

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 7, 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: Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator

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, March 31, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 7, 2009.**

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

- 3) **CLAIM FOR REVIEW:**

- A. **Payment Voucher No. 211663 to Gary Lacey, dated March 13, 2009, includes a reimbursement of \$75 for meals during a trip to Washington, D.C. This trip is entitled to a meal per diem of \$125 total. An amount of \$65.52 has already been paid on the County credit card for meals, resulting in an overpayment of \$15.52 over the established county per diem.**

CLAIM FOR REVIEW CONTINUED:

Stevens stated since these expenses were run through the County, they should be done in accordance with the County's per diem guidelines even though another body has agreed to reimburse the County Attorney.

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

4) **NEW BUSINESS:**

- A. A grant contract with El Centro de Las Americas, in the amount of \$54,513, to provide funding to enhance Lancaster County's coordinated community response to Latina, African American and refugee women who have been experiencing domestic violence, dating violence, sexual assault or stalking, and provide assistance to such victims in immigration matters. Term of the grant contract is February 1, 2008 to December 31, 2010. (C-09-0151)**

Heier noted that the correct date should be February 1, 2009, not 2008.

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

- B. An amendment to a grant contract, under County Contract No. C-07-0030, between Lancaster County and Friendship Home to provide funding for the community-driven initiatives to address violence against women among diverse and traditionally under-served populations. The amendment changes the ending date of the grant contract from August 31, 2008 to July 31, 2009. The extension is within the federal grant ending date. (C-09-0152)**

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

- C. An addendum to an agreement with Milliman, Inc., under County Contract No. C-07-0339, for consulting services for the Lancaster County medical and dental employee benefit plans. The addendum renews the agreement, pursuant to Paragraph 3 of the agreement and Attachment A, for an additional one year term beginning June 1, 2009 and ending May 31, 2010. (C-09-0154)**

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

NEW BUSINESS CONTINUED:

- D. An agreement with Johnson Chiropractic & Acupuncture 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 Johnson Chiropractic & Acupuncture 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-09-0155)**

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

- E. An Amendment No. 1 to the monitoring service agreement with Behavioral Interventions (BI), Inc., under County Contract No. C-04-0500, for monitoring services for the Lancaster County Community Corrections operation of electronic field monitoring devices. The amendment adds pricing for Drive-BI Units in the amount of \$1.25 per unit, per day. (C-09-0156)**

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

- F. An engineering agreement with Mainelli-Wagner Associates for the design of a deficient bridge, County Structure No. C-91, located on Raymond Road between No. 1st and NW 12th Streets, in a maximum amount of \$49,707 (depending on bridge type selected for the project); Project No. BR-3370(2). (C-09-0157)**

Hudkins stated this bridge has needed to be replaced for many years and was left open for the widening of Highway 79.

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

- G. A contract with Theisen Construction, Inc., for repair of County Bridge A-58, located at No. 112th Street and Ashland Road, in the amount of \$18,694; Project No. 09-27. (C-09-0158)**

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

NEW BUSINESS CONTINUED:

- H. A maintenance agreement with Microfilm Imaging Systems, in the amount of \$95, for a Canon imaging scanner located in the Lancaster County Records & Information Management Department. Term of the agreement is April 1, 2009 through March 31, 2010. (C-09-0159)**

Bob Walla, Assistant Purchasing Agent, appeared and said this machine has required a lot of maintenance in the past and is something the department needs at all times. Schorr agreed that \$95 is a low price and could be recouped by just one call.

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

- I. A contract between Lancaster County and Whitehead Oil Co., for annual requirements of fuel (point of sale). The County will pay for fuel according to the pricing in the contractor's accepted proposal excluding line items 7, 8, 9 and 10. Term of the contract is one year from the date of execution of the contract. (C-09-0160)**

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

- J. A contract between Lancaster County, the City of Lincoln, the Public Building Commission and WW Grainger, Inc., for annual requirements for industrial supplies. The County will pay for services according to the pricing in State of Nebraska Contract Number 11610 OC. Term of the contract is from December 1, 2008 to November 30, 2009. (C-09-0161)**

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

- K. An interlocal agreement with the City of Lincoln and the Lincoln-Lancaster County Railroad Transportation Safety District for the funding of the South Lincoln Quiet Zone Project. There is no cost to the County. (C-09-0162)**

Workman stated this is part of the project to help quiet the train horns and should be in place by sometime this summer. Schorr added both the second and third locations should be done concurrently by the end of 2009.

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

NEW BUSINESS CONTINUED:

- L. An amendment to the agreement with Larry D. Ohs, P.C., and Steve Williams, for the representation of indigent parents and juveniles in Juvenile Court proceedings. The amendment allows Gail Steen, as a solo practitioner and as a joint venture with Larry D. Ohs, P.C., to fully assume the obligations and responsibilities of Steve Williams under the agreement. The amendment shall take effect April 1, 2009. (C-09-0163)**

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

- M. Adoption of the Guaranteed Withdrawal Rider providing for the inclusion of the Income Flex funds with the Lancaster County Employees 401(a) Retirement Plan and 457 Deferred Compensation Program with Prudential Retirement, and authorization for Prudential Bank & Trust to add Income Flex funds to the Lancaster County Employees 401(a) Retirement Plan and the 457 Deferred Compensation Program. (C-09-0164)**

Kerry Eagan stated while he and Doug Cyr, Deputy County Attorney and Pension Review Committee Member, are still reviewing the first part of Item M, the Guaranteed Withdrawal Rider, they felt it was important to move forward with adding Income Flex funds to the County retirement and deferred compensation plans as this program may not be available in the future. The Pension Review Committee also recommended the funds be added and notice be sent to Prudential Bank & Trust. Eagan distributed a draft letter for the County Board Chair's signature authorizing the addition (Exhibit A). He noted the Guaranteed Withdrawal Rider would be brought back to the County Board at a later date after it has been more thoroughly reviewed.

Eagan provided a brief description of the Income Flex funds. He said this program centers on the distribution phase of the County's defined contribution plan. He explained in some respects, it tries to convert a defined contribution plan into a defined benefit plan without the County having to guarantee the defined benefit over the course of the payout phase.

Stevens said he was impressed by the plan when the County Board was recently briefed by Prudential Bank & Trust. His only caution was that employees review the plan closely when it comes time to sign up for the plan and start withdrawing money as there are pluses and minuses. He added it appears to be a great option for the segment of the employee base who may be interested in a guaranteed income at the point they start withdrawing their pension.

Schorr clarified that the motion's intent is to approve the addition of Income Flex funds to the County plan but not the adoption of the Withdrawal Rider. Hudkins added the motion also included authoring the County Board Chair to sign the letter. The maker and seconder of the motion concurred with this interpretation.

NEW BUSINESS CONTINUED:

MOTION: Hudkins moved and Workman seconded approval to add the Income Flex funds to the plan without the Guaranteed Withdrawal Rider and to authorize the County Board Chair to sign the letter. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

- N. Recommendation from the Purchasing Agent and the Sheriff's Department to award a bid, in the amount of \$25,721.80, for 30 taser guns and accessories to Ed Roehr Safety Products. (B-09-0022)**

Terry Wagner, Sheriff, appeared and explained this purchase will allow each deputy to have a taser as they are a great alternative for deputies to carry. Purchasing 30 additional tasers will allow them to issue tasers to every deputy. He added the accessories are an ongoing maintenance cost.

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

- O. Recommendation from the Purchasing Agent and the County Engineer to award a bid, in the amount of \$975,028.40, for asphaltic concrete resurfacing to Pavers, Inc. (B-09-0023)**

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

- P. Request from the Lancaster County Personnel Policy Board for the following:**

- * **Creation of a Security Guard Supervisor, classification at a proposed pay grade of \$36,223.20 to \$46,402.72.**
- * **Creation of a Records System Supervisor, classification at a proposed pay grade of \$37,529.44 to \$48,070.88.**
- * **Creation of a District Court Administrator, classification at a proposed pay grade of \$44,788.64 to \$57,370.56.**
- * **Creation of Military Family Leave Personnel Policy Bulletin.**

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

- Q. A salary increase for Travis Parker, Community Mental Health Center Deputy Director, from \$81,500.64 to \$83,741.91, pursuant to his six month review, effective April 9, 2009.**

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

NEW BUSINESS CONTINUED:

- R. A refund request from Sipherd & Associates, P.C., on behalf of Ray G. Wolfe, Jr., for a refund of 2008 personal property tax in the approximate amount of \$309.62.**

Scott Gaines, Deputy County Assessor/Register of Deeds, appeared and recommended approval of the refund request. He said this tractor was purchased jointly by three relatives. They agreed the nephew would report it for the personal property tax in the full amount. The uncle's tax preparer did not realize this was the agreement and reported it again. This is to rectify the situation and give a refund on the portion which was double-reported.

MOTION: Stevens moved and Workman seconded approval for the refund request. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

- S. A political subdivision tort claim filed against Lancaster County Corrections by Lishara J. Mosby for lost property in the amount of \$37.**

MOTION: Schorr moved and Hudkins seconded denial of the claim based upon the recommendation of the department director. 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:*

- A. Receive and place on file the following:**
- 1. Clerk of the District Court's monthly report for March, 2009.**
 - 2. County Clerk's monthly report for March, 2009.**
 - 3. Records & Information Management's monthly report for March, 2009.**

MOTION: Workman moved and Hudkins 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:**

Kim Kaspar, President of the American Federation of State, County & Municipal Employees, appeared and presented information regarding parties expressing interest in Lancaster Manor. (Note: A copy of this information is on file at the County Clerk's office.) Schorr said it is not known whether any of the entities mentioned have submitted or would be submitting a proposal. They were only present at the walk-through.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, April 9, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.**
- B. **A joint public hearing will be held by the Lancaster County Board of Commissioners and the Gage County Board of Supervisors on Tuesday, April 14, 2009, at 11:30 a.m. in the conference room of the Hallam Fire Station, 4200 West Pella Road, Hallam, Nebraska, for the purpose of hearing testimony regarding the inclusion of the incorporated area of the Village of Hallam, Lancaster County, Nebraska, in the boundaries of the Hallam Rural Fire Protection District.**
- 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.**

Stevens announced it was primary election day in Lincoln and encouraged everyone to vote.

9) **ADJOURNMENT:**

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

Dan Nolte
County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 7, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

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

Others present: Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Scott Gaines, Chief Deputy County Assessor/Register of Deeds
Angela Zocholl, County Clerk's Office
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator

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, March 31, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 42 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

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

Christian Record Services, Inc.
Christ's Place
People's City Mission
Saint Elizabeth Regional Medical Center
Saint Paul United Methodist Church

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

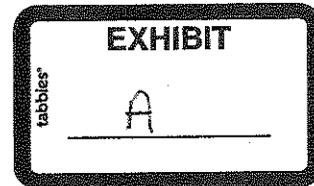
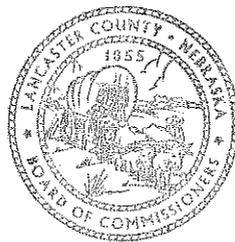
St. Monica's (2 applications)

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle exemption applications. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:05 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

Dan Nolte
County Clerk



LANCASTER COUNTY BOARD OF COMMISSIONERS

Bernie Heier Larry Hudkins Deb Schorr Ray Stevens Bob Workman
Kerry Eagan, *Chief Administrative Officer* Gwen Thorpe, *Deputy Administrative Officer*

April 7, 2009

Noelle Arkoulakis
Vice President, Secure Retirement Solutions
Prudential Retirement
525 W. Monroe, Suite 200
Chicago Il 60661

Re: Addition of IncomeFlex to Lancaster County Employees Retirement Plan (Number 006371) and Deferred Compensation Plan (Number 006372)

Dear Noelle:

The Lancaster County Board of Commissioners has received and reviewed the sample IncomeFlex Rider and confirms the Board's direction to Prudential Bank & Trust (PB&T) to execute the amendment which will add the IncomeFlex Rider to The Lancaster County, NE Employees Retirement Plan (Number 006371) and The Lancaster County, NE 457 Deferred Compensation Plan (Number 006372).

Please have the appropriate officer at PB&T affix his or her signature to the amendment to memorialize this decision.

On behalf of The Lancaster County Board of Commissioners,

Bernie Heier, Chair

cc: John Byrne
 Kristy Dinh
 Debra Wright