

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 2, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

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

Commissioners Absent: Bob Workman

Others Present: 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 called to order at 1:30 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 26, 2003.

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated August 26, 2003. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Presentation of the Volunteer of the Month Award to Margaret Trippel for her services, with special recognition by Mayor Coleen J. Seng.

The Volunteer of the Month Award was presented to Margaret Trippel for her services with the Personnel Department.

Mayor Seng presented Ms. Trippel with a key to the City of Lincoln and thanked her for many hours of volunteering.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS FOR REVIEW:**

A. Payment Voucher 782-4110, dated July 21, 2003 - Families First and Foremost has requested payment to the Good Neighbor Community Center, totaling \$447.79, for care coordination. The amount is in excess of Contract C-02-0482, as amended by Contract C-03-0209.

Reneé Dozier, Office of Juvenile Mental Health, appeared and recommended denial.

MOTION: Hudkins moved and Schorr seconded denial of Payment Voucher 782-4110, dated July 21, 2003 - Families First and Foremost has requested payment to the Good Neighbor Community Center, totaling \$447.79, for care coordination. The amount is in excess of Contract C-02-0482, as amended by Contract C-03-0209. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

B. Payment Voucher 784-8081, dated July 31, 2003 - Community Mental Health Center has requested payment to Wendy Blum, totaling \$216.90, for mileage charges from April 1, 2003 through July 31, 2003. This claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

MOTION: Schorr moved and Stevens seconded approval of Payment Voucher 784-8081, dated July 31, 2003 - Community Mental Health Center has requested payment to Wendy Blum, totaling \$216.90, for mileage charges from April 1, 2003 through July 31, 2003. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

C. Payment Voucher 782-4186, dated August 4, 2003 - Juvenile Mental Health (Families First and Foremost) has requested payment to M. Renee Dozier, totaling \$107.07, for parking and mileage charges from January 4, 2003 through March 24, 2003. This claim is beyond the 90 day time period (see Neb. Rev. Stat. §23-135).

4) **CLAIMS FOR REVIEW CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of Payment Voucher 782-4186, dated August 4, 2003 - Juvenile Mental Health (Families First and Foremost) has requested payment to M. Renee Dozier, totaling \$107.07, for parking and mileage charges from January 4, 2003 through March 24, 2003. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

D. Payment Voucher 784-8128, dated August 22, 2003 - Community Mental Health has requested payment to Lincoln Psychological Services, in the amount of \$5,655, for payment under County Contract C-03-0311 for services from August 11, 2003 through August 22, 2003. The contract states payment of \$65 per hour with a maximum of 45 hours per week. The week of August 11 through August 16 exceeds that amount by two hours for a total of 47 hours in a one week period.

David Johnson, Deputy County Attorney, read a letter, which was submitted into the record, from Dean Settle, Community Mental Health Center Director, regarding billing for Lincoln Psychological Services (Exhibit 1). Recommendation was to approve the payment voucher.

MOTION: Hudkins moved and Stevens seconded approval of Payment Voucher 784-8128, dated August 22, 2003 - Community Mental Health has requested payment to Lincoln Psychological Services, in the amount of \$5,655, for payment under County Contract C-03-0311 for services from August 11, 2003 through August 22, 2003. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

5) **CLAIMS: Approval of all claims processed through Tuesday, September 2, 2003.**

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through September 2, 2003. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

6) PUBLIC HEARINGS:

- A. County Miscellaneous 03006, requested by the Director of Planning, to amend the County Subdivision Resolution to increase application filing fees.
- B. County Miscellaneous 03007, requested by the Director of Planning, to establish a fee for requests to amend the Comprehensive Plan.
- C. County Change of Zone 215, requested by the Director of Planning, to amend the County Zoning Resolution to increase application filing fees.

Mike DeKalb, Planning Department, requested that Public Hearing Items 6A through 6C be heard together.

The Chair opened the public hearings.

The Clerk administered the oath to DeKalb.

DeKalb stated that County Miscellaneous 03006 and 03007, as well as County Change of Zone 215, relate to fee amendments for change of zones and zoning text, subdivision text and the Comprehensive Plan. He explained that with the fee amendments, the County fees would match the City fees.

The Chair asked if anyone else wished to testify in favor, opposition or in a neutral position.

No one appeared the hearings were closed.

MOTION: Hudkins moved and Stevens seconded approval of County Miscellaneous 03006, County Miscellaneous 03007 and County Change of Zone 215 and requested the County Attorney's Office to draft resolutions for the County Board meeting to be held on September 9, 2003.

In response to a question asked by Schorr regarding the effective date, Johnson suggested the changes be effective next Tuesday, September 9, 2003.

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

7) OLD BUSINESS:

- A. Comprehensive Plan Amendment Number 02001.B, requested by the Realty Trust Group, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation from Agriculture to Urban Residential and Commercial uses, on property generally located at the southeast corner of 84th and South Streets.**

Johnson requested a memo, dated August 7, 2003, from Marvin Krout, Planning Director, be submitted into the record (Exhibit 2). He stated the recommendation is that the County Board remove Amendment 02001.B from pending.

MOTION: Schorr moved and Hudkins seconded to remove Amendment 02001.B from pending. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- B. A cooperative agreement with the State of Nebraska, Department of Health and Human Services for the County to provide behavioral health services to high need youth who are wards of the State of Nebraska and reside in Lancaster County. The term of the agreement is from July 1, 2003 to June 30, 2004. The County will serve a maximum of 230 state ward youth at any one time and will be reimbursed \$2,360 per youth, per month for the services provided. (C-03-0451)**

Johnson gave a brief explanation of the agreement, noting that it does not include amended language as recommended by the County Attorney's Office.

MOTION: Schorr moved and Stevens seconded approval of a cooperative agreement with the State of Nebraska, Department of Health and Human Services for the County to provide behavioral health services to high need youth who are wards of the State of Nebraska and reside in Lancaster County. Schorr and Stevens voted yes. Hudkins and Heier voted no. Motion failed.

- C. A joint funding agreement with the United States Department of the Interior, United States Geological Survey (USGS) for the procurement of Light Detection and Ranging (LIDAR). The County will contribute \$92,000. Term of the agreement is July 1, 2003 to June 30, 2004. (C-03-0457)**

7) **OLD BUSINESS CONTINUED:**

MOTION: Hudkins moved and Schorr seconded approval of a joint funding agreement with the United States Department of the Interior, United States Geological Survey (Item 7C) and a memorandum of understanding between the United States Geological Survey (USGS) EROS Data Center, USGS Mid-Continent Mapping Center (Item 7D). Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

D. A memorandum of understanding between the United States Geological Survey (USGS) EROS Data Center, USGS Mid-Continent Mapping Center for Light Detection and Ranging (LIDAR) data. The USGS EROS Data Center will provide \$92,000 in matching funds for LIDAR data. They will also provide the task order for bid by contractors. (C-03-0458)

See Old Business Item 7C.

8) **NEW BUSINESS:**

A. An agreement with the Village of Bennet for law enforcement services within the Village limits. The Lancaster County Sheriff will assign one deputy to duty in the Village limits and provide a cruiser. The Village will reimburse the County at the overtime rate of pay for the deputy assigned. The term of the agreement is September 1, 2003 to August 31, 2004. (C-03-0459)

MOTION: Schorr moved and Hudkins seconded approval of an agreement with the Village of Bennet for law enforcement services within the Village limits. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

B. A grant contract with the Rape/Spouse Abuse Crisis Center for funding for the oversight and management of two full-time advocates who supply enhanced 24 hour advocacy to victims in person or by phone. The term of the agreement is from June 1, 2003 to May 31, 2004. The County will pay \$59,569. (C-03-0462)

8) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of a grant contract with the Rape/Spouse Abuse Crisis Center for funding for the oversight and management of two full-time advocates who supply enhanced 24 hour advocacy to victims in person or by phone. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

C. An agreement with the State Public Policy Group d/b/a Nebraska Public Policy Group for services to assist the Community Mental Health Center in the implementation of the Lancaster County Jail Diversion Capacity Expansion grant. The contractor will provide program evaluation for each year of the grant in accordance with the evaluation and requirements of the funding agency. The term of the agreement will be from June 1, 2003 to June 30, 2004. The County will pay up to \$34,000 as reimbursement of services rendered under the terms of the agreement. (C-03-0464)

Johnson requested that the agreement be held.

By direction of the Chair, the agreement was held.

D. An addendum to a contract with Helget, Inc. d/b/a Capital Medical for respiratory services for Lancaster Manor. The original agreement was under County Contract C-03-0170. The addendum addresses the requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations with respect to "business associates" as the term is defined by the HIPAA Privacy Regulations. (C-03-0460)

MOTION: Hudkins moved and Stevens seconded approval of an addendum to a contract with Helget, Inc. d/b/a Capital Medical for respiratory services for Lancaster Manor. The original agreement was under County Contract C-03-0170. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

8) **NEW BUSINESS CONTINUED:**

E. An amendment to an agreement with Nationwide Life Insurance Company who currently provides services for the County's Retirement Plan under a group annuity contract. The amendment changes the interest rate for the January 1, 2003 to December 31, 2003 contract year to 5.35 percent and the interest rate for the January 1, 2004 to December 31, 2004 contract year to 4.20 percent (minimum). (C-03-0461)

MOTION: Hudkins moved and Schorr seconded approval of an amendment to an agreement with Nationwide Life Insurance Company who currently provides services for the County's Retirement Plan under a group annuity contract. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

F. An amendment to an agreement with Evercom for the inmate pay telephone agreement with the Lancaster County Juvenile Detention Facility. The original agreement was executed by the County on December 18, 2001 and the amendment allows Evercom to provide pre-paid calling cards at the facility. (C-03-0463)

MOTION: Stevens moved and Hudkins seconded approval of an amendment to an agreement with Evercom for the inmate pay telephone agreement with the Lancaster County Juvenile Detention Facility. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

G. Affiliation agreement for Clinical Education at the Community Mental Health Center. The agreement is with the University of Nebraska College of Nursing in Omaha. The term of the agreement is for one year from June 13, 2003 to June 13, 2004 with automatic renewal. The renewal includes language required under HIPAA. (C-0-0465)

MOTION: Schorr moved and Hudkins seconded approval of an affiliation agreement with the University of Nebraska College of Nursing in Omaha for Clinical Education at the Community Mental Health Center. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

8) NEW BUSINESS CONTINUED:

H. Credit card application with Wells Fargo for the Juvenile Detention Center. The application is for one credit card with a limit of \$2,000. (C-03-0466)

By direction of the Chair, the application was held.

I. A resolution authorizing the following traffic signs in Lancaster County, Nebraska: (R-03-0083)

- ▶ Installation of a "Stop Ahead" sign in advance of the existing "Stop" sign on West Wittstruck Road west of Southwest 100th Street for eastbound traffic.
- ▶ Installation of a "Stop Ahead" sign in advance of the existing "Stop" sign on Yankee Hill Road west of South 148th Street for eastbound traffic.
- ▶ Installation of a "Stop Ahead" sign in advance of the existing "Stop" sign on West Bennet Road east of Southwest 100th Street for westbound traffic.
- ▶ Removal of the existing "Stop" sign on Bennet Road at the intersection with South 46th Street for westbound traffic.

The above sign changes will create through traffic on Bennet Road and South 46th Street traffic has an existing "Stop" sign. This resolution also includes:

- ▶ Installation of a "Cross Traffic Does Not Stop" sign below the existing "Stop" sign on South 46th Street at the intersection with Bennet Road for northbound traffic.

MOTION: Hudkins moved and Stevens seconded approval of Resolution 03-0083. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the Records Manager to award a bid to Image Express, Inc., in the amount of \$50,665, for one Kodak Archive Writer including one extra cassette and one year warranty for the Records and Information Management Department. (B-03-0021)

8) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded to award a bid to Image Express, Inc., in the amount of \$50,665, for one Kodak Archive Writer including one extra cassette and one year warranty for the Records and Information Management Department. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the Records Manager to reject all bids for conversion of digital images to microfilm for the Records and Information Management Department. (B-03-0022)

MOTION: Stevens moved and Hudkins seconded to reject all bids for conversion of digital images to microfilm for the Records and Information Management Department. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

L. Approval of Joint Budget Committee Keno Prevention Fund grants as follows:

- ▶ Cedars Youth Services, in the amount of \$1,050, for supplies and food.
- ▶ Heartland Big Brother/Big Sisters, in the amount of \$1,438, for school-based mentoring.
- ▶ St. Elizabeth's Foundation, in the amount of \$1,900, for translation services and scholarships.
- ▶ Capital Sports Foundation, in the amount of \$6,000, for the Camp Abbott summer enrichment program for youth.
- ▶ Cedars Youth Services, in the amount of \$5,900, for the Independent Life Skills Program.
- ▶ Cornhusker Boy Scout Council, in the amount of \$5,000, for youth protection training.
- ▶ Lincoln Action Program, in the amount of \$3,000, for contractual services for interpreters and health supplies.
- ▶ Lincoln Council on Alcoholism and Drugs, in the amount of \$3,000, for the Strengthening Families Project.
- ▶ Northeast Family Resource Center, in the amount of \$2,500, for the Strengthening Children's Health Program.
- ▶ YWCA, in the amount of \$7,500, for the Try Another Way Program.

By direction of the Chair, this item was held for one week.

8) **NEW BUSINESS CONTINUED:**

M. A letter to Nationwide Retirement Solutions (NRS) Authorizing NRS to implement the V2 Fixed Contract currently offered with the 401(a) Lancaster County Employees Pension Plan for the newly created 457 Deferred Compensation Plan at the same fixed rate of 5.35% through December 31, 2003.

MOTION: Hudkins moved and Stevens seconded approval of a letter to Nationwide Retirement Solutions (NRS) Authorizing NRS to implement the V2 Fixed Contract currently offered with the 401(a) Lancaster County Employees Pension Plan for the newly created 457 Deferred Compensation Plan at the same fixed rate of 5.35% through December 31, 2003. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

N. Request from Mary Kay Hansen, Esq. for payment of \$124.50, which amounts to 25 percent of Social Security disability benefits which were reimbursed to Lancaster County for Dorthea Bartell. This request is made pursuant to County Resolution Number 4630.

MOTION: Stevens moved and Hudkins seconded approval of a request from Mary Kay Hansen, Esq. for payment of \$124.50, which amounts to 25 percent of Social Security disability benefits which were reimbursed to Lancaster County for Dorthea Bartell. This request is made pursuant to County Resolution Number 4630. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

O. Request from G. Dee Knudson for a refund of taxes on real property located at 6501 Monticello, Lincoln, Lancaster County, Nebraska.

Norm Agena, County Assessor/Register of Deeds, stated he was recommending denial of the request based on advice from the County Attorney's Office.

MOTION: Stevens moved and Schorr seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the request for refund. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

9) **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. Sheriff's Report of Fees for July, 2003.
2. 2003 Annual Inventory of County Real Property from the County Assessor/Register of Deeds.

B. Setting of a public hearing for Tuesday, September 9, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building relating to set the final tax requests for Lancaster County and the Rural Library.

C. Setting of a public hearing for Tuesday, September 16, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building relating to County Final Plat 03025, Prairie Creek Estates, requested by Brian D. Carstens and Associates on behalf of Nebraska Prairie, L.L.C., consisting of eight single family acreage lots and three outlots, on property generally located at South 148th Street and Van Dorn Street in Lancaster County, Nebraska.

D. Setting of a public hearing for Tuesday, September 23, 2003 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding an application for an amusement license from Julie Diegel on behalf of the University Place Art Center to hold a wine tasting fund raiser and an art sale on Sunday, October 12, 2003 from 3 p.m. to 6 p.m. at the residence of Scott Zager and Lisa Zentz-Zager located at 6405 North 134th Street, Waverly, Lancaster County, Nebraska.

E. A resolution in the matter of County Special Permit 203, requested by Nextel Partners, Inc., for authority to construct a 420 foot broadcast tower for wireless facilities, on property generally located southeast of the intersection of North 1st Street and Ashland Road in Lancaster County, Nebraska. (R-03-0084)

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

10) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:20 p.m.. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 2, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Commissioners Absent: Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
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 called to order at 2:21 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 26, 2003.

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated August 26, 2003. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

3) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS:**

Approval of 3 additions and deductions to the tax assessment rolls per Exhibit A.

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Daughters of the Holy Spirit
Sisters of Mary Queen of Mercy**

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

5) **NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, September 23, 2003 immediately following the Board of Commissioners meeting, which begins at 1:30 p.m., in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation changes for omitted or undervalued property for the following:

**Robert and Kathy Findley
Allan R. Jones**

MOTION: Hudkins moved and Schorr seconded approval of setting a public hearing for Tuesday, September 23, 2003 immediately following the Board of Commissioners meeting, which begins at 1:30 p.m., in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation changes for omitted or undervalued property for Robert and Kathy Findley and for Allan R. Jones. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Equalization meeting at 2:24 p.m.. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk