

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 24, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

Commissioners present: Ray Stevens, Vice Chair
Bob Workman
Larry Hudkins
Deb Schorr

Commissioners Absent: Bernie Heier, Chair

Others present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, 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 9:30 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 17, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, March 24, 2009.**

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

At the request of the Vice Chair, Doug Ahlberg, Emergency Management Director, appeared and gave a report on the previous night's storm. He presented copies of an Emergency Operations Center (EOC) log sheet (Exhibit A), noting the County had eleven sites with damage due to high winds or possible tornadic activity.

Commissioner Schorr introduced her niece Julie Schorr, who was in attendance at the meeting.

3) **OLD BUSINESS:**

- A. **A resolution in the matter of County Miscellaneous No. 09002, a request for approval to acquire land by condemnation for a water well site by Emerald Sanitary and Improvement District No. 6 on property generally located at S.W. 98th and West "O" Streets. (R-09-0013)**

MOTION: Workman moved and Hudkins seconded approval of the resolution. Workman, Stevens and Hudkins voted aye. Schorr abstained from voting, due to a conflict of interest. Motion carried.

4) **NEW BUSINESS:**

- A. **An addendum to an agreement with Milliman, Inc., under County Contract No. C-07-0339, for consulting services for the Lancaster County medical and dental employee benefit plans. The addendum authorizes Milliman to perform an actuarial review of the County's Workers' Compensation and General Liability programs. The County shall pay \$12,000 for the additional services. (C-09-0125)**

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

- B. **An amendment to a contract between Lancaster County and Vanguard Industries, Inc., found at County Contract Number C-07-0081, for fuel tank maintenance and service. The amendment renews the contract for an additional one year term from March 20, 2009 through March 19, 2010. (C-09-0126)**

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

- C. **Agreements with All Care Grounds Management, B & B Lawn Service, Big Red Lawn Care, Lee's Lawn Maintenance and ProMow, Inc. for weed control services for the Lancaster County Noxious Weed Control Authority, at rates as specified in the bid; Specification No. 09-013. (C-09-0127) (C-09-0128) (C-09-0129) (C-09-0130) (C-09-0131)**

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

4) **NEW BUSINESS CONTINUED:**

- D. An addendum to an agreement with Tyler Technologies, Inc., formerly Cole Layer Trumble Company, found at County Contract Number C-04-0208, for software and professional services for the Lancaster County Treasurer. The addendum terminates all work being provided to the Lancaster County Treasurer for the Orion Property Tax System project, waives and releases the County from paying any outstanding balances for services and from any claims Tyler Technologies may have, and releases Tyler Technologies from any claims the County may have. (C-09-0132)**

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

- E. An agreement with Tyler Technologies, Inc., formerly Cole Layer Trumble Company, for the support and maintenance of the Orion Appraisal and Assessment software used by the County Assessor/Register of Deeds Office. Term of the agreement is from January 1, 2009 to December 31, 2009 and the County will pay \$58,092 for the services. (C-09-0136)**

Tom Fox, Deputy County Attorney, appeared and said this contract, and the one following, have limitation of liability provisions. He said his office does not support inclusion of the provisions, although they are fairly standard for computer software agreements.

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

- F. An agreement with Tyler Technologies, Inc., formerly Cole Layer Trumble Company, for the support and maintenance of the OASIS software used by the County Treasurer's Office. Term of the agreement is October 1, 2008 to December 31, 2011 and the service will be provided to the County at no cost. (C-09-0133)**

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

4) **NEW BUSINESS CONTINUED:**

- G. An agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steve McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the Primary Election on April 7, 2009. The agreement shall commence upon execution by both parties and shall continue until April 10, 2009. The County will pay \$48 per polling location for the delivery services. (C-09-0134)**

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

- H. An agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steve McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the General Election on May 5, 2009. The agreement shall commence upon execution by both parties and shall continue until May 8, 2009. The County will pay \$48 per polling location for the delivery services. (C-09-0135)**

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

- I. An agreement with Legacy International, Inc. d/b/a Legacy Inmate Communications for Inmate Phone Services at all three County Correctional Facilities. The term of the contract is for two years from the date of execution. The County will be paid a commission equal to 60% of the Gross Revenues generated by the phone services, with a guaranteed annual minimum commission of \$170,000. The County will also be paid a signing bonus of \$20,000 within 30 days from the date services are established. The Contractor's accepted proposal and Specification No. 09-016 are a part of the contract and a copy will be kept on file with the Lancaster County Clerk. (C-09-0137)**

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

4) **NEW BUSINESS CONTINUED:**

- J. A unit price construction contract with Commonwealth Electric Company of the Midwest for emergency and large project electrical services (under \$25,000). Term of the contract is from April 1, 2009 through March 31, 2010 with an option to renew the contract for three additional one-year terms. (C-09-0138)**

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

- K. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Lyman-Richey and Westover Trucking for gravel hauling to various stockpiles within the County, in the amount of \$119,379. The production contracts for Lyman-Richey and Western Sand were previously approved under County Contract Numbers C-08-0384 (Western Sand) and C-08-0440 (Lyman-Richey). (B-09-0020)**

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

- L. Recommendation from the Purchasing Agent and the County Engineer to award a bid for point of sale fuel purchase to Whitehead Oil Company. Prices listed represent cost per gallon over actual fuel cost. (B-09-0021)**

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

- M. Request from Ken Carlson, on behalf of BASF Plant Science L.L.C., for a refund of 2008 personal property taxes in the approximate amount of \$103.62.**

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and recommended approval of the request, citing a clerical error.

MOTION: Workman moved and Hudkins seconded to accept the recommendation of the County Assessor/Register of Deeds' Office and approve the request for a refund. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- N. Request from Mary Havey, on behalf of Deere Credit, Inc., for a refund of 2008 personal property taxes in the approximate amount of \$4,800.41.**

Gaines recommended approval of the request, explaining the equipment was not in Nebraska during the 2008 taxing period.

MOTION: Hudkins moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds' Office and approve the request for a refund. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

- O. A political subdivision tort claim filed against Lancaster County Corrections by Christopher Leyden for damaged property in the amount of \$125.**

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

- P. A political subdivision tort claim filed against Lancaster County Corrections by Jimmy Vinson for money deducted from his inmate account in the amount of \$20.16.**

MOTION: Schorr moved and Hudkins seconded to accept the recommendation of the Corrections Director and deny the claim. Workman, Schorr, Hudkins and Stevens 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. County Sheriff's Monthly Report for February, 2009.**
 - 2. City of Hickman's financial statements, supplementary information and management's discussion and analysis for the year ended September 30, 2008.**

5) **CONSENT ITEMS CONTINUED:**

- 3. **Lancaster County Agricultural Society's financial statements, supplementary information and management's discussion and analysis for the year ended November 30, 2008.**
- B. **A leasehold contract for a road project between the County Engineer and Michael E. Cheney, in the amount of \$10, located at Hwy 43 and Roca Road; Project No. CP-R-184. (C-09-0139)**
- C. **Right-of-way contracts for road projects between the County Engineer and the following:**
 - * **Donnie W. Johnson, Trustee, in the amount of \$800, located at No. 176th Street approximately 1/4 mile south of Waverly Road; Project No. CP-H-120. (C-09-0107)**
 - * **Ruby R. King, in the amount of \$1,694, located at Hwy 43 and Roca Road; Project No. CP-R-184. (C-09-0140)**
 - * **Kipp S. And Kristi S. Haight, located on Roca Road approximately 1,341 feet west of So. 190th Street; Project No. CP-R-192. These are land donations. (C-09-0141) (C-09-0142)**

MOTION: Workman moved and Schorr seconded approval of the Consent Items. Schorr, Stevens, Hudkins and Workman 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.)**

No action was taken.

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

None were stated.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting at 10:00 a.m. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 24, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners present: Ray Stevens, Vice Chair
Bob Workman
Larry Hudkins
Deb Schorr

Commissioners Absent: Bernie Heier, Chair

Others present: Scott Gaines, Chief Administrative Deputy
Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, 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 10:00 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 17, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 1 addition and deduction to the tax assessment rolls per Attachment "A".

MOTION: Hudkins moved and Schorr seconded approval of the addition and deduction to the tax assessment rolls. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

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

**Christ United Methodist Church
Cornhusker Place of Lincoln-Lancaster County
Mid-America Union Conference of Seventh-Day Adventists
St. Patrick's Catholic Church**

MOTION: Workman moved and Schorr seconded approval of the motor vehicle tax exemption applications. Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting at 10:03 a.m. Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk