

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, MARCH 23, 2004**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
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, March 16, 2004.**

**MOTION:** Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated March 16, 2004. Schorr, Hudkins, Workman and Stevens voted aye. Heier abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

Robert VanValkenburg, 7921 Reno Road, Lincoln, Nebraska appeared and addressed concerns regarding a \$70 million bond issue for the school system.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, March 23, 2004.**

**MOTION:** Schorr moved and Hudkins seconded approval of all claims processed through March 23, 2004. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **OLD BUSINESS:**

- A. A resolution in the matter of an application for a Class M (Bottle Club) liquor license for Richard R. Ferguson d/b/a The Bennet Hideaway Bed & Breakfast, located at 12100 South 162<sup>nd</sup> Street, Bennet, Lancaster County, Nebraska. (R-04-0025)**

Kristy Mundt, Deputy County Attorney, referred to Neb. Rev. Stat. §53-186.01 which provides that "it shall be unlawful for any person owning, operating, managing or conducting any dance hall club or any place open to the general public to permit any person to consume alcoholic liquor.". She stated because the bed and breakfast is open to the general public the applicant is required to apply for a license to allow the guest to consume outside of their private room.

Mundt referred to concerns addressed by the Board that a Class M liquor license could allow the applicant to open a bar/lounge and suggested to the Board that they could make a recommendation to the Liquor Control Commission with conditions.

**MOTION:** Schorr moved and Heier seconded approval of Resolution 04-0025 in the matter of an application for a Class M (Bottle Club) liquor license for Richard R. Ferguson d/b/a The Bennet Hideaway Bed & Breakfast, located at 12100 South 162<sup>nd</sup> Street, Bennet, Lancaster County, Nebraska with the following conditions: 1) The sole purpose of the license is to allow the license holder to provide complimentary wine to his guests for consumption within the confines of the licenses premises; and 2) The license holder is prohibited from selling alcohol on the premises and from operating a bar or lounge on the premises, for the above stated location. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

- B. A grant contract with the City of Lincoln for funding for the Lincoln Police Department's Domestic Violence Specialist, in the amount of \$35,000. Term of the grant contract is June 1, 2003 to May 31, 2004. The City of Lincoln will contribute \$11,570 in matching funds. (C-04-0100)**

**MOTION:** Workman moved and Hudkins seconded approval of a grant contract with the City of Lincoln for funding for the Lincoln Police Department's Domestic Violence Specialist, in the amount of \$35,000. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **NEW BUSINESS:**

**A. A contract with Shanahan Brothers Construction for grading construction in relation to Project 04-24, Part II. The work will be performed at the following locations: Rock Creek Road, from North 1<sup>st</sup> Street, west approximately 1,000 feet; the intersection of Northwest 12<sup>th</sup> Street and Davey Road; and Northwest 84<sup>th</sup> Street, from Adams Street to Highway 34. The County will pay \$244,047.80 for the services. The work will begin May 17, 2004 and be completed within 70 workings days. (C-04-0144)**

**MOTION:** Hudkins moved and Schorr seconded approval of a contract with Shanahan Brothers Construction for grading construction in relation to Project 04-24, Part II. The work will be performed at the following locations: Rock Creek Road, from North 1<sup>st</sup> Street, west approximately 1,000 feet; the intersection of Northwest 12<sup>th</sup> Street and Davey Road; and Northwest 84<sup>th</sup> Street, from Adams Street to Highway 34. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

**B. A contract with Richard Japp for grading construction in relation to Project 04-24, Part I. The work will be performed at the following locations: Waverly Road, from North 148<sup>th</sup> Street, west approximately 1,000 feet; North 162<sup>nd</sup> Street, from Highway 6 to Salt Creek Road; and North 134<sup>th</sup> Street, from "O" to Holdrege Streets. The County will pay \$204,236.75 for the services. The work will begin April 19, 2004 and be completed with 55 working days. (C-04-0145)**

**MOTION:** Workman moved and Schorr seconded approval of a contract with Richard Japp for grading construction in relation to Project 04-24, Part I. The work will be performed at the following locations: Waverly Road, from North 148<sup>th</sup> Street, west approximately 1,000 feet; North 162<sup>nd</sup> Street, from Highway 6 to Salt Creek Road; and North 134<sup>th</sup> Street, from "O" to Holdrege Streets. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

5) NEW BUSINESS CONTINUED:

C. **A business associate agreement between Cornhusker Place, Inc. (“covered entity”) and Lancaster County on behalf of the Community Mental Health Center (“business associate”). The agreement addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to “business associates” as that term is defined by the HIPAA Privacy Rules. (C-04–147)**

**MOTION:** Schorr moved and Heier seconded approval of a business associate agreement between Cornhusker Place, Inc. (“covered entity”) and Lancaster County on behalf of the Community Mental Health Center (“business associate”). Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

D. **A resolution in the matter of appointing a Privacy Officer, approving a Notice of Privacy Practices form and adopting certain Privacy Policy Amendments, in connection with the County sponsored group health plans and pursuant to the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). (R-04-0028)**

E. **A Plan Document Amendment to the Lancaster County Group Dental Plan Number 301074. (C-04-0148)**

F. **Certification of Amendment to Plan Document of the Lancaster County Group Dental Plan Number 301074. (C-04-0149)**

G. **Certification of Amendment to Plan Document of the Lancaster County Flexible Benefit Plan. (C-04-0150)**

Items 5D through 5G were taken together.

Diane Carlson, Deputy County Attorney, appeared and briefly outlined Items 5D through 5G stating the documents ensure that the County's health plans are in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA). She stated the health plans affected are the dental and flexible spending account (FEBA) plans.

5) **NEW BUSINESS CONTINUED:**

Carlson referred to Item 5E and explained that the Plan Document Amendment tells the plan that the County will not use any protective health information which they might receive regarding employees, except for as required by law or are necessary to administer the plan.

The remaining two items (5F and 5G), she stated, relate to certification that the Plan Amendment was made to the dental plan, as well as the FEBA plan.

**MOTION:** Heier moved and Schorr seconded approval of Items 5D (Resolution 04-0028), 5E (Plan Document Amendment to the Lancaster County Group Dental Plan), 5F (Certification of Amendment to Plan Document of the Lancaster County Group Dental Plan) and 5G (Certification of Amendment to Plan Document of the Lancaster County Flexible Benefit Plan). Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

**H. An agreement with First Step Recovery and Wellness Center for non-physician substance abuse treatment services for an individual who has been placed in the Lancaster County Adult Drug Court. Term of the agreement is March 1, 2004 through August 31, 2004. The County will pay \$615 for such services. (C-04-0151)**

**MOTION:** Workman moved and Heier seconded approval of an agreement with First Step Recovery and Wellness Center for non-physician substance abuse treatment services for an individual who has been placed in the Lancaster County Adult Drug Court. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**I. A maintenance agreement with Performance Document Solutions d/b/a Professional Office Systems, Inc. for three power files located in the Clerk of the District Court's office. Term of the agreement is February 1, 2004 through January 31, 2005. The County will pay \$2,625 (\$875 each) for the services. (C-04-0152)**

Sue Kirkland, Clerk of the District Court, appeared and indicated she felt they could continue to use the power files for several more years.

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Workman seconded approval of a maintenance agreement with Performance Document Solutions d/b/a Professional Office Systems, Inc. for three power files located in the Clerk of the District Court's office. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

**J. Ratification of a pest control proposal for Lancaster Manor for annual pest control services, including rodent and insect management and exterior perimeter treatment with Presto-X Company. Rates have been established as follows: Rodent and insect management, in the amount of \$210 for the first month, and \$125 per month thereafter; and exterior perimeter treatments, in the amount of \$150 per treatment. This agreement may be terminated by either party upon 30 days written notice. (C-04-0146)**

**MOTION:** Hudkins moved and Schorr seconded approval to ratify a pest control proposal for Lancaster Manor for annual pest control services, including rodent and insect management and exterior perimeter treatment with Presto-X Company. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**K. Recommendation from the Purchasing Agent and the County Engineer to award a bid for rock hauling and production as follows: (B-04-0011)**

**Project 04-26H - Waverly Maintenance Station**

Buel Trucking, Inc. (hauler)	\$2.20/Ton	\$22,220
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$64,539</u>
<b>Project Total</b>		<b>\$86,759</b>

**Project 04-27H - Raymond Maintenance Station**

Lyman-Richey Sand & Gravel (hauler)	\$2.76/Ton	\$21,252
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$49,203</u>
<b>Project Total</b>		<b>\$70,455</b>

**Project 04-28H - Emerald Stockpile**

Westover Rock & Sand, Inc. (hauler)	\$3.33/Ton	\$13,320
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$25,560</u>
<b>Project Total</b>		<b>\$38,880</b>

5) **NEW BUSINESS CONTINUED:**

**Project 04-29H - SW 12<sup>th</sup> Street & W Saltillo Road Stockpile**

Buel Trucking, Inc. (hauler)	\$3.75/Ton	\$15,375
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$26,199</u>
<b>Project Total</b>		<b>\$41,574</b>

**Project 04-30H - Roca Maintenance Station Stockpile**

LeRoy Hiskey Trucking Co. (hauler)	\$3.80/Ton	\$30,780
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$51,759</u>
<b>Project Total</b>		<b>\$82,539</b>

**Project 04-31H - So 68<sup>th</sup> Street between Olive Creek Road & Princeton Road**

Westover Rock & Sand, Inc. (hauler)	\$4.77/Ton	\$14,310
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$19,170</u>
<b>Project Total</b>		<b>\$33,480</b>

**Project 04-32H -Walton Maintenance Station - So 134<sup>th</sup> & A Streets**

Buel Trucking (hauler)	\$2.85/Ton	\$11,400
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$25,560</u>
<b>Project Total</b>		<b>\$36,960</b>

**Project 04-33H - Southwest 100<sup>th</sup> Street & Hallam Road Stockpile**

Westover Rock & Sand, Inc. (hauler)	\$6.06/Ton	\$12,120
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$12,780</u>
<b>Project Total</b>		<b>\$24,900</b>

**Project 04-34H - Southwest 98<sup>th</sup> Street & Saltillo Road Stockpile**

Kuhn's Rock, Inc. (hauler)	\$4.00/Ton	\$ 8,000
Lyman-Richey Sand & Gravel (producer)	\$6.39/Ton	<u>\$12,780</u>
<b>Project Total</b>		<b>\$20,780</b>

**Total cost of hauling and production is \$436,327.**

The Clerk noted that the bid should be for gravel hauling instead of rock hauling.

**MOTION:** Heier moved and Hudkins seconded approval to award a bid for gravel hauling and production as recommended by the Purchasing Agent and the County Engineer. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**L. Request for salary increase for Matt Graff, an Attorney I with the Lancaster County Public Defender's Office, to \$48,719, effective March 18, 2004.**

**MOTION:** Workman moved and Heier seconded approval of a request for salary increase for Matt Graff, an Attorney I with the Lancaster County Public Defender's Office, to \$48,719, effective March 18, 2004. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

**M. A political subdivision tort claim filed against the Lancaster County Corrections Department by Michael Schuman, in the amount of \$50, for lost property.**

**MOTION:** Schorr moved and Hudkins seconded denial of a political subdivision tort claim filed against the Lancaster County Corrections Department by Michael Schuman, in the amount of \$50, for lost property. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

**N. A political subdivision tort claim filed against the Lancaster County Corrections Department by Michael Schuman, in the amount of \$25, for lost property.**

**MOTION:** Workman moved and Heier seconded denial of a political subdivision tort claim filed against the Lancaster County Corrections Department by Michael Schuman, in the amount of \$25, for lost property. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

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:**

**1. Clerk of the District Court's Monthly Report for February, 2004.**



6) CONSENT ITEMS CONTINUED:

- B. Setting of a public hearing for Tuesday, April 6, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 113, on the first floor of the County-City Building regarding a petition from ten percent of the property owners living in Plum Ridge Estates for formation of a special paving improvement district. The proposed District will be called the Plum Ridge Road Improvement District.
- C. Setting of a public hearing for Tuesday, April 20, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 113, on the first floor of the County-City Building regarding an application for Corporate Manager for Kim McKay and an application for a Class M (Bottle Club) and a Class B (Beer, Off Sale Only) liquor license for SKM Enterprises Inc. d/b/a Castaways Bar & Grill/Pawnee Lake Marina, located at 3805 Northwest 105<sup>th</sup> Street, in Lancaster County, Nebraska.
- D. Request from Kristy Mundt, Deputy County Attorney, to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements.
- E. A leasehold contract relating to culvert construction between the Lancaster County Engineering Department and Paul Doeschot, in the amount of \$10, at South 120<sup>th</sup> Street and Hickman Road; Project C.P.R-213. (C-04-0153)
- F. A right-of-way contract relating to culvert construction between the Lancaster County Engineering Department and Arva M. Umland, Trustee, et al, in the amount of \$379, at 18001 Wittstruck Road; Project C.P.R-151. (C-04-0154)

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

7) **ADJOURNMENT:**

**MOTION:** Heier moved and Schorr seconded adjournment of the Board of Commissioners meeting at 2:05 p.m.. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MARCH 23, 2004  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

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

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order 2:05 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 16, 2004.**

**MOTION:** Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated March 16, 2004. Schorr, Hudkins, Workman and Stevens voted aye. Heier abstained from voting. Motion carried.

- 2) **PUBLIC COMMENT:**

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

- 3) **ADDITIONS AND DEDUCTIONS:**

**Approval of 192 additions and deductions to the tax assessment rolls per Exhibit "A".**

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Mid-America Union Conference of Seventh-day Adventists**

**MOTION:** Heier moved and Workman seconded approval of the motor vehicle tax exemption for Mid-America Union Conference of Seventh-day Adventists. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Schorr moved and Heier seconded adjournment of the Board of Equalization at 2:06 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk