

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 15, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 8, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk or can be accessed at <http://www.ci.lincoln.ne.us>)

MOTION: Stevens moved and Campbell seconded approval of the minutes of the Board of Commissioners meeting dated October 8, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

There being no special presentations, the meeting proceeded as planned.

- 3) **PUBLIC COMMENT:**

There being no public comment, the meeting proceeded as planned.

4) **CLAIMS:** Approval of all claims processed through Tuesday, October 15, 2002.

MOTION: Hudkins moved and Campbell seconded approval of all claims processed through October 15, 2002. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. An application for an addition to licensed premises from Hotdam, Inc. d/b/a Pawnee Marina, located at 3805 Northwest 105th Street in Lancaster County, Nebraska. The addition will include a deck and volleyball courts to the west of the marina.

The Chair opened the public hearing and asked if anyone wished to testify in favor, in opposition or in a neutral position to the application.

No one appeared.

Hudkins asked that the public hearing be recessed for one week and requested that the applicants be notified of said hearing.

The Chair recessed the hearing for one week.

6) **NEW BUSINESS:**

A. An agreement with Westfield Shoppingtown Gateway to set up voter registration booths on October 24th and 25th, 2002. (C-02-0517)

Dave Shively, Election Commissioner, appeared and stated over the past several years it has been a tradition for the Election Office to have a voter registration booth at Gateway, now known as Westfield Shoppingtown Gateway, on the last two days of their in-person voter registration.

David Johnson, Deputy County Attorney, gave a brief explanation of the agreement and stated that the amount of the general liability certificate of insurance had changed from \$2,000,000 to \$500,000 as noted on page three (Promotional Guidelines) of the agreement.

6) **NEW BUSINESS CONTINUED:**

Johnson also expressed concern regarding paragraphs four and five of the indemnification agreement which indicate the County would be responsible for injuries and actions resulting from Westfield Shoppingtown Gateway employees/tenants. He added that he had talked with Joy Huber, Marketing Director for Westfield Shoppingtown Gateway, who indicated they may be willing to work on the agreement in the future, however, not at the present time. Johnson's recommendation to the County Board was to not approve the agreement as written.

Campbell asked Johnson if Westfield Shoppingtown Gateway was willing to review different language for future years.

Johnson stated he felt that they would be willing to review the different language for succeeding years.

Campbell asked Shively how many individuals, on average, have registered to vote on the last two days of in-person registration.

Shively responded they had a large turnout, approximately 400, in the year 2000, however, most years it would average between 75 to 100 individuals.

MOTION: Campbell moved and Hudkins seconded approval of an agreement with Westfield Shoppingtown Gateway to set up voter registration booths on October 24th and 25th, 2002, with the stipulation that a letter be sent to the new management indicating this would be the last year for voter registration booths unless the agreement can be renegotiated. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

B. A grant contract with Lincoln Medical Education Foundation (Family Violence Council) for the oversight and management of the "Coordinated Response to Reducing Domestic Violence" program (01-VW-716). The County shall make a grant in the amount of \$15,000 and the Lincoln Medical Education Foundation shall contribute \$3,900 in matching funds. The term of the agreement is June 1, 2002 to May 31, 2003. (C-02-0518)

6) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Campbell seconded approval of a grant contract with Lincoln Medical Education Foundation (Family Violence Council) for the oversight and management of the "Coordinated Response to Reducing Domestic Violence" program (01-VW-716). The County shall make a grant in the amount of \$15,000 and the Lincoln Medical Education Foundation shall contribute \$3,900 in matching funds. The term of the agreement is June 1, 2002 to May 31, 2003. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

C. An agreement with Connecting Data, Inc. to conduct an analysis of and make recommendations to improve the Lancaster County Juvenile Justice System. The County shall pay \$30,000 for the services. The term of the agreement is October 1, 2002 to June 30, 2003. (C-02-0519)

MOTION: Heier moved and Campbell seconded approval of an agreement with Connecting Data, Inc. to conduct an analysis of and make recommendations to improve the Lancaster County Juvenile Justice System. The County shall pay \$30,000 for the services. The term of the agreement is October 1, 2002 to June 30, 2003. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

D. A cooperative agreement with the United States Geological Survey, U.S. Department of the Interior for the operation and computation of records at the Salt Creek (Roca), Little Salt Creek, Stevens Creek and Rock Creek gauging stations. The County shall pay \$7,680 for the services. The term of the agreement is October 1, 2002 to September 30, 2003. The County shall be billed at the end of the term. (C-02-0522)

MOTION: Heier moved and Campbell seconded approval of a cooperative agreement with the United States Geological Survey, U.S. Department of the Interior for the operation and computation of records at the Salt Creek (Roca), Little Salt Creek, Stevens Creek and Rock Creek gauging stations. The County shall pay \$7,680 for the services. The term of the agreement is October 1, 2002 to September 30, 2003. The County shall be billed at the end of the term. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

E. An agreement with Cedars Youth Services for the operation of a juvenile pre-trial diversion program which includes the operation of a teen court program. The County shall provide funding in the amount of \$51,500. The term of the agreement is July 1, 2002 to June 30, 2003. (C-02-0523)

MOTION: Heier moved and Stevens seconded approval of an agreement with Cedars Youth Services for the operation of a juvenile pre-trial diversion program which includes the operation of a teen court program. The County shall provide funding in the amount of \$51,500. The term of the agreement is July 1, 2002 to June 30, 2003. Stevens, Hudkins, Heier and Workman voted aye. Campbell abstained from voting. Motion carried.

F. A purchase order/agreement with the United States Marshals Service for the provision of federal prisoner lunches at \$1.40 per meal not to exceed \$2,500 per year. The term of the agreement is October 1, 2002 to September 30, 2003. (C-02-0524)

MOTION: Hudkins moved and Campbell seconded approval of a purchase order/agreement with the United States Marshals Service for the provision of federal prisoner lunches at \$1.40 per meal not to exceed \$2,500 per year. The term of the agreement is October 1, 2002 to September 30, 2003. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

G. A contract with Justice Benefits, Inc. for grant writing services and professional assistance to the Lancaster County Corrections Department in making application and claim for eligible funding under the State Criminal Alien Assistance Program (SCAAP). The term of the agreement is a two year term from the date of execution for the following reporting periods: July 1, 2001 to June 30, 2002 with application in January, 2003 and for July 1, 2002 to June 30, 2003 with application in January, 2004. The County shall pay Justice Benefits, Inc. 22 percent of all revenue received by the County for SCAAP compensation. This agreement also acts as a rescission of the County Board's approval and execution of County contract C-02-0400 which was the previous agreement with Justice Benefits. (C-02-0525)

6) **NEW BUSINESS CONTINUED:**

David Johnson, Deputy County Attorney, appeared and indicated the previous agreement was approved by the County Board on September 3, 2002. He explained that upon receipt of the executed agreement, Justice Benefits noted a change which had not been approved by them. Also, Justice Benefits included additional language in Section 6.5 relating to funds recovered by the County which are disallowed.

Johnson also noted that a clause had been added regarding the rescission of the previous agreement under County Contract 02-0400.

MOTION: Heier moved and Stevens seconded approval of contract with Justice Benefits, Inc. for grant writing services and professional assistance to the Lancaster County Corrections Department in making application and claim for eligible funding under the State Criminal Alien Assistance Program (SCAAP). The term of the agreement is a two year term from the date of execution for the following reporting periods: July 1, 2001 to June 30, 2002 with application in January, 2003 and for July 1, 2002 to June 30, 2003 with application in January, 2004. The County shall pay Justice Benefits, Inc. 22 percent of all revenue received by the County for SCAAP compensation. This agreement also acts as a rescission of the County Board's approval and execution of County contract C-02-0400 which was the previous agreement with Justice Benefits. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

H. An agreement with Jack A. Herbert for road maintenance in conjunction with Special Permit 1763 relating to the extraction of soil on property located west of 70th Street and north of Arbor Road. Mr. Herbert shall maintain Arbor Road between North 56th and North 70th Streets, at no cost to the County. The agreement shall take effect upon execution and shall continue until the special permit has expired. (C-02-0526)

MOTION: Heier moved and Campbell seconded approval of an agreement with Jack A. Herbert for road maintenance in conjunction with Special Permit 1763 relating to the extraction of soil on property located west of 70th Street and north of Arbor Road. Mr. Herbert shall maintain Arbor Road between North 56th and North 70th Streets, at no cost to the County. The agreement shall take effect upon execution and shall continue until the special permit has expired.

6) **NEW BUSINESS CONTINUED:**

In response to a question asked by Workman, Larry Worrell, County Surveyor, clarified that Mr. Herbert would be using scrapers to haul material from his property. He explained that Mr. Herbert will be responsible for damages to the road which are attributed to the hauling from his property.

ROLL CALL: Campbell, Heier, Stevens, Workman and Hudkins voted aye.
Motion carried.

I. Liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, beginning November 1, 2002 and ending November 1, 2003, in the amount of \$6,800.

MOTION: Hudkins moved and Campbell seconded approval of liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, beginning November 1, 2002 and ending November 1, 2003, in the amount of \$6,800. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

J. A policy regarding advisory committee information on the County website.

Gwen Thorpe, Deputy Chief Administrative Officer, noted language changes on the policy.

MOTION: Campbell moved and Heier seconded approval of a policy regarding advisory committee information on the County website as amended. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

K. A grant and special conditions for the Drug Free Communities Support Program. (C-02-0516)

MOTION: Campbell moved and Heier seconded approval of a grant and special conditions for the Drug Free Communities Support Program. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

L. A resolution in the matter of setting a public hearing for Tuesday, November 12, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a request to vacate a portion of County road located on Madison Street south of "A" Street adjacent to Lot 19 in the northwest quarter of Section 31, Township 10 North, Range 8 East of the 6th p.m. in Lancaster County, Nebraska. (R-02-0126)

MOTION: Heier moved and Campbell seconded approval of Resolution 02-0126 in the matter of setting a public hearing for Tuesday, November 12, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a request to vacate a portion of County road located on Madison Street south of "A" Street adjacent to Lot 19 in the northwest quarter of Section 31, Township 10 North, Range 8 East of the 6th p.m. in Lancaster County, Nebraska.

Heier referred to the Factsheet prepared by the Planning Department and asked about the reversion provision.

Johnson stated he had not reviewed the Factsheet.

ROLL CALL: Stevens, Workman, Heier, Campbell and Hudkins voted aye.
Motion carried.

M. Recommendation from the Purchasing Agent and the copy services evaluation committee to award a Request for Proposal (RFP) and to enter into contract negotiations with Alternative Business Systems, Inc. (ABS) for "cost per copy digital photocopy and related services" for Lancaster County and the City of Lincoln. Details of the arrangement will be negotiated and brought back to the County Board in the form of a final contract. (B-02-0032)

Kathy Smith, Assistant Purchasing Agent, appeared and gave a brief overview of the RFP (Request for Proposal), noting that all individual leases have expired which has saved the County considerable money in maintenance.

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Campbell seconded to award a Request for Proposal (RFP) and enter into contract negotiations with Alternative Business Systems, Inc. (ABS) for "cost per copy digital photocopy and related services" for Lancaster County and the City of Lincoln. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

N. Recommendation from the Purchasing Agent and the Corrections Administrator to award a Request for Proposal (RFP) and enter into contract negotiations with Evercom for inmate telephone services at the Corrections Department. Details of the arrangement will be negotiated and brought back to the County Board in the form of a final contract. (B-02-0033)

In response to a question asked by Campbell, Kathy Smith, Assistant Purchasing Agent, stated that Evercom is the current provider. She explained they offered a variety of billing options in their proposal which was favorable to the committee.

MOTION: Campbell moved and Heier seconded to award a Request for Proposal (RFP) and enter into contract negotiations with Evercom for inmate telephone services at the Corrections Department. Details of the arrangement will be negotiated and brought back to the County Board in the form of a final contract. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

O. A political subdivision tort claim filed against Lancaster Manor by Nancy Sudderth as power of attorney on behalf of Ardeth G. Steinhauer for lost property, in the amount of \$332.

MOTION: Heier moved and Campbell seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against Lancaster Manor by Nancy Sudderth as power of attorney on behalf of Ardeth G. Steinhauer for lost property, in the amount of \$332. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

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:

1. **Records and Information Management's Monthly Report for September, 2002.**
2. **Register of Deeds Monthly Report for September, 2002.**

B. A resolution in the matter of an application for Corporate Manager for Teri L. Ernisse and a Class M (Bottle Club) liquor license for Chace Enterprises, Inc. d/b/a Silver Spoke Saloon, located at 1400 Saltillo Road, Lincoln, Lancaster County, Nebraska. (R-02-0125)

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and Terry and Diana Poskochil, in the total amount of \$6,365.31, at 12000 Saltillo Road; Project C55-QR-408(1). (2 contracts) (C-02-0520 and C-02-0521)

MOTION: Campbell moved and Stevens seconded approval of the Consent Items. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

8) **OTHER BUSINESS:**

Campbell suggested that the County Board Chair and Kerry Eagan, Chief Administrative Officer, work together in preparing a letter to the City Council Chair about the County's proposal regarding Trabert Hall. She further stated that the letter should clarify the County's position and also request information clarifying the position of the City.

Hudkins concurred with Campbell and suggested that Don Killeen, County Property Manager, be involved in reviewing the information. He added that Killeen has indicated that space would be provided which meets the Americans with Disabilities Act (ADA), as well as with the rules and regulations of Building and Safety.

Kerry Eagan, Chief Administrative Officer, appeared and stated he would draft a letter for discussion for the County Board's staff meeting to be held Thursday, October 17th.

9) **ADJOURNMENT:**

MOTION: Stevens moved and Campbell seconded adjournment of the Board of Commissioners meeting at 2:15 p.m. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 15, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:15 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 8, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Stevens moved and Campbell seconded approval of the minutes of the Board of Equalization meeting dated October 8, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

Peter Katt, attorney, appeared and explained he had sent a letter, dated September 27, 2002, to the Board of Equalization regarding the Lincoln Public Schools Special Building Fund levy. He stated he feels that a portion of the Special Building Fund levy, 12 cents, is unauthorized. Katt explained that there is a statutory authority which allows school districts to except out building projects approved prior to April 1, 1996, however, he feels that the study of building deficiencies conducted by Fred Thompson and Association in 1995 does not qualify as a project.

Campbell stated each Commissioner had received a copy of an opinion from the County Attorney issued on October 14, 2002 stating that the County Board, acting as the County Board of Equalization, does not have the authority to deny a portion of the levy request from the Lincoln Public Schools.

Jim Gessford, attorney representing Lincoln Public Schools, appeared and responded that they would agree with the opinion of the County Attorney.

3) **ADDITIONS AND DEDUCTIONS:**

Approval of 38 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Blessed Sacrament Parish and School
Christian Heritage Children's Homes
First Presbyterian Church
Goodwill Industries Serving Southeast Nebraska, Inc.
Midwest District Missionary Church, Inc.
Northern Lighthouse
Our Lady of Guadalupe Seminary, a division of Priestly Fraternity of St. Peter (2 exemptions)
Saint Paul United Methodist Church
Southeast Nebraska Mobile Diagnostic Service, Inc.**

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

5) **CERTIFICATION OF TAX LEVIES:**

Certification of 2002-2003 tax levies for Lancaster County, Nebraska.

Tim Genuchi, accountant for the County Clerk's Office, appeared and requested approval of the tax rates for the 66 taxing districts in Lancaster County.

MOTION: Campbell moved and Heier seconded to approve and certify the 2002-2003 tax levies for Lancaster County, Nebraska. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **APPEAL FILED ON LATE FILING PENALTY ON PERSONAL PROPERTY FOR THE FOLLOWING:**

Raasch Enterprises Inc.

Norm Agena, County Assessor, recommended denial of the appeal.

MOTION: Campbell moved and Heier seconded to accept the Assessor's recommendation and deny the appeal filed on the late filing penalty on personal property for Raasch Enterprises Inc. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Heier moved and Campbell seconded adjournment of the Board of Equalization meeting at 2:25 p.m. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk