

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 29, 2008
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
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, July 22, 2008.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting held on July 22, 2008. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, July 29, 2008.**

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through July 29, 2008. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. Recognition of Mary Crable, Lincoln-Lancaster Goes Green County winner; all County contest entrants; Judges for the contest; Gene Hanlon, City of Lincoln Recycling Coordinator

Gene Hanlon, City of Lincoln Recycling Coordinator, and Mary Crable, Lincoln-Lancaster Goes Green County winner, appeared.

3) **SPECIAL PRESENTATIONS CONTINUED:**

Hanlon gave a brief overview of the contest indicating they were pleased with the number of entries from both County and City employees.

Mary Crable, Lincoln-Lancaster Goes Green County winner, stated she suggested that single use disposable plastic medical equipment be recycled which would save the County over \$51,000, as well as 7,000 pounds per year in landfill waste weight.

Schorr presented Crable with a certificate of recognition.

Other contestants were Gilbert Holmes, County Engineering; Mike Lee, County-City Property Management; Erik Hubl, County Engineering; Matt Lawson, County-City Property Management; Rebecca Meinders, Community Mental Health Center; Scott Robinson, County Engineering; Teresa Wymore, Youth Services Center; Andy Stebbing, Sydney Graham, Andy Miller, Terry Jones and Rob Soflin, Sheriff's Patrol; and Ed Kortefay, Juvenile Detention Center.

Judges for the contest were Ann Selzer, Nebraska Center for Energy Sciences Research, University of Nebraska-Lincoln; Donna Woudenberg, National Drought Mitigation Center, University of Nebraska-Lincoln, and Todd Hall, Lincoln Electric System.

4) **PUBLIC HEARINGS:**

A. Amendment of the Lancaster County General Assistance Guidelines.

The Vice Chair opened the public hearing.

The oath was administered to Gary Chalupa, General Assistance Officer.

Chalupa discussed a letter from the Nebraska Appleseed Foundation which addressed the following concerns:

- * Reduction of temporary assistance from 90 days to 30 days
- * Increase home equity values from \$7,500 to \$10,000. Nebraska Appleseed suggested a limit of \$35,000.
- * Increase of vehicle equity value to \$6,000
- * Suggested client interviews be conducted by telephone in cases where the client is homebound.

4) **PUBLIC HEARINGS CONTINUED:**

Chalupa stated a letter of concern was also received from Region V Network providers regarding proof of residency/legal settlement. He stated they also suggested some of the application procedures be changed to better accommodate the homeless who may not have documentation readily available

Chalupa briefly reviewed the following revisions to the guidelines:

- * Amend the Authorization Period
- * Amend Temporary Assistance from 90 days to 30 days
- * Amend Exempt Resources - Equity values for homes, as well as vehicles
- * Amend Potential Income
- * Amend the Definition of Assisted Living
- * Address COBRA payments

The Vice Chair asked if anyone else wished to testify.

No one appeared and the hearing was closing.

MOTION: Hudkins moved and Schorr seconded approval of the revisions to the Lancaster County General Assistance Guidelines. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

Returning to Item 1-Approval of Minutes:

Heier indicated an error (Item 4B) on page three of the minutes, dated July 22, 2008; the roll call shows Hudkins as voting yes when he was absent from the meeting.

MOTION: Hudkins moved and Stevens seconded to amend the motion approving the minutes of July 22, 2008 to reflect that Hudkins was absent from voting and Workman voted aye on New Business Item 4B relating to a petition to vacate a portion of West Simon Street. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

A. An agreement with Lutheran Family Services of Nebraska, Inc. to provide non-physician substance abuse treatment services for males placed in the Lancaster County Adult Drug Court. Term of the agreement is July 1, 2008 through June 30, 2009. The County will pay up to \$28,120 for the services. (C-08-0332)

5) **OLD BUSINESS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of an agreement with Lutheran Family Services of Nebraska, Inc. to provide non-physician substance abuse treatment services for males placed in the Lancaster County Adult Drug Court.

Stevens stated he attended the Adult Drug Court graduation held on July 28, 2008 and that he appreciates what Lutheran Family Services of Nebraska, Inc. and all other agencies involved have done. He added that he feels it is a wonderful program.

Heier also thanked Judge Merritt and Judge Flowers for their willingness to participate.

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

B. An amendment to an interlocal agreement with the City of Lincoln, under County Contract No. C-05-0300, for grading, paving and bridge construction of Southwest 40th Street from West A Street north to the existing City limits. Both parties wish to add to the agreement the authority for the City to acquire right-of-way for the project outside the City limits and to use condemnation to do so if necessary. (C-08-0347)

MOTION: Schorr moved and Hudkins seconded approval of an amendment to an interlocal agreement with the City of Lincoln, under County Contract No. C-05-0300, for grading, paving and bridge construction of Southwest 40th Street from West A Street north to the existing City limits. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

C. A lease agreement between Lancaster County and the Healthy Families Project for approximately 712.5 square feet of office space in Trabert Hall, located at 2202 South 11th Street, Lincoln, Nebraska. Term of the agreement is July 1, 2008 through June 30, 2009. The Healthy Families Project will pay the County \$564.07 per month for the leased space. (C-08-0360)

MOTION: Hudkins moved and Stevens seconded approval of a lease agreement between Lancaster County and the Healthy Families Project for approximately 712.5 square feet of office space in Trabert Hall, located at 2202 South 11th Street, Lincoln, Nebraska. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. A resolution in the matter of authorizing the Lancaster County Board of Commissioners Chair to sign an application for assistance from the Recreational Trails Program for construction of a motocross facility at the Abbott Sports Complex and to agree to comply with the terms and conditions of the program. (R-08-0049)**

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. R-08-0049 in the matter of authorizing the Lancaster County Board of Commissioners Chair to sign an application for assistance from the Recreational Trails Program for construction of a motocross facility at the Abbott Sports Complex and to agree to comply with the terms and conditions of the program. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- B. A resolution authorizing the installation of two directional signs for the Country Pines Banquet Facility and Vineyard. One sign will be located on Northwest 84th Street just south of West Adams Street for northbound traffic. One sign will be located on West Adams Street 300 feet west of 6305 West Adams Street for eastbound traffic. The signs will be erected from August 2008 through the completion of the City's reconstruction project of West Adams Street and Northwest 56th Street, estimated to be in August 2009. Upon completion of the City's project the signs will be removed. (R-08-0050)**

MOTION: Stevens moved and Schorr seconded approval of Resolution No. R-08-0050 authorizing the installation of two directional signs for the Country Pines Banquet Facility and Vineyard. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- C. A resolution in the matter of changing the fee for the approval of Special Designated Licenses. (R-08-0051)**

MOTION: Stevens moved and Schorr seconded approval of Resolution No. R-08-0051 in the matter of changing the fee for the approval of Special Designated Licenses. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

D. A resolution in the matter of directing the Lancaster County Engineer to conduct a study regarding the vacation of a portion of Southwest 86th Street between West Saltillo Road and West Bennet Road, and by vacating a portion of West Saltillo Road between Southwest 84th Street and Southwest 86th Street. (R-08-0052)

MOTION: Stevens moved and Schorr seconded approval of Resolution No. R-08-0052 in the matter of directing the Lancaster County Engineer to conduct a study regarding the vacation of a portion of Southwest 86th Street between West Saltillo Road and West Bennet Road, and by vacating a portion of West Saltillo Road between Southwest 84th Street and Southwest 86th Street. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

E. An interlocal agreement between Lancaster County and Educational Service Unit (ESU) No. 18 for educational services to youth detained at the Youth Services Center. Term of the agreement is August 1, 2008 through July 31, 2009. The County will reimburse the ESU up to \$989,080 for the services provided. (C-08-0369)

MOTION: Stevens moved and Hudkins seconded approval of an interlocal agreement between Lancaster County and Educational Service Unit (ESU) No. 18 for educational services to youth detained at the Youth Services Center.

Heier stated the County will be reimbursed by Lincoln Public Schools and the State of Nebraska.

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

F. Contract with the Lincoln Area Agency on Aging (LAAA) for the Harvest Project, the provision of mental health, substance abuse and aging services to elderly residents of Lancaster County. LAAA will provide Specialized Care Managers to work 40 hours per week to assist in the provision of the services. The County will pay \$70,000 for the services and the term of the contract is July 1, 2008 to June 30, 2009. (C-08-0370)

MOTION: Hudkins moved and Stevens seconded approval of a contract with the Lincoln Area Agency on Aging (LAAA) for the Harvest Project, the provision of mental health, substance abuse and aging services to elderly residents of Lancaster County. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

G. An agreement with L.A. Young, Inc. for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Term of the agreement is July 1, 2008 through June 30, 2009. The County will pay \$60 per hour for no more than 32 hours per week. A Business Associate Agreement is also attached to the Agreement to comply with Health Insurance Portability & Accountability Act (HIPAA) Regulations. (C-08-0371)

MOTION: Stevens moved and Schorr seconded approval of an agreement with L.A. Young, Inc. for professional services of a nurse practitioner to assist in the provision of psychiatric services at the Community Mental Health Center. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

H. An agreement between Lancaster County, Region V Systems and Cornhusker Place of Lincoln-Lancaster County, Inc. for Cornhusker Place to assist the County and Region V by including in the services it presently provides, the detention of individuals who are in Emergency Protective Custody (EPC) in cases in which detention at Cornhusker Place is appropriate. The agreement is effective July 1, 2008 and will expire on June 30, 2009. Any party may terminate the agreement by giving 60 days written notice. (C-08-0372)

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Lancaster County, Region V Systems and Cornhusker Place of Lincoln-Lancaster County, Inc. for Cornhusker Place to assist the County and Region V by including in the services it presently provides, the detention of individuals who are in Emergency Protective Custody (EPC) in cases in which detention at Cornhusker Place is appropriate. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

I. An addendum to the contract between Lancaster County and Spectramedia, Inc. found at County Contract Number C-07-0356, for the purchase of microfilming supplies, on an as needed basis. The addendum renews the contract for an additional one year term beginning August 15, 2008 and ending August 14, 2009. (C-08-0373)

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Schorr seconded approval of an addendum to the contract between Lancaster County and Spectramedia, Inc. found at County Contract Number C-07-0356, for the purchase of microfilming supplies, on an as needed basis. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

J. An agreement between the Nebraska Department of Health and Human Services and Lancaster County on behalf of the Lancaster County Human Services Department. The County will organize and sponsor two different sets of four community education forums regarding new Americans by October 31, 2008. The County will be paid \$4,890 for the service. The term of the contract is July 14, 2008 to November 30, 2008. (C-08-0374)

MOTION: Hudkins moved and Stevens seconded approval of an agreement between the Nebraska Department of Health and Human Services and Lancaster County on behalf of the Lancaster County Human Services Department. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

K. A unit price contract between CleanMax and the Public Building Commission, the City of Lincoln and Lancaster County for carpet and upholstery cleaning under \$25,000. The term of the contract is July 1, 2008, through June 30, 2009, with an option to renew for three additional one year terms. (C-08-0375)

MOTION: Schorr moved and Hudkins seconded approval of a unit price contract between CleanMax and the Public Building Commission, the City of Lincoln and Lancaster County for carpet and upholstery cleaning under \$25,000. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

L. Agreement with the Nebraska State Department of Roads for State Recreation Road Project under Project No. SR-60(1) in the Branched Oak Lake State Recreation Area for improvements to a road which has deteriorated. The estimated cost of construction is \$80,360. The County shall be responsible for 10% of the construction costs and the State shall be responsible for 90% of the construction costs. The County shall provide all costs for preliminary surveys, plans, specifications, advertising, award of contract and supervision and inspection of construction activities. (C-08-0376)

6) **NEW BUSINESS CONTINUED:**

Don Thomas, County Engineer, stated the work would take place in 2010. He added that the project is on Highway 79 west of the road where the dam is located at Branched Oak.

He referred to New Business Item 6M and stated the work in connection with the project will be done in 2009.

MOTION: Hudkins moved and Schorr seconded approval of an agreement with the Nebraska State Department of Roads for State Recreation Road Project under Project No. SR-60(1) in the Branched Oak Lake State Recreation Area for improvements to a road which has deteriorated. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

M. Agreement with the Nebraska State Department of Roads for State Recreation Road Project under Project Nos. SR-6(1) and SR-71(7) in the Blue Stem/Kildeer State Recreation Areas for improvements to a road which has deteriorated. The estimated cost of construction is \$122,100. The County shall be responsible for 10% of the construction costs and the State shall be responsible for 90% of the construction costs. The County shall provide all costs for preliminary surveys, plans, specifications, advertising, award of contract and supervision and inspection of construction activities. (C-08-0377)

MOTION: Stevens moved and Schorr seconded approval of an agreement with the Nebraska State Department of Roads for State Recreation Road Project under Project Nos. SR-6(1) and SR-71(7) in the Blue Stem/Kildeer State Recreation Areas for improvements to a road which has deteriorated. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

N. Request from James L. Haszard, pursuant to Resolution No. 4630, for payment of 25 percent of the reimbursement of Social Security benefits paid to Lancaster County on behalf of Patti Schulte. Lancaster County received the sum of \$5,135, and Mr. Haszard is requesting an attorney fee of \$1,283.75.

6) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of a request from James L. Haszard, pursuant to Resolution No. 4630, for payment of 25 percent of the reimbursement of Social Security benefits paid to Lancaster County on behalf of Patti Schulte. Lancaster County received the sum of \$5,135, and Mr. Haszard is requesting an attorney fee of \$1,283.75. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

O. Request from the Lancaster County Public Defender, to set the salary for Jennifer Houlden, having completed her probationary period, at \$53,500 per year, effective August 1, 2008.

MOTION: Hudkins moved and Stevens seconded approval of a request from the Lancaster County Public Defender, to set the salary for Jennifer Houlden, having completed her probationary period, at \$53,500 per year, effective August 1, 2008. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

P. Political subdivision tort claim filed by Shiffermiller Law Office PC LLO on behalf of Mitchell T. McCarthy, in the amount of \$1,000,000.

MOTION: Schorr moved and Stevens seconded to deny the political subdivision tort claim filed by Shiffermiller Law Office P.C. L.L.O on behalf of Mitchell T. McCarthy, in the amount of \$1,000,000. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

7) **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 Assessor/Register of Deeds 2008 Annual Inventory of County Real Property.**
- 2. Lancaster County's Three-Year Assessment Plan prepared by the Lancaster County Assessor/Register of Deeds, pursuant to Neb. Rev. Stat. § 77-1311.02.**

7) CONSENT ITEMS CONTINUED:

- B. **Right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Todd and Stacy Musil, in the total amount of \$313.50, South 82nd Street from Hickman Road to Roca Road; Project No. C-55-S-404(3) (2 contracts) (C-08-0378) (C-08-0379)**

- C. **Setting of a public hearing for Tuesday, August 5, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**
 - 1. **Amend Sections VI, IX, XV and XXIX of County Resolution No. 02-0007, Regulations for the Operation of Body Art and Piercing Establishments in Lancaster County, Nebraska.**

 - 2. **Amend Section XIII of County Resolution No. 02-0030, On-Site Waste Water Treatment Systems.**

 - 3. **Amend Section X of County Resolution No. 06-0005, Procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer or conveyance of property in Lancaster County, Nebraska.**

 - 4. **Amend Section 13 of County Resolution No. R-5069, Air Pollution Control.**

 - 5. **Amend Article 1, Section 6 and Article 2, Section 30, Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards.**

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

8) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 10:21 a.m.. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

Cori Beattie
Deputy County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 29, 2008
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: 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 10:21 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 22, 2008.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on July 22, 2008. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 46 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Capital Humane Society
Cedars Youth Services
St. Peter's Catholic Church of Lincoln
Sisters of Mary, Queen of Mercy**

MOTION: Schorr moved and Stevens seconded approval of motor vehicle tax exemptions for Capital Humane Society, Cedars Youth Services, St. Peter's Catholic Church of Lincoln and Sisters of Mary, Queen of Mercy. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Equalization at 10:24 a.m.. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

Cori Beattie
Deputy County Clerk