

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 6, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy 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, March 30, 2010.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, April 6, 2010.**

MOTION: Hudkins moved and Stevens seconded approval of the claims. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

3) **PUBLIC HEARING:**

- A. **The issuance by Hospital Authority No. 1 of Lancaster County, Nebraska, of its not to exceed \$40,000,000 aggregate principal amount of revenue bonds, for the benefit of Immanuel Retirement Communities. (See Item 5A for correlating document.)**

The Chair opened the public hearing.

Joel VanderVeen, Kutak Rock, L.L.P., and Dan Friedlund, Immanuel Retirement Communities, were administered the oath.

VanderVeen said proceeds of the bonds would be used primarily for refinancing and for capital expenditures. He stated there is no liability to the County or any other government agency.

3) **PUBLIC HEARING CONTINUED:**

Friedlund said Immanuel Retirement Communities is a non-profit organization, which is part of the Evangelical Lutheran Church in America (ELCA). The organization has operated retirement communities for the previous 14 years, including The Landing in Lincoln. The organization would like to refinance the existing debt to lock in a fixed rate and use around \$1,500,000 for specific activities, including renovation of apartments and refurbishment of the facility's common area.

Schorr, Heier and Hudkins praised The Landing facility.

The Chair closed the public hearing.

4) **OLD BUSINESS:**

- A. **A contract between Pavers, Inc., the City of Lincoln, and Lancaster County for the annual supply of asphaltic concrete. The County will pay for services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution by both parties. (C-10-0121)**

MOTION: Stevens moved and Workman seconded approval of the contract. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- B. **A contract between Dobson Brothers Construction Company, the City of Lincoln, and Lancaster County for the annual supply of asphaltic concrete. The County will pay for services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution by both parties. (C-10-0122)**

MOTION: Stevens moved and Schorr seconded approval of the contract. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- C. **A contract between Cather & Son's Construction, Inc., the City of Lincoln, and Lancaster County for the annual supply of asphaltic concrete. The County will pay for services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution by both parties. (C-10-0123)**

MOTION: Hudkins moved and Schorr seconded approval of the contract. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- D. **A contract between Constructors, Inc., the City of Lincoln, and Lancaster County for the annual supply of asphaltic concrete. The County will pay for services according to the pricing in the contractor's proposal. Term of the contract is one year from the date of execution by both parties. (C-10-0124)**

MOTION: Stevens moved and Schorr seconded approval of the contract. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

5) **NEW BUSINESS:**

- A. **A resolution granting public approval to the proposed issuance by the Hospital Authority No. 1 of Lancaster County, Nebraska of its not to exceed \$40,000,000 health facilities revenue bonds (Immanuel Obligated Group) Series 2010, and related matters. (R-10-0025)**

MOTION: Stevens moved and Schorr seconded approval of the resolution. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- B. **A resolution in the matter of adopting Federal Aid funding requirements, adopting the Lancaster County Americans with Disabilities Act/Section 504 of the Rehabilitation Act of 1973 Policy, agreeing to the assurances contained in the Lancaster County Policy and designating an ADA/Section 504 Coordinator. (R-10-0026)**

MOTION: Workman moved and Stevens seconded approval of the resolution. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- C. **A request from James L. Haszard for payment of attorney's fees pursuant to Resolution No. R-09-0106 for legal services related to a Social Security reimbursement award for General Assistance provided to Tonia Chopp. The request is for 25% of the Social Security award of \$16,202 for a total attorney's fee of \$4,050.50.**

MOTION: Schorr moved and Workman seconded approval of the request for payment. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- D. **A request from the Personnel Policy Board to amend Rule 18.1 regarding compensation for absence on holidays.**

Terry Wagner, County Sheriff, discussed the proposed wording change from three days to three eight-hour days personal holiday time. He asked to change the wording to 24 hours of personal holiday time since some departments use 10 or 12-hour workdays. Wagner said the rule's language allows employees to take the time in two-hour increments.

MOTION: Workman moved and Hudkins seconded approval to amend Rule 18.1 with the change of wording from three eight-hour holidays to 24 hours of personal holiday time.

Hudkins asked if the County Attorney's Office had any concern over the wording. Tom Fox, Deputy County Attorney, said he would need to further review the language.

The maker and the seconder withdrew the original motion.

MOTION: Stevens moved and Hudkins seconded to table the item for one week. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- E. **A subdivision agreement between Lancaster County and To Dew, L.L.C., regarding Final Plat No. 10001, Wendelin Estates 1st Addition, on property generally located at SW 62nd Street and West Sprague Road. (C-10-0142)**

MOTION: Stevens moved and Workman seconded approval of the subdivision agreement. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- F. **A mini-grant contract with the Nebraska Office of Highway Safety in the amount of \$1,385 for Lancaster County Sheriff Deputies to attend the Midwest Association of Technical Accident Investigators (MATAI) Conference for Accident Reconstruction in Coralville, Iowa, May 25 to May 28, 2010. (C-10-0143)**

Terry Wagner, County Sheriff, said the conference would be paid out of the department's budget and the Nebraska Office of Highway Safety would reimburse their department through the mini-grant. Stevens noted the reimbursement was 75%.

MOTION: Workman moved and Stevens seconded approval of the mini-grant contract. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- G. **A construction contract with D.L. Lottman Excavating, Inc., in the amount of \$140,010.05, for culvert replacement and maintenance; Project No. 10-01. (C-10-0144)**

MOTION: Hudkins moved and Workman seconded approval of the contract. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- H. **A utility agreement with Lincoln Electric System, in the amount of \$793, to relocate utility facilities to accommodate concrete box culverts; Project No. 10-22. (C-10-0145)**

MOTION: Hudkins moved and Workman seconded approval of the utility agreement. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- I. **A contract between Zimco Supply Company, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for the annual requirements for turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's accepted proposal. Term of the contract is one year from the date of execution. (C-10-0146)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- J. **A contract between D&K Products, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for the annual requirements for turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's accepted proposal. Term of the contract is one year from the date of execution. (C-10-0147)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- K. **A contract between LESCO, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for the annual requirements for turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's accepted proposal. Term of the contract is one year from the date of execution. (C-10-0148)**

MOTION: Schorr moved and Stevens seconded approval of the contract. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- L. **A contract between Van Diest Supply Company, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for the annual requirements for turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's accepted proposal. Term of the contract is one year from the date of execution. (C-10-0149)**

MOTION: Stevens moved and Hudkins seconded approval of the contract. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

- M. **A contract between Nebraska Turf Products, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for the annual requirements for turf fertilizers and chemicals. The County will pay for products and services according to the pricing in the contractor's accepted proposal. Term of the contract is one year from the date of execution. (C-10-0150)**

MOTION: Workman moved and Hudkins seconded approval of the contract. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- N. **An amendment to a contract with Lee's Lawn Maintenance for weed control services for the Lancaster County Noxious Weed Control Authority, found at County Contract No. C-09-0130. The amendment renews the contract for an additional one-year term beginning April 1, 2010, and ending March 31, 2011. (C-10-0151)**

MOTION: Stevens moved and Schorr seconded approval of the amendment. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- O. **An amendment to a contract with Big Red Lawn Care, Inc., for weed control services for the Lancaster County Noxious Weed Control Authority, found at County Contract No. C-09-0129. The amendment renews the contract for an additional one-year term beginning April 1, 2010, and ending March 31, 2011. (C-10-0152)**

MOTION: Hudkins moved and Workman seconded approval of the amendment. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- P. **An amendment to a contract with B&B Lawn Service, for weed control services for the Lancaster County Noxious Weed Control Authority, found at County Contract No. C-09-0128. The amendment renews the contract for an additional one-year term beginning April 1, 2010, and ending March 31, 2011. (C-10-0153)**

MOTION: Schorr moved and Hudkins seconded approval of the amendment. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- Q. **An amendment to a contract with "All Care" Grounds Management, for weed control services for the Lancaster County Noxious Weed Control Authority, found at County Contract No. C-09-0127. The amendment renews the contract for an additional one-year term beginning April 1, 2010, and ending March 31, 2011. (C-10-0154)**

MOTION: Stevens moved and Workman seconded approval of the amendment. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- R. **A memorandum of agreement between the Department of Homeland Security, U.S. Citizenship and Immigration Services (DHS-USCIS), and Lancaster County, on behalf of Lancaster County General Assistance, to provide the Systematic Alien Verification for Entitlements (SAVE) Program. The County shall pay according to the DHS-USCIS's standard billing rates. The agreement is effective upon execution by both parties. (C-10-0155)**

MOTION: Workman moved and Stevens seconded approval of the memorandum of agreement. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- S. **A grant contract with Southeast Community College, in the amount of \$12,500, to provide employment related services to refugee men and women and assist them in assimilating into the community, as part of the Targeted Assistance Discretionary (TAG) Grant program. Term of the grant contract is October 1, 2009, to September 30, 2010. (C-10-0156)**

MOTION: Schorr moved and Stevens seconded approval of the grant contract. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- T. **An agreement with Tyler Richard to provide project developer/presenter services for "The Odds Are..." youth gambling prevention grant. Term of the agreement is March 1, 2010, through June 30, 2010. The County shall pay \$4,000 for the services. (C-10-0157)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- U. **An agreement with Southwest Chiropractor 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 Southwest Chiropractor 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-10-0158)**

MOTION: Stevens moved and Workman seconded approval of the agreement. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- V. **An administrative services agreement amendment and plan criteria guidelines for outsourcing services for the 401(a) Lancaster County Employees Retirement Plan with Prudential Retirement Insurance and Annuity Company, Plan ID# 006371. (C-10-0159)**

MOTION: Schorr moved and Hudkins seconded approval of the agreement amendment. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- W. **An administrative services agreement amendment and plan criteria guidelines for outsourcing services for the Lancaster County 457 Deferred Compensation Program with Prudential Retirement Insurance and Annuity Company, Plan ID# 006372. (C-10-0160)**

MOTION: Stevens moved and Workman seconded approval of the agreement amendment. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- X. **A political subdivision tort claim filed against Lancaster County Corrections by Jeremiah E. Brown for lost property in the amount of \$175.**

Heier noted the incident occurred over four years ago; a thorough investigation had been done.

MOTION: Schorr moved and Hudkins seconded denial of the tort claim based on the department director's recommendation. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- 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 the following:**
1. **Clerk of the District Court monthly report for March, 2010.**
 2. **County Clerk monthly report for March, 2010.**
 3. **County Assessor/Register of Deeds monthly report for March, 2010.**

6) **CONSENT ITEMS CONTINUED:**

B. Right-of-way contracts between the County Engineer and the following:

1. **Charles Vanderbeek, in the amount of \$127, located south of Panama Road on S. 190th Street; Project No. CP-Y-244. (C-10-0161)**
2. **Francke Farms, in the amount of \$91, located south of Van Dorn Street on S. 190th Street; Project No. CP-Q-293. (C-10-0162)**
3. **Sally and Maurice Jost, in the amount of \$91, located west of S. 176th Street on Midway Road; Project No. CP-Q-99. (C-10-0163)**
4. **David and Patricia Lambrecht, in the amount of \$235, located north of Roca Road on S. 46th Street; Project No. CP-S-61. (C-10-0164)**
5. **Roger Johnson, in the amount of a donation, located north of W. Panama Road on SW 142nd Street; Project No. CP-V-296. (C-10-0165)**
6. **Grace Schmidt, in the amount of \$20 each, located east of S. 176th Street on Yankee Hill Road; Project No. CP-Q-150 & Project No. CP-Q-151. (C-10-0166) (C-10-0167)**
7. **Margaret Smail, in the amount of a donation, located north of W. Mill Road on NW 126th Street; Project No. CP-E-244. (C-10-0168)**

C. A leasehold contract between the County Engineer and Ron Nash, in the amount of \$20, located at S. 176th Street and Yankee Hill Road; Project No. CP-Q-150-151. (C-10-0169)

Hudkins thanked Roger Johnson and Margaret Smail for their donations.

MOTION: Stevens moved and Hudkins seconded approval of the consent items. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

7) **PUBLIC COMMENT:**

No comments from the public were offered.

8) **ANNOUNCEMENTS:**

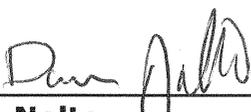
- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 8, 2010, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **A public hearing will be held on Tuesday, April 13, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding automatic renewal of 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.**

9) **ANNOUNCEMENTS CONTINUED:**

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 www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.

9) **ADJOURNMENT**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:01 a.m. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 6, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

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

Others present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy 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 10:01 a.m.

1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 30, 2010.

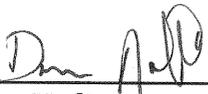
MOTION: Stevens moved and Schorr seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

2) **ADDITIONS AND DEDUCTIONS:** Approval of 33 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Stevens moved and Schorr seconded approval of the additions and deductions. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

3) **ADJOURNMENT**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:03 a.m. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk