore, in the amount of \$100,000, for alleged discrimination and violation of Constitutional rights. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

Z. A political subdivision tort claim filed against the Lancaster County Corrections Department by David L. Coleman, in the amount of \$1,000,000 for alleged failure to provide appropriate medical care.

MOTION: Heier moved and Stevens seconded to accept the Director's recommendation to deny a political subdivision tort claim filed against the Lancaster County Corrections Department by David L. Coleman, in the amount of \$1,000,000 for alleged failure to provide appropriate medical care. Stevens, Heier, Schorr, Hudkins 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. Lancaster County Engineer's Quarterly Report for April, May and June, 2008.
2. Lancaster County Engineer's Quarterly Report for April, May and June, 2008 for the GIS (Geographic Information System) Division.

B. Setting of public hearings for Tuesday, August 19, 2008 in the County Commissioners Hearing Room, Room 112, at 7 p.m. regarding the following:

1. Keno Fund Projects. (A list of the projects may be obtained from the County Budget and Fiscal office.)
2. Lancaster County's Proposed Budget for Fiscal Years 2008-2009.

C. Setting of a public hearing for Tuesday, August 26, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building for a Corporate Manager application for Linda Wunderlich and an application for a Class Y (Farm Winery) liquor license for Wunderrosa L.L.C. d/b/a Wunderrosa, located at 2361 Wittstruck Road, Roca, Lancaster County, Nebraska.

5) **CONSENT ITEMS CONTINUED:**

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

- * **Alma Wilson on West Princeton Road, 2,478 feet west of Southwest 58th Street; Project CP-V-132. This is a donation. (C-08-0404)**
- * **Curtis and Joetta Schwaninger on Southwest 42nd Street, 1,843 feet north of West Hallam Road; Project CP-W-29. This is a donation. (C-08-0405)**
- * **Gertrude and Douglas Deats, in the amount of \$70, on South 110th Street, 733 feet north of Wittstruck Road; Project CP-R-277. (C-08-0406)**
- * **Stephen and Eleanor Benes, in the amount of \$109, on Northwest 84th Street, 30 feet north of West Davey Road; Project CP-D-189. (C-08-0407)**
- * **Franklin and Sharon Cerveney, in the amount of \$114.40, on West Princeton Road, 2,478 feet west of Southwest 58th Street; Project CP-V-132. (C-08-0408)**

Hudkins thanked Alma Wilson and the Schwaninger's for their donation of right-of-way.

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

6) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 9:58 a.m.. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 5, 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 9:58 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 29, 2008.**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on July 29, 2008. Hudkins, Stevens, Schorr and Heier voted aye. Workman abstained from voting. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 26 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Heier moved and Schorr 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 EXEMPTIONS:**

**Cornhusker Council, Boy Scouts of America
Eastridge Presbyterian Church
Tabitha, Inc.**

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle tax exemptions for Cornhusker Council, Boy Scouts of America, Eastridge Presbyterian Church and Tabitha, Inc.. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **ADJOURNMENT:**

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

Dan Nolte
County Clerk