

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 28, 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: Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, 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, September 21, 2010.**

MOTION: Stevens moved and Schorr 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, September 28, 2010.**

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

3) **SPECIAL PRESENTATIONS:**

A. **Presentation of the Commissioners' Award of Excellence for September, 2010, to Linda Murphy, Community Mental Health Center.**

Dean Settle, Community Mental Health Center Executive Director, discussed Linda Murphy's role at the Crisis Center and the extra effort she put into her job. The Clerk read the nomination for the record. Scott Etherton, Crisis Center Program Manager, accepted a plaque from Commissioner Stevens on behalf of Linda Murphy, who could not be present for the award.

B. **Recognition of Dr. James Fosnaugh's physician work at the Lancaster County Corrections Department – Mike Thurber, Corrections Director.**

Mike Thurber gave an overview on Dr. James Fosnaugh and his 10-year history with the jail. He thanked Fosnaugh for the work he has done in the jail and the community and presented him with a key from the old jail. Fosnaugh expressed his appreciation for the opportunity to serve at the jail. The Board thanked Fosnaugh for his service. Heier recognized the Corrections staff present.

4) **PUBLIC HEARING:**

- A. **Automatic renewal of the following Class C liquor licenses issued in Lancaster County and outside the corporate limits of any city for which the County Clerk has received no protests: Bluestem Landscaping and Vineyard, Crooked Creek Golf Club, Jasper's and Sesostris Temple.**

The chair opened the public hearing. No one appeared to testify. The chair closed the public hearing.

5) **OLD BUSINESS:**

- A. **An amendment to an agreement with the Lancaster County Medical Society (LCMS), found at County Contract No. C-10-0199, for the purpose of obtaining clerical assistance in enrolling qualified clients in national medication assistance programs at the Community Mental Health Center. The amendment includes additional clerical assistance and reporting requirements, changes the term of the agreement to January 1, 2010, through June 30, 2011, and changes the reimbursement amount to \$1,150 per month from July 1, 2010, to June 30, 2011. (C-10-0471)**

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

6) **NEW BUSINESS:**

- A. **A resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-10-0085)**

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

Stevens questioned the length of time stated, noting the fees have been unclaimed for six months and would be held for another six months. Brittany Behrens, Deputy County Attorney, confirmed the total time involved is 12 months.

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

- B. **A resolution in the matter of changing the detour plan for Project No. C55-S-401(6), S. 68th Street viaduct. (R-10-0086)**

Brett Baker, Hickman City Administrator, conveyed a message from the Hickman mayor, saying he would like to see the resolution adopted as presented. He noted only one call received with concern over traffic congestion at 68th Street and Hickman Road. Don Thomas, County Engineer, stated he opposes the detour change. Hudkins said a lot of thought was put into the original detour route, but Hickman residents would prefer a different route. Schorr said some people are probably familiar with the Roca Road detour since it has been in place for a while; adding the Hickman Road detour could result in a split in traffic. Heier stated he received a call from a resident who was not happy with the route change. Dave Dykmann, Hickman City Council member, said it would be easier for law enforcement to control the detour route at Roca Road; however, routing the traffic outside Hickman has hurt local businesses. Hudkins asked if the local rural community has expressed their opinions about the change. Dykmann said he has not heard anything from the rural community.

6) **NEW BUSINESS CONTINUED:**

Baker said there have been complaints from residents on 82nd Street between Roca Road and Hickman Road; modification of the detour would eliminate some of the concerns in that area. He confirmed that Hickman had passed a motion in support of the route change. Schorr said it would not be a major investment to move the detour signs; results could be analyzed in the future, and the route could be changed if necessary. Heier noted the Sheriff said he would watch the area closely for accidents.

MOTION: Schorr moved and Stevens seconded approval of the resolution at the request of the City of Hickman. Schorr, Stevens, Workman and Heier voted aye. Hudkins voted nay. Motion carried 4-1.

- C. **A recommendation from the Purchasing Agent to accept a bid from Lanoha Nurseries, in the amount of \$374,501, for landscape services at the new Lancaster County Adult Detention Facility. (B-10-0044)**

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

- D. **A physician services agreement with West Lincoln Family Medicine to provide necessary medical services for individuals housed in the County jail facilities. West Lincoln Family Medicine will be paid \$3,000 per month for general services, \$150 per hour for time in preparation of trial or in court testimony and \$85 per hour for Advanced Practice Registered Nurse services. Term of the agreement is four months from the date of execution by both parties. (C-10-0489)**

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

Stevens said Dr. Glenn was looking forward to providing service to the County jail.

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

- E. **An agreement with Environmental Systems Research Institute, Inc. (ESRI) to provide up to 100 hours of consulting service to assist Lancaster County in the development of an enterprise geodatabase model and planning of the County's GIS enhancement. The County will pay \$24,792 for the service provided in Exhibit A. ESRI will begin providing services upon execution of the agreement by both parties. (C-10-0490)**

Jeff McReynolds, GIS Manager, said the cost will be shared between Lancaster County, City of Lincoln, Lincoln Electric System, Lincoln-Lancaster County Planning Department, and the County Engineer.

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

- F. **A network provider contract with the Regional Behavioral Health Authority (Region V) for the provision of certain behavioral mental health services at the Community Mental Health Center. The County shall be reimbursed up to \$3,201,565 for the services. Term of the agreement is from July 1, 2010, to June 30, 2011. (C-10-0491)**

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

6) **NEW BUSINESS CONTINUED:**

- G. **An agreement with Elton 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 Elton 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-10-0492)**

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

- H. **An amendment to an agreement between the Nebraska Department of Health and Human Services (DHHS) Division of Children and Family Services and Lancaster County Youth Services Center, found at County Contract No. C-09-0520, for the provision of detention services for youth committed to, or placed with DHHS at the Youth Services Center. The amendment changes the end of the term to December 31, 2010, and adds employee verification to the general provisions. (C-10-0496)**

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

- I. **A political subdivision tort claim filed against Lancaster County by Mary A. Brown for lost property in the amount of \$150.**

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

- J. **A political subdivision tort claim filed against Lancaster County Corrections by Rodney J. Hasbrouck for lost property in an undisclosed amount.**

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

K. **Labor Negotiations (Executive Session)**

The Chair announced the item would be held until the end of the meeting.

- 7) **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 Sheriff's monthly report for August, 2010.**
 2. **County Treasurer's report on 2007 distress warrants.**

7) **CONSENT ITEMS CONTINUED:**

- B. **Right-of-way contracts between the County Engineer and David and Vera Guittar, in the total amount of \$21,005, located at 1731 S. 98th Street; Project No. C55-KP-412(1). (C-10-0493) (C-10-0494) (C-10-0495)**
- C. **Rescheduling of a public hearing from Tuesday, November 16, 2010, to Monday, December 6, 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.**

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

8) **PUBLIC COMMENT:**

John Austin presented a cap to Commissioner Hudkins. He praised the County Board for their well run meetings. He discussed property assessments; longevity of the County Fair, State Fair and Haymarket arena; the steps in front of the County-City Building; and bus service to the County fairgrounds.

9) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 30, 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, October 5, 2010, at 9:30 a.m. in the County Commissioner Hearing Room, Room 112, on the first floor of the County-City Building, to set the final tax request at a different amount than the prior year tax request. The request is for Lancaster County and the Rural Library for Lancaster County.**
- 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.**

The Chair recessed the Board of Commissioners meeting at 10:13 a.m.

RETURNING TO ITEM 6K:

MOTION: Schorr moved and Hudkins seconded to enter executive session at 10:17 a.m. for the purpose of protecting the public interest with regards to labor negotiations. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

MOTION: Schorr moved and Hudkins seconded to exit the executive session at 10:32 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

10) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:32 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, SEPTEMBER 28, 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: Scott Gaines, Deputy County Assessor/Register of Deeds
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 21, 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 five additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

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

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

**The American Legion, Department of Nebraska
Christian Church (Disciples of Christ) in Nebraska
Congregation of Benedictine Sisters
Faith Lutheran Church & School
Lincoln Lutheran School Association
Priestly Fraternity of St. Peter, d/b/a Our Lady of Guadalupe Seminary
St. Thomas Aquinas Church
Tabitha, Inc.**

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

4) **NOTICE OF TAXABLE STATUS:**

Board of Regents of the University of Nebraska

Scott Gaines, Deputy County Assessor/Register of Deeds, said the property was purchased by the Board of Regents from a fraternity and leased back to the fraternity until their new structure is completed. The property is not for public purpose and is taxable. Hudkins clarified with Gaines that it is still being used as a fraternity house.

MOTION: Schorr moved and Stevens seconded to send the notice. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

5) **ADJOURNMENT:**

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

/s/Dan Nolte

Dan Nolte
Lancaster County Clerk