

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, SEPTEMBER 11, 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 September 7, 2012.*

Commissioners present: Deb Schorr, Chair  
Bernie Heier  
Brent Smoyer

Commissioners absent: Larry Hudkins, Vice Chair  
Jane Raybould

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 Chair asked for a moment of silence to observe Patriot Day.

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, September 4, 2012.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, September 11, 2012.**

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

3) **NEW BUSINESS:**

- A. **A project resolution regarding a grant application to the Nebraska Game and Parks Commission for financial assistance from the Recreational Trails Program funds for the purpose of removing an existing bridge and constructing a new bridge in Wilderness Park over the Salt Creek channel between Old Cheney Road and Pioneers Boulevard. (R-12-0073)**

## **NEW BUSINESS CONTINUED:**

Terry Genrich, Lincoln Parks & Recreation, explained that the resolution requests the County to sign the grant application for Nebraska Game and Parks.

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

**B. Execution of Client Authorization to Bind Coverage and Terrorism Insurance Coverage declination forms.**

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

**C. Setting of the salary of Samuel J. Cooper, Deputy Lancaster County Attorney, at \$56,000 per year, effective September 18, 2012.**

Joe Kelly, County Attorney, introduced Samuel Cooper and provided information on his background. Cooper expressed appreciation for the employment opportunity.

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

**D. A request from Personnel to revise and change the pay grade of Jail Administrator and to change the class title and pay grade and revise the classification of Real Estate Supervisor to Real Estate Manager.**

Doug McDaniel, Personnel Director, said the Jail Administrator position was upgraded due to the new jail construction and review of the market data, and the Real Estate position was being upgraded in the County Treasurer's Office to make the managerial positions equal. McDaniel confirmed for Schorr that the positions were not represented and everything was approved through the Personnel Policy Board.

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

**E. A resolution authorizing the removal of School Bus Stop Ahead signs on W. Hallam Road just west of Hallam for eastbound traffic, on W. Princeton Road west of 1905 W. Panama Road for eastbound traffic, on W. Panama Road west of 6900 W. Panama Road for eastbound traffic and on W. Panama Road 900 feet east of SW 72<sup>nd</sup> Street for westbound traffic. (R-12-0074)**

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

**F. A federal equitable sharing agreement and annual certification for the Lancaster County Sheriff's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2012. (C-12-0523)**

## **NEW BUSINESS CONTINUED:**

Terry Wagner, County Sheriff, said the annual agreement allows his department to receive drug forfeiture money when it is available.

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

- G. An interlocal agreement with the City of Hickman for one Sheriff's Deputy for law enforcement services within the corporate limits of the City of Hickman. The City of Hickman will pay \$7,167.04 per month for the services. Term of the agreement is October 1, 2012, to September 30, 2013. (C-12-0524)**

Terry Wagner said the long-standing agreement dedicates one Sheriff's Deputy to Hickman who in turn pays for the Deputy's service and vehicle. Item 3H provides additional coverage if needed; overtime and mileage are reimbursed.

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

- H. An interlocal agreement with the City of Hickman for the provision of law enforcement services within the City on an as needed basis. The Sheriff shall assign one Deputy for duty and provide one Sheriff's cruiser. The County shall be reimbursed at the Deputy's overtime rate for the services provided and shall be reimbursed \$0.555 per mile for cruiser maintenance. Total compensation to the County shall not exceed \$3,500. Term of the agreement is October 1, 2012, to September 30, 2013. (C-12-0525)**

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

- I. A recommendation from the Purchasing Agent and the County Engineer to award a bid to Shoop & Sons for wood snow fence at a total cost of \$20,265.30. (B-12-0031)**

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

- J. A unit price contract between MWE Services, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for general construction services under \$25,000. Term of the contract is four years from the date of execution by all parties. (C-12-0526)**

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

**NEW BUSINESS CONTINUED:**

- K. **A unit price contract between NGC Group, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for general construction services under \$25,000. Term of the contract is four years from the date of execution by all parties. (C-12-0527)**

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

- L. **A unit price contract between David Wood Construction, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for general construction services under \$25,000. Term of the contract is four years from the date of execution by all parties. (C-12-0528)**

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

- M. **A unit price contract between David Wood Construction, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for miscellaneous painting services. Term of the contract is four years from the date of execution by all parties. (C-12-0529)**

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

- N. **An interlocal agreement between the City of Lincoln, and Lancaster County, on behalf of Lancaster County Corrections, for roadside litter pickup along county roads, not to exceed \$5,000. Term of the agreement is April 15, 2012, to November 30, 2012. (C-12-0530)**

In response to Schorr's question, Heier said around 800 miles have been cleaned twice.

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

- O. **An agreement with Great Plains Appraisal, Inc., for services of qualified professional appraisers to assist the Lancaster County Assessor's Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2012 tax year. The contract also authorizes Great Plains Appraisal, Inc., to process the TERC appeals for the 2011 tax year and any other TERC cases between the 2003 and 2011 tax years that have not been completed. The total compensation for services will not exceed \$200,000. (C-12-0531)**

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

**NEW BUSINESS CONTINUED:**

- P. **An agreement between Lancaster County, Region V Systems and Cornhusker Place of Lincoln-Lancaster County, Inc., for Cornhusker Place to assist the County and Region V by including in the services it presently provides the detention of individuals who are in Emergency Protective Custody (EPC) in cases in which detention at Cornhusker Place is appropriate. Term of the agreement is July 1, 2012, to June 30, 2013. (C-12-0532)**

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

- Q. **Acceptance of a grant award from the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in the total amount of \$597,706; Grant 2012-CA-BX-0030 for the Lancaster County Reentry Implementation project. Term of the grant award is October 1, 2012, to September 30, 2013.**

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

- R. **A grant contract with People's City Mission, in the amount of \$35,000, for funding of the Emergency Shelter program. Term of the grant contract is July 1, 2012, to June 30, 2013. (C-12-0533)**

Schorr noted Items 5R through 5W are funded by the Joint Budget Committee.

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

- S. **A grant contract with the Family Service Association of Lincoln, in the amount of \$30,000, for funding of the Behavioral Health program. Term of the grant contract is July 1, 2012, to June 30, 2013. (C-12-0534)**

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

- T. **A grant contract with the Lincoln-Lancaster County Child Guidance Center, in the amount of \$50,000, for funding of the Outpatient Mental Health Services program. Term of the grant contract is July 1, 2012, to June 30, 2013. (C-12-0535)**

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

- U. **A grant contract with Voices of Hope, in the amount of \$5,000, for funding of the Crisis Intervention and Advocacy program. Term of the grant contract is July 1, 2012, to June 30, 2013. (C-12-0536)**

## **NEW BUSINESS CONTINUED:**

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

- V. **A grant contract with the Good Neighbor Community Center, in the amount of \$75,000, for funding of the Basic and Emergency Needs program. Term of the grant contract is July 1, 2012, to June 30, 2013. (C-12-0537)**

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

- W. **A grant contract with the League of Human Dignity, Inc., in the amount of \$50,000, for funding of \$32,000 for the Center for Independent Living program and \$18,000 for the Barrier Removal program. Term of the grant contract is July 1, 2012, to June 30, 2013. (C-12-0538)**

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

- X. **An agreement with Cynthia Pilkington, Ph.D., for the provision of up to 320 hours per year of specialized psychological services for the Community Mental Health Center at the rate of \$65 per hour. (C-12-0539)**

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

- Y. **A political subdivision tort claim filed against Lancaster County Corrections by Lwanga A. Basudde for lost property in the amount of \$250 to \$330.**

Heier clarified and submitted a correction under the director's findings (Exhibit A).

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

- 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. **Cardwell Woods Association, Inc., as a donation; Project STPE-3305(9) (C-12-0540)**
  2. **Brian Currie, W. Denton Road, in the amount of \$50; Project STPE-3305(9) (C-12-0541)**
  3. **Thomas and Deanna Reynolds, Denton Road, in the amount of \$1,756.25; Project STPE-3305(9) (C-12-0542)**

**CONSENT ITEMS CONTINUED:**

**B. Receive and place on file the following monthly reports for August 2012:**

1. **County Clerk**
2. **County Assessor/Register of Deeds**
3. **Clerk of the District Clerk**

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

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

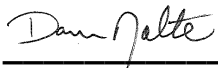
No one appeared for public comment.

**6) ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 13, 2012, 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, September 18, 2012, at 5:00 p.m., in Room 112 on the first floor of the County-City Building.**
- C. **The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).**
- 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 [lancaster.ne.gov](http://lancaster.ne.gov). Click on 5 City-TV Video on Demand.**

**7) ADJOURNMENT**

**MOTION:** Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 9:51 a.m. Heier, Smoyer and Schorr voted aye. Motion carried 5-0.



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



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, SEPTEMBER 11, 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 September 7, 2012.*

Commissioners present: Deb Schorr, Chair  
Bernie Heier  
Brent Smoyer

Commissioners absent: Larