

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 10, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

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

Commissioners Absent: Bob Workman

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:50 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 3, 2009.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes. Hudkins, Stevens and Heier voted aye. Schorr abstained from voting. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, March 10, 2009.**

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

- 3) **SPECIAL PRESENTATIONS:**

- A. Presentation of the Commissioners Award of Excellence for December, 2008, to Don Murray with the Corrections Department.**

The Commissioners Award of Excellence for December, 2008 was presented to Don Murray with the Corrections Department in the category of productivity (Exhibit A).

- B. Presentation of the Commissioners Award of Excellence for February, 2009, to Steve Engstrom, Tom McMillan and Mary Tobiassen with the Corrections Department.**

3) **SPECIAL PRESENTATIONS CONTINUED:**

The Commissioners Award of Excellence for February, 2009 was presented to Steve Engstrom, Tom McMillan and Mary Tobiassen with the Corrections Department in the category of valor (Exhibit B).

4) **OLD BUSINESS:**

- A. **Right-of-way contract for a road project between the County Engineer and Joyce A. Urbanec, in the amount of \$1,575, located at N.W. 27th Street and W. Branched Oak Road; Project No. CP-C-253. (C-09-0106)**

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

5) **NEW BUSINESS:**

- A. **A resolution in the matter of County Miscellaneous No. 08071, a text amendment to the Lancaster County Zoning Resolution, amending Article 13, as provided in Attachment A, by adding provisions to Section 13.001(14) to allow excavation and stone milling to be approved by special permit in the "AG" Agricultural District and "AGR" Agricultural Residential District, and by adding Section 13.017 relating to enforcement and revocation of special permits. (R-09-0011)**

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

- B. **A revised program resolution between the County Engineer and the Nebraska Department of Roads, for paving work on S.W. 14th Street between W. Bennet and W. Saltillo Roads. The total cost is \$320,000 which is 100% federal aid and no cost to Lancaster County. (R-09-0012)**

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

- C. **A grant contract with Southeast Community College to provide employment related services to refugee men and women and assist them in assimilating into the community, as part of the Targeted Assistance Discretionary (TAG) Grant program, in the amount of \$15,000. Term of the grant contract is October 1, 2008 to September 30, 2009. (C-09-0108)**

5) **NEW BUSINESS CONTINUED:**

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

- D. An amendment to the agreement with Larry D. Ohs, P.C., and the firm of Recknor, Williams & Wertz, represented by Steve Williams, for the representation of indigent parents and juveniles in Juvenile Court proceedings. The amendment allows Steve Williams, as a solo practitioner and as a joint venture with Larry D. Ohs, P.C., to fully assume the obligations and responsibilities of the firm of Recknor, Williams & Wertz under the agreement. The amendment shall take effect January 16, 2009. (C-09-0109)**

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

- E. An affiliation agreement with the Fielding Graduate University, Practicum Training Program, for graduate psychology students who will provide 1200 hours of psychological services for the Community Mental Health Center. Term of the agreement is January 1, 2009 to December 31, 2009 and there is no cost to the County. (C-09-0110)**

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

- F. An addendum to an agreement between EPOS Corporation and Lancaster County found at County Contract Number C-04-0501, for credit card payment services. The addendum assigns the duties of the agreement from EPOS Corporation to Official Payment Corporation. Both EPOS and Official Payment Corporation are owned by the same parent company. The assignment will cause no disruption of services provided to the County. (C-09-0111)**

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

- G. A banquet and catering contract with Green Gateau Reception Centre' at Windsor Stables to host Lancaster County Employee Appreciation and Longevity Awards Breakfast on May 19, 2009. (C-09-0112)**

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

5) **NEW BUSINESS CONTINUED:**

- H. **An agreement between Lancaster County and LanguageLinc Interpretation Services for foreign language translation and interpretation services for County Departments, and Attached Business Associate Agreement. The Business Associate Agreement assures that LanguageLinc Interpretation Services will comply with HIPAA Privacy and Security Rules in the performance of foreign language translation and interpretation services for the Lancaster County Community Mental Health Center. (C-09-0113)**

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

- I. **An agreement between Lancaster County and Pavers, Inc. for Alvo Road grading and paving, in the amount of \$1,100,853.73; Project No. C55-F-406(1). (C-09-0114)**

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

- J. **A utility relocation agreement between Lancaster County and the Norris Public Power District of Beatrice, Nebraska, in the amount of \$5,440.51, to relocate utility facilities to accommodate the building of a culvert pipe at Structure No. H-120; Project No. 09-01. (C-09-0115)**

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

- K. **Awarding of a bid to Office Innovations in an amount not to exceed \$2,268 for layout and inventory services and moving and assembly services for reconfiguration of the County Clerk's office. (B-09-0015)**

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

- L. **A political subdivision tort claim filed against Lancaster County Corrections by Randal J. Gordon for lost property in the amount of \$7.62.**

MOTION: Schorr moved and Hudkins seconded to deny the claim, based on the recommendation of the Corrections Director. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- M. A political subdivision tort claim filed against Lancaster County Corrections by Rick C. Green for a deduction made from his inmate account by County Corrections to collect past work release costs in the amount of \$87.50.**

MOTION: Schorr moved and Hudkins seconded to deny the claim, based on the recommendation of the Corrections Director. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

N. Executive Session for Pending Litigation (Greenbelt Cases)

The item was held until the end of the meeting.

- O. Recommendation from the Purchasing Agent and the Selection Committee to award a contract for Inmate Phone Services at all three Correctional Facilities per Spec #09-016 to Legacy Inmate Communications, in the amount of \$170,000 plus a \$20,000 signing bonus. (B-09-0016)**

MOTION: Stevens moved and Hudkins seconded to award the contract. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

Schorr asked how the signing bonus will be used.

The Chair stated that all monies will go into the General Fund.

- 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 the following:**
- 1. County Clerk's Monthly Report for February, 2009.**
 - 2. Clerk of the District Court's Monthly Report for February, 2009.**
 - 3. Assessor/Register of Deed's Monthly Report for February, 2009.**

5) **NEW BUSINESS CONTINUED:**

- B. **Setting of a public hearing for Tuesday, March 17, 2009 at 9:30 a.m. in the County Commissioners Hearing Room, Room 113, on the first floor of the County-City Building regarding County Miscellaneous No. 09002, requested by William F. Austin on behalf of the Emerald Sanitary & Improvement District No. 6 of Lancaster County, Nebraska, to acquire 1.5 acres, more or less, by condemnation, for a water well site on property generally located at S.W. 98th Street and West "O" Street.**

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

7) **PENDING:**

- A. **A resolution in the matter of County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (R-08-0093) (Item placed on pending on November 4, 2008.)**

8) **EMERGENCY ITEMS AND OTHER BUSINESS:**

Mary Howard, a Lancaster Manor employee, and Kim Kaspar, American Federation of State, County & Municipal Employees (AFSCME) President, appeared and provided comments relating to the future of Lancaster Manor and the composition of the Request for Qualifications (RFQ) Committee.

Howard suggested the Board appoint a staff member and a resident's family member to the RFQ Committee, as well as representatives from the Nebraska Health Care Association, AARP (a nonprofit, nonpartisan membership organization for people age 50 and over) and the Lancaster Manor Advisory Board. She said residents should have input on decisions regarding their home and suggested the Board hold Town Hall Meetings at the Manor and make discussion of the Manor a regular agenda item.

Kaspar thanked Dennis Meyer, Budget and Fiscal Officer, for meeting with AFSCME representatives and providing financial information on the Manor. She said AFSCME stands by its position that the County should retain ownership of the Manor and try to resolve its problems and suggested that Board members visit the Manor and chat with residents and staff. In terms of the RFQ Committee, Kaspar asked that the Lincoln Independent Business Association (LIBA) not be allowed to have representation, as it has contributed to the Commissioners' campaigns and one of the Commissioner's spouses serves on its Board.

Schorr clarified that her husband is no longer a member of the LIBA Board.

9) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, March 12, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m. on Tuesdays and rebroadcast at 1:30 p.m. and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the Internet 24 hours a day at <http://www.lancaster.ne.gov>. Click on 5 City-TV Video On Demand.**

Informational only.

The Chair recessed the meeting at 10:21 a.m.

The Chair reconvened the Board of Commissioners meeting at 10:23 a.m.

RETURNING TO NEW BUSINESS:

N. Executive Session for Pending Litigation (Greenbelt Cases)

MOTION: Hudkins moved and Schorr seconded to enter Executive Session at 10:23 for discussion of pending litigation. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

MOTION: Stevens moved and Schorr seconded to exit Executive Session at 10:38 a.m. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried.

10) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting a 10:38 a.m. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 10, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING**

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

Commissioners Absent: Bob Workman

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

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, March 3, 2009.

MOTION: Stevens moved and Hudkins seconded approval of the minutes. Hudkins, Stevens and Heier voted aye. Schorr abstained from voting. Motion carried.

2) ADDITIONS AND DEDUCTIONS:

Approval of 93 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Stevens moved and Hudkins seconded approval of the 93 additions and deductions to the tax assessment rolls. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

3) MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:

**Gates of Praise
Lincoln Church of Christ**

MOTION: Hudkins moved and Stevens seconded approval of the Motor Vehicle Tax Exemption applications. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

4) ADJOURNMENT:

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Equalization meeting at 10:23 a.m. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

Dan Nolte
County Clerk