

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 17, 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, August 10, 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, August 17, 2010.**

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

3) **PUBLIC HEARING:**

- A. **County Special Permit No. 07024B, requested by Gregory and Heidi Rettele, for authority to locate and occupy a mobile home while building a permanent residence on property generally located at SW 14th Street and W. Olive Creek Road.**

The Chair opened the public hearing.

Mike DeKalb, Planning Department, was administered the oath. He noted Mr. and Mrs. Rettele were unable to be present today. DeKalb said the Retteles received a special permit in 2007 to temporarily place a mobile home on property where they were building a new house; however, they were unable to sell their home in Lincoln which was to help finance the building project. In 2009, a special three-year permit was issued with the provision that construction progress would be reviewed annually. Since their previous residence has not sold and progress has not been made on their new home, the

3) **PUBLIC HEARING CONTINUED:**

Retteles applied for another special permit. DeKalb said his office, along with Building and Safety, recommend a two-year permit without provisions on progress.

Hudkins questioned issuing a two-year versus a one-year permit and whether any work had been done to date. DeKalb said the well and septic system are in but nothing else has been done. In light of the current economic situation and the difficulty experienced by the Rettelles in selling their Lincoln home, DeKalb felt two years would provide enough time to make the sale. Stevens expressed his concern over no construction work being done. Workman asked if the trailer was visible from the road. DeKalb said the trailer is on a long lane and not visible from the road. Workman stated he would be in favor of the request. Stevens noted recent real estate sales in the area. He stated he would like to see a provision that progress on the new house be made within a year or the permit would be terminated.

The Chair closed the public hearing.

MOTION: Workman moved and Schorr seconded approval of the special permit.

Stevens said he would be in favor of a two-week delay to allow the applicant to appear and provide reasoning for extending the permit. He reiterated that he would like to see a provision included in the permit addressing construction progress.

ROLL CALL: Workman, Schorr and Heier voted aye. Stevens and Hudkins voted nay. Motion carried 3-2.

4) **OLD BUSINESS:**

- A. **A memorandum of agreement between the Lincoln Council on Alcoholism and Drugs, Inc., and Lancaster County, on behalf of the Lancaster County Sheriff's Office, for the purpose of providing a Sheriff's Deputy to act as a liaison between the Prevention Leadership Team and the Lancaster County Sheriff's Office to prevent underage drinking and alcohol related automobile accidents in Lancaster County. (C-10-0378)**

Terry Wagner, County Sheriff, said the agreement is for a liaison with the Lincoln Council on Alcoholism and Drugs. It requires minimal input from the Sheriff's Office and is a good public service.

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

Schorr said she heard a radio announcement from Fred Zwonechek, Nebraska Office of Highway Safety Administrator, regarding the "You Drink, You Drive, You Lose" campaign. She noted 14,000 people are arrested for drinking and driving in Nebraska each year. Wagner stated Zwonechek is a big supporter of education and enforcement. He also noted the current Executive Director of the Lincoln Council on Alcoholism and Drugs is retired from the State Patrol.

5) **NEW BUSINESS:**

- A. **An interlocal agreement between Lancaster County and Educational Service Unit No. 18 for educational services for youth detained at the Youth Services Center. Term of the agreement is August 1, 2010, to July 31, 2011. The County will reimburse the ESU up to \$998,800 for the services provided. (C-10-0394)**

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

Stevens discussed the importance of education programs for youths. He suggested similar programs may also be needed for adults.

ROLL CALL: Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- B. **A licensing agreement between Lancaster County and Swank Motion Pictures, Inc., for showing video cassette movies at the Youth Services Center. Term of the agreement is July 1, 2010, to June 30, 2011. The County will pay \$285 for the license. (C-10-0395)**

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

- C. **An amendment to a contract between Lancaster County and El Centro De las Americas, found at County Contract No. C-09-0500, to assist youth currently or at risk to become involved in the juvenile justice system through the Latino Intervention Program. The amendment increases the grant amount to \$41,180 and extends the contract term from July 1, 2009, to August 31, 2010. (C-10-0396)**

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

- D. **An interlocal agreement with Saline County for the supervision, safekeeping, care and sustenance of Lancaster County inmates housed at the Saline County Detention Facility. Lancaster County will pay Saline County \$45 per inmate per day. Term of the agreement is one year from the date of execution. (C-10-0397)**

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

Hudkins expressed his appreciation to the Saline County Board for their assistance. Heier said there are currently 550 prisoners in Lancaster County facilities and another 80 housed out-of-county.

