

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, DECEMBER 6, 2011**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

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

Commissioners absent: Larry Hudkins

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 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting and of the One and Six-Year Road and Bridge public hearing held on Tuesday, November 29, 2011.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, December 6, 2011.**

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

3) **SPECIAL PRESENTATIONS:**

A. **Expressing the County's appreciation for the dedicated services of Larry Likens on his retirement from Lancaster County Engineering.**

Don Thomas, County Engineer, appeared with Larry Likens. Schorr read an overview of Likens' history with Lancaster County Engineering, and the Clerk read the resolution for the record. The Board expressed their appreciation to Likens for his service. Heier presented a plaque and resolution to Likens who said he was overwhelmed by everyone's support. Harold Baker, District III Supervisor, presented a card to Likens and thanked him for his work.

5) **NEW BUSINESS:**

- B. **A resolution in the matter of expressing the County's appreciation for the dedicated services of Larry Likens on his retirement from Lancaster County Engineering. (R-11-0086)**

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

**RETURNING TO SPECIAL PRESENTATIONS:**

- B. **Recognition of Dr. Klaus Hartman for service to the Lancaster County Corrections Department – Mike Thurber, Lancaster County Corrections Director.**

Mike Thurber, Corrections Director, introduced Dr. Klaus Hartman and provided a brief overview of his personal and professional history. He presented a jail key to Dr. Hartman who expressed his appreciation.

Schorr exited the meeting which was then presided over by the Vice Chair.

4) **PUBLIC HEARINGS:**

- A. **A request to vacate a portion of NW 12<sup>th</sup> Street between W. Branched Oak Road and W. Raymond Road.**

The Vice Chair opened the public hearing. Since no one appeared to testify, the public hearing was closed.

Brittany Behrens, Deputy County Attorney, said a motion would need to be made to direct her office to prepare a resolution for the next meeting.

**MOTION:** Smoyer moved and Raybould seconded to direct the County Attorney's Office to prepare the necessary resolution for the 12/13/11 County Board meeting. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- B. **A corporate manager application for Michael H. Kunkee in connection with a liquor license for the Lincoln Izaak Walton League, Bennet. (See 5A for correlating item.)**

The Chair opened the public hearing. Michael Kunkee was administered the oath. He said the Nebraska Liquor Control Commission required a corporate manager be in place and he was applying for that position. Being that no one else came forward to testify, the Chair closed the public hearing.

**RETURNING TO NEW BUSINESS:**

- A. **A resolution in the matter of a corporate manager liquor license application for Michael H. Kunkee, in connection with the Class I liquor license for the Lincoln Izaak Walton League, located at 10801 S. 134<sup>th</sup> Street, Bennet, Lancaster County, Nebraska. (R-11-0089)**

**NEW BUSINESS CONTINUED:**

**MOTION:** Raybould moved and Smoyer seconded approval of the resolution. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

Item 5B was moved forward on the agenda.

- C. **A resolution in the matter of declaring projects under Nebraska Revised Statute §23-120, as amended, and imposing levy for the costs and indebtedness for such projects. (R-11-0091)**

Dennis Meyer, County Budget & Fiscal Director, said the resolution is done annually to show how much of the allowable 5.2 cents is being used by the County for building projects and bonded debt. It includes the 2004 bond for five different projects, the Lincoln-Lancaster County Health Department which is a 50/50 split with the City, and the building fund. The total levy being used this year is 0.6493 cents.

**MOTION:** Smoyer moved and Raybould seconded approval of the resolution. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- D. **A resolution in the matter of amending Rule 17.19 and 17.20 of the Lancaster County Personnel Rules, as provided in Attachment "A". The amendments delete references to Lancaster Manor. (R-11-0092)**

Don Taute, City-County Personnel, said the references to Lancaster Manor are being deleted since the County no longer owns the facility.

**MOTION:** Smoyer moved and Raybould seconded approval of the resolution. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- E. **A resolution in the matter of Comprehensive Plan Conformance No. 11009: Adopting the One and Six-Year Road and Bridge Construction Program for Lancaster County, Fiscal Years 2012 and 2013-2017. (R-11-0093)**

**MOTION:** Smoyer moved and Raybould seconded approval of the resolution. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- F. **Appointment of Clancy P. Dempsey and reappointment of Pablo Cervantes to the Lancaster County Extension Board for three year terms, beginning January 1, 2012, through January 1, 2015.**

**MOTION:** Raybould moved and Smoyer seconded approval of the appointment and reappointment. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- G. **A memorandum of understanding between the State of Nebraska Department of Veterans Affairs and Lancaster County, on behalf of Lancaster County Veterans Service Center, for use of a web-based system to track and assist veterans and eligible dependents in accessing benefits. Term of the memorandum of understanding is July 1, 2011, to June 30, 2012. (C-11-0706)**

**NEW BUSINESS CONTINUED:**

**MOTION:** Smoyer moved and Raybould seconded approval of the memorandum of understanding. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- H. **A Southeast Community College Internship Training Center Approval form and a Cooperative Education Program Training Agreement for Kai Akeson, a Southeast Community College student. The Internship Training Center Approval form permits Southeast Community College students to do internships at the Lancaster County Corrections Department. The Cooperative Education Training Agreement allows Kai Akeson to engage in a ten-week unpaid internship with the Lancaster County Corrections Department. (C-11-0707)**

**MOTION:** Smoyer moved and Raybould seconded approval of the form and agreement. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- I. **A federal equitable sharing agreement and annual certification report for the Lancaster County Sheriff's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2011. (C-11-0708)**

**MOTION:** Smoyer moved and Raybould seconded approval of the agreement and report. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- J. **An agreement with Nebraska Occupational Health Center for occupational health clinic services. The County will pay for services in accordance with the pricing as listed in the Contractor's proposal. Term of the agreement is one year from the date of execution by both parties. (C-11-0709)**

**MOTION:** Raybould moved and Smoyer seconded approval of the agreement. Heier, Smoyer and Raybould voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- K. **An agreement with Apex Software in the amount of \$102,160 for property assessment field devices and software used by the County Assessor/Register of Deeds Office. Completion of delivery and training shall be no later than April 1, 2012. (C-11-0710)**

**MOTION:** Smoyer moved and Raybould seconded approval of the agreement. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- L. **An amendment to County Contract C-10-0119 between Lancaster County, the City of Lincoln, the Lincoln-Lancaster County Public Building Commission and Diamond Vogel for general building materials and equipment, paint and related supplies. The amendment renews the contract for an additional one-year term from January 1, 2012, to December 31, 2012. (C-11-0711)**

**MOTION:** Smoyer moved and Raybould seconded approval of the amendment. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

**NEW BUSINESS CONTINUED:**

- M. **An amendment to County Contract C-10-0438 between Feinstein Institute for Medical Research and Lancaster County, on behalf of the Community Mental Health Center. The amendment increases the amount of the award to \$177,536.06 for products and services provided for the "Recovery After the Initial Schizophrenia Episode" (RAISE) project. (C-11-0712)**

**MOTION:** Raybould moved and Smoyer seconded approval of the amendment. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- N. **A grant contract between Lancaster County and the City of Lincoln, on behalf of the Lincoln Police Department, to provide funding for the Police Officers Working with Education Referrals (POWER) program. The County shall expend federal grant funds in the amount of \$17,611 and the City of Lincoln shall contribute \$2,966 in matching funds. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0713)**

**MOTION:** Smoyer moved and Raybould seconded approval of the contract. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- O. **An amendment to County Contract C-11-0075 with Lincoln Literacy Council for employment related service to refugee men and women to assist them in assimilating into the community through the Targeted Assistance Grant Program. The amendment provides for \$1,751.36 in additional funding and extends the end date of the grant contract to December 31, 2011. (C-11-0714)**

**MOTION:** Smoyer moved and Raybould seconded approval of the amendment. Smoyer, Raybould, and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- P. **A political subdivision tort claim filed against the Lincoln-Lancaster County Health Department by Minerva Martinez for medical expenses, pain and suffering in the amount of \$50,000.**

**MOTION:** Smoyer moved and Raybould seconded denial of the tort claim based on the County Attorney's recommendation. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- Q. **A political subdivision tort claim filed against Lancaster County Corrections by Derrick J. Phipps for lost property in the amount of \$55.**

Derek Phipps said Corrections told him they could not find his property so he would need to file a tort claim. Heier told him the Corrections' report said the property was being held at the Lincoln Police Department as evidence.

**MOTION:** Smoyer moved and Raybould seconded denial of the tort claim based on the department director's recommendation. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

**NEW BUSINESS CONTINUED:**

- R. **Designation of official Lancaster County newspapers for 2012 publication of transportation projects as follows: Lincoln Journal Star, The Voice (Hickman), Seward Independent, Crete News and The News (Waverly).**

**MOTION:** Smoyer moved and Raybould seconded approval of the newspaper designations. Heier, Smoyer and Raybould voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

- 6) **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 Darrel and Rose Vermaas in the amount of \$6,948, located on S. 54<sup>th</sup> Street between Hickman Road and Roca Road; Project C55-S-405(3). (C-11-0715) (C-11-0716)**
- B. **Receive and place on file the following monthly reports for October 2011.**
1. **County Clerk**
  2. **Clerk of the District Court**

**MOTION:** Smoyer moved and Raybould seconded approval of the consent items. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

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

Kerry Eagan, Chief Administrative Officer, discussed the Great Plains Appraisal contract addressed last week by Dennis Keefe, Public Defender. He said Keefe expressed concern that rates for appointed counsel have stayed flat for many years but rates for the Great Plains appraisers have increased. Eagan noted the rate increase for the appraisers was not as large as originally estimated, and even a small increase in appointed counsel fees could have a huge impact on the budget.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, December 8, 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, December 13, 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 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](http://www.lancaster.ne.gov). Click on 5 City-TV Video on Demand.**

**ANNOUNCEMENTS CONTINUED:**

D. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).

9) **ADJOURNMENT**

**MOTION:** Raybould moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:04 a.m. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

*Dan Nolte*

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**Dan Nolte**  
**Lancaster County Clerk**



**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, DECEMBER 6, 2011  
COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY  
BOARD OF COMMISSIONERS MEETING**

Commissioners present: Bernie Heier, Vice Chair  
Jane Raybould  
Brent Smoyer

Commissioners absent: Deb Schorr, Chair  
Larry Hudkins

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 10:04 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 29, 2011.**

**MOTION:** Smoyer moved and Raybould seconded approval of the minutes. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

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

**MOTION:** Smoyer moved and Raybould seconded approval of the additions and deductions. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

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

**Christian Heritage Children's Homes  
Cornhusker Place of Lincoln-Lancaster County  
Rosemont Alliance Church**

**MOTION:** Raybould moved and Smoyer seconded approval of the motor vehicle tax exemption applications. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.



4) **APPEAL ON 2011 HOMESTEAD EXEMPTION REJECTION:**

**Jean Shaw**

Scott Gaines, Deputy County Assessor/Register of Deeds, said the homestead applicant passed away on July 21, 2011, and statutes require the property to be occupied through August 15 of that year. There is no provision in statutes to allow for the exemption, so he recommended denying the appeal.

**MOTION:** Smoyer moved and Raybould seconded denial of the appeal. Smoyer, Raybould and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

5) **ADJOURNMENT**

**MOTION:** Smoyer moved and Raybould seconded to adjourn the Board of Equalization meeting at 10:07 a.m. Raybould, Smoyer and Heier voted aye. Hudkins and Schorr were absent. Motion carried 3-0.

*Dan Nolte*

**Dan Nolte**  
**Lancaster County Clerk**

