

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 22, 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: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Doug Cyr, Deputy County Attorney
Brittany Behrens, County Attorney Intern
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

Commissioner Stevens introduced his grandchildren, Kyra and Zane Zovak, who came forward to join the Commissioners for the meeting.

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, December 15, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, December 22, 2009.**

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

- 3) **SPECIAL PRESENTATION:**

- A. **Elected Official Salary Committee report and recommendations for 2011-2014 – Members of the Elected Official Salary Committee. (See Item 4A for correlating resolution.)**

3) **SPECIAL PRESENTATION CONTINUED:**

Jim Gordon and Sam Seever appeared on behalf of the Committee. Gordon acknowledged the rest of the Committee members: Gerry Dimon, Pat Kahm, Doug McDaniel, Steve Eicher and Joe Edwards.

Gordon said the Committee recommended no salary increase for 2011 and 2-4% increase for 2012, 2013 and 2014 based on the consumer price index. Gordon said the Committee did not feel an increase would be justified at this time since there was no change overall in the positions.

Hudkins thanked the Committee for their work.

Stevens asked for an explanation of the process. Gordon said the Committee looked at similar counties across the Midwest, using input from elected county officials and those knowledgeable of the consumer price index, but it was mostly based on the economy.

Stevens said based on State Statute the salaries are set every four years and could not change except as provided in a resolution.

Heier said he appreciated the Committee's service to the County.

Seever said the Committee considered extending zero increases further into the future, but extending it too far could cause excessive compression between the chief deputies and the elected office holders. He stated the intent was to allow salaries to increase in a reasonable amount if the economy improves.

Heier suggested having a motion to accept the report from the Committee.

MOTION: Hudkins moved and Schorr seconded to accept the report.

Stevens noted there was a resolution for this item. Heier said they should withdraw the motion. The maker and seconder agreed to withdraw the motion.

4) **NEW BUSINESS:**

A. **A resolution in the matter of setting salaries for Elected County Officials for the 2011-2014 term of office. (R-09-0107)**

MOTION: Hudkins moved and Schorr seconded approval of the Salary Committee's report and the resolution.

Rick Boucher, candidate for Lancaster County Attorney, read a letter he previously sent to the Board on December 13, 2009. He recommended a salary freeze for the County Attorney for the first two years of the term with a maximum 2% increase for the last two years if the economy improved. Boucher said the salary freeze does not apply to Deputy County Attorneys, staff or other elected officials. He felt the freeze was warranted because of the present salary, the downturn in the economy and uncertain economic times.

4) **NEW BUSINESS CONTINUED:**

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

Kerry Eagan, Chief Administrative Officer, noted Boucher's letter was given to the Committee.

- B. **A resolution in the matter of a payment policy for legal services related to SSI General Assistance reimbursement awards to Lancaster County. (R-09-0106)**

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

- C. **A resolution in the matter of authorizing individual members of the Board of County Commissioners of Lancaster County, Nebraska, to execute by manual or facsimile signature and to deliver documents involved in the transition and assignment of all contracts regarding Lancaster Manor, to the new operator of Lancaster Manor. (R-09-0105)**

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

Hudkins stated he did not feel this should be done with the transition of Lancaster Manor.

Doug Cyr, Deputy County Attorney, said the purpose is to allow the Chair or Vice Chair to execute housekeeping type documents on behalf of the Board that do not involve independent discretion.

Stevens asked if the County Attorney's office would offer advice on which documents fall into this category.

Cyr said he discussed the matter with Mike Thew and Tom Fox, Deputy County Attorneys; they felt the resolution was necessary to meet deadlines for the Lancaster Manor transition. He said any of them would be available to discuss any document.

Hudkins questioned the wording of the resolution, which included all contracts.

Cyr agreed the language is broad; however, an individual Board member entering into a contract would not be enforceable. If a commissioner signs an agreement on behalf of the County, the practice has been to bring the contract before the County Board for ratification. State case law says the County can only be bound by a County Board, not a single commissioner.

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

- D. **A resolution in the matter of approving a leave of absence for Gwen Thorpe from her duties as Deputy Chief Administrative Officer at Lancaster County to help ensure a smooth transition of operations of Lancaster Manor from Lancaster County to Lancaster Manor Rehabilitation Center, L.L.C. Such leave of absence shall begin January 1, 2010, and end on January 31, 2010. (R-09-0108)**

4) **NEW BUSINESS CONTINUED:**

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

Hudkins asked Gwen Thorpe for explanation on the transition.

Thorpe said she was asked by Hunter Management and Extended Care to help with the transition for the residents. She said it would last no later than January 31, and she may not be needed the whole time.

Hudkins discussed Thorpe's involvement in the Manor over the last few years.

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

E. **A resolution in the matter of authorizing the County Clerk to issue payments while the County Board is adjourned. (R-09-0109)**

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

F. **A contract with A-Tec Recycling for the annual requirements for fluorescent bulb recycling services. The County will pay for services according to the pricing as provided in the contractor's accepted proposal. Term of the contract is two years from the date of execution. (C-09-0642)**

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

Heier announced he would turn over the Chair position to Stevens if the Board had no objections.

G. **An amendment to a contract with Enserv Midwest for infectious waste pickup and disposal at the Lancaster County Jail, the Youth Services Center, Lancaster Manor and the Community Mental Health Center, found at Lancaster County Contract No. C-08-0608. The amendment renews the contract for an additional one-year term beginning December 1, 2009, and ending November 30, 2010. (C-09-0643)**

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

H. **Ratification of the Notification of Software License Transition with MDI Achieve, Inc., and letter allowing access by Lancaster Manor Rehabilitation Center, L.L.C., and their agent Extended Care, to MDI Achieve software databases. The MDI software license agreements are found at County Contract No. C-07-0326 and C-07-0325. (C-09-0644)**

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

4) **NEW BUSINESS CONTINUED:**

- I. **A real estate purchase agreement between Lancaster County and Milton D. Rogge and Holly A. Rogge for approximately .982 acres located in Lot 72, Irregular Tract, in the Northeast Quarter of the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the sixth principal meridian, Lancaster County, Nebraska. The property is adjacent to the new jail property and the County is purchasing the property to provide an entrance off of West O Street to the new jail. (C-09-0645)**

MOTION: Hudkins moved and Heier seconded approval of the agreement.

Hudkins thanked the Rogges and Don Killeen, Property Manager.

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

- J. **A permanent easement granted to Milton D. Rogge and Holly A. Rogge for property located in Lot 72, Irregular Tract, in the Northeast Quarter of the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the sixth principal meridian, Lancaster County, Nebraska. The easement is over a portion of the future entrance off of West O Street to the new jail. (C-09-0646)**

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

- K. **An amendment of a trust agreement with Prudential Bank & Trust, FSB, Plan ID No. 006371, Lancaster County, Nebraska Employees Retirement Plan. (C-09-0647)**

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

- L. **A contract for professional services with the Lincoln-Lancaster County Human Services Federation for the oversight and administration of the Community Services initiative. The County will pay up to \$130,000 for the services. Term of the agreement is July 1, 2009, through June 30, 2010. (C-09-0648)**

Doug Cyr stated the contract obligates Lancaster County to pay \$130,000 to Lincoln-Lancaster County Human Services Federation. He said there is a related interlocal agreement between the City, the County and United Way that splits responsibility for paying. He recommended holding the contract until the interlocal agreement for allocation of funds is approved.

Schorr asked if the contract could be approved contingent upon the two documents being signed by the City and United Way.

4) **NEW BUSINESS CONTINUED:**

Kerry Eagan stated the interlocal agreement should have been signed a while ago, and Human Services is in need of funds. He said the contract could be approved subject to Human Services acknowledging the County would only pay a third of the amount. Eagan said the interlocal agreement has been redistributed and will come before the Board in January.

MOTION: Schorr moved approval of the contract with payment for one-third of the total amount to the Human Services Federation with the remaining two-thirds to be paid upon completion of the documents.

FRIENDLY AMENDMENT: Hudkins offered a friendly amendment to pay up to one-third as documented.

The maker of the motion accepted the friendly amendment.

Stevens noted the City's portion is \$45,000, the County's portion is \$45,000, and United Way's portion is \$40,000, which makes the County's portion slightly over one-third.

Cyr said that language is not contained in the agreement, and it would amend the agreement contingent on two other parties' actions in the future.

Schorr asked Kit Boesch, Human Services Director, if the Human Services Federation needed funds and if there was any reason to believe the City or United Way would not pay their portion.

Boesch said they have been acting for six months in good faith waiting for the contract to be signed. She had no reason to believe the City or United Way would not pay their share.

Eagan suggested approval subject to receiving a written statement from the Human Services Federation acknowledging an interlocal agreement is coming and the County will not be liable for more than their share.

Hudkins suggested it be subject to approval by the County Attorney, which has been done before.

Schorr withdrew her original motion.

Cyr suggested adding a section to the contract with the County's total obligation of \$45,000. He could interlineate the amendment into the current contract to prevent further delay.

MOTION: Schorr moved and Hudkins seconded approval of the contract with the interlineation outlined by the County Attorney's office. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried 4-0.

- M. **A construction contract with NGC Group, Inc., for window replacement at the Lancaster County Engineering Department, Waverly District 1. The cost of the services is \$8,265. The services are to be completed by May 28, 2010. (C-09-0649)**

4) **NEW BUSINESS CONTINUED:**

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

N. **Request from William Mehring for a refund of real property taxes for 2007 and 2008.**

Scott Gaines, Deputy County Assessor, recommended denial of the request. He said corrections were made in the 2009 tax year appraisal; the homeowner noted the square footage of the basement has been reduced 10% and asked for an adjustment to his taxes. Gaines stated other adjustments were made that would balance the value, and a challenge on value is not allowed after the fact.

MOTION: Heier moved and Schorr seconded denial of the request based on the Assessor's recommendation. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried 4-0.

O. **Designation of official newspapers for Lancaster County for publication of transportation projects for 2010 as follows: Lincoln Journal Star, The Voice (Hickman), Seward Independent, Crete News and The News (Waverly).**

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

P. **An amendment of a trust agreement with Prudential Bank & Trust, FSB, Plan ID No. 006372, Lancaster County, Nebraska 457 Deferred Compensation Plan. (C-09-0650)**

Eagan clarified the amendment in Item 4K was for the retirement plan, and this item was for the deferred compensation plan.

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

5) **PUBLIC COMMENT:**

Melvin Moore discussed the right to speak and the sacrifices of those involved with the Manor. He wished everyone a Merry Christmas and thanked Commissioner Hudkins for his service.

Commissioner Larry Hudkins reviewed many of the requests he received in regards to the sale of Lancaster Manor. He discussed the volunteer work done at the Manor. Hudkins also discussed the Board making the Manor a Medicare provider versus just Medicaid, saying he no longer felt it was a good decision. He spoke about the financials of the Manor, including the sale value, projected loss and cash balance. He felt the Board acted too quickly in selling the Manor.

Kim Kaspar, President of American Federation of State, County & Municipal Employees, played a Christmas song in tribute to the employees, residents, families, volunteers and those who have committed their lives to serving the elderly of the community.

5) **PUBLIC COMMENT CONTINUED:**

Doug Cyr addressed the Board on Item 4L. He said he added an asterisk to the contract and wrote, "It is understood and agreed that the County's total liability pursuant to this contract is \$45,000. The remainder of the \$130,000 contracted amount shall be paid for by the City of Lincoln, \$45,000, and the United Way of Lincoln-Lancaster County, \$40,000. Lancaster County's share of the funds shall be paid to the contractor upon presentment of evidence acceptable to the County that the contract services have been provided to the end of interlineation." The Board was in agreement.


Heier thanked the County Engineer's office for their work on the roads. He also acknowledged the City's work on the roads.

6) **ANNOUNCEMENTS:**

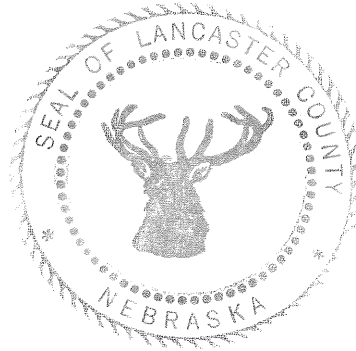
- A. **The Lancaster County Board of Commissioners will not hold meetings on Thursday, December 24, 2009; Tuesday, December 29, 2009; or Thursday, December 31, 2009. The next Board of Commissioners/Board of Equalization meeting will be held on Tuesday, January 5, 2010, at 9:30 a.m., in Room 112 on the first floor of the County-City Building. The next regularly scheduled staff meeting will be held on Thursday, January 7, 2010, 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, January 5, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Special Permit No. 09024 (expanded home occupation – Highway 77 & Hickman Road).**
- C. **A public hearing will be held on Tuesday, January 19, 2010, 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 to vacate a portion of North 98th Street from Ashland Road to a point approximately 1600 feet south of Ashland Road lying in the Northeast Quarter of Section 2, Township 12 North, Range 7 East of the 6th Principle Meridian, Lancaster County, Nebraska.**
- D. **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.**

7) **ADJOURNMENT**

MOTION: Schorr moved and Heier seconded to adjourn the Board of Commissioners meeting at 10:30 a.m. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 22, 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
Doug Cyr, Deputy County Attorney
Brittany Behrens, County Attorney Intern
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 10:30 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 15, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 21 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

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

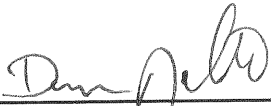
- 3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Catholic Bishop of Lincoln
Christian Retirement Homes, Inc., d/b/a Eastmont Towers
Goodwill Industries Serving Southeast Nebraska, Inc.
University of Nebraska Foundation**

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

4) **ADJOURNMENT**

MOTION: Schorr moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:32 a.m. Schorr, Hudkins, Heier and Stevens voted aye. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

