

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 27, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Others present: Kerry Eagan, 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, September 20, 2011.**

MOTION: Smoyer moved and Raybould seconded approval of the minutes. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, September 27, 2011.**

MOTION: Hudkins moved and Smoyer seconded approval of the claims. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

3) **PUBLIC HEARINGS:**

A. **Setting the final tax request at a different amount than the prior year tax request. The request is for Lancaster County and the Rural Library for Lancaster County.**

The Chair opened the public hearing.

Dennis Meyer, Budget & Fiscal Director, was administered the oath. He said statutes require a public hearing be held when a political subdivision changes the property tax amount from the previous year. Currently other political subdivisions are holding public hearings and will forward their information to the County Clerk. Once all levies are established, the budget process will be finalized.

Hudkins clarified the County's tax levy has been maintained. Meyer confirmed the overall levy of 26.83 cents is the same as last year. The only difference is the amount of property tax dollars changed from the previous year due to the increase in property valuation.

PUBLIC HEARINGS CONTINUED:

The Chair closed the public hearing.

4) **NEW BUSINESS:**

- A. **A resolution in the matter of setting the 2011-2012 property tax request for Lancaster County at a different amount than that of the prior year. (R-11-0071)**

MOTION: Heier moved and Hudkins seconded approval of the resolution. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

RETURNING TO PUBLIC HEARINGS:

- B. **Automatic renewal of the following Class C liquor licenses issued in Lancaster County and outside the corporate limits of any city for which the County Clerk has received no protests: Bluestem Landscaping & Vineyard, Crooked Creek Golf Club, Jasper's, Sesostris Temple and Yankee Hill Country Club.**

The Chair opened the public hearing. No one appeared to testify so the public hearing was closed.

RETURNING TO NEW BUSINESS:

- B. **A resolution in the matter of expressing the County's appreciation for the dedicated services of John Cripe, Lincoln-Lancaster County Personnel Department. (R-11-0070)**

Schorr gave an overview of John Cripe's background. Cripe expressed his appreciation for the recognition. The Clerk read the resolution for the record. The Board thanked Cripe for his service.

MOTION: Hudkins moved and Smoyer seconded approval of the resolution. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- C. **A resolution receiving a recommendation from the Lancaster County Personnel Policy Board regarding Lancaster County Rule 17.18 and approving amendment of Lancaster County Personnel Rule 17.18 to freeze longevity pay for status employees not covered by a labor agreement, effective October 5, 2011. (R-11-0072)**

MOTION: Raybould moved and Heier seconded approval of the resolution.

Schorr questioned whether the Board should approve the resolution prior to the final ruling on the union contract by the Commission of Industrial Relations (CIR).

Tom Fox, Deputy County Attorney, explained this resolution covers unrepresented employees; it has nothing to do with the CIR case. Previously the Personnel Policy Board recommended denial of the request to delete Rule 17.18 regarding longevity pay. The resolution is based on the Board's decision at a staff meeting to freeze longevity pay rather than eliminate it. Fox said the freeze would be effective October 5.

NEW BUSINESS CONTINUED:

Raybould clarified that employees would be frozen at their current level of longevity pay.

Hudkins agreed that employees currently receiving longevity pay would be protected.

Smoyer noted a big concern was refraining from a pay cut for the unrepresented employees who he felt had received "the short end of the stick" in the past.

ROLL CALL: Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- D. A memorandum of understanding between the Board of Regents of the University of Nebraska, on behalf of the University of Nebraska-Lincoln Forensic Science Program, and Lancaster County, on behalf of the Lancaster County Attorney's Office, to clarify compensation for crime scene investigations and autopsies. Term of the memorandum is one year from the date of execution. (C-11-0531)**

Joe Kelly, County Attorney, said the memorandum of understanding would formalize the working relationship with University of Nebraska-Lincoln (UNL) whose forensic experts help with cases involving skeletal remains. He said UNL donates many hours of their time, but payment is sometimes made for excess hours.

Dr. David Carter, UNL, said the agreement would be a great way to streamline the sharing of resources.

Schorr questioned if this is used in an educational setting. Carter said there are several benefits to the agreement, including student participation in investigations, information collection for lectures and idea generation for research proposals.

Heier asked if UNL would perform all the autopsies. Kelly said this is not an autopsy contract. When the pathologist from Omaha and the police decide they need assistance, Dr. Carter will be contacted to determine which experts are needed and how much the cost will be for their services.

Hudkins commended Kelly for supporting the program.

MOTION: Heier moved and Hudkins seconded approval of the memorandum of understanding. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- S. The setting of the salary of Dan Zieg, Deputy Lancaster County Attorney, in the amount of \$56,000 per year, effective October 3, 2011.**

Joe Kelly introduced Dan Zieg who would be filling an open spot in the juvenile division. Zieg gave a brief overview of his credentials.

MOTION: Hudkins moved and Raybould seconded approval of the salary. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- E. **A 2007 grant adjustment notice to the sub-grant award agreement for 2007 Department of Homeland Security Grant 2007-GS-H7-0050 with the Nebraska Emergency Management Agency as the grantee and Lancaster County, on behalf of the Southeast Region, as the subgrantee. The adjustment extends the end date of the grant award to June 30, 2012.**

MOTION: Raybould moved and Smoyer seconded approval of the grant adjustment notice. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- F. **An amendment to County Contract C-09-0192 between Shredding Solutions, Lancaster County and the City of Lincoln, under State of Nebraska Contract 1440 04, for on-site document shredding services. The amendment renews the contract for an additional term from September 1, 2011, to November 30, 2011. (C-11-0542)**

MOTION: Smoyer moved and Hudkins seconded approval of the amendment. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- G. **A recommendation from the Purchasing Agent and the County Engineer to award a contract to Lyman-Richey, Western Sand and Westover Trucking, in a total amount of \$165,606.40, for 2011 fall gravel hauling to stockpiles. (B-11-0032)**

Heier asked if the contract includes a fuel allowance. Bob Walla, Assistant Purchasing Agent, said a yearly production contract is done for the supply of gravel and sand, but the hauling is bid twice per year so there is no need for adjustments. He said the product is bid at a set price, the purchase order is issued, and the product is delivered within the next two months.

Raybould questioned three different companies being awarded the contract. Walla said the contract is awarded based on each stockpile. It is split up based on the lowest bid per location, not by total amount.

Don Thomas, County Engineer, asked about the inclusion of Westover Trucking who is a producer. Walla said the producers were on a different contract already approved.

MOTION: Hudkins moved and Smoyer seconded approval of the recommendation. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- H. **Utility Permit No. 1048 for Windstream Nebraska, Inc., to provide fiber optic cable placement for services to an AT&T cellular site at 9990 Breagan Road. There is no cost to Lancaster County. (C-11-0545)**

MOTION: Hudkins moved and Smoyer seconded approval of the utility permit. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- I. **An amendment to County Contract C-10-0550 with the Lincoln/Lancaster County Child Guidance Center to provide funding for the Outpatient Mental Health Services program. The amendment to the grant contract reduces funding to \$50,000 for the period of July 1, 2011, to June 30, 2012. (C-11-0532)**

MOTION: Heier moved and Raybould seconded approval of the amendment. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- J. **An amendment to County Contract C-10-0564 with the People's City Mission to provide funding for the Emergency Shelter program. The amendment to the grant contract reduces funding to \$30,000 for the period of July 1, 2011, to June 30, 2012. (C-11-0533)**

MOTION: Raybould moved and Smoyer seconded approval of the amendment. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- K. **An amendment to County Contract C-10-0576 with Houses of Hope Nebraska, Inc., to provide funding for the Halfway House program. The amendment to the grant contract increases funding to \$40,000 for the period of July 1, 2011, to June 30, 2012. (C-11-0534)**

MOTION: Raybould moved and Smoyer seconded approval of the amendment. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- L. **An amendment to County Contract C-10-0546 with Lincoln Council on Alcoholism & Drugs, for the substance abuse prevention program. The amendment reduces funding to \$10,000 for the period of July 1, 2011, to June 30, 2012. (C-11-0547)**

MOTION: Smoyer moved and Raybould seconded approval of the amendment. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- M. **A grant contract between Lancaster County and the City of Lincoln to provide funding for the Lincoln Police Department's Domestic Violence Specialist position. The County will expend \$36,649 from the Federal Violence Against Women fund and the City of Lincoln will contribute \$12,216 in matching funds. Term of the grant contract is June 1, 2011, to May 31, 2012. (C-11-0540)**

MOTION: Hudkins moved and Raybould seconded approval of the grant contract. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- N. **A grant contract between Lancaster County and the Asian Community and Cultural Center to provide funding for a Project Coordinator of the program, "A Coordinated Response to Reducing Domestic Violence." The County will expend federal grant funds in an amount of \$6,605. Term of the grant contract is June 1, 2011, to May 31, 2012. (C-11-0541)**

NEW BUSINESS CONTINUED:

MOTION: Raybould moved and Smoyer seconded approval of the grant contract. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- O. **An addendum to a memorandum of agreement between the Department of Homeland Security and Lancaster County, on behalf of the Community Mental Health Center, for the Systematic Alien Verification for Entitlements (SAVE) program. The addendum renews the agreement through June 30, 2012, and verifies the County's anticipated collections for the new term. (C-11-0543)**

MOTION: Raybould moved and Smoyer seconded approval of the addendum. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

- P. **An agreement with Joy Medical Group, LLC, for supplemental nursing services at the Community Mental Health Center. The County will pay for services based upon the rates provided in Attachment A. The agreement is effective upon execution of both parties and continues through June 30, 2012. (C-11-0544)**

MOTION: Hudkins moved and Raybould seconded approval of the agreement. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

- Q. **A political subdivision tort claim filed against Lancaster County Corrections by Austin Glenn for lost property in the amount of \$75.**

MOTION: Heier moved and Smoyer seconded denial of the tort claim based on the department director's recommendation. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- R. **Potential litigation (executive session).**

The Chair announced the item would be held until the end of the meeting.

Item 4S was moved forward on the agenda.

- 5) **CONSENT ITEMS:** *These are routine business items that 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. **Right-of-way contracts between the County Engineer and the following:**
1. **Timothy Benes, in the amount of \$25, located east of NW 27th Street on Little Salt Road; Project No. CP-C-107. (C-11-0535)**
 2. **Paul and Laura Jacoby, as a donation, located west of NW 126th Street on W. Holdrege Street; Project No. CP-M-120. (C-11-0536)**

CONSENT ITEMS CONTINUED:

3. **Arnold and Nancy Westlake, in the amount of \$3,135, located on Havelock Avenue between N. 162nd Street and N. 176th Street; Project No. C55-J-403(2). (C-11-0537) (C-11-0538) (C-11-0539)**
4. **Elliott L. Rustad, in the amount of \$33,104.88, located at 2300 S. 98th Street; Project No. C-55-KP-412(1). (C-11-0546) (C-11-0548)**

B. Receive and place on file the County Treasurer's report on 2008 distress warrants.

Hudkins thanked the Jacobys for their donation.

MOTION: Hudkins moved and Smoyer seconded approval of the consent items. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

6) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

No one appeared for public comment.

7) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 29, 2011, at 8:30 a.m. in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, October 4, 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. **A public hearing will be held on Tuesday, October 11, 2011, at 9:30 a.m. in Room 112 on the first floor of the County-City Building to consider changing the land use designation for land in the vicinity of Highway 2 and 148th Street from agricultural to commercial/industrial.**
- D. **The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 411 and on the internet at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.**
- E. **The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**

Heier clarified that Item 7C was not for a change of zone but rather a possible future land use designation change.

The Chair recessed the meeting at 10:10 a.m.

The Chair reconvened the meeting at 10:13 a.m.

RETURNING TO ITEM 4R:

MOTION: Smoyer moved and Raybould seconded to enter executive session for the purpose of potential litigation and to protect the public interest at 10:13 a.m.

The Chair restated the motion for the record.

ROLL CALL: Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

MOTION: Heier moved and Smoyer seconded to exit executive session at 10:33 a.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

8) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:33 a.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 27, 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
Bernie Heier, Vice Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, 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 10:10 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 20, 2011.**

MOTION: Smoyer moved and Heier seconded approval of the minutes. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

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

MOTION: Hudkins moved and Smoyer seconded approval of the additions and deductions. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

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

**Faith Lutheran Church & School
Indian Center, Inc.
Lakeview Care Center
Lincoln Christian School**

MOTION: Smoyer moved and Raybould seconded approval of the motor vehicle tax exemption applications. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **APPEAL OF LATE FILING PENALTY FOR PERSONAL PROPERTY TAX:**

Heritage Nursery West, Inc.

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended denial of this request. He said it was a miscommunication between the business owner and their previous bookkeeper as to whether personal property returns had been filed. The new provider filed returns for 2008, 2009, 2010 and 2011 in August. He noted there is a statutorily required penalty that cannot be waived or reduced unless wrongly imposed or incorrectly calculated.

MOTION: Smoyer moved and Hudkins seconded denial of the appeal based on the County Assessor's recommendation. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Equalization meeting at 10:13 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