ROLL CALL: Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- E. **A memorandum of agreement between the Department of Homeland Security, U.S. Citizenship and Immigration Services (DHS-USCIS) and Lancaster County, on behalf of the Lancaster County Community Mental Health Center, 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-10-0398)**

5) **NEW BUSINESS CONTINUED:**

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

- F. **An agreement with Counseling Affiliates of Nebraska, L.L.C., for specialized services at the Community Mental Health Center and the Lancaster County Mental Health Center Sex Offender Treatment Program to assist with mental health services. The County will pay up to a combined total amount of \$7,500 per month for all services provided. Counseling Affiliates of Nebraska will provide up to 50 hours per week of service for the Mental Health Center Sex Offender Treatment Program and up to 80 hours of service per year to the Crisis Center. Term of the agreement is July 1, 2010, to June 30, 2011. A business associate agreement is attached to comply with Health Insurance Portability & Accountability Act (HIPAA) regulations. (C-10-0399)**

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

- G. **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 July 1, 2010, to June 30, 2011. The County will pay \$60 per hour for no more than eight hours per week. A business associate agreement is attached to comply with Health Insurance Portability & Accountability Act (HIPAA) regulations. (C-10-0400)**

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

- H. **A contract between Region V System's governing board and Lancaster County, on behalf of the Community Mental Health Center, to enhance affordable supportive housing for justice involved youth transitioning to adulthood and young adults as part of the Federal Bureau of Justice Assistance – Justice and Mental Health Collaboration Program Grant. Term of the agreement is from July 1, 2010, to June 30, 2011. Region V will pay the Community Mental Health Center \$47,495 for the services provided. (C-10-0401)**

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

- I. **A political subdivision tort claim filed against Lancaster County Corrections by Joseph R. Oxarart for lost property in the amount of \$7.**

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

5) **NEW BUSINESS CONTINUED:**

- J. **A political subdivision tort claim filed against Lancaster County Corrections by Jeffrey Radabaugh for damaged property in the amount of \$12.**

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

- K. **A political subdivision tort claim filed against Lancaster County Corrections by Tyrone W. Estell for damaged property in the amount of \$500.**

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.

- L. **Reappointment of Bernie Heier to the Board of Directors for the Nebraska Association of County Officials (NACO) for a two-year term commencing January 1, 2011.**

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

Hudkins commended Heier for his work on the NACO Board.

ROLL CALL: Hudkins, Stevens, Schorr, 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. **County Records & Information Management monthly report for July, 2010.**
2. **County Sheriff monthly report for July, 2010.**
3. **County Attorney quarterly reports for January to June, 2010.**

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

1. **Margaret Refshauge, in the amount of \$937, located at N. 27th Street and Agnew Road; Project No. CP-B-128d. (C-10-0402)**
2. **Marjorie Olney, in the amount of \$8,760, located at S. 54th Street and Martell Road; Project No. C55-S-405(3). (C-10-0403) (C-10-0404)**
3. **Francke Farms, Inc., in the amount of \$14,260, located at S. 140th Street and Pine Lake Road; Project No. C55-Q-409(1). (C-10-405) (C-10-0406)**

- C. **Setting of a public hearing for Tuesday, November 16, 2010, at 7:00 p.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding Lancaster County's proposed One and Six-Year Road and Bridge Improvement Program for July 1, 2011, to June 30, 2016.**

6) **CONSENT ITEMS CONTINUED:**

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:**

John Austin discussed a variety of topics, including education, a recent car show at Malcolm and the County Fair. He questioned if any land was owned by the County at the County fairgrounds. Hudkins said the original purchase of the land was from 84th Street to Stevens Creek and Havelock Avenue to the railroad; it is all owned by the Lancaster County Agricultural Society. He said the original concept was to lease a hotel and restaurant, and the rental income could be used to offset the costs of the County fair. Austin expressed interest in a horse racetrack around the fairgrounds and bus service to that area.

Keith Fickenscher, Lancaster Manor Administrator, gave an update on Lancaster Manor. He commented on a recent newspaper article, stating it is his responsibility to provide a good home to the residents. Fickenscher said the Manor sale will place the property on the County tax roll and generate income. He noted changes to the facility, including tripling the size of the rehabilitation unit and plans to update the dining rooms. Fickenscher said 275 paychecks were issued on January 1, 2010, including 30 housekeeping positions which are now contracted. The last payroll had 283 paychecks, which excluded the 30 contracted positions.

Workman expressed his appreciation to Fickenscher. He commended the facility for growth in its rehabilitation unit.

Hudkins commended Fickenscher for his work. He noted previous requests were made to the County Board by Larry Van Hunnik, former Lancaster Manor Administrator, to increase rehabilitation space. Hudkins stated the Manor appraisal was \$10,200,000, the County will net less than \$4,000,000 and the balance sheet will decline as a result of valuation. He expressed his disagreement with the way the sale was handled.

Heier thanked Gwen Thorpe, Deputy Chief Administrative Officer, for her work as the Interim Lancaster Manor Administrator. He also thanked Commissioner Schorr for her work as Lancaster Manor liaison and initiating change for the Manor.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, August 19, 2010, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **Public hearings will be held on Tuesday, August 24, 2010, 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. **Amendment of Sections VI and XV of County Resolution No. 03-0007, Regulations for the Operation of Body Art and Piercing Establishments in Lancaster County, Nebraska, by increasing various fees.**

8) **ANNOUNCEMENTS CONTINUED:**

2. **Amendment of Section XIII of County Resolution No. 02-0030, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County, Nebraska, by increasing various fees.**
 3. **Amendment of Section X of County Resolution No. 06-0005, Procedures for the Inspection of On-Site Water Supply Systems and On-Site Wastewater Treatment Systems Prior to the Sale, Transfer or Conveyance of Property in Lancaster County, Nebraska, by increasing various fees.**
 4. **Amendment of Resolution No. 5069, the Lancaster County Air Pollution Control Resolution, to increase the fee for open burning permits charged to business and industry.**
 5. **Amendment of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards for consistency with Federal and State Regulations: Article 2, Section 1 Definitions; Article 2, Section 17 Construction Permits - When Required; Article 2, Section 18 New Source Performance Standards and Emission Limits for Existing Sources; and Article 2, Section 22 Incinerator Emissions.**
 6. **Amendment of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards to adopt Federal regulations for area sources of Hazardous Air Pollutants and associated fees: Article 2, Section 28 Hazardous Air Pollutants MACT Emissions Standards.**
 7. **Amendment of the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards to update variance, construction permit, and annual fees and to create fees for area sources of Hazardous Air Pollutants: Article 1, Section 5 Variance Fees; Article 1, Section 6 Annual Fees; Article 2, Section 29 Operating Permit Emission Fees; and Article 2, Section 30 Construction Permit Review Fee.**
- C. **A public hearing will be held on Tuesday, August 31, 2010, at 7:00 p.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding the following:**
1. **Keno Fund Projects (on file with the County Budget and Fiscal office).**
 2. **Lancaster County's Proposed Budget for Fiscal Year 2010-2011.**
- D. **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 Workman seconded to adjourn the Board of Commissioners meeting at 10:14 a.m. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

/s/Dan Nolte

Dan Nolte
Lancaster County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 17, 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
Scott Gaines, Deputy 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 10:14 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 10, 2010.**

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

2) **ADDITIONS AND DEDUCTIONS:** Approval of 13 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

Scott Gaines, Deputy County Assessor/Register of Deeds, noted a correction on the Personal Property listing for Emerging Technology Consultants; the decrease in value should read \$0.

MOTION: Schorr moved and Hudkins seconded approval of the additions and deductions with the correction noted by the County Assessor's Office. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

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

Capital Humane Society
Lincoln Action Program
Madonna Rehabilitation Hospital

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

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

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:17 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

/s/Dan Nolte

Dan Nolte
Lancaster County Clerk