

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, OCTOBER 23, 2007**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

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

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

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, October 16, 2007.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting on October 16, 2007. Hudkins, Stevens, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, October 23, 2007.**

**MOTION:** Schorr moved and Stevens seconded approval of all claims processed through October 23, 2007. Schorr, Hudkins, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

3) **PUBLIC HEARINGS:**

**A. County Special Permit No. 07042, requested by Pendel, Inc., for authority to develop Fox Trail Estates Community Unit Plan for five single family acreage lots, including build-through lots, together with waivers of the Zoning and Land Subdivision Resolutions in order to allow block length to exceed 1,320 feet and to adjust the front yard, side yard and rear yard setbacks, on property generally located at S.W. 56<sup>th</sup> Street and W. Old Cheney Road, Lancaster County, Nebraska. (See New Business Item 5A for correlating documentation.)**

The Chair opened the public hearing.

The oath was administered to Mike Eckert with Civil Design Group.

Eckert gave an overview of the proposal and offered an amendment to General Condition 3.6 on page ten of the County Board Factsheet. Eckert displayed a site plan map (Exhibit 1) outlining the amendment which proposes that Southwest 58<sup>th</sup> Street be graded but not constructed until Outlot C is developed.

Also discussed was a concern expressed by the property owner to the north regarding the ability to access his 43 acres from Southwest 58<sup>th</sup> Street. Eckert stated they have worked with the property owner and informed him that it was their understanding by subdivision standards that he wouldn't be able to take access to the temporary turn around unless he created right-of-way on his property. He said the County Engineer concurred with the interpretation and that they (Civil Design) had discussions with the property owner to explain the process of creating right-of-way on his property.

Hudkins stated he has concerns with the location of the turnaround.

In response to a question asked by Stevens, Eckert stated the property owner to the north does not have access to Southwest 58<sup>th</sup> Street.

Hudkins asked if the property to the north was farmed.

3) **PUBLIC HEARINGS CONTINUED:**

Eckert responded yes. He explained if a preliminary plat or subdivision process is requested on the property to the north, his client will be bound to pave the remaining extension of the road.

Hudkins stated he has no concerns regarding not paving, however, he feels the road should be constructed and open.

Eckert stated the county design standards require barricades be installed at the end of a temporary turn around.

Stevens asked if the property owner to the north currently has access to his property off of Southwest 58<sup>th</sup> Street.

Eckert stated no.

(Commissioner Heier entered the Hearing Room at 9:45 a.m..)

Tom Fox, Deputy County Attorney, suggested the change regarding Southwest 58<sup>th</sup> Street be done by interlineation or a new resolution be prepared with the change and placed on next week's agenda for approval.

Board consensus was to make the change by interlineation.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **OLD BUSINESS:**

**A. Recommendation from the Purchasing Agent and Lancaster Manor to award a bid to NECO Security, in the amount of \$29,400, for a new fire suppression panel and associated work to bring the fire system up to code at Lancaster Manor. (B-07-0060)**

**MOTION:** Stevens moved and Heier seconded approval to award a bid to NECO Security, in the amount of \$29,400, for a new fire suppression panel and associated work to bring the fire system up to code at Lancaster Manor as recommended. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS:**

**A. A resolution in the matter of County Special Permit No. 07042, Fox Trail Estates Community Unit Plan, requested by Civil Design Group on behalf of Pendel, Inc., for five single family acreage lots on property generally located at S.W. 56<sup>th</sup> Street and W. Old Cheney Road, Lancaster County, Nebraska. (R-07-0095)**

**MOTION:** Stevens moved and Hudkins seconded approval of Resolution 07-0095 in the matter of County Special Permit No. 07042, Fox Trail Estates Community Unit Plan, with an amendment to the second sentence of General Condition 3.7 on Page 7 of the resolution to read as follows: *S.W. 58<sup>th</sup> Street shall be graded but need not be constructed until Outlot "C" is developed.*

**FRIENDLY AMENDMENT:** Hudkins offered a friendly amendment to change the word 'constructed' to 'surfaced'.

The maker of the motion accepted the friendly amendment.

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

**CLARIFICATION OF MOTION:** Stevens moved and Hudkins seconded approval of Resolution 07-0095 in the matter of County Special Permit No. 07042, Fox Trail Estates Community Unit Plan, with an amendment to the second sentence of General Condition 3.7 on Page 7 of the resolution to read as follows: *S.W. 58<sup>th</sup> Street shall be graded but need not be surfaced until Outlot "C" is developed.* Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

**B. An agreement between Lancaster County and CenterPointe for three case managers for the Partners in Empowerment and Recovery (PIER) program. Term of the agreement is July 1, 2007 through June 30, 2008. CenterPointe will pay the County \$185,122 for the services. (C-07-0446)**

**MOTION:** Stevens moved and Hudkins seconded approval of an agreement between Lancaster County and CenterPointe for three case managers for the Partners in Empowerment and Recovery (PIER) program. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**C. 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 term of the contract is from July 1, 2007 to June 30, 2008 and the County will be reimbursed up to \$5,199,056 for the services. (C-07-0447)**

Fox informed the Board that there are two provisions in the contract which the County Attorney's Office advises against: a public counsel provision and an incidental and consequential damages provision. He also referred to Appendix A of the contract and indicated the State has provided an extra \$176,000 for funding of the Heather Program between October, 2007 and June, 2008.

Dean Settle, Community Mental Health Center Director, said the State will now fully fund the Heather Program, however, it was originally for a one year period. He stated Health and Human Services (HHS) and the Department of Behavioral Health has found additional monies as a result of closing psychiatric beds at Norfolk and Hastings and will now make \$235,000 available annually for the Heather Program.

Heier asked if employees are State or County.

Settle stated some employees are State and seven are County employees.

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

**D. A Region V Network Provider contract for services under the Projects for Assistance in Transition from Homelessness (PATH) Grant Program. The County, through the services of the Community Mental Health Center, will provide outreach services, community mental health services, screening and diagnostic services. Term of the contract is October 1, 2007 through September 30, 2008. The County will be compensated up to \$32,500 for the services and is required to match \$10,833 in cash or in kind. (C-07-0448)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Schorr moved and Stevens seconded approval of a Region V Network Provider contract for services under the Projects for Assistance in Transition from Homelessness (PATH) Grant Program. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

**E. A change order to a contract between Lancaster County and ABC Seamless Siding for siding, fascia and gutter replacement at Lancaster Manor. The change order is an increase in the amount of \$420 for the removal of rotten plywood found under the siding and replacing it with new plywood. The total contract price will be \$48,043.10. (C-07-0449)**

**MOTION:** Heier moved and Hudkins seconded approval of a change order to a contract between Lancaster County and ABC Seamless Siding for siding, fascia and gutter replacement at Lancaster Manor. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**F. An agreement between the City of Lincoln and Lancaster County for the provision of medical services to the Youth Services Center through the Lincoln-Lancaster County Health Department for the period from July 1, 2007 through June 30, 2008. (C-07-0450)**

**MOTION:** Heier moved and Stevens seconded approval of an agreement between the City of Lincoln and Lancaster County for the provision of medical services to the Youth Services Center through the Lincoln-Lancaster County Health Department for the period from July 1, 2007 through June 30, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**G. An agreement with Geotechnical Services Inc. for Phase I Environmental Site Assessment services on the site of the new Lancaster County jail facility. The services will be completed by November 1, 2007 and the cost to the County is \$1,950. (C-07-0451)**

**MOTION:** Hudkins moved and Heier seconded approval of an agreement with Geotechnical Services Inc. for Phase I Environmental Site Assessment services on the site of the new Lancaster County jail facility. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**H. Utility Permit No. 901 with the City of Lincoln Water System for the installation of a 60-inch water transmission main between Lincoln and Greenwood at nine road crossings between North 98th Street and Alvo Road and North 190th Street and Mill Road, at no cost to Lancaster County. (C-07-0452)**

**MOTION:** Hudkins moved and Stevens seconded approval of Utility Permit No. 901 with the City of Lincoln Water System for the installation of a 60-inch water transmission main between Lincoln and Greenwood at nine road crossings between North 98th Street and Alvo Road and North 190th Street and Mill Road, at no cost to Lancaster County. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

**I. A grant contract with Family Service Association Inc. for the following programs: Welcome Baby, in the amount of \$29,772; Behavioral Health Services, in the amount of \$174,050, and Community Learning Center Youth, in the amount of \$25,191. Total amount of the grant contract is \$229,013. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0455)**

**MOTION:** Hudkins moved and Stevens seconded approval of a grant contract with Family Service Association Inc. for the following programs: Welcome Baby, in the amount of \$29,772; Behavioral Health Services, in the amount of \$174,050, and Community Learning Center Youth, in the amount of \$25,191. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

**J. A grant contract with Saint Monica's for funding for the Adolescent Girl's Program, in the amount of \$19,720, and the Behavioral Health for Women Program, in the amount of \$49,230. Total amount of the grant contract is \$68,950 and the term of the grant contract is July 1, 2007 to June 30, 2008. (C-07-0456)**

**MOTION:** Stevens moved and Heier seconded approval of a grant contract with Saint Monica's for funding for the Adolescent Girl's Program, in the amount of \$19,720, and the Behavioral Health for Women Program, in the amount of \$49,230. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**K. A grant contract with Good Neighbor Center for an emergency food and clothing center for low income families in the Lincoln/Lancaster County area, in the amount of \$56,145. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0457)**

**MOTION:** Stevens moved and Schorr seconded approval of a grant contract with Good Neighbor Center for an emergency food and clothing center for low income families in the Lincoln/Lancaster County area, in the amount of \$56,145. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

**L. A grant contract with Houses of Hope Inc. for funding for the Transitional Living Services Program, in the amount of \$47,824. Term of the grant contract is July 1, 2007 to June 30, 2008. (C-07-0458)**

**MOTION:** Stevens moved and Schorr seconded approval of a grant contract with Houses of Hope Inc. for funding for the Transitional Living Services Program, in the amount of \$47,824. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

**M. A grant contract with Matt Talbot Kitchen for the Hunger Relief and Outreach Program, in the amount of \$14,775. Term of the grant contract is July 1, 2007 to June 30, 2008. (C-07-0459)**

**MOTION:** Stevens moved and Schorr seconded approval of a grant contract with Matt Talbot Kitchen for the Hunger Relief and Outreach Program, in the amount of \$14,775. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**N. A grant contract with the Voices of Hope for funding the Family Violence Council, in the amount of \$13,248. Term of the grant contract is from July 1, 2007 to June 30, 2008. (C-07-0460)**

**MOTION:** Hudkins moved and Stevens seconded approval of a grant contract with the Voices of Hope for funding the Family Violence Council, in the amount of \$13,248. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.



5) **NEW BUSINESS CONTINUED:**

**O. A grant contract with CASA for Lancaster County to provide funding for the Court Appointed Special Advocates program, in the amount of \$11,082. Term of the grant contract is July 1, 2007 through June 30, 2008. (C-07-0461)**

**MOTION:** Hudkins moved and Schorr seconded approval of a grant contract with CASA for Lancaster County to provide funding for the Court Appointed Special Advocates program, in the amount of \$11,082. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

**P. A release by Lancaster County of all claims against Donna McCoy d/b/a Banner House Fabrics arising under an economic development project financing agreement and guarantee dated July 21, 1998, and acceptance of \$1,700 as accord and satisfaction for such agreement and guarantee. (C-07-0462)**

**MOTION:** Heier moved and Stevens seconded approval of a release by Lancaster County of all claims against Donna McCoy d/b/a Banner House Fabrics arising under an economic development project financing agreement and guarantee dated July 21, 1998, and acceptance of \$1,700 as accord and satisfaction for such agreement and guarantee. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

**Q. Eligible 457 Prototype Plan Salary Reduction Contributions/Employer Contributions Adoption agreement with Nationwide Retirement Solutions. (C-07-0463)**

**MOTION:** Stevens moved and Schorr seconded approval of Eligible 457 Prototype Plan Salary Reduction Contributions/Employer Contributions Adoption agreement with Nationwide Retirement Solutions. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

**R. A mini-grant application and award through the Nebraska Office of Highway Safety for the Lancaster County Sheriff's Office to purchase five digital in-car camera systems. Total amount of the grant application is \$17,500. There is no County match required.**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Stevens seconded approval of a mini-grant application and award through the Nebraska Office of Highway Safety for the Lancaster County Sheriff's Office to purchase five digital in-car camera systems.

Terry Wagner, County Sheriff, gave an overview of the mini-grant application, noting that the Sheriff's Office will pay for the cameras from their budget and then submit documentation for reimbursement from the Nebraska Office of Highway Safety.

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

**S. Liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, in the amount of \$7,886.71. The policy period begins on November 1, 2007 and ends on November 1, 2008.**

**MOTION:** Stevens moved and Heier seconded approval of liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, in the amount of \$7,886.71. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

**T. Authorization of Wells Fargo, as trustee, to disburse and make payment from the Lancaster Leasing Corporation Renewal and Replacement Fund to Pyramid Roofing, in the amount of \$137,711, for roof replacement at Lancaster Manor.**

**MOTION:** Hudkins moved and Stevens seconded approval to authorize Wells Fargo, as trustee, to disburse and make payment from the Lancaster Leasing Corporation Renewal and Replacement Fund to Pyramid Roofing, in the amount of \$137,711, for roof replacement at Lancaster Manor. Schorr, Hudkins, Stevens, Heier and Workman 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. County Sheriff's Report of Fees for September, 2007.**

**B. Setting of a public hearing for Tuesday, November 6, 2007 at 9:30 a.m. in the Commissioners Hearing Room on the first floor of the County-City Building regarding the following:**

**1. Comprehensive Plan Amendment No. 07001, requested by the Director of Public Works and Utilities Department and the General Manager of the Lower Platte South NRD, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt the proposed Cardwell Branch Watershed Master Plan, including associated amendments to the Future Land Use Map designating "opportunity areas" as "green space" and "environmental resources".**

**2. County Special Permit No. 07043, requested by the Farmers Cooperative in Dorchester, Nebraska, for authority to operate a facility for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals, on property generally located near S.W. 14<sup>th</sup> Street and W. Hallam Road, in Lancaster County, Nebraska.**

**C. Request from Todd Oltman, an employee in the Lancaster County Engineering Department, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.**

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

- ▶ **Maxine McKinney, et al, in the amount of \$471, on South 162<sup>nd</sup> Street south of Pine Lake Road; Project CP-Q-198. (C-07-0453)**
- ▶ **Maxine McKinney, et al, in the amount of \$797, on South 162<sup>nd</sup> Street near Pine Lake Road; Project CP-Q-196. (C-07-0454)**

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

7) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 10:30 a.m.. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

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Cori Beattie  
Deputy County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, OCTOBER 23, 2007  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

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

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Cori Beattie, Deputy County Clerk  
Tom Fox, Deputy County Attorney  
Scott Gaines, County Assessor/Register of Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:30 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 16, 2007.**

**MOTION:** Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting on October 16, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 3 additions and deductions to the tax assessment rolls per Attachments "A".**

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**CrossBridge Christian Church  
Good News Broadcasting Association, Inc.  
Southeast Nebraska Mobile Diagnostic Services, Inc.**

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

4) **APPEAL OF NOTICE OF TAXABLE STATUS FOR 2007:**

**Lower Platte South Natural Resources District**

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended the appeal be granted.

**MOTION:** Stevens moved and Heier seconded to accept the recommendation of the Deputy County Assessor/Register of Deeds to grant the appeal of notice of taxable status for 2007 for Lower Platte South Natural Resources District. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Heier moved and Schorr seconded adjournment of the Board of Equalization meeting at 10:33 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

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Cori Beattie  
Deputy County Clerk