

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 12, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

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

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Angela Zocholl, County Clerk's Office

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, May 5, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, May 12, 2009.**

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

- 3) **SPECIAL PRESENTATION:**

- A. **A resolution in the matter of declaring May 10-16, 2009, as Police Week in Lancaster County, Nebraska. (R-09-0023)**

Terry Wagner, County Sheriff, appeared and said, in 1962, President Kennedy designated May 15 of every year as Law Enforcement Memorial Day, with the week it falls in as National Police Week. He encouraged passing the resolution to honor men and women who serve as Law Enforcement Officers in Lancaster County and the two deputies, Craig Dodge and Frank Furrer, who died in the line of duty.

3) **SPECIAL PRESENTATION CONTINUED:**

Dan Nolte read the resolution.

Wagner said all the deputies and police officers will have a mourning band on their badges in honor of police week, and on Monday, May 11, 2009, at Fonner Park in Grand Island, the Nebraska Law Enforcement Memorial was dedicated with the names of 130 Nebraska Law Enforcement Officers who died in the line of duty. Also, the local Fraternal Order of Police will send two deputies to the memorial service in Washington D.C. on Friday, May 15, 2009.

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

4) **NEW BUSINESS:**

- A. **An application for a Special Designated License from GJR, LLC, d.b.a. Randy's Grill & Chill, to provide liquor beverage service for a wedding reception located at Country Pines, 6305 West Adams, Lincoln, Lancaster County, Nebraska, on May 15, 2009, from 6:30 p.m. to 1:00 a.m.**

Randy Wilson from Randy's Grill & Chill appeared and said they have been asked to cater the beverages for a wedding reception at Country Pines.

Hudkins asked if Wilson had completed the Lincoln Lancaster County Health Department Hospitality Training Course. Wilson replied that he had several times.

Stevens asked if this was Wilson's first Special Designated License. Wilson said it was his first.

MOTION: Stevens moved and Schorr seconded approval of the Special Designated License. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

- B. **A resolution in the matter of an application for addition to licensed premise in connection with a liquor license for Dustin and Sharon Duba, d.b.a. Dusty's Bar and Grill, located at 109 1st Street, Kramer, Lancaster County, Nebraska. The address of the premises has been changed by the County to 11365 West Kramer Street, Kramer, Lancaster County, Nebraska. (R-09-0024)**

MOTION: Stevens moved and Hudkins seconded approval of the resolution.

Heier questioned if this was approved last week. Stevens clarified the approval was for the resolution to be drafted by the County Attorney.

Tom Fox, Deputy County Attorney, said he put a provision in the resolution noting the address for Dusty's Bar and Grill was changed by the County.

4) **NEW BUSINESS CONTINUED:**

Roll Call: Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

C. **Ratification of the automatic renewal of the following retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, for which the County Clerk has received no protests:**

Branched Oak Marina	Casey's General Store 2721
Deer Springs Winery	Dusty's Bar & Grill
Emerald Mini Mart	Firethorn Golf Club
Hidden Valley Golf Course	Hillcrest Country Club
Himark Golf Course	James Arthur Vineyard
Kabredlos #117	La Paloma
Lincoln Izaak Walton League	Major Oil
Merle's Food & Drink	Outpost Tavern
Pla Mor Ballroom	Prime Country Winery
Raymono's Pizza Plus Inc	Shoemaker's South Truck Stop
Silver Spoke Saloon	Toni's Corner
U-Stop Convenience Shop	Veterans FW 3606
Windcrest Winery	Wunderrosa LLC
Yankee Hill Country Club	

Tom Fox said the State Statute on automatic liquor license renewals requires a notice to be published in the paper to give citizens an opportunity to protest, and if there are at least three protests, a public hearing must be held. The County Resolution calls for an automatic public hearing every year; however, a public hearing was not done this year, and the licenses were renewed. In ratifying this agenda item, the public hearing procedure would be waived, which is still in compliance with State Statute since there were no protests and the notice was published in January, 2009.

Schorr asked if Fox recommended dropping the automatic public hearing process. Fox recommended keeping the policy since it was a good check and balance system. Hudkins concurred with Fox since in previous years there have been complaints and the public hearing gave the County Board an opportunity to explore the complaints.

MOTION: Stevens moved to waive the public hearing and ratify automatic renewal of the liquor licenses. Hudkins seconded the motion with the clarification that the public hearing will be waived this year only. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

D. **A grant contract, with Lancaster County as the Grantor and the Lincoln Children's Zoo as the Grantee, providing for a grant in the amount of \$10,000 from the Lancaster County Visitor Improvement Fund. The grant shall be used by the Grantee for the project described in Attachment A to contract. The contract shall run from December 2, 2008, to December 1, 2009. (C-09-0194)**

4) **NEW BUSINESS CONTINUED:**

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

- E. **A service provider agreement between the Nebraska Department of Health and Human Services and Lancaster County, on behalf of the Community Mental Health Midtown Center, for adult daycare services. Term of the agreement is May 1, 2009, through April 30, 2010. (C-09-0195)**

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

- F. **An agreement with BryanLGH Medical Center that secures discounted rates for Lancaster County on behalf of Lancaster Manor for outpatient services provided to Lancaster Manor residents. The term of the agreement is March 1, 2009, to February 29, 2012. (C-09-0196)**

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

- G. **An amendment to a unit price contract between Dickey & Burham, Inc., and Lancaster County, the City of Lincoln and the Public Building Commission for general construction services under \$25,000. The amendment renews the contract for an additional one year term beginning July 1, 2009, and ending June 30, 2010. (C-09-0197)**

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

- H. **An amendment to a unit price contract between David Wood Construction and Lancaster County, the City of Lincoln and the Public Building Commission for general construction services under \$25,000. The amendment renews the contract for an additional one year term beginning July 1, 2009, and ending June 30, 2010. (C-09-0198)**

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

4) **NEW BUSINESS CONTINUED:**

- I. **An amendment to a maintenance agreement with Microfilm Imaging Systems found at County Contract Number C-09-0159 for a Canon imaging scanner located in the Lancaster County Records and Information Management Department. The amendment replaces the model and serial number of the original imaging scanner to the model and serial number of a replacement scanner. (C-09-0199)**

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

- J. **A rental agreement between Lancaster County and Hamilton Equipment Company for a 2009 Bobcat model S-300 skid steer loader for the benefit of the Lancaster County Engineering Department. The rental term will end one year from the date of execution of the agreement. The rental amount is \$1 per year. (C-09-0200)**

Don Thomas, County Engineer, appeared and clarified the cost is \$1 for the first 200 hours and \$1 per hour beyond that, as a new promotion by Bobcat.

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

- K. **An agreement with Tabitha, Inc., d.b.a. Hospice, to provide hospice home care services to residents of Lancaster Manor who are terminally ill with a medical prognosis of six months or less. The term of the agreement is April 1, 2009, through March 31, 2010, and includes a 60-day termination clause. Hospice shall bear full financial responsibility for all hospice care furnished. (C-09-0201)**

MOTION: Schorr moved and Stevens seconded approval of the agreement.

Hudkins praised Tabitha for the wonderful job they have done in providing service for families and residents.

Roll Call: Workman, Schorr, Hudkins, Stevens and Heier 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:*

5) **CONSENT ITEMS CONTINUED:**

- A. **Receive and place on file the following:**
1. **Clerk of the District Court's monthly report for April, 2009.**
 2. **County Records & Information Management monthly report for April, 2009.**
 3. **County Assessor/Register of Deeds monthly report for April, 2009.**
 4. **Weed Control Authority's Monthly Report for April, 2009.**
 5. **Combined Weed Program Monthly Report for April, 2009.**
- B. **Setting of a public hearing for Tuesday, May 19, 2009, at 9:30 a.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding the issuance by Hospital Authority No. 1 of Lancaster County, Nebraska, of a Revenue Refunding Bond (Madonna Rehabilitation Hospital Project), Series 2009, in the maximum aggregate face amount of not to exceed \$7,200,000, for the benefit of Madonna Rehabilitation Hospital, a Nebraska nonprofit corporation.**
- C. **Right-of-entry contract for a road project between Lancaster County and Gary Godkin, located at N. 27th Street and Agnew Road; Project No. CP-B74, Tract 1. (C-09-0202)**
- D. **Right-of-way contracts for road projects between the Lancaster County Engineering Department and the following individuals:**
1. **Retzlaff Farms, Inc., located at 953' S of Waverly Road on North 84th Street; Project No. CP-G-95, Tract 1. This is a donation. (C-09-0203)**
 2. **Duane L. Smith, Trustee, located at 29.5' west on N. 190th Street on Little Salt Road; Project No. CP-A-265, Tract 2. Cost is \$126. (C-09-0204)**
 3. **Larry Smith Family Farms, located at 29.5' west on N 190th Street on Little Salt Road; Project No. CP-A-265, Tract 1. Cost is \$126. (C-09-0205)**

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

6) **PENDING:**

- A. **A resolution in the matter of 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. (R-08-0093) (Item placed on pending on November 4, 2008.)**

7) **EMERGENCY ITEMS AND OTHER BUSINESS:**

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, May 14, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners will hold departmental budget hearings at the County-City Building in Room 113 on the following dates:**

THURSDAY, MAY 14, 2009

1:00 pm - County Court
1:20 pm - District Court
1:40 pm - District Court Clerk
2:00 pm - County Extension
2:20 pm - Juvenile Probation
2:40 pm - Public Defender
3:00 pm - County Attorney
3:20 pm - Election Comm/Jury Comm
3:40 pm - Corrections

TUESDAY, MAY 19, 2009

1:00 pm - Human Services
1:20 pm - Veterans Affairs/General Asst
1:40 pm - Community Corrections
2:00 pm - Lancaster Manor
2:30 pm - Mental Health Center
3:00 pm - Youth Services Center
3:30 pm - Juvenile Court
4:00 pm - Miscellaneous Budgets

- C. **The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m. on Tuesdays and rebroadcast at 1:30 p.m. and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the Internet 24 hours a day at <http://www.lancaster.ne.gov>. Click on 5 City-TV Video On Demand.**

9) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded to adjourn the Board of Commissioners meeting at 9:54 a.m. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk