

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 28, 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
Larry Hudkins
Deb Schorr

Others present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
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 21, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 28, 2009.**

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

- 3) **CLAIM FOR REVIEW:**

A. **Invoice on Account #3480499, dated April 2, 2009, from Thayer County Health Services in the amount of \$634.00.**

MOTION: Schorr moved and Hudkins seconded denial of the invoice based on the inmate being in custody of the Thayer County Sheriff at the time of the services. Schorr, Stevens, Hudkins, Workman, and Heier voted aye. Motion carried.

3) **SPECIAL PRESENTATION:**

- A. **A one-time cash award, in the amount of \$500, for Lizz Habel, an employee with Lancaster Manor, due to exceptional circumstances.**

Lizz Habel and Marlene Walenta, Director of Nursing, appeared for the presentation. Walenta said Habel started six months ago in the admissions department and has done an excellent job; she single-handedly covered admissions, organized the department and gained rapport with discharge planners throughout the community.

Schorr and Hudkins expressed their appreciation to Habel for her efforts.

Habel thanked everyone at Lancaster Manor and commended the great management team.

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

4) **NEW BUSINESS:**

- A. **An application for a Special Events Permit from Fulton Construction, Inc., to hold a Show Home Benefit for Cystic Fibrosis at 355 West Stagecoach Road on May 1, 2009, from 5:00 p.m. to 9:00 p.m., May 2, 2009, from 12:00 p.m. to 6:00 p.m., and May 3, 2009, from 12:00 p.m. to 6:00 p.m.**

Steve Fulton appeared and said the times listed were incorrect. They should be Friday from 6:00 p.m. to 9:00 p.m. and Saturday and Sunday from 1:00 p.m. to 6:00 p.m. (Note: The application listed the times as Friday from 5:00 p.m. to 9:00 p.m. and Saturday and Sunday from 12:00 p.m. to 6:00 p.m.)

Fulton contacted a sign company, per the suggestion of the County Engineer, to close a mile of road around the driveway to the house since it is in the middle of a hill. He spoke with neighbors along a two mile stretch of the road, and everyone was agreeable.

Stevens said the County Engineer's Office recommended closing the road only during daylight hours and questioned whether 9:00 p.m. would be considered daylight hours. Fulton said a flashing light would be used on the signs to make them visible even when pulled off the roadway. He explained staff would be posted where the road is closed to help with traffic.

Ken Schroeder, County Surveyor, said the signs will be moved to the edge of the road after dark but will still be in the right-of-way, so the flashing light will alert vehicles of the sign location.

4) **NEW BUSINESS CONTINUED:**

Schorr inquired about the event details. Fulton said it is a \$5 suggested donation at the door. Friday is an invitation only event with Saturday and Sunday open to the public. A family from Las Vegas retiring to Nebraska will live in the home, and a member of their family has cystic fibrosis.

Fulton thanked the County Clerk's office for helping him put the special permit together expeditiously.

MOTION: Stevens moved and Schorr seconded approval of the Special Events Permit. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

B. A request from Charles L. Sybert for an adjustment to his second half 2008 property taxes.

Norm Agena, County Assessor/Register of Deeds, appeared and stated there is no provision in State Statute to permit a refund or reduction for 2008. The value in 2009, which was based upon different market conditions than 2008, went down, and Sybert applied for a Homestead Exemption. Agena noted the value in 2008 was the same as 2006 and 2007, and Sybert never protested the value in the past. Based on this information, Agena recommended denial of the request.

MOTION: Stevens moved and Hudkins seconded denial of the request based on the recommendation of the County Assessor/Register of Deeds. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

C. A survey agreement with the Commission on Accreditation of Rehabilitation Facilities (CARF) International for conducting an accreditation survey of the Lancaster County Community Mental Health Center and rendering an accreditation outcome. (C-09-0170)

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

D. An agreement with Peter Wawers M DC 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 Peter Wawers M DC will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. (C-09-0181)

4) **NEW BUSINESS CONTINUED:**

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

- E. **An agreement with Empi Recovery 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 Empi Recovery will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. (C-09-0182)**

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

- F. **Recommendation from the Purchasing Agent and the County Engineer to issue an order for traffic paint from the State of Nebraska Contract, 12450 OC, to be purchased from Vogel Paint & Wax Company at a cost of \$41,655. (B-09-0027)**

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

- G. **A grant contract with the Lincoln Literacy Council in the amount of \$10,000 to provide funding for translation of juvenile court letters, information pamphlets, forms and applications into Spanish, Arabic, Vietnamese and Russian in order to help non-English speaking youth and their parents understand the juvenile justice system, the importance of court dates and appointments with program staff. Term of the contract is from April 1, 2009, to June 30, 2009. (C-09-0183)**

MOTION: Schorr moved and Stevens seconded approval of the grant contract.

Workman said \$0.19 per word seemed pricey, but the brochures require extra effort, and from that standpoint would not be too expensive.

Heier said \$0.19 per word at 42,000 words would be equivalent to approximately \$8,000 with editing at \$2,000. In the future, he would like to see this bid through the Purchasing Department. Hudkins and Workman agreed.

Schorr said she would take this recommendation to the Joint Budget Committee (JBC) for future consideration but would appreciate this contract being approved today.

4) **NEW BUSINESS CONTINUED:**

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

- H. **A software support agreement with Tyler Technologies, Inc., for the support and maintenance of the EagleRecorder software used by the County Assessor / Register of Deeds Office. Term of the agreement is January 1, 2009, to December 31, 2009, and the County will pay \$27,520 for the services. (C-09-0184)**

MOTION: Stevens moved and Workman seconded approval of the agreement.

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and said this was the annual support agreement for the software they have been using.

Tom Fox, Deputy County Attorney, said the agreement does include the limitation of liability clauses and necessary warranties.

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

- I. **An agreement with the University of Nebraska Board of Regents, on behalf of the Department of Psychology. Under the agreement the University will provide the services of a licensed clinical PhD Psychologist for four hours a week at the Community Transition Program at the Heather. Term of the agreement is July 1, 2009, to June 30, 2010, and the County will pay \$8,246.90 for these services. (C-09-0185)**

MOTION: Stevens moved and Workman seconded approval of the agreement.

Hudkins asked if the money was part of a grant or the operating budget.

Heier said it is not a grant. He added these services will be provided at a cost of approximately \$30 per hour which he felt was quite reasonable.

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

- J. **An affiliation agreement with the University of Nebraska Board of Regents on behalf of the Clinical Psychology Training Program for five graduate psychology students who will provide services such as psychotherapy, counseling and psychological testing for the Community Mental Health Center. Term of the agreement is June 1, 2009, to May 31, 2010, and the County will pay \$80,510 for these services. (C-09-0186)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of the affiliation agreement.

Hudkins asked if this was a grant.

Stevens said he was not aware of any grants. He added the students will be working a total of 100 hours per week.

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

Heier later clarified the \$30 per hour comment should have been in reference to Item J rather than Item I.

- K. **An agreement between Lancaster County and Great Plains Appraisal Company on behalf of Wayne Kubert and Tom Kubert, to provide the services of a Referee Coordinator to coordinate referees who will hear all property tax protests for the 2009 tax year before the Lancaster County Board of Equalization. The coordinator is also responsible for ensuring that all papers related to such protests along with written findings and recommendations are made available to the Board. The Referee Coordinator shall be reimbursed at a rate of \$760 per working day up to \$100,000. (C-09-0187)**

Schorr said she would abstain from voting since her daughter will be working for Great Plains Appraisal this summer.

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

- L. **An agreement between Lancaster County and Wadlow Rozanek Funeral Home (Primary Vendor) for the Transport of Dead Bodies. Term of the agreement is from May 1, 2009, to April 30, 2012. The County will pay for the services according to the prices listed in the Contractors proposal. (C-09-0188)**

This item was held per direction of the County Attorney's Office.

- M. **An addendum to the contract between Lancaster County and Alamar Uniforms for uniforms for the Sheriff's Office, found at County Contract Number C-07-0225. The addendum renews the agreement for an additional one-year term beginning June 19, 2009, and ending June 18, 2010. (C-09-0189)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Workman seconded approval of the addendum. Hudkins, 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: Norris Public Power's News Magazine for March, 2009.**
- B. **Setting of a public hearing for Tuesday, May 5, 2009, at 9:30 a.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding a request from Dusty's Bar & Grill for an addition to licensed premise located at 109 1st St, Kramer, Lancaster County, Nebraska. This request is for a one story irregular shaped building approximately 42' x 61' including a beer garden approximately 20 x 24'.**

MOTION: Stevens moved and Hudkins seconded approval of the consent items. Schorr, Hudkins, Workman, Stevens 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 30, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.**

8) **ANNOUNCEMENTS CONTINUED:**

- 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.**

- 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 Workman seconded to adjourn the Board of Commissioners meeting at 9:58 a.m. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

**Dan Nolte
Lancaster County Clerk**

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 28, 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
Larry Hudkins
Deb Schorr

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
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 9:58 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, April 21, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS:**

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

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

- 3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**First Church of the Nazarene
Southeast Nebraska Mobile Diagnostic Service, Inc. (two applications)
Grace Lutheran Church**

Deputy County Attorney Tom Fox asked that the Southeast Nebraska Mobile Diagnostic Service, Inc., applications be held for further review.

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:**

MOTION: Stevens moved and Workman seconded approval of the motor vehicle tax exemption applications for First Church of the Nazarene and Grace Lutheran Church. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

Michael W. & Carol D. Campbell (two notices)

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and said this property was constructed in an area which previously did not require building permits, thus, it was not reported to the County Assessor's Office. An appraiser was at the property in January doing a 2009 review and discovered it was omitted in 2007 and 2008.

Stevens asked if the property owner was aware of this valuation. Gaines said this letter would serve as the official notice.

MOTION: Stevens moved and Workman seconded approval of the notice of assessed valuation change. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:02 a.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

**Dan Nolte
Lancaster County Clerk**