

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, APRIL 24, 2012**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on April 20, 2012.*

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

Others present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Doug Cyr, 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 9:31 a.m.

1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 17, 2012.

**MOTION:** Hudkins 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, April 24, 2012.

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

3) **NEW BUSINESS:**

A. **A request for a refund of 2011 personal property tax from Triumph Prosthetics & Orthotics.**

Norm Agena, County Assessor/Register of Deeds, said the property tax was paid by the lessor and lessee. Most of the lessee's refund would be applied to their 2011 tax.

**MOTION:** Heier moved and Smoyer seconded approval of the refund request based upon the recommendation of the County Assessor/Register of Deeds. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

**NEW BUSINESS CONTINUED:**

- B. Reappointment of Matthew Warner to the County Board of Zoning Appeals for a five-year term beginning April 1, 2012.**

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

- C. A resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to the General Fund Juvenile Court and District Court Budgets. The amount to be transferred is \$370,000. (R-12-0031)**

Dennis Meyer, Budget & Fiscal Director, explained that attorney fees were reduced by \$150,000 during the initial budget process in hopes of not needing the extra funds. At midyear, the Juvenile Court requested an additional \$265,000 and the District Court requested an additional \$250,000. The combined total has now been reduced to \$370,000. Raybould questioned if the reduced amount would affect the budget deficit. Meyer explained that it would not affect next year's budget since this request comes from appropriations set aside for this year's budget.

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

- D. A resolution in the matter of setting salaries of Chief Deputy Elected Officials for 2012. (R-12-0032)**

**MOTION:** Heier moved and Smoyer seconded approval of the resolution.

Raybould stated she would vote no. She felt the chief deputy officials were deserving of the salary increases; however, it sets the wrong precedence in light of budget cuts needed.

**ROLL CALL:** Heier, Smoyer, Hudkins and Schorr voted aye. Raybould voted nay. Motion carried 4-1.

- E. A resolution in the matter of approving annual salary increases for Directors, Assistant Directors, Psychiatrists, Sheriff Captains, District Court Law Clerks, Bailiffs, the Child Support Referee and Attorneys. (R-12-0033)**

**MOTION:** Smoyer moved and Hudkins seconded approval of the resolution.

Raybould stated she would vote no due to the County's tough financial situation. She discussed the benefits available to County employees. Raybould felt the comparison should not be made to other counties; instead, the total comprehensive package should be viewed.

Smoyer stated he would vote yes. He felt it was important to compensate the officials for their work, especially since they have forgone raises in previous years.

Heier said the County must look at comparisons; it becomes a case of paying now or later. He noted these employees have not been receiving raises equal to the represented employees. Heier confirmed with Dennis Meyer that the total increase associated with Items 3D and 3E is approximately \$70,000.

**ROLL CALL:** Heier, Smoyer, Hudkins and Schorr voted aye. Raybould voted nay. Motion carried 4-1.

**NEW BUSINESS CONTINUED:**

- F. **A resolution authorizing execution of a program agreement with the Nebraska Department of Roads for work on W. Denton Road from SW 56<sup>th</sup> Street to SW 12<sup>th</sup> Street. The total project cost is estimated at \$4,231,465. The County will pay approximately \$940,070; Project STPE-3305(9) – Denton East. (R-12-0034) (C-12-0190)**

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

- G. **An agreement with Larry Geiger for temporary access to 6655 Coddington Avenue via Pester Ridge Road from April 24, 2012, to October 1, 2012. (C-12-0191)**

**MOTION:** Smoyer moved and Raybould seconded to hold the item for further clarification.

Raybould did not feel the agreement was reflective of some of the neighbors' concerns. She said she would like more clarification on Geiger's responsibility for moving and replacing barricades and specific language regarding "rainy day" access.

Doug Cyr, Deputy County Attorney, said the agreement requires Larry Geiger to put \$5,000 in escrow in the event he does damage to the County road. He said the agreement allows Geiger to determine if it is necessary to use the Pester Ridge Road access, but it does not clarify who is responsible for opening and closing the access point each day. Cyr said language could be added to the contract if directed by the Board.

Schorr questioned the ease of moving the barricades. Don Thomas, County Engineer, said regular barricades could be rented which would be easier to move.

Schorr stated a motion was not needed to hold the item. The maker and the seconder agreed.

- H. **An escrow agreement between Larry Geiger, Lancaster County and Union Title to provide the terms and conditions of payment of escrow funds to guarantee compliance with the conditions of County Contract C-12-0191. (C-12-0192)**

Item was held in conjunction with Item G.

- I. **Acceptance of a bid for the sale of County surplus property generally located at S. 68<sup>th</sup> Street and Wagon Train Road, Hickman, Lancaster County, Nebraska, in the amount of \$15,000, and a warranty deed for said property from Lancaster County, grantor, to Tracy A. and Rhonda L. Weatherby, husband and wife, as grantees.**

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

- J. **An amendment to County Contract C-11-0730 with Natural Resources Conservation Service, US Department of Agriculture, to allow soil boring tests on a portion of W. Stagecoach Road as part of the design work for the Upper Salt Creek Site 3-A flood water-retarding road structure. The amendment extends the term of the contract to July 30, 2012, to allow adequate time to conduct the soil boring tests. (C-12-0193)**

## **NEW BUSINESS CONTINUED:**

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

- K. **A recommendation from the County Assessor/Register of Deeds and the Purchasing Agent to award a bid to All Needs Computer & Mailing Services, Inc., in the amount of \$42,790 for folding, stuffing and mailing of valuation notices. (B-12-0018)**

Norm Agena said funding for this comes from the Board of Equalization. He said property owners would receive valuation notices on June 1.

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

- L. **An amendment to County Contract C-11-0633 with First Wireless Communications, Inc., for consulting services for radio frequency design for the radio system at the new Lancaster County Correctional Facility. The amendment revised the services of First Wireless with regard to the operation of the trunked radio system. (C-12-0194)**

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

- M. **An application and agreement between One Source and Lancaster County, on behalf of the County Clerk, for completion of criminal background checks. The County will pay \$15 per background check. Term of the agreement is one year from the date of execution. (C-12-0195)**

Hudkins said the criminal background checks are related to locksmith license applications. He stated the County is losing money on this mandated service as State Statute only allows a \$5 fee for the application, but it costs \$15 per background check.

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

- N. **An agreement with Steven Wedige for the care and maintenance of Jordan Cemetery. Cost to the County is \$50 per mowing not to exceed \$200 per year. (C-12-0196)**

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

- O. **An agreement with Terry Briley for the care and maintenance of Evangelical Cemetery. Cost to the County is \$50 per mowing not to exceed \$200 per year. (C-12-0197)**

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

**NEW BUSINESS CONTINUED:**

- P. **An agreement between Southeast Community College and Lancaster County, on behalf of the Community Mental Health Center, to present a training workshop on trauma informed care on May 11, 2012. The County will pay up to \$2,250 for the services. (C-12-0198)**

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

- Q. **An agreement between TR Hepburn, Inc., d/b/a as O.U.R. Homes, and Lancaster County, on behalf of the Community Mental Health Center, for transition services for individuals with severe mental illness to transition them from inpatient hospitalization to community living. The County will provide direct and indirect staff. O.U.R. Homes will provide 15 bedroom units and night staff. The County will pay reimbursement at a rate of \$15 per hour up to 65 hours per week for night staff. Term of the agreement is July 1, 2011, to June 30, 2012. (C-12-0200)**

Dean Settle, Community Mental Health Center Director, said this lease is used for the Heather whose primary residents are released and discharged from the Lincoln Regional Center. Since the State requires third shift management, O.U.R. is contracted for the service. The agreement is needed due to a change in company ownership. Settle confirmed O.U.R. carries liability insurance and no County property taxes are being used.

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

- R. **An agreement with Complete Family Dermatology 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 Complete Family Dermatology 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-12-0199)**

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

- S. **A political subdivision tort claim filed against Lancaster County Corrections by Mathew J. Heath in the amount of \$150,000.**

**MOTION:** Heier moved and Hudkins 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.

- T. **A political subdivision tort claim filed against Lancaster County Corrections by Mathew J. Heath in the amount of \$250,000.**

## **NEW BUSINESS CONTINUED:**

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

- 4) **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. Jerry and Martha Minchow, in the amount of \$163, located on Branched Oak Road east of N. 70<sup>th</sup> Street; Project CP-B-358. (C-12-0201)
2. Anthony Tvrdy, as a donation, located on Branched Oak Road east of N. 70<sup>th</sup> Street; Project CP-B-358. (C-12-0202)
3. Dale and Mina Etmund, in the amount of \$163, located on Bennet Road east of S. 54<sup>th</sup> Street; Project CP-S-215. (C-12-0203)
4. Eleanor Novotny, as a donation, located on W. Agnew Road east of NW 112<sup>th</sup> Street; Project CP-D-81. (C-12-0204)
5. Wilma Matulka, as a donation, located on N. 1<sup>st</sup> Street south of Little Salt Road; Project CP-C-197. (C-12-0205)
6. David and Becky Grimes, as a donation, located on N. 1<sup>st</sup> Street south of Little Salt Road; Project CP-C-197. (C-12-0206)
7. Roger Lindner, as a donation, located on NW 27<sup>th</sup> Street south of W. Waverly road; Project CP-F-114. (C-12-0207)
8. Timothy Jindra, as a donation, located on NW 27<sup>th</sup> Street south of W. Waverly Road; Project CP-F-114. (C-12-0208)
9. F. Duane Larson, as a donation, located on N. 134<sup>th</sup> street north of Waverly Road; Project CP-H-144. (C-12-0209)

B. **A leasehold contract between the County Engineer and Larry England, in the amount of \$10, located on NW 27<sup>th</sup> Street south of W. Waverly Road; Project CP-F-114. (C-12-0210)**

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

- 5) **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.

6) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 26, 2012, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**

**ANNOUNCEMENTS CONTINUED:**

- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, May 1, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.
- 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 [lancaster.ne.gov](http://lancaster.ne.gov). Click on 5 City-TV Video on Demand.
- D. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).

7) **ADJOURNMENT**

**MOTION:** Raybould moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:05 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

*Dan Nolte*

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**Dan Nolte**  
Lancaster County Clerk



**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, APRIL 24, 2012  
COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY  
BOARD OF COMMISSIONERS MEETING**

*Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on April 20, 2012.*

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

Others present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Doug Cyr, 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 10:05 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 17, 2012.**

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

2) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS** (See attached additions and deductions)

**MOTION:** Raybould 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:**

**Calvary United Methodist Church  
Child Guidance Center  
Church of Jesus Christ of Latter Day Saints  
Developmental Services of Nebraska  
Madonna Rehabilitation Hospital**



**MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:**

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

4) **ADJOURNMENT**

**MOTION:** Heier moved and Raybould seconded to adjourn the Board of Equalization meeting at 10:07 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

*Dan Nolte*

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

