

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, SEPTEMBER 18, 2007**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

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

Commissioners Absent: Bob Workman, Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
Tom Fox, Deputy County Attorney  
Dan Nolte, County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

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 11, 2007.**

**MOTION:** Stevens moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on September 11, 2007. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, September 18, 2007.**

**MOTION:** Schorr moved and Hudkins seconded approval of all claims processed through September 18, 2007. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

3) **OLD BUSINESS:**

**A. A resolution instituting eminent domain proceedings against Douglas B. and Kimberly K. Rath, Trustees, Project C55-M-407(1), Tract No. 4 (Northwest 70<sup>th</sup> Street between West Adams and West Superior Streets). (R-07-0068)**

3) **OLD BUSINESS CONTINUED:**

Tom Fox, Deputy County Attorney, explained that Jim Shotkoski, County Engineering Department, contacted the attorney for the Rath's and it appears an agreement can be reached. Recommendation from the County Attorney's Office was to hold the resolution for one week.

**MOTION:** Hudkins moved and Schorr seconded to hold Resolution 07-0068 instituting eminent domain proceedings against Douglas B. and Kimberly K. Rath, Trustees, Project C55-M-407(1), Tract No. 4 (Northwest 70<sup>th</sup> Street between West Adams and West Superior Streets) for one week.

Stevens stated the item has been delayed several times and he feels they should proceed with the resolution.

**ROLL CALL:** Schorr and Hudkins voted aye. Heier and Stevens voted no. Motion failed.

**MOTION:** Stevens moved and Heier seconded to approve Resolution 07-0068. Stevens and Heier voted aye. Schorr and Hudkins voted no. Motion failed.

**MOTION:** Hudkins moved to place Resolution 07-0068 on the County Board's agenda for Tuesday, September 25, 2007.

Motion died for lack of a second.

By direction of the Chair, Resolution 07-0068 will be placed on the County Board's agenda for Tuesday, September 25, 2007.

4) **NEW BUSINESS:**

**A. A resolution in the matter of proclaiming Monday, September 24, 2007 as 'Family Day - A Day to Eat Dinner With Your Children'. (R-07-0088)**

**MOTION:** Schorr moved and Stevens seconded approval of Resolution 07-0088 in the matter of proclaiming Monday, September 24, 2007 as 'Family Day - A Day to Eat Dinner With Your Children'.

4) **NEW BUSINESS CONTINUED:**

The Clerk read the resolution into the record.

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

**B. An interlocal agreement with the City of Waverly for two Sheriff's Deputies for law enforcement services within the corporate limits of the City of Waverly. Term of the agreement is from October 1, 2007 to September 30, 2008. The County will be reimbursed up to \$164,560.90. (C-07-0364)**

**MOTION:** Stevens moved and Hudkins seconded approval of an interlocal agreement with the City of Waverly for two Sheriff's Deputies for law enforcement services within the corporate limits of the City of Waverly. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

**C. A contract with Pavers, Inc., in the amount of \$373,711.06, for asphaltic concrete paving of Yankee Hill Road from South 40<sup>th</sup> Street east to South 56<sup>th</sup> Street; Project No. 08-04. The work will begin upon notice to proceed by the County and will be completed on or before November 9, 2007. (C-07-0365)**

**MOTION:** Schorr moved and Stevens seconded approval of a contract with Pavers, Inc., in the amount of \$373,711.06, for asphaltic concrete paving of Yankee Hill Road from South 40<sup>th</sup> Street east to South 56<sup>th</sup> Street; Project No. 08-04. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

**D. An agreement with the Board of Regents of the University of Nebraska and the Lincoln Housing Authority for operation of the Nutrition Education Program in order to address the nutritional needs of certain limited income persons living in urban housing in Lancaster County. Term of the agreement is September 1, 2007 to August 31, 2008. The County will pay \$18,351 for the services which will be provided by the University. The Housing Authority will also pay \$10,519 for the services, combined with \$6,336 from the United States Department of Agriculture (USDA) Food Stamp Nutrition Education grant for a total of \$35,206. (C-07-0366)**

4) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Schorr seconded approval of an agreement with the Board of Regents of the University of Nebraska and the Lincoln Housing Authority for operation of the Nutrition Education Program in order to address the nutritional needs of certain limited income persons living in urban housing in Lancaster County. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

**E. A contract between Lancaster County and Bob Barker Company for the purchase of corrections staff clothing, inmate clothing and accessories on an as needed basis by the Lancaster County Corrections Department, Youth Service Center and the Community Mental Health Center. Term of the contract is one year from the date of execution of the contract, with an option to renew for two additional one year periods. The price of the clothing and accessories is according to the accepted proposal of the company which is attached to the contract. (C-07-0367)**

**MOTION:** Stevens moved and Hudkins seconded approval of a contract between Lancaster County and Bob Barker Company for the purchase of corrections staff clothing, inmate clothing and accessories on an as needed basis by the Lancaster County Corrections Department, Youth Service Center and the Community Mental Health Center. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

**F. A contract between Lancaster County and Robinson Textile for the purchase of corrections staff clothing, inmate clothing and accessories on an as needed basis by the Lancaster County Corrections Department, Youth Service Center and the Community Mental Health Center. Term of the contract is one year from the date of execution of the contract, with an option to renew for two additional one year periods. The price of the clothing and accessories is according to the accepted proposal of the company which is attached to the contract. (C-07-0368)**

**MOTION:** Schorr moved and Hudkins seconded approval of a contract between Lancaster County and Robinson Textile for the purchase of corrections staff clothing, inmate clothing and accessories on an as needed basis by the Lancaster County Corrections Department, Youth Service Center and the Community Mental Health Center. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

**G. A contract between Lancaster County and Shoe Corporation of Birmingham, Inc. for the purchase of corrections staff clothing, inmate clothing and accessories on an as needed basis by the Lancaster County Corrections Department, Youth Service Center and the Community Mental Health Center. Term of the contract is one year from the date of execution of the contract, with an option to renew for two additional one year periods. The price of the clothing and accessories is according to the accepted proposal of the company which is attached to the contract. (C-07-0369)**

**MOTION:** Hudkins moved and Stevens seconded approval of a contract between Lancaster County and Shoe Corporation of Birmingham, Inc. for the purchase of corrections staff clothing, inmate clothing and accessories on an as needed basis by the Lancaster County Corrections Department, Youth Service Center and the Community Mental Health Center. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

**H. A contract between Lancaster County and Uniform Manufacturing, Inc. for the purchase of corrections staff clothing, inmate clothing and accessories on an as needed basis by the Lancaster County Corrections Department, Youth Service Center and the Community Mental Health Center. Term of the contract is one year from the date of execution of the contract, with an option to renew for two additional one year periods. The price of the clothing and accessories is according to the accepted proposal of the company which is attached to the contract. (C-07-0370)**

**MOTION:** Schorr moved and Stevens seconded approval of a contract between Lancaster County and Uniform Manufacturing, Inc. for the purchase of corrections staff clothing, inmate clothing and accessories on an as needed basis by the Lancaster County Corrections Department, Youth Service Center and the Community Mental Health Center. Heier, Schorr, Stevens and Hudkins voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

**I. Acceptance of a grant award from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the Comprehensive Approaches to Sex Offender Management: Improved and Enhanced Response to Sex Offenders in Lancaster County, Nebraska. The County will receive \$250,000. Term of the grant award is July 1, 2007 to June 30, 2009. (C-07-0371)**

**MOTION:** Hudkins moved and Stevens seconded to accept a grant award from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the Comprehensive Approaches to Sex Offender Management: Improved and Enhanced Response to Sex Offenders in Lancaster County, Nebraska. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

**J. Change Order Numbers 1 and 2 to a contract between Lancaster County and Pyramid Roofing for roof replacement at Lancaster Manor. Change Order Number 1 is an increase of \$6,840 for installation of 28 dormers on the third story section of the building and for replacement of one by four inch wood. Change Order Number 2 is an increase of \$3,495 for the installation of 1,330 feet of ridge vent, rather than the previously contracted 780 feet of smart vent. The total increase of the contract price is \$10,335 resulting in a final contract price of \$134,328. (C-07-0372 and C-07-0373)**

Bob Walla, Purchasing Department, explained that Change Order Number 1 is for installation of OSB sheathing on 28 dormers, not for replacement of the dormers.

**MOTION:** Hudkins moved and Stevens seconded approval of Change Order Numbers 1 and 2 to a contract between Lancaster County and Pyramid Roofing for roof replacement at Lancaster Manor. Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

**K. An engineering agreement with Schemmer Associates Inc. for preliminary survey, roadway design and plan preparation for the regrading of Alvo Road from North 1<sup>st</sup> Street to North 14<sup>th</sup> Street. The work will be completed by January 4, 2008. The County will pay \$41,100 for the services. (C-07-0374)**

4) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved approval of an engineering agreement with Schemmer Associates Inc. for preliminary survey, roadway design and plan preparation for the regrading of Alvo Road from North 1<sup>st</sup> Street to North 14<sup>th</sup> Street.

Motion died for lack of a second.

Stevens requested that the agreement be held for further information.

**MOTION:** Hudkins moved and Schorr seconded to defer the engineering agreement with Schemmer Associates Inc. and schedule for a Thursday Staff Meeting when Don Thomas, County Engineer, can be present. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

**L. An amendment to an agreement with PharMerica under County Contract No. C-01-568 for pharmacy and related services at the Lancaster County Corrections Department. The original agreement will be amended to extend the term to November 15, 2007. (C-07-0381)**

This item was held.

**M. Recommendation from the Purchasing Agent and representatives of the Lancaster County Corrections Department, Youth Services Center, Community Mental Health Center, Lancaster Manor and the Health Department to award a bid for medical equipment and supplies to Moore Medical and Midland Medical. All County and City agencies will order from the contract on an as needed basis. Prices are outlined in the proposal and will remain firm for the term of the contract. (B-07-0056)**

**MOTION:** Stevens moved and Schorr seconded approval to award a bid for medical equipment and supplies to Moore Medical and Midland Medical for all County and City agencies. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

**N. Transportation Enhancement Program Notification of Project Completion and Materials Certification for the Jamaica North Trail - Phase I, Project No. ST PB-55(150) Control No. 12735.**

**MOTION:** Stevens moved and Schorr seconded approval of the Transportation Enhancement Program Notification of Project Completion and Materials Certification for the Jamaica North Trail - Phase I, Project No. ST PB-55(150) Control No. 12735. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

**O. Setting of salary for Cori Beattie, as Chief Deputy County Clerk, at \$64,862.20, effective September 27, 2007.**

Dan Nolte, County Clerk, stated Cori Beattie will be joining the County Clerk's Office as Chief Deputy.

Beattie stated she was excited about the new career opportunity and is looking forward to the new position.

**MOTION:** Hudkins moved and Stevens seconded approval of setting of salary for Cori Beattie, as Chief Deputy County Clerk, at \$64,862.20, effective September 27, 2007. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

5) **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 August, 2007.**
- 2. County Assessor/Register of Deeds Monthly Report for August, 2007.**
- 3. County Treasurer's Report on Distress Warrants for 2004, in the amount of \$39,873.52.**



5) **CONSENT ITEMS CONTINUED:**

**B. Setting of a public hearing for Tuesday, October 9, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding a new application for a Class CK (Beer, Wine & Distilled Spirits On and Off Sale/Catering) liquor license for Sesostris Temple Holding Corp d/b/a Sesostris Temple and an application for Corporate Manager for Charles R. Heinke in connection with said license. The Sesostris Temple Holding Corp d/b/a Sesostris Temple is located at 1050 Saltillo Road, Roca, Lancaster County, Nebraska.**

**C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:**

- ▶ **Christoph Corporation, in the total amount of \$52,352, on South 98<sup>th</sup> Street from "A" to "O" Streets; Project C55-K-412(2). (2 contracts) (C-07-0375 and C-07-0376)**
- ▶ **Kenneth and Nancy Brauer, in the total amount of \$580, on Northwest 98<sup>th</sup> Street 2,068 north of "O" Street; Project CP-M-36. (2 contracts) (C-07-0377 and C-07-0378)**
- ▶ **David and Maryanne Heiser, in the total amount of \$18,475, on South 98<sup>th</sup> Street from Old Cheney Road to "A" Street; Project C55-KP-412(1). (2 contracts) (C-07-0379 and C-07-0380)**

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

6) **OTHER BUSINESS:**

Joy Schroeder, Otoe County Commissioner, addressed a concern regarding Omaha Public Power District (OPPD) erecting three poles near Highway 2 and South 190<sup>th</sup> Street which will effect both Otoe and Lancaster Counties. He explained that the poles are located on a road which has never been vacated, however, it was abandoned approximately ten to 15 years ago.

Heier declared a conflict of interest and requested Commissioner Hudkins to Chair the meeting.

6) **OTHER BUSINESS CONTINUED:**

Schroeder explained he visited with Commissioner Hudkins last week who indicated that Lancaster County owns part of the road. He further stated that the road was maintained by Otoe County who made the decision to abandon the road, but never close it. Schroeder said he told OPPD the road was never closed, however, they have proceeded to erect three poles in the center of the road.

Schroeder asked if OPPD could erect poles on a road which was never vacated and if either Lancaster or Otoe counties could be liable.

Board consensus to direct Kerry Eagan, Chief Administrative Officer, to request a legal opinion regarding ownership of South 190<sup>th</sup> Street on the Otoe/Lancaster County line.

Heier resumed as Vice Chair of the meeting.

7) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 10:25 a.m.. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

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Dan Nolte  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, SEPTEMBER 18, 2007  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

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

Commissioners Absent: Bob Workman, Chair

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Tom Fox, Deputy County Attorney  
Dan Nolte, County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 10:25 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 11, 2007.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on September 11, 2007. Heier, Schorr, Hudkins and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 88 additions and deductions to the tax assessment rolls per Attachments "A".**

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Christian Record Services, Inc.  
Lincoln Lancaster County Child Guidance Center  
Lincoln Lutheran School Association**

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

4) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded adjournment of the Board of Equalization meeting at 10:27 a.m.. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

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Dan Nolte  
County Clerk