

JUL 30 2009

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 28, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

LANC. COUNTY CLERK

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

Commissioners Absent: Bob Workman

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, July 21, 2009.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes. Hudkins, Stevens and Heier voted aye. Schorr abstained. Motion carried 3-0 with one abstention.

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

MOTION: Stevens moved and Schorr seconded approval of the claims. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- 3) **NEW BUSINESS:**

- A. **A resolution amending and adopting the amended and restated agreement for the formation of the Region V Community Services Program. (R-09-0050)**

MOTION: Schorr moved and Stevens seconded approval of the resolution. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

3) **NEW BUSINESS CONTINUED:**

- B. **A resolution endorsing the creation of a special assessment district for the Lancaster County Agricultural Society to pay the costs related to off-site traffic improvements at 84th Street and Havelock Avenue. (R-09-0051)**

MOTION: Hudkins moved and Stevens seconded approval of the resolution. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- C. **A resolution approving the execution of an agreement between Lancaster County and the State of Nebraska Department of Roads, Project No. LCLC-5280(1), Saltillo Road, U.S. 77 to S. 70th Street Stimulus Roadway Improvement, and the designation of the project to be constructed as Project No. LCLC-5280(1). A copy of the agreement to be executed is attached to the resolution. The cost of the project is estimated to be \$651,000 of which \$650,000 is estimated to be the Federal share and \$1,000 is estimated to be the County cost. (R-09-0052)**

MOTION: Stevens moved and Hudkins seconded approval of the resolution.

Hudkins noted the project is moving forward, but it will probably be next spring before it is finished.

Stevens said the project was originally on the County Engineer's schedule for this summer; however, it was found to be eligible for stimulus funding, which meant delaying the project for one year. Stevens thanked the County Engineer's office for doing the project as soon as possible and expressed his appreciation for the extra money from the Federal government.

ROLL CALL: Stevens, Schorr, Hudkins and Heier voted aye. Motion carried 4-0.

- D. **Recommendation from the Purchasing Department to approve a facility membership application and facility membership agreement for Ross Lab nutritional supplement products using the Minnesota Multi-State Contracting Alliance for Pharmacy (MMCAP) contract. Manor staff will order on an as-needed basis. (C-09-0385)**

MOTION: Stevens moved and Schorr seconded approval of the recommendation. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- E. **Acknowledgement of rate confirmation regarding Lancaster County's long term disability policy with The Hartford, Policy No. 347232, with a rate of \$0.39 per \$100 of payroll from September 1, 2009, until September 1, 2011. (C-09-0386)**

3) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of the acknowledgement. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- F. **A change order supplemental agreement for Project C55-F-406(1) to provide for using an asphaltic concrete mix for bike paths. The original agreement with Pavers, Inc., was approved on March 10, 2009. The change order will decrease the agreement amount by \$1,231.60. (C-09-0387)**

MOTION: Stevens moved and Hudkins seconded approval of the change order. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

- G. **A licensing agreement between Lancaster County and Swank Motion Pictures, Inc., for showing video cassette movies at the Youth Services Center. Term of the agreement is from July 1, 2009, through June 30, 2010. The County will pay \$285 for the license. (C-09-0388)**

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

Hudkins questioned using this video service when videos could be checked out from the library.

Heier said these videos are pre-screened for the viewing audience, which saved the Youth Services Center from using an employee to screen videos.

Hudkins agreed the screening process provided value.

ROLL CALL: Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

- H. **An agreement with Prairie Shoulder, Elbow and Hand 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 Prairie Shoulder, Elbow and Hand will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution by both parties and contains a 30-day termination provision. (C-09-0389)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

3) **NEW BUSINESS CONTINUED:**

- I. **An agreement with Cedars Youth Services for tracker services for adolescents placed in the Lancaster County Juvenile Drug Court. Term of the agreement is July 1, 2009, through June 30, 2010. The County will pay up to \$28,000 for the services. (C-09-0390)**

MOTION: Schorr moved and Hudkins seconded approval of the agreement. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- J. **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, 2009, through June 30, 2010. The County will pay \$65 per hour for no more than 36 hours per week. A business associate agreement is also attached to the agreement to comply with Health Insurance Portability & Accountability Act (HIPAA) regulations. (C-09-0391)**

MOTION: Hudkins moved and Stevens seconded approval of the agreement. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- K. **An amendment to an agreement with Rochester Armored Car Co., Inc., found at County Contract No. C-03-0305, for armored car services. The amendment extends the current contract term for an additional 31 days beginning August 1, 2009, and ending August 31, 2009. (C-09-0392)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried 4-0.

- L. **An amendment to the professional services agreement between The Clark Enersen Partners and Lancaster County for architectural design and engineering services for the new adult detention facility found at County Contract No. C-08-0055. The amendment provides for compensation for additional services, including expanded design and modification of design documents to increase the size of the new jail to a 779 bed jail facility, additional construction administrative services, and additional weekly progress meetings during the construction period. The cost of the additional services shall not exceed \$296,740. (C-09-0393)**

MOTION: Hudkins moved and Stevens seconded approval of the amendment.

Heier questioned if this amendment should go before the Correctional Facility Joint Public Agency (JPA).

3) **NEW BUSINESS CONTINUED:**

Tom Fox, Deputy County Attorney, said the Board is the contracting entity with the engineer and architect and therefore needs to sign the document.

Stevens said the contract should go before the Board, but the bill would probably go to the JPA.

Fox noted this is the same procedure as used in the past. In response to Heier's question, Fox said bond money would pay for this additional cost.

ROLL CALL: Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- M. **An amendment to the unit price construction contract between David Wood Construction, Inc., and Lancaster County, the City of Lincoln, and the Public Building Commission for miscellaneous painting services under \$25,000, found at County Contract No. C-08-0357. The amendment renews the contract for an additional one-year term beginning August 1, 2009, and ending July 31, 2010. (C-09-0394)**

MOTION: Hudkins moved and Stevens seconded approval of the amendment. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- N. **An amendment to the agreement with LeGrande Excavating, Inc., for snow and ice removal services from City, County and Public Building Commission parking lots at a rate between \$34 per hour and \$150 per hour depending on the type of service performed, found at County Contract No. C-08-0573. The amendment renews the agreement for a one-year term beginning May 2, 2009, and ending May 1, 2010. (C-09-0395)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

- O. **An amendment to the agreement with Gana Trucking and Excavating, Inc., for snow and ice removal services from City, County and Public Building Commission parking lots at a rate between \$65 per hour and \$95 per hour depending on the type of service performed, found at County Contract No. C-08-0609. The amendment renews the agreement for a one-year term beginning May 2, 2009, and ending May 1, 2010. (C-09-0396)**

MOTION: Stevens moved and Schorr seconded approval of the amendment. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

3) **NEW BUSINESS CONTINUED:**

- P. **An amendment to the agreement with McKesson Medical-Surgical Minnesota Supply, Inc., for the annual supply of linens on an as-needed basis by Lancaster Manor, found at County Contract No. C-08-0325. The amendment renews the agreement for a one-year term beginning July 10, 2009, and ending July 9, 2010. (C-09-0397)**

MOTION: Hudkins moved and Stevens seconded approval of the amendment. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- Q. **An amendment to the agreement with Midwest Storage Solutions, Inc., for storage space for the County Court Office addition hall and court office, found at County Contract No. C-09-0327. The amendment extends the completion date of the project to October 1, 2009, and adds the purchase and installation of file dividers and flooring according to the pricing outlined in Attachment 1. (C-09-0398)**

MOTION: Schorr moved and Hudkins seconded approval of the amendment. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- R. **An amendment to a unit price construction contract between Ensley Electrical Services and Lancaster County, the City of Lincoln and the Public Building Commission for electrical services in relation to small emergency and routine maintenance and repairs (under \$25,000). The amendment renews the contract for an additional term beginning August 1, 2009, and ending July 31, 2010. (C-09-0399)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- S. **An amendment to a unit price construction contract between Innovative Electrical Technologies, Inc., and Lancaster County, the City of Lincoln and the Public Building Commission for electrical services in relation to small emergency and routine maintenance and repairs (under \$25,000), found at County Contract No. C-08-0396. The amendment renews the contract for an additional term beginning August 1, 2009, and ending July 31, 2010. (C-09-0400)**

MOTION: Hudkins moved and Stevens seconded approval of the amendment. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried 4-0.

3) **NEW BUSINESS CONTINUED:**

- T. **An amendment to a unit price construction contract between Progressive Electric and Lancaster County, the City of Lincoln and the Public Building Commission for electrical services in relation to small emergency and routine maintenance and repairs (under \$25,000), found at County Contract C-08-0395. The amendment renews the contract for an additional term beginning August 1, 2009, and ending July 31, 2010. (C-09-0401)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- U. **An amendment to a unit price construction contract between Hernandez Painting and Lancaster County, the City of Lincoln and the Public Building Commission for miscellaneous painting services (under \$25,000), found at County Contract No. C-08-0355. The amendment renews the contract for an additional term beginning August 1, 2009, and ending July 31, 2010. (C-09-0402)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment.

Schorr asked about changing the contract renewals to two years.

Bob Walla, Purchasing Agent, said the main reason they do one-year renewals is because the City has to go through the resolution process for anything beyond one year. Walla agreed to review the renewal process.

ROLL CALL: Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

- V. **Acceptance of a grant award from the Nebraska Crime Commission on Law Enforcement and Criminal Justice for a Coordinated Response to Reducing Domestic Violence Grant. The County will receive \$245,309 of which \$80,308 is the County's match share. Term of the grant award is June 1, 2009, to May 31, 2010.**

The County Attorney requested this item be held.

- W. **Acceptance of a grant award from the Nebraska Crime Commission on Law Enforcement and Criminal Justice for the Co Aid Enhancement Grant. The County will receive \$58,044 of which \$16,584 is the County's match share. Term of the grant award is July 1, 2009, to June 30, 2010.**

MOTION: Hudkins moved and Stevens seconded approval of the grant award. Hudkins, Stevens, Schorr and Heier voted aye. Motion carried 4-0.

3) **NEW BUSINESS CONTINUED:**

- X. **Acceptance of a grant award from the Nebraska Crime Commission on Law Enforcement and Criminal Justice for a Coordinated Response to Reducing Domestic Violence Grant. The County will receive \$32,524 of which \$8,131 is the County's match share. Term of the grant award is June 1, 2009, to May 31, 2010.**

The County Attorney requested this item be held.

- Y. **Acceptance of a grant award from the Nebraska Crime Commission on Law Enforcement and Criminal Justice for the County Aid Grant. The County will receive \$266,960 of which \$76,274 is the County's match share. Term of the grant award is July 1, 2009, to June 30, 2010.**

MOTION: Hudkins moved and Stevens seconded approval of the grant award. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

- 4) **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 Sheriff's monthly report for June, 2009.**
- B. **Right-of-way contracts for road projects between the Lancaster County Engineering Department and the following individuals:**
1. **Melvin and Virginia Plouzek, located at 27410 SW 142nd Street, Hickman; Project No. CP-V-249, Tract 1. Cost is \$163. (C-09-0403)**
 2. **Melvin and Virginia Plouzek, located at 27410 SW 142nd Street, Hickman; Project No. CP-V-250, Tract 1. Cost is \$127. (C-09-0404)**
 3. **Iona Fuhrer, located at 24505 S. 96th Street, Hickman; Project No. CP-X-94, Tract 1. Cost is a donation. (C-09-0405)**
 4. **Connie Hansen and Ronald Vajgrt, located at 7701 Arbor Road, Lincoln; Project No. C55-G-408(3), Tract 5. Cost is \$7175.40. (two contracts) (C-09-0406, C-09-0407)**

MOTION: Stevens moved and Hudkins seconded approval of the consent items. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

5) **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.)

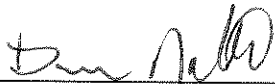
6) **EMERGENCY ITEMS AND OTHER BUSINESS:**

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a special Budget Meeting on Tuesday, July 28, 2009, in Room 113 on the first floor of the County-City Building immediately following the regular County Board of Commissioners and Board of Equalization Meetings.
- B. The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, July 30, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.
- 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 www.lancaster.ne.gov. Click on 5 City-TV Video On Demand.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 9:54 a.m. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



AGENDA
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 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
Larry Hudkins
Deb Schorr

Commissioners Absent: Bob Workman

Others present: Scott Gaines, Deputy 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 9:54 a.m.

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

MOTION: Hudkins moved and Stevens seconded approval of the minutes. Hudkins, Stevens and Heier voted aye. Schorr abstained. Motion carried 3-0 with one abstention.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 40 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

MOTION: Schorr moved and Stevens seconded approval of the additions and deductions. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.

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

Capital Humane Society
Capitol City Christian Church
Sisters of Mary, Queen of Mercy
Sisters of Mercy

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle tax exemptions. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

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

Becher Trust (two notices)

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval. Gaines explained this property had a 2006 Tax Equalization and Review Commission (TERC) settlement of \$70,000; however, a clerical error in the system lost the value for 2007 and 2008. These notices would re-establish the \$70,000 value for 2007 and 2008.

MOTION: Schorr moved and Stevens seconded approval to send the notices. Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 4-0.

5) **APPEAL OF PENALTY ON 2008 PERSONAL PROPERTY TAX:**

Teledyne ISCO

Gaines noted the penalty is for 2009, not 2008. He said his office received the personal property filing in June 2009, and as required by statute, a 10% penalty is issued if the return is filed after May 1. Gaines said there is no provision in statute to allow leniency for past performance or other factors. He estimated the penalty at \$3,600.

MOTION: Schorr moved and Stevens seconded to deny the appeal. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried 4-0.

6) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 9:57 a.m. Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

