

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 15, 2008
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
Dan Nolte, County Clerk
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, April 8, 2008.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on April 8, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 15, 2008.**

MOTION: Heier moved and Schorr seconded approval of all claims processed through April 15, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. County Miscellaneous No. 08005, a text amendment to Chapter 3, Section 3.21 of the Lancaster County Land Subdivision Regulations. (See New Business Item 5A for correlating documentation.)

3) **PUBLIC HEARINGS CONTINUED:**

The Chair opened the public hearing.

The oath was administered to Brandon Garrett, Planning Department.

Garrett gave an overview of the application stating that the text amendment would clarify the deadline and expiration of final plat and administrative subdivision applications. He stated if the text amendment is approved there will be 15 incomplete applications which will expire.

Heier asked how the applicant would be notified.

Garrett stated a letter will be mailed to the applicant.

Hudkins asked if the letter would be sent via registered mail and if the Commissioner(s) would be notified as well.

Garrett stated the owner/applicant would be notified.

Tom Fox, Deputy County Attorney, referred to Attachment "A" of the resolution stating a letter would be sent by regular mail, from the Director of Planning, at least 30 days before the date of expiration of the application. Fox also pointed out that the first sentence of the attachment states, *"All existing applications for a final plat or administrative subdivision permit shall automatically expire and become null and void one (1) year after submission of the application or 60 days after the date of this resolution (County Miscellaneous No. 08005) . . ."*. He indicated that it should say, *" . . . after the date of this text amendment (County Miscellaneous No. 08005) . . ."*.

Hudkins moved approval of County Miscellaneous No. 08005 with a friendly amendment to include the change as recommended by the County Attorney's Office and that a copy of the letter from the Planning Director to the applicant/owner also be sent to the County Commissioner of the respective district.

Schorr requested that the Board be provided a list of the 15 applications which will expire.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

The Chair requested that New Business Item 5A be moved forward on the agenda.

NEW BUSINESS ITEM 5A:

A resolution in the matter of County Miscellaneous No. 08005, a text amendment to the Lancaster County Subdivision Regulations, to amend Section 3.21 of Chapter 3 to cause applications for final plat, administrative subdivision permits and application appeals to automatically expire and become null and void after passage of a certain amount of time. The amendment also causes the Planning Director's notices to advise an applicant that a matter shall automatically terminate unless other actions are taken. The amendment is provided in Attachment "A". (R-08-0024)

MOTION: Hudkins moved and Schorr seconded approval of Resolution No. R-08-0024 in the matter of County Miscellaneous No. 08005 subject to the following changes in Section 3.21: (a) Change the word resolution to text amendment and (b) Inclusion of "and the Lancaster County Board" after the word applicant in the first sentence of Paragraph 2. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

RETURNING TO ITEM 3B - PUBLIC HEARINGS:

B. An interlocal agreement between Lancaster County and the City of Lincoln for the provision of emergency ambulance services pursuant to Neb. Rev. Stat. §13-303 (Cum. Supp. 2006). The City will provide emergency ambulance services, through the Lincoln Fire Department, outside the City limits to all areas of the County as set forth in the Emergency Medical Services (EMS) Response Dispatch Schedule, a copy of which is reproduced as Attachment 1 to the interlocal agreement. The term of the agreement is from January 1, 2008 through August 31, 2008. The cost to the County is \$60,000. (See Old Business Item 4A for correlating contract.)

The Chair opened the public hearing and asked if anyone wished to testify.

The oath was administered to Greg Hall, Chair of the Lancaster County Emergency Medical Services Committee.

Hall stated he was appearing on behalf of the committee and stated they feel the agreement is adequate on a short term basis, however, generally speaking they feel it is vague. He stated they understand that the agreement will allow them to operate as they currently are and that it will not be extended and will be replaced with the results of the committee's efforts.

3) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Heier, Hall stated the current agreement ends August 31st and they will need to have something in place by that time. He added they are currently writing a request for proposal and that he is scheduled to visit with the Board regarding that process at a Thursday Staff Meeting.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **OLD BUSINESS:**

A. An interlocal agreement between Lancaster County and the City of Lincoln. The City will provide emergency ambulance services, through the Lincoln Fire Department, outside the City limits and to all areas of the County pursuant to the EMS Response Dispatch schedule in Attachment 1 of the agreement. The term of the agreement is from January 1, 2008 to August 31, 2008 and the cost to the County is \$60,000. (C-08-0105)

MOTION: Heier moved and Stevens seconded approval of an interlocal agreement between Lancaster County and the City of Lincoln. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS:**

A. A resolution in the matter of County Miscellaneous No. 08005, a text amendment to the Lancaster County Subdivision Regulations, to amend Section 3.21 of Chapter 3 to cause applications for final plat, administrative subdivision permits and application appeals to automatically expire and become null and void after passage of a certain amount of time. The amendment also causes the Planning Director's notices to advise an applicant that a matter shall automatically terminate unless other actions are taken. The amendment is provided in Attachment "A". (R-08-0024)

Item was moved forward on the agenda.

5) **NEW BUSINESS CONTINUED:**

B. A resolution requesting the transfer of the employment of Paul Ragole, Bradley Huddleston and Jack White from the State of Nebraska to Lancaster County, on behalf of the Lancaster County Community Mental Health Center, pursuant to Neb. Rev. Stat. §23-2518.01, effective July 1, 2008. (R-08-0025)

MOTION: Schorr moved and Heier seconded approval of Resolution No. R-08-0025 requesting the transfer of the employment of Paul Ragole, Bradley Huddleston and Jack White from the State of Nebraska to Lancaster County, on behalf of the Lancaster County Community Mental Health Center, pursuant to Neb. Rev. Stat. §23-2518.01, effective July 1, 2008. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

C. An application for a Special Designated License from Meier's Cork 'N Bottle to provide liquor beverage service for a reception on Saturday, May 3, 2008 from 6 p.m. to 12 a.m. at Country Pines located at 6305 West Adams, Lincoln, Lancaster County, Nebraska.

MOTION: Stevens moved and Heier seconded approval of an application for a Special Designated License from Meier's Cork 'N Bottle to provide liquor beverage service for a reception on Saturday, May 3, 2008 from 6 p.m. to 12 a.m. at Country Pines located at 6305 West Adams, Lincoln, Lancaster County, Nebraska. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

D. Agreements with Dr. Bradlee Novotny d/b/a Belmont Chiropractic and Dr. Brenda Bell, Endocrinology of Lincoln to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreements set forth a reimbursement arrangement in which the County will provide payment for the medical care and Dr. Bradlee Novotny d/b/a Belmont Chiropractic and Dr. Brenda Bell, Endocrinology of Lincoln will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreements are effective upon execution of both parties and contain a 30 day termination provision. (C-08-0140) (C-08-0141)

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of agreements with Dr. Bradlee Novotny d/b/a Belmont Chiropractic and Dr. Brenda Bell, Endocrinology of Lincoln to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

E. An agreement between Lancaster County and Nebraska Snow Equipment for snow plow equipment and installation. The total cost to the County is \$13,775 with the work being completed within 30 days of the date of execution of the contract. (C-08-0142)

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Lancaster County and Nebraska Snow Equipment for snow plow equipment and installation. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. An agreement with BryanLGH Medical Center which secures discounted rates for Lancaster County and the City of Lincoln for laboratory services provided to employees with high risk exposure and the exposing agent; and discounted rates for defined care provided to employees who have suffered a work related injury. Term of the agreement is January 1, 2008 to December 31, 2011. (C-08-0143)

MOTION: Hudkins moved and Schorr seconded approval of an agreement with BryanLGH Medical Center which secures discounted rates for Lancaster County and the City of Lincoln for laboratory services provided to employees with high risk exposure and the exposing agent; and discounted rates for defined care provided to employees who have suffered a work related injury. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

G. Amendment Number 4 to the Lancaster County Employees Retirement Plan. The amendment amends Section 6.1, "Determination of Benefits Upon Retirement" and Section 6.10 "Pre-Retirement Distribution" under Article 6 of the plan and is effective immediately upon execution. (C-08-0144)

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of Amendment Number 4 to the Lancaster County Employees Retirement Plan. The amendment amends Section 6.1, "Determination of Benefits Upon Retirement" and Section 6.10 "Pre-Retirement Distribution" under Article 6 of the plan and is effective immediately upon execution. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

H. An agreement between Lancaster County and Midwest Pump and Equipment Co. for vehicle hoist and lube reel equipment and installation, in the amount of \$25,583. The work will be substantially completed by May 15, 2008. (C-08-0148)

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Lancaster County and Midwest Pump and Equipment Co. for vehicle hoist and lube reel equipment and installation, in the amount of \$25,583. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

I. An interlocal agreement with the Village of Firth for one Sheriff's deputy to provide law enforcement services within the corporate limits of the Village of Firth. Term of the agreement is April 1, 2008 through March 31, 2009. The County will be reimbursed at the overtime rate of pay for the deputy assigned to duty. The County will also be paid 50.5 cents per mile for the Sheriff's vehicle used in the provision of these services. (C-08-0149)

Terry Wagner, County Sheriff, gave an overview of the agreement.

MOTION: Schorr moved and Heier seconded approval of an interlocal agreement with the Village of Firth for one Sheriff's deputy to provide law enforcement services within the corporate limits of the Village of Firth. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

J. An interlocal agreement for cooperative public safety services among the counties of Cass, Gage, Fillmore, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, Seward, Thayer and York and participating cities and villages within those counties. The agreement establishes a regional inter-jurisdictional emergency management organization, known as the Southeast Region Planning, Exercising and Training Group and the duties of the counties in the Southeast Region. The purpose of the agreement is to ensure regional emergency management coordination, planning, exercise, training interoperable communications, grant fund management and dispersion, and mutual aid arrangements between the parties of the agreement. The agreement also appoints Lancaster County as the grant administrator for the Southeast Region, to accept and administer Federal Homeland Security grant funds on behalf of the Southeast Region. Term of the agreement is five years beginning April 15, 2008. (C-08-0150)

This item was held at the request of the County Attorney's Office.

K. A Disproportionate Share Hospital (DSH) Intergovernmental Transfer agreement between Lancaster County and the Nebraska Department of Health and Human Services. The agreement provides for the transfer of public assistance funds from the County to the Department in an amount equal to a DSH facility's eligible claim for providing medical services to low income persons covered by County General Assistance. The Department will then make payment to the DSH facility. (C-08-0151)

Fox noted the term of the agreement is July 1, 2008 through June 30, 2009.

Schorr stated the agreement allows the State of Nebraska to access additional Federal funds for transfer to local hospitals to serve low income individuals in their facilities.

MOTION: Schorr moved and Stevens seconded approval of a Disproportionate Share Hospital (DSH) Intergovernmental Transfer agreement between Lancaster County and the Nebraska Department of Health and Human Services. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

L. Recommendation from the Purchasing Agent and Ron Fetters, Lancaster Manor Administrator, to award a bid to Windstream Communication, in the amount of \$43,920, for a Nortel telephone system. (B-08-0019)

MOTION: Hudkins moved and Stevens seconded to award a bid to Windstream Communication, in the amount of \$43,920, for a Nortel telephone system, as recommended by the Purchasing Agent and Ron Fetters, Lancaster Manor Administrator. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

M. Approval of final financial report to close out the Community Development Block Grant for Tractor Supply Company.

MOTION: Hudkins moved and Stevens seconded approval of the final financial report to close out the Community Development Block Grant for Tractor Supply Company.

Troy Gagner, Economic Development Specialist, gave an overview of the final financial statement which indicates the funds were drawn down for the use of the machinery and equipment along with an administrative fee for the County. He added that after the Board signs the document he will forward it to the State for close out.

Gagner added that the final report he prepared for the State in 2007 indicated a total of 82 employees; they were required to employ 50.

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

N. Request from Cathy Heetderks for a refund of personal property for 2007, in the approximate amount of \$483.

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of the refund.

MOTION: Hudkins moved and Heier seconded approval of a request from Cathy Heetderks for a refund of personal property for 2007, in the approximate amount of \$483. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

O. A political subdivision tort claim filed against the Lancaster County Corrections Department by Kevin P. Line for lost property alleged to be priceless.

MOTION: Heier moved and Schorr seconded to accept the recommendation of the Corrections Director and approve the political subdivision tort claim filed against the Lancaster County Corrections Department by Kevin P. Line for lost property, in the amount of \$30. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

P. A political subdivision tort claim filed against Lancaster County and the Lancaster County Attorney's Office by Graylin Gray, in the amount of \$1,000,000 for alleged false imprisonment, humiliation and mental anguish.

MOTION: Hudkins moved and Heier seconded to deny the political subdivision tort claim filed against Lancaster County and the Lancaster County Attorney's Office by Graylin Gray, in the amount of \$1,000,000 for alleged false imprisonment, humiliation and mental anguish. Schorr, Stevens, Hudkins, 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. Clerk of the District Court's Monthly Report for March, 2008.**
- 2. County Clerk's Monthly Report for March, 2008.**
- 3. Management's Discussion and Analysis Financial Statements and Supplementary Information for the Year Ended September 30, 2007 from the City of Hickman.**

B. Requests from Carol Cole, an employee with the Lancaster County Assessor/Register of Deeds Office, and Jamie DeGarmo, an employee with Lancaster Manor, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.

6) **CONSENT ITEMS CONTINUED:**

- C. **A leasehold contract relating to a road project between the Lancaster County Engineering Department and Frank Mitchell, in the amount of \$10, on South 82nd Street from Roca Road to Hickman Road; Project C55-S-404(3). (C-08-0145)**
- D. **Two right-of-way contracts relating to a road project between the Lancaster County Engineering Department and Jeffery and Tami Krejci, in the total amount of \$2,196, on South 82nd Street from Hickman Road to Roca Road; Project C55-S-404(3). (C-08-0146) (C-08-0147)**

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

7) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 10:07 a.m.. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 15, 2008
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
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Tom Fox, Deputy County Attorney
Scott Gaines, Deputy County Assessor/Register of Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:07 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 8, 2008.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on April 8, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 8 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Heier moved and Schorr 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 EXEMPTION APPLICATIONS:**

**Catholic Bishop of Lincoln
First Church of the Nazarene
Food Bank of Lincoln, Inc.
Tabitha, Inc.**

MOTION: Hudkins moved and Stevens seconded approval of the motor vehicle tax exemptions for Catholic Bishop of Lincoln, First Church of the Nazarene, Food Bank of Lincoln, Inc. and Tabitha, Inc.. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:08 a.m.. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk