

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 22, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners present: Deb Schorr, Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Commissioners absent: Bernie Heier, Vice Chair

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, 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 9:32 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 15, 2011.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, February 22, 2011.**

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

3) **SPECIAL PRESENTATION:**

A. The Commissioners' Award of Excellence 2010 Annual Winners:

The clerk read some background information on the Commissioners' Award of Excellence. Committee members present were recognized.

1. Honorable Mention – Chad Anderson, Corrections.

The Clerk read the nomination for the record. Terry Weber, Corrections Facility Administrator, thanked the Board for having the awards and commended Chad Anderson for his effort in assisting a Lincoln Police Officer. Anderson thanked everyone for the award. Commissioner Smoyer presented a plaque to Anderson.

3) **SPECIAL PRESENTATION CONTINUED:**

2. **Honorable Mention – Barbara Frazier, County Weed Control.**

The Clerk read the nomination for the record. Brent Meyer, Weed Control Director, praised Barb Frazier for her work with County Weed Control and thanked the Board for recognizing County employees. Frazier thanked everyone for the award. Commissioner Raybould presented a plaque to Frazier.

3. **2010 Winner – Elden Forsgren, County Engineering.**

The Clerk read the nomination for the record. Diane Winch, Personnel, applauded Elden Forsgren for assisting her son during his car accident. Commissioner Hudkins presented a plaque to Forsgren who thanked Winch and his fellow employees.

4) **NEW BUSINESS:**

A. **A special events permit application from Angry Cow Adventures for the Panama Enduro bike ride on Sunday, March 13, 2011.**

Jim Craig, Angry Cow Adventures, gave an overview of his organization and its events.

John Austin spoke in support of the application.

MOTION: Hudkins moved and Raybould seconded approval of the special events permit. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent. Motion carried 4-0.

B. **A resolution in the matter of an application for a Class IB (beer, wine, distilled spirits on sale, beer off sale) liquor license for the Kramer Bar & Grill and a partnership license application for Michael and Tammy Roth in connection with the Class IB liquor license for the Kramer Bar & Grill, located at 11365 W. Kramer Street, Kramer, Lancaster County, Nebraska. (R-11-0013)**

Schorr noted a public hearing was held, the applicant appeared, and no comments from the public were received in regard to the license. Hudkins stated the applicant had agreed to hospitality training.

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

C. **A resolution authorizing the replacement of an existing stop sign (R1-1) for southbound traffic on NW 27th Street with a yield sign (R1-2) south of the intersection of NW 27th Street and W. Mill Road. (R-11-0014)**

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

D. **A consulting services agreement with Olsson Associates in the amount of \$4,125.96 for the Malcolm Southeast federal aid highway transportation project, Nebraska Department of Roads Project No. BRO-7055(102), Control No. 12864. (C-11-0079)**

4) **NEW BUSINESS CONTINUED:**

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

- E. **A road maintenance agreement between Lancaster County and Commercial Construction, Inc. Lancaster County Planning Staff will approve Special Permit SP10034 provided that Commercial Construction, Inc., maintains portions of N. 112th Street, N. 120th street and Alvo Road at no cost to the County. The agreement is effective upon execution and will remain in effect until the special permit has expired, been revoked or denied. (C-11-0080)**

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

- F. **An agreement with the Board of Regents of the University of Nebraska, University of Nebraska-Lincoln, for program evaluation services for the Lancaster County Adult Drug Court Capacity Expansion and Program Enhancement grant. The County will disburse federal grant funds in the amount of \$65,000 for the services provided. Term of the agreement is October 1, 2010, to September 30, 2011. (C-11-0081)**

Schorr noted the \$65,000 is from federal grant funds, not property tax.

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

- G. **An interlocal agreement between Lancaster County, the City of Lincoln, and the United Way of Lincoln and Lancaster County to jointly provide funding for the oversight and administration of the Community Services Initiative (CSI) project. The County and the City of Lincoln will each contribute \$30,000 and the United Way will contribute \$40,000 for a total contract fee of \$100,000. Term of the agreement is July 1, 2010, to June 30, 2011. (C-11-0082)**

Hudkins asked if the agreement was ongoing and if it is necessary to do each year. Schorr said this contract dates back to the previous year and should be reviewed in the new budget. Raybould noted terms of the agreement state the City and the United Way shall reimburse the County for their portion as requested by the County.

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

- H. **An agreement between the City of Lincoln, Lancaster County and WM Healthcare Solutions, Inc., for infectious waste pickup and disposal on an as needed basis. The County will pay for products and services according to the line item pricing as listed in the contractor's proposal. Term of the agreement shall be one year from the date of execution by all parties. (C-11-0083)**

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

4) **NEW BUSINESS CONTINUED:**

- I. **An agreement with Midwest Respiratory Care 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 Midwest Respiratory Care 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-11-0078)**

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

- J. **Notice of termination of the administrative services agreement with The Hartford, Group No. 0621030, for a deferred compensation program under IRS Section 457(b) for Lancaster County Employees with an effective date of May 2, 2011.**

Kerry Eagan, Chief Administrative Officer, submitted a draft notice (Exhibit A) and explained the County's ongoing effort to consolidate The Hartford plan with Prudential. He said the Prudential representative has been working with the remaining Hartford participants to help move their money. Raybould asked how many employees need to be transitioned. Eagan thought it was around 100 employees, but he said he would need to verify that number.

MOTION: Hudkins moved and Smoyer seconded approval to send the notice. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier was absent. Motion carried 4-0.

- K. **A political subdivision tort claim filed against Lancaster County Corrections by David D. Wells for lost property in the amount of \$200.**

MOTION: Raybould moved and Hudkins seconded denial of the tort claim based on the department director's recommendation. Raybould, Smoyer, Hudkins and Schorr voted aye. Heier was absent. Motion carried 4-0.

- L. **A recommendation from the Purchasing Agent and the County Sheriff to issue an order to Anderson Ford Lincoln Mercury Mazda in the amount of \$23,772 for a 2011 Ford Explorer from State of Nebraska Contract 12871 OC. (B-11-0009)**

Raybould asked to hold the item so it could be reviewed with the Sheriff's Office and Purchasing. Bill Jarrett, Chief Deputy Sheriff, stated the item is already in his department's budget, but he agreed they could meet to discuss it further. Smoyer felt the recommendation should be approved since action is limited to 90 days by the County Purchasing Act and the Board would still have the option to deny the subsequent contract.

MOTION: Smoyer moved approval of the recommendation. Motion died due to lack of a second.

Schorr stated the item would be discussed at the staff meeting on February 24.

John Austin encouraged the County to look at other local Ford dealers. Schorr said the vehicles are purchased through a State contract, and Anderson Ford most likely had the lowest price.

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 County Sheriff's monthly report for January, 2011.**
- B. **A right-of-way contract between the County Engineer and the following:**
 - 1. **Brad and Mary Moser, in the amount of \$136, located at SW 29th Street and W. Princeton Road; Project No. CP-W-47. (C-11-0084)**
 - 2. **Brad and Mary Moser, in the amount of \$434, located at 5303 W. Stagecoach Road; Project No. CP-T-285. (C-11-0085) (C-11-0086)**
 - 3. **Janet Kroese Trust, in the amount of \$136, located at Pella Road and S. 120th Street; Project No. CP-Y-192. (C-11-0087)**
 - 4. **Robert and Dolores Schriener, in the amount of \$136, located at 148th Street and Hickman Road; Project No. CP-R-76. (C-11-0088)**
 - 5. **Gary and Bryce Bentzinger and Lois Schoonveld, in the amount of \$9,793.75, located at 17005 S. 54th Street; Project No. C55-S-405(3). (C-11-0089) (C-11-0090)**

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

6) **PUBLIC COMMENT:**

John Austin discussed a variety of topics, including funds for University of Nebraska and United Way, bus transportation to the Lancaster Event Center, food service at the County-City Building, a loose railing on the front steps of the County-City Building, and the inclusion of County Commissioner names on the agenda.

7) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, February 24, 2011, at 8:30 a.m., in Room 113 on the first floor of the County-City Building. There will not be a staff meeting on Thursday, March 3, 2011.**
- B. **The Lancaster County Board of Commissioners will not hold their regular meeting on Tuesday, March 1, 2011. The next meeting will be on Tuesday, March 8, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.**
- C. **The Lancaster County Board of Commissioners meeting is broadcast live. It will be rebroadcast on Tuesday at 1:30 and 6:30 p.m. and 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 at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.**

Kerry Eagan said 40 people are still enrolled in the Hartford deferred compensation plan (Item 4J).

8) **ADJOURNMENT**

MOTION: Smoyer moved and Raybould seconded to adjourn the Board of Commissioners meeting at 10:21 a.m. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 22, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Commissioners present: Deb Schorr, Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Commissioners absent: Bernie Heier, Vice Chair

Others present: Norm Agena, County Assessor/Register of Deeds
Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Brittany Behrens, 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 10:21 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 15, 2011.**

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

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

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

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

**Nebraska Conference – United Church of Christ
NET Foundation for Television**

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

4) **ADJOURNMENT**

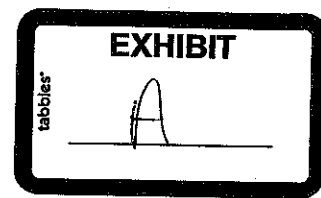
MOTION: Smoyer moved and Raybould seconded to adjourn the Board of Equalization meeting at 10:22 a.m. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



DRAFT



February 23, 2011

Andrea Blanch
Plan Manager
The Hartford
1 Griffin Road North
Windsor, CT 06095-1512

Re: Discontinuance of Group Annuity Contract (Contract # GC-621030), Contract Owner
Lancaster County, Nebraska

Dear Andrea:

Pursuant to the provisions of SECTION 7 (a) of the Group Annuity Contract owned by Lancaster County, NE, (Contract #GC-621030), Lancaster County, Nebraska hereby gives notice this contract is being discontinued, effective May 2, 2011.

All record keeping and investment services and funds administered under this plan will be moved to Prudential Retirement Insurance and Annuity Company (Prudential). This letter confirms that Prudential will accept the transfer of qualified retirement funds held by The Hartford, and constitutes Lancaster County's authorization for you to transfer these funds when Prudential notifies you of their readiness to accept the transfer. Prudential will provide wiring instructions and an e-mail address at that time.

A representative from Prudential's Transition Team will contact you shortly to coordinate the transfer of plan information and funds, and ask you to prepare a final evaluation. Please continue record keeping services until a final evaluation is prepared. The target transition date is May 2, 2011. If you have immediate questions, our Prudential Transition Manager, Sue Moore, can be reached at (570) 340-4307.

It is our understanding there are no discontinuance, termination and/or redemption fees or other adverse impacts to the investment funds due to this pending change of service providers and investment managers. We would appreciate you confirming any fees in writing prior to February 28, 2011. If additional documentation is required by your company in order to proceed with this transfer, please forward it to Sue Moore at Prudential, and Kerry P. Eagan at the return address provided in this letter.

The Lancaster County Board of Commissioners greatly appreciates your past assistance and services, and we look forward to your continued cooperation to make this a smooth transition .

Sincerely,

Deb Schorr, Chair
Lancaster County Board of Commissioners

cc: Rob Kerscher, Prudential Retirement
Jeff Beilman, Prudential Retirement
Sue Moore, Prudential Retirement
Doug Cyr, Chief Deputy County Attorney
Kerry P. Eagan, Chief Administrative Officer

F:\files\COMMISS\Chair's Letters\Schorr 2011\Hartofrd Letter Change to Prudential 2.18.11.wpd