

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 16, 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

Commissioners Absent: Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Kristy Bauer, 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, December 9, 2008.**

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on December 9, 2008. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, December 16, 2008.**

MOTION: Heier moved and Hudkins seconded approval of all claims processed through December 16, 2008. Hudkins, Heier and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

- A. County Special Permit No. 08047, requested by Seeds of Life, for a garden center, on property generally located at South 148th Street and Old Cheney Road in Lancaster County, Nebraska.**

The Clerk announced that the applicant had sent an email (Exhibit A) requesting the application be withdrawn.

4) **OLD BUSINESS:**

- A. An agreement with Maxim Healthcare Services, Inc. d/b/a Maxim Staffing Solutions for healthcare staffing services at Lancaster Manor. Term of the agreement is for a one-year period and will renew automatically, unless terminated at any time by giving 30 days notice. The County will pay for services pursuant to the rates in Attachment "A", ranging from \$25 to \$50 per hour. Also attached to the agreement is a Business Association Agreement with Maxim to comply with Health Insurance Portability and Accountability Act (HIPAA) regulations. (C-08-0650)**

MOTION: Heier moved and Hudkins seconded approval of an agreement with Maxim Healthcare Services, Inc. d/b/a Maxim Staffing Solutions for healthcare staffing services at Lancaster Manor. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

5) **NEW BUSINESS:**

- A. A resolution in the matter of designating banks as County depositories for Lancaster County for 2009. (R-08-0114)**

MOTION: Hudkins moved and Heier seconded approval of Resolution No. R-08-0114 in the matter of designating banks as County depositories for Lancaster County for 2009. Heier, Hudkins and Workman voted aye. Schorr was absent from voting. Motion carried.

5) **NEW BUSINESS CONTINUED:**

B. A resolution adopting the Lower Platte South Natural Resources District Multi-Hazard Mitigation Plan in its entirety and requesting approval of the Plan at the Federal level. (R-08-0115)

MOTION: Heier moved and Hudkins seconded approval of Resolution No. R-08-0115 adopting the Lower Platte South Natural Resources District Multi-Hazard Mitigation Plan in its entirety and requesting approval of the Plan at the Federal level. Heier, Hudkins and Workman voted aye. Schorr was absent from voting. Motion carried.

C. Applications for Special Designated Licenses from Sons of American Squadron #280 to provide liquor beverage services for four fund raisers at the Bennet Community Hall, located at 970 Monroe Street, Bennet, Lancaster County, Nebraska. The fund raisers will be held on January 10, 2009, February 14, 2009, March 14, 2009 and April 11, 2009. Hours of operation for the four fund raisers will be 5 p.m. to 1 a.m..

MOTION: Heier moved and Hudkins seconded approval of applications for Special Designated Licenses from Sons of American Squadron #280 to provide liquor beverage services for four fund raisers at the Bennet Community Hall, located at 970 Monroe Street, Bennet, Lancaster County, Nebraska. The fund raisers will be held on January 10, 2009, February 14, 2009, March 14, 2009 and April 11, 2009. Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

D. An agreement with Mary Hewitt Jones, Attorney at Law, and Norman Langemach, Attorney at Law, for legal representation to indigent parents and juveniles in the Separate Juvenile Court of Lancaster County pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). The County will pay up to \$243,000 for the services. Term of the agreement is from January 1, 2009 through December 31, 2011. (C-08-0656)

MOTION: Hudkins moved and Heier seconded approval of an agreement with Mary Hewitt Jones, Attorney at Law, and Norman Langemach, Attorney at Law, for legal representation to indigent parents and juveniles in the Separate Juvenile Court of Lancaster County pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8).

5) **NEW BUSINESS CONTINUED:**

Heier stated the services provided by the attorneys are mandated by state law.

ROLL CALL: Hudkins, Heier and Workman voted aye. Schorr was absent from voting. Motion carried.

E. An agreement with the law firm of Thomas and Walton for legal representation to indigent parties in proceedings arising pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a), (4), (5), (6) and (8) in the Separate Juvenile Court of Lancaster County. The County will pay up to \$243,000 for the services. Term of the agreement is from January 1, 2009 to December 31, 2011. (C-08-0657)

(Commissioner Schorr entered the Hearing Room at 9:37 a.m..)

MOTION: Heier moved and Hudkins seconded approval of an agreement with the law firm of Thomas and Walton for legal representation to indigent parties in proceedings arising pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a), (4), (5), (6) and (8) in the Separate Juvenile Court of Lancaster County.

Hudkins stated he would like to challenge the taxpayers of Lancaster County to notify the court of individuals who may not be indigent. He said he would like to see a better screening tool in place, rather than asking individuals if they need court appointed attorneys.

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

F. An addendum to an agreement between Lancaster County, the City of Lincoln and Konica Minolta Business Solutions, under County Contract No. C-02-0558, for cost-per-copy photocopy services for various County and City departments. The addendum extends the agreement for an additional one-year term beginning January 1, 2009 and ending December 31, 2009. The addendum also changes the cost-per-copy rate to \$.016, with a minimum monthly copy/print volume of 1,275,000 during the term of the extension. (C-08-0658)

MOTION: Hudkins moved and Schorr seconded approval of an addendum to an agreement between Lancaster County, the City of Lincoln and Konica Minolta Business Solutions, under County Contract No. C-02-0558, for cost-per-copy photocopy services for various County and City departments. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

G. An agreement between Lancaster County and Lisa Oliveras for project developer/presenter for the "The Odds Are . . .", a youth gambling prevention program. Term of the agreement is July 1, 2008 to June 30, 2009. The County's payment for such services will not exceed \$20,000. (C-08-0659)

MOTION: Heier moved and Schorr seconded approval of an agreement between Lancaster County and Lisa Oliveras for project developer/presenter for the "The Odds Are . . .", a youth gambling prevention program. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

H. An agreement between the Lancaster County Engineering Department and Speece-Lewis Engineers for review of shop drawings and engineering consulting services during the construction of a bridge located near South 82nd Street and Panama Road; Project No. BR-3270(4), Hickman Southeast. The County's share of the cost will be \$214.436. (C-08-0660)

MOTION: Schorr moved and Heier seconded approval of an agreement between the Lancaster County Engineering Department and Speece-Lewis Engineers for review of shop drawings and engineering consulting services during the construction of a bridge located near South 82nd Street and Panama Road; Project No. BR-3270(4), Hickman Southeast.

The County Board inquired about the County's share of the cost.

Don Thomas, County Engineer, stated the agreement is for a review of shop drawings by Speece-Lewis Engineers. He added that the County would paying 15 percent of the total cost.

For the record, the Chair indicated the cost would be \$214.44.

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

5) **NEW BUSINESS CONTINUED:**

- I. **An agreement with Platte County Ambulance Company 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 Platte County Ambulance Company 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-08-0661)**

MOTION: Hudkins moved and Schorr seconded approval of an agreement with Platte County Ambulance Company 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, Schorr, Hudkins and Workman voted aye. Motion carried.

- J. **Amendment No. 3 to an agreement with Nebraska Volunteer Service Commission, found at County Contract No. C-07-0127, to implement Citizen Corps Program services through the local Citizen Corps Council for a community-based organization to give citizens opportunities to work with local first responders to make local communities safe. The amendment revises the term of the agreement to January 1, 2007 through December 31, 2008. (C-08-0662)**

MOTION: Hudkins moved and Heier seconded approval of Amendment No. 3 to an agreement with Nebraska Volunteer Service Commission, found at County Contract No. C-07-0127, to implement Citizen Corps Program services through the local Citizen Corps Council for a community-based organization to give citizens opportunities to work with local first responders to make local communities safe. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

K. Approval of the following agreements and related documents with Prudential Retirement Insurance and Annuity Company (PRIAC) and Prudential Bank and Trust, FSB (Prudential Bank) for services related to the Lancaster County, Nebraska Employees Retirement Plan (401(a) Plan) and the Lancaster County, Nebraska 457 Deferred Compensation Plan (457 Plan): (C-08-0663) (C-08-0664)

- 1. Administrative Services Agreement provided by PRIAC for the 457 Program**
- 2. Administrative Services Agreement by PRIAC for the 401(a) Plan**
- 3. Governmental 457 Plan Trust Agreement with Prudential Bank**
- 4. Governmental 401(a) Plan Trust Agreement with Prudential Bank**
- 5. Policies and Procedures for PRIAC's Qualified Domestic Relations Order (QDRA) Administration**
- 6. Employer Identification of Administrative Committee for the 457 Plan**
- 7. Service Agreement Expense Schedule**
- 8. Investment Agreement for the 401(a) and 457 Plans**
- 9. Authorization letter for Prudential Bank to apply for and enter into a group annuity contract with its affiliate to facilitate investment of assets for the 457 and 401(a) Plans**
- 10. Questions and Answers about the Investment Agreement with PRIAC**

Kerry Eagan, Chief Administrative Officer, referred to Item 6 (Employer Identification of Administrative Committee for the 457 Plan) stating the County Board needs to designate a representative to handle the day to day administration of the plan. He offered to serve in that capacity.

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Heier seconded approval of the following agreements and related documents with Prudential Retirement Insurance and Annuity Company (PRIAC) and Prudential Bank and Trust, FSB (Prudential Bank) for services related to the Lancaster County, Nebraska Employees Retirement Plan (401(a) Plan) and the Lancaster County, Nebraska 457 Deferred Compensation Plan (457 Plan) subject to appointing Kerry Eagan, Chief Administrative Officer, as the designated representative in relation to Item No. 6 (Employer Identification of Administrative Committee for the 457 Plan). Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

L. A contract between Recycling Enterprises of NE, Inc., the City of Lincoln, the Public Building Commission and Lancaster County for recycling services at various departments, agencies and divisions. The pricing of the contract is through cooperative purchasing with the State of Nebraska. The contractor will pay the County for recycled items pursuant to Attachment B. (C-08-0665)

MOTION: Heier moved and Hudkins seconded approval of a contract between Recycling Enterprises of NE, Inc., the City of Lincoln, the Public Building Commission and Lancaster County for recycling services at various departments, agencies and divisions. The pricing of the contract is through cooperative purchasing with the State of Nebraska. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

M. A State of Nebraska, Department of Roads (NDOR) contract and bond, in the amount of \$653,705.60, with Christensen Bros., Inc. regarding Project BR-3270(4), Hickman Southeast, County Structure No. X-117, located on Panama Road between South 68th and South 82nd Streets. The County share is \$107,861.42. (C-08-0666)

MOTION: Schorr moved and Hudkins seconded approval of a State of Nebraska, Department of Roads (NDOR) contract and bond, in the amount of \$653,705.60, with Christensen Bros., Inc. regarding Project BR-3270(4), Hickman Southeast, County Structure No. X-117, located on Panama Road between South 68th and South 82nd Streets. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

N. An amendment of the project agreement between the State of Nebraska Game and Parks Commission, the Lower Platte South Natural Resources District and Lancaster County, pursuant to the Federal Highway Administration Recreational Trails Program, for design and construction of a motocross track at Abbott Sports Complex. The amendment extends the term of the original agreement to March 1, 2009. (C-08-0667)

MOTION: Hudkins moved and Heier seconded approval of an amendment of the project agreement between the State of Nebraska Game and Parks Commission, the Lower Platte South Natural Resources District and Lancaster County, pursuant to the Federal Highway Administration Recreational Trails Program, for design and construction of a motocross track at Abbott Sports Complex. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

O. A corrective conservation easement agreement correcting errors in the legal description in a conservation easement agreement, dated March 11, 2004, and filed as Instrument No. 2004-015683 with the Lancaster County Register of Deeds on March 17, 2004, with Darrel L. Schrader and Patricia A. Schrader, the City of Lincoln and Lancaster County. (C-08-0668)

MOTION: Schorr moved and Heier seconded approval of a corrective conservation easement agreement correcting errors in the legal description in a conservation easement agreement, dated March 11, 2004, and filed as Instrument No. 2004-015683 with the Lancaster County Register of Deeds on March 17, 2004, with Darrel L. Schrader and Patricia A. Schrader, the City of Lincoln and Lancaster County. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

P. A Federal Equitable Sharing Agreement and Annual Certification Report for the Lancaster County Attorney's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2008.

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Heier seconded approval of a Federal Equitable Sharing Agreement and Annual Certification Report for the Lancaster County Attorney's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2008. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

Q. Recommendation from the Purchasing Agent and the Sheriff's Office to award a contract for digital crime scene software to DataWorks Plus, in the amount of \$25,000. (B-08-0055)

Terry Wagner, Lancaster County Sheriff, stated the software allows for secure storage and retrieval of evidentiary photos. He explained digital photos can be manipulated, however, by using the software they can be assured that any evidentiary photos remain unaltered.

MOTION: Hudkins moved and Heier seconded approval to award a contract for digital crime scene software to DataWorks Plus, in the amount of \$25,000 as recommended by the Purchasing Agent and the Sheriff's Office. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

R. Recommendation from the Purchasing Agent and the Sheriff's Office to issue an order from State of Minnesota Contract No. 436388 to Insight Public Sector for six Panasonic Tough Book computers and accessories, in the amount of \$23,693.46. (B-08-0056)

Sheriff Wagner stated the order is for mobile data computers used in their vehicles. He explained with the vibration from the vehicle, heat, cold and dust the computers only last about four years.

MOTION: Hudkins moved and Heier seconded approval to issue an order from State of Minnesota Contract No. 436388 to Insight Public Sector for six Panasonic Tough Book computers and accessories, in the amount of \$23,693.46 as recommended by the Purchasing Agent and the Sheriff's Office. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

S. Appointment of Becky Shedeed to the Lancaster Manor Advisory Board.

MOTION: Hudkins moved and Heier seconded approval of the appointment of Becky Shedeed to the Lancaster Manor Advisory Board.

In response to a comment made by Schorr, Hudkins stated Ms. Shedeed is affiliated with Southeast Community College.

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

T. Reappointment of Jim Douglas, Gary Hergenrader, John Holz and Merle Jahde to the Lincoln-Lancaster County Ecological Advisory Committee for three-year terms beginning January 1, 2009 and ending December 31, 2011.

MOTION: Heier moved and Hudkins seconded approval of the reappointment of Jim Douglas, Gary Hergenrader, John Holz and Merle Jahde to the Lincoln-Lancaster County Ecological Advisory Committee for three-year terms beginning January 1, 2009 and ending December 31, 2011. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

U. Appointment of Jose Gary B. Nadala, M.D., as a psychiatrist with the Community Mental Health Center, with a rate of pay of \$89 per hour, beginning Monday, January 5, 2009.

MOTION: Schorr moved and Heier seconded approval of an appointment of Jose Gary B. Nadala, M.D., as a psychiatrist with the Community Mental Health Center, with a rate of pay of \$89 per hour, beginning Monday, January 5, 2009.

Discussion took place regarding the rate of pay. Hudkins stated he would be voting against the motion because he wasn't sure about what was agreed upon at the Staff Meeting.

ROLL CALL: Schorr, Heier and Workman voted aye. Hudkins voted no. Motion carried.

5) **NEW BUSINESS CONTINUED:**

V. A political subdivision tort claim filed against the Lancaster County Corrections Department by Robert A. Lowe for lost property, in the amount of \$129.

MOTION: Heier moved and Schorr seconded to accept the Director's recommendation and approve a political subdivision tort claim filed against the Lancaster County Corrections Department by Robert A. Lowe for lost property, in the amount of \$60. Schorr, Hudkins, Heier and Workman voted aye. Motion carried.

W. A political subdivision tort claim filed against the Lancaster County Corrections Department by Christopher Weir for lost property, in the amount of \$34.55.

MOTION: Heier moved and Schorr seconded to accept the Director's recommendation and deny a political subdivision tort claim filed against the Lancaster County Corrections Department by Christopher Weir for lost property, in the amount of \$34.55. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **CONSENT ITEMS:** *These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:*

A. Receive and Place on File:

1. 2008 State Highway Needs Assessment from the Nebraska Department of Roads.

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

7) **ADJOURNMENT:**

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

Dan Nolte
County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 16, 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

Commissioners Absent: Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Kristy Bauer, Deputy County Attorney
Norm Agena, 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, December 9, 2008.**

MOTION: Schorr moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on December 9, 2008. Hudkins, Schorr, Heier and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

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

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

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

**Cathedral of the Risen Christ
Christian Retirement Homes, Inc. d/b/a Eastmont Towers
Corporation of the Presiding Bishop of the Church of Jesus Christ of
Latter-day Saints
Cristo Rey Catholic Church
Lincoln Christian School
Madonna Rehabilitation Hospital
St. Mark's United Methodist Church
Sheridan Lutheran Church
Southeast Nebraska Mobile Diagnostic Services, Inc.**

MOTION: Heier moved and Hudkins seconded approval of motor vehicle tax exemptions for Cathedral of the Risen Christ, Christian Retirement Homes, Inc. d/b/a Eastmont Towers, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, Cristo Rey Catholic Church, Lincoln Christian School, Madonna Rehabilitation Hospital, St. Mark's United Methodist Church, Sheridan Lutheran Church and Southeast Nebraska Mobile Diagnostic Services, Inc.. Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

4) **ADJOURNMENT:**

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

Dan Nolte
County Clerk