

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 21, 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
Ray Stevens

Commissioners Absent: Deb Schorr

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 Chair stated Commissioner Schorr was absent because she is testifying, on behalf of the County Board, before the Revenue Committee at the Legislature.

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, October 14, 2008.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on October 14, 2008. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, October 21, 2008.**

MOTION: Heier moved and Stevens seconded approval of all claims processed through October 21, 2008. Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. Request for a two-step pay increase for David Haas, an employee in the Lancaster County Engineering Department, due to exceptional circumstances.

Don Thomas, County Engineer, stated the increase is the difference between the Corrections Department's pay plan and AFSCME's (American Federation of State, County & Municipal Employees) pay plan. He stated the employee transferred from Corrections to the Engineering Department.

MOTION: Heier moved and Hudkins seconded approval of the request for a two-step pay increase for David Haas, an employee in the Lancaster County Engineering Department, due to exceptional circumstances. Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

B. Request for a two-step pay increase for Jerry Allen, an employee at Lancaster Manor, due to exceptional circumstances.

Hudkins explained that Ron Feters, Lancaster Manor Administrator, was unable to attend due to a Lancaster Manor Foundation meeting and gave a brief overview of the request.

MOTION: Hudkins moved and Stevens seconded approval of a request for a two-step pay increase for Jerry Allen, an employee at Lancaster Manor, due to exceptional circumstances. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. County Change of Zone No. 08042, requested by the Director of Planning, to amend the County Zoning Resolution to change the provisions for "wind energy conversion systems" (WECS), also known as wind turbines and windmills, as a conditional use in the AG (Agriculture) and AGR (Agricultural Residential) districts; as a permitted use in the R (Residential) and B (Business) districts; as a special permitted use over the district height in the above districts; as a special permit in the I (Industrial) districts; and to adjust the definition language. (See New Business Item 6A for correlating documentation.)

The Chair opened the public hearing.

4) **PUBLIC HEARINGS CONTINUED:**

The oath was administered to Mike DeKalb, Planning Department.

DeKalb stated the zoning text amendment would remove barriers and reduce restrictions on the ability for individuals to install wind machines and/or wind turbines. He stated the new language suggests that wind energy conversion systems be allowed by right, similar to television antennas. DeKalb added if the height of the zoning district needs to be exceeded it would be allowed as a conditional use in the 'AG' district with a one to one setback. It would also be allowed in the residential and business districts, however, those would come to the County Board by special permit.

Stevens asked if the City has similar regulations.

DeKalb responded yes.

Stevens asked if individuals could have multiple wind generators on their property.

DeKalb responded that they are allowed multiple wind energy conversions systems.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

The Chair requested that New Business Item 6A be read.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Change of Zone No. 8042, a text amendment to the Lancaster County Zoning Resolution, amending various sections of articles 2, 4, 5, 6, 7, 9, 13 and 17 by changing the provisions for "wind energy conversion systems" (WECS), also known as wind turbines and windmills, by adjusting the definition language and allowing for the use of wind energy conservation systems as a conditional use in the AG (Agriculture) and AGR (Agricultural Residential) districts; as a permitted use in the R (Residential) and B (Business) districts, as a special permitted use over the district height in such districts; and as a special permit in the I (Industrial) district, as provided in Attachment A. (R-08-0090)

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of Resolution No. R-08-0090 in the matter of County Change of Zone No. 8042, a text amendment to the Lancaster County Zoning Resolution, amending various sections of articles 2, 4, 5, 6, 7, 9, 13 and 17 by changing the provisions for "wind energy conversion systems" (WECS), also known as wind turbines and windmills, by adjusting the definition language and allowing for the use of wind energy conservation systems as a conditional use in the AG (Agriculture) and AGR (Agricultural Residential) districts; as a permitted use in the R (Residential) and B (Business) districts, as a special permitted use over the district height in such districts; and as a special permit in the I (Industrial) district, as provided in Attachment A. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

5) **OLD BUSINESS:**

A. A resolution in the matter of the vacation of a portion of West Simon Street abutting Lot 10, Block 1, and Lot 1, Block 2 of Werger's Addition to Martell, Lancaster County, Nebraska. (R-08-0082)

MOTION: Stevens moved and Hudkins seconded approval of Resolution No. R-08-0082 in the matter of the vacation of a portion of West Simon Street abutting Lot 10, Block 1, and Lot 1, Block 2 of Werger's Addition to Martell, Lancaster County, Nebraska. Heier, Hudkins, Stevens and Workman voted aye. Motion carried.

B. A grant contract with Good Neighbor Center to provide an emergency food and clothes center for low income families in the Lincoln-Lancaster County area, in the amount of \$60,000. Term of the grant contract is July 1, 2008 through June 30, 2009. The contract will automatically renew for an additional 12-month period, in the amount of \$60,000, unless notification of termination is provided by the County prior to April 30, 2009. (C-08-0521)

MOTION: Stevens moved and Heier seconded approval of a grant contract with Good Neighbor Center to provide an emergency food and clothes center for low income families in the Lincoln-Lancaster County area, in the amount of \$60,000. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. A resolution in the matter of County Change of Zone No. 8042, a text amendment to the Lancaster County Zoning Resolution, amending various sections of articles 2, 4, 5, 6, 7, 9, 13 and 17 by changing the provisions for "wind energy conversion systems" (WECS), also known as wind turbines and windmills, by adjusting the definition language and allowing for the use of wind energy conservation systems as a conditional use in the AG (Agriculture) and AGR (Agricultural Residential) districts; as a permitted use in the R (Residential) and B (Business) districts, as a special permitted use over the district height in such districts; and as a special permit in the I (Industrial) district, as provided in Attachment A. (R-08-0090)**

Item was moved forward on the agenda.

- B. A resolution in the matter of striking uncollectible property tax from the tax list. (R-08-0089)**

MOTION: Heier moved and Hudkins seconded approval of Resolution No. R-08-0089 in the matter of striking uncollectible property tax from the tax list. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- C. A resolution requesting the transfer of the employment of Dru DeKlotz from the State of Nebraska to Lancaster County on behalf of the Lancaster County Community Corrections Department, pursuant to Neb. Rev. Stat. § 23-2518.01, effective October 9, 2008. (R-08-0091)**

Kim Etherton, Community Corrections Director, explained that during the process of transferring Dru DeKlotz to Community Corrections she discovered that he is eligible for health insurance. She added that Mr. DeKlotz is not currently enrolled in the State's health insurance plan and he may opt not to enroll in the County's health plan. Etherton stated if he does decide to enroll, they will add that amount of money into an interlocal agreement they have with the State which will increase the amount actually collected from them annually.

In response to a question asked by Heier regarding a retirement plan, Etherton stated DeKlotz does have a small pension with the State which will be transferred.

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Heier seconded approval of Resolution No. R-08-0091 requesting the transfer of the employment of Dru DeKlotz from the State of Nebraska to Lancaster County on behalf of the Lancaster County Community Corrections Department, pursuant to Neb. Rev. Stat. § 23-2518.01, effective October 9, 2008. Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

D. An agreement with Pathology Medical Service 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 Pathology Medical Service 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-08-0554)

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

E. A grant contract with the People's City Mission for funding for the Family/Women's Shelter Program, in the amount of \$40,000, and the Day Shelter Program, in the amount of \$30,000. Total amount of the grant contract is \$70,000 and term of the grant contract is July 1, 2008 through June 30, 2009. (C-08-0555)

MOTION: Hudkins moved and Stevens seconded approval of a grant contract with the People's City Mission for funding for the Family/Women's Shelter Program, in the amount of \$40,000, and the Day Shelter Program, in the amount of \$30,000. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

F. A grant contract with El Centro de Las Americas to provide funding for the Domestic Violence Outreach program, in the amount of \$10,000. Term of the grant contract is July 1, 2008 to June 30, 2009. (C-08-0556)

MOTION: Heier moved and Stevens seconded approval of a grant contract with El Centro de Las Americas to provide funding for the Domestic Violence Outreach program, in the amount of \$10,000. Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

G. Acceptance of a grant award from the Department of Justice, Office on Violence Against Women for the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, in the amount of \$400,000. This is a continuation grant award. The project period is from September 1, 2004 to December 31, 2010. (C-08-0557)

MOTION: Hudkins moved and Stevens seconded approval to accept a grant award from the Department of Justice, Office on Violence Against Women for the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, in the amount of \$400,000. Heier, Hudkins, Stevens and Workman voted aye. Motion carried.

H. An amendment to a contract between Lancaster County, on behalf of the Community Mental Health Center, and the Board of Regents of the University of Nebraska, found at County Contract No. C-07-0490, for the County providing clinical supervision, technical assistance, evaluation referrals, and office space to two Clinical Assessment Technicians provided by the University. The University will pay the County up to \$9,000 per year for the services. The amendment changes the end date of the term of the agreement from April 30, 2008 to April 30, 2009. (C-08-0558)

MOTION: Stevens moved and Heier seconded approval of an amendment to a contract between Lancaster County, on behalf of the Community Mental Health Center, and the Board of Regents of the University of Nebraska, found at County Contract No. C-07-0490, for the County providing clinical supervision, technical assistance, evaluation referrals, and office space to two Clinical Assessment Technicians provided by the University. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- I. An agreement with Cynthia D. Petersen for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Term of the agreement is October 1, 2008 through June 30, 2009. The County will pay \$60 per hour for no more than eight hours per week. A business associate agreement is also attached to the agreement to comply with Health Insurance Portability & Accountability Act (HIPAA) Regulations. (C-08-0559)**

MOTION: Heier moved and Hudkins seconded approval of an agreement with Cynthia D. Petersen for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- J. An agreement between Lancaster County, on behalf of Lancaster Manor, and BryanLGH Medical Center. The agreement secures discounted rates for Lancaster Manor residents who receive outpatient services at BryanLGH Hospital. Term of the agreement is October 1, 2008 to September 30, 2012. (C-08-0560)**

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Lancaster County, on behalf of Lancaster Manor, and BryanLGH Medical Center.

Hudkins thanked BryanLGH for their assistance relating to the water main break at Lancaster Manor. He stated as a precautionary measure three individuals were transferred to BryanLGH on an emergency basis.

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

- K. An affiliation agreement between Lancaster County and Union College to allow the college to utilize the facilities at the Community Mental Health Center for providing clinical experience to the college's physician assistant students. Term of the agreement is October 1, 2008 to September 30, 2009. (C-08-0561)**

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of an affiliation agreement between Lancaster County and Union College to allow the college to utilize the facilities at the Community Mental Health Center for providing clinical experience to the college's physician assistant students. Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

L. Utility Permit No. 939 allowing Unite Private Networks to install fiber optic communications cable at the crossings at North 98th Street, Alvo Road, North 112th Street, North 148th Street, Waverly Road, North 162nd Street, North 176th Street and Mill Road near Highway 6 at no cost to Lancaster County. (C-08-0562)

MOTION: Stevens moved and Heier seconded approval of Utility Permit No. 939 allowing Unite Private Networks to install fiber optic communications cable at the crossings at North 98th Street, Alvo Road, North 112th Street, North 148th Street, Waverly Road, North 162nd Street, North 176th Street and Mill Road near Highway 6 at no cost to Lancaster County. Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

M. A license agreement between Lancaster County and Cedar Hill Cemetery Association to construct a fence upon County property along road right-of-way located adjacent to cemetery property on North 162nd Street. There will be no cost to Lancaster County. (C-08-0563)

MOTION: Hudkins moved and Stevens seconded approval of a license agreement between Lancaster County and Cedar Hill Cemetery Association to construct a fence upon County property along road right-of-way located adjacent to cemetery property on North 162nd Street. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

N. Adoption of Investment Selection Directives for the Lancaster County Employees 457 and 401(1) Plans with Prudential Retirement. (C-08-0568)

Kerry Eagan, Chief Administrative Officer, reported that he and Doug Cyr, Deputy County Attorney, reviewed the documentation. He referred to the 'IncomeFlex' on page two noting that the County would not be including it in the plan to begin with, but at some point in time the County Board should review the product. He also referred to Item III (GoalMaker: Asset Allocation Models by Morningstar Associates, L.L.C.) stating that the County would prefer automatic rebalancing on a quarterly basis. Eagan stated the County Board needs to make a decision regarding the plan's default investment option. He explained if an employee makes no designation regarding funds, it currently goes into a fixed account, however, with Prudential the County Board could opt to make a change under the Pension Act to allow for a qualified default investment alternative. Eagan stated if the County Board doesn't feel comfortable with making a decision at the present time, he would recommend they choose to default into the Gibraltar Guaranteed Fund at 5.13 percent beginning in January.

MOTION: Stevens moved and Hudkins seconded approval of the adoption of Investment Selection Directives for the Lancaster County Employees 457 and 401(1) Plans with Prudential Retirement and to designate the Gibraltar Guaranteed Fund to be the default fund for employees who do not choose to designate funds. Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

O. A political subdivision tort claim filed against the Lancaster County Corrections Department by Lottie R. Buncy for lost property, in the amount of \$100.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the Corrections Director and deny the political subdivision tort claim filed by Lottie R. Buncy for lost property, in the amount of \$100. Heier, Hudkins, Stevens and Workman voted aye. Motion carried.

7) **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. Sheriff's Report of Fees for September, 2008.

B. Setting of public hearings for Tuesday, November 4, 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. County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska.

2. County Miscellaneous No. 08012, requested by the Director of Planning, to amend Title 26 of the Lincoln Municipal Code relating to the Lancaster Subdivision Ordinance.

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

* **Tyrrell Farms, Inc., in the amount of \$2,935, on Bluff Road from North 148th and North 190th Streets; Project C55-H-402(2). (C-08-0564)**

* **Michael Williams and Susan McIntosh, in the total amount of \$12,867, on Alvo Road from North 1st to North 14th Streets; Project C55-F-406(1). (3 contracts) (C-08-0565) (C-08-0566) (C-08-0567)**

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

8) **ADJOURNMENT:**

Hudkins thanked ABC Electric, Colin Electric, Lancaster Manor staff and Don Killeen, Property Manager, for their diligent work relating to the water main break at Lancaster Manor.

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 10:03 a.m.. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 21, 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
Ray Stevens

Commissioners Absent: Deb Schorr

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 10:03 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 14, 2008.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Equalization meeting held on October 14, 2008. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 18 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Capitol City Christian Church
Christian Record Services, Inc.
CrossBridge Christian Church
Good News Broadcasting Association, Inc.
Linh Quang Buddhist Center
Salvation Army
Southeast Nebraska Mobile Diagnostic Services, Inc.**

MOTION: Heier moved and Stevens seconded approval of the motor vehicle tax exemptions for Capitol City Christian Church, Christian Record Services, Inc., CrossBridge Christian Church, Good News Broadcasting Association, Inc., Linh Quang Buddhist Center, Salvation Army and Southeast Nebraska Mobile Diagnostic Services, Inc.. Heier, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Equalization meeting at 10:06 a.m.. Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk