

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, APRIL 21, 2009**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

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

Commissioners Absent: Larry Hudkins

Others present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer and  
Interim Lancaster Manor Administrator  
Tom Fox, Deputy County Attorney  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office

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 14, 2009, and approval of the Minutes of the joint meeting between the Lancaster County Board of Commissioners and the Gage County Board of Supervisors on Tuesday, April 14, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 21, 2009.**

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

- 3) **SPECIAL PRESENTATION:**

**A. A resolution in the matter of declaring April, 2009, as Lancaster County Crime Victim's Rights Awareness Month. (R-09-0019)**

3) **SPECIAL PRESENTATIONS CONTINUED:**

Joanna Briggs, Velinda Nelson, Pat Westendorf, Jody Brott and Kathy Stevenson with the Lincoln Police Department appeared. Briggs thanked the Board for their ongoing support of crime victims rights. She said the group has outreached to over 7000 crime victims in Lancaster County and has helped 476 people with protection orders.

Schorr and Heier thanked the group for what they have done.

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

B. **A proclamation declaring the week of May 10-16, 2009, as National Nursing Home Week.**

Gwen Thorpe, Interim Lancaster Manor Administrator, outlined activities for the week, including an art showing, a scrapbook showing, a Model A car show, a collectibles display, a strawberry shortcake festival, and a dance.

Thorpe also noted there would be a volunteer recognition luncheon on Saturday. Schorr indicated she would represent the County Board at the event.

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

4) **NEW BUSINESS:**

A. **An application for a Special Designated License from Ken's Liquor, Inc., to provide liquor beverage service for a graduation party located at Country Pines, 6305 West Adams, Lincoln, Lancaster County, Nebraska, on May 9, 2009, from 3:00 p.m. to 1:00 a.m.**

**MOTION:** Stevens moved and Schorr seconded approval of the Special Designated License. Stevens, Workman, Schorr and Heier voted aye. Motion carried.

B. **An application for a Special Designated License from Ken's Liquor, Inc., to provide liquor beverage service for a wedding reception located at Country Pines, 6305 West Adams, Lincoln, Lancaster County, Nebraska, on May 24, 2009, from 5:00 p.m. to 1:00 a.m.**

**MOTION:** Stevens moved and Workman seconded approval of the Special Designated License. Workman, Schorr, Stevens and Heier voted aye. Motion carried.

C. **A resolution in the matter of imposing occupation taxes on craft brewery, microdistillery and annual catering licenses. (R-09-0021).**

4) **NEW BUSINESS CONTINUED:**

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

- D. **A program resolution between the Nebraska Department of Roads and the County Engineer to install pavement markings on six paved county road segments as shown on Exhibits "A" and "B". The estimated County cost is \$28,400. (R-09-0020)**

Don Thomas, County Engineer, gave a brief overview of the program resolution. He said this is part of the Safer Roads Program and said special paint will be inlaid on 16 miles of roads to prevent snow plows from scraping it off as easily.

Schorr questioned if it was the center or outside lines. Thomas responded it was both.

Workman noted the road segments affected are Raymond Road, S. 120<sup>th</sup> St., A St., S. 56<sup>th</sup> St., S. 54<sup>th</sup> St. and S. 68<sup>th</sup> St. He questioned the payback. Thomas replied he would like to get more than five to seven years for the price. He also stated it was a 90/10 program with the County paying 10%.

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

- E **A contract between Lancaster County and Pavers, Inc., to resurface various county roads in the amount of \$975,028.40; Project No 09-28. The project shall be completed in the summer of 2009. (C-09-0172)**

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

- F. **A contract between Serve Nebraska, Redstone Communications and Lancaster County on behalf of Lancaster County Emergency Management to develop public service announcements which promote the Nebraska State Citizens Corps Program, local Citizens Corps Councils and personal responsibility for emergency preparedness. Lancaster County will pay up to \$20,000 from federal Department of Homeland Security funds for the services. The contract term shall be between March 18, 2009, and May 18, 2009. (C-09-0173)**

Doug Ahlberg, Emergency Management Director, appeared and explained the contract would utilize 2005-2006 Homeland Security grant funds to develop a statewide public service announcement promoting the community emergency response team training in conjunction with the state volunteer commission. He said if these funds are not spent, they will go back to Homeland Security.

4) **NEW BUSINESS CONTINUED:**

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

- G. **Renewal of a maintenance agreement with Environmental Systems Research Institute, Inc. (ESRI), for the ArcInfo software used by the Lancaster County Engineer's and County Assessor/Register of Deeds' Geographic Information System (GIS), in the amount of \$15,600. The agreement covers technical support, software upgrades and user conference registrations requested by the County Engineer and County Assessor/Register of Deeds for their GIS system. Term of the agreement is July 21, 2009, through July 20, 2010. (C-09-0174)**

Heier asked Bob Walla, Assistant Purchasing Agent, to come forward. Heier questioned if the \$15,000 was justified, and Walla stated he did not put the contract together.

Kerry Eagan noted this contract has been approved for many years and he felt it was worth the money.

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

- H. **An appraisal contract between the County Engineer and Johnson Appraisal, LLC, for appraisal services, in the amount of \$6,600, in connection with the appraisal of right-of-way for a project located at Saltillo Road (So. 98<sup>th</sup> St. - So. 120<sup>th</sup> St.); Project No C55-PQ-406(2). (C-09-0175)**

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

- L. **An agreement between Lancaster County and Southeast Community College to present a diversity training workshop for the Lancaster County Community Mental Health Center on May 5, 2009. The County will pay up to \$3,265 for the services. (C-09-0176)**

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

4) **NEW BUSINESS CONTINUED:**

- M. **An agreement with Nebraska Dermatology 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 agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Nebraska Dermatology will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-09-0177)**

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

- N. **A political subdivision tort claim filed against Lancaster County Corrections by Alyssa Stark for damaged property in the amount of \$4.80.**

**MOTION:** Schorr moved and Stevens seconded denial of the claim based upon the recommendation of the department director. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- O. **Recommendation from the Purchasing Agent and the RFP Committee to award a bid for the Transport of Dead Bodies to Wadlow Rozanek Funeral Home (Primary Award) and Capital City Transfer Services, Inc. (Secondary Award) Spec #09-076. (B-09-0026)**

Brian Woolsey and Kent Wells, Capital City Transfer Services, appeared. With regard to the bid recommendation, Woolsey said he realizes cost is a big factor but felt others, such as professionalism and integrity, should also be considered. He asked if a decision on the bid could be delayed so more background information could be collected on the primary company to assure the level of service received.

In response to Schorr's inquiry, Walla said this will be the first time transport services will be used as autopsies were performed locally in the past. Autopsies will now be done at the Veterans Hospital in Omaha. Walla said roughly 135 autopsies were performed in 2008.

Schorr asked whether the transporting agency would have contact with family members at the scene. Walla said this was a possibility but most likely contact would be with law enforcement.

4) **NEW BUSINESS CONTINUED:**

Stevens asked who was on the RFP Committee. Walla said it included two Lincoln Police Officers, the County Sheriff's office and Doug Cyr, Chief Administrative Deputy County Attorney. He added this bid was done as an RFP rather than a Notice to Bidders in order to evaluate service and pricing. He explained as interviews were conducted with Wadlow Rozanek and Capital City, they were asked about their current service, equipment and how they would handle the service if awarded the contract. The recommendation was then based upon those responses.

With regard to the primary and secondary designations, Walla confirmed the first call would go to Wadlow Rozanek. Capital City Transfer Services would be called when multiple incidents occur in the County.

Stevens questioned whether the contract would include specific terms. Walla said approving this bid recommendation would allow Purchasing to proceed with sending the contracts to the vendors for signature and insurance confirmation prior to formal approval of the award by the County Board. Doing so would also help meet the May 1<sup>st</sup> start date as requested by the County Attorney's Office.

Stevens said he has a couple of concerns but if the Purchasing Department and County Attorney's Office are satisfied with the terms and conditions of the contract as drafted, including the level of service expectations and the upholding of such, then he would be satisfied. His concerns dealt with how the terms and conditions of the contract are fulfilled and whether they are being fulfilled to the level of expectation of law enforcement and the County Attorney's Office. Walla stated if any problems arise, the Purchasing Department should be contacted immediately.

Stevens asked if the contract includes a "No Solicitation" clause. Walla did not think so but would discuss the issue further with Doug Cyr.

In response to Schorr's inquiry, Walla indicated three bid responses were received.

Schorr asked what other types of services were provided by Capital City. Woolsey said they only provide for the removal of deceased individuals and long distance ground transportation to anywhere in the United States.

Woolsey pointed out that Wadlow Rozanek has exclusively used Capital City Transfer Service for two years. He said Capital City works closely with law enforcement and oftentimes does run into families at the scene. One of his concerns was that families are treated professionally. He said the bid stated things like performance record, timeliness, etc. were going to be considered. He felt the recommendation is somewhat skewed since Capital City essentially provides this service for Wadlow Rozanek. Taking this into consideration, the dollar difference between the two bids becomes a large factor. Additionally, he felt it was obvious that the sole goal of the proposed bid is financial gain and solicitation.

4) **NEW BUSINESS CONTINUED:**

Walla discussed the RFP process. He said companies were chosen based on their ability to meet the requirements of the new contract. He noted there was no indication from the interviews that Wadlow Rozanek could not meet these requirements.

Schorr was interested in having the "No Solicitation" clause added to the contract because of the inappropriateness of potential business being transacted at the scene of a death.

Walla stated since the County Board does not have an official protest policy for the bid process, the Board can decide at this time what action it wants to take.

Workman asked Woolsey if he felt there was a conflict of interest. Woolsey replied yes, not only from his perspective but also from the viewpoint of the funeral homes. He reiterated that the first point of contact with families is so key under the circumstances.

Heier asked Walla if he was satisfied with the terms of the contract and the overall bid process. He also inquired whether the County can back out of the contract. Walla said the contract does include a termination cause and he has no doubt the bid process was done correctly.

Stevens felt the process was followed properly and he hoped the contractor would meet the contract terms and level of expectations of the Lincoln Police Department, Sheriff's Office and County Attorney. If not, the matter should be brought to the Board's attention.

Walla said it is proper procedure for the Purchasing Department to field complaints from departments and follow up with the vendor.

**MOTION:** Stevens moved and Workman seconded approval of the recommendation from the Purchasing Department and the RFP Committee to award the bid to Wadlow Rozanek as the primary award and Capital City Transfer as the secondary award.

Schorr said she wants to make sure the "No Solicitation" clause is included. Walla said he will work with the County Attorney's Office to include that in the contract.

**ROLL CALL VOTE:** Stevens, Schorr, Workman and Heier 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 the following:**
1. **Sheriff's Report of Fees for March, 2009.**

5) **CONSENT ITEMS CONTINUED:**

- B. **A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Jerry and Susan Burkey, in the amount of \$47,810, at S. 98<sup>th</sup> Street and Van Dorn Street; Project No. C55-KP-412(1). (2 contracts) (C-09-0178) (C-09-0180)**
- C. **Granting of a permanent easement for Lincoln Electric System (LES) to reconstruct and maintain a power pole structure on S. 1<sup>st</sup> Street, approximately 0.4 miles south of Old Cheney Road. LES plans to reconstruct an existing transmission line from the substation at S.W. 12<sup>th</sup> Street and West Denton Road to the substation at 20<sup>th</sup> Street and Pioneers Boulevard. Reconstruction is tentatively scheduled for the fall of 2009. Lancaster County will receive \$1,660 for the 0.255 permanent easement. (C-09-0179)**

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

6) **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.)

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

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, April 23, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.
- B. A public hearing will be held on Tuesday, May 5, 2009, at 9:30 a.m. in County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding a resolution prohibiting and making unlawful trapping in and along Lancaster County road right-of-way and, pursuant to Neb. Rev. Stat. §37-248, making such trapping punishable as a Class III misdemeanor and a mandatory fine of at least \$50 upon conviction.



8) **ANNOUNCEMENTS CONTINUED:**

- C. 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.

9) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded to adjourn the Board of Commissioners meeting at 10:14 a.m. Workman, Schorr, Stevens and Heier voted aye. Motion carried.

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**Dan Nolte**  
**Lancaster County Clerk**

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, APRIL 21, 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  
Bob Workman  
Deb Schorr

Commissioners Absent: Larry Hudkins

Others present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer and  
Interim Lancaster Manor Administrator  
Tom Fox, Deputy County Attorney  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:14 a.m.

- 1) **MINUTES:** Approval of the Minutes of the Board of Equalization meeting held on Tuesday, April 14, 2009.

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

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of two additions and deductions to the tax assessment rolls per Attachment "A".

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

3) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:16 a.m. Workman, Schorr, Stevens and Heier voted aye. Motion carried.

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**Dan Nolte**  
**Lancaster County Clerk**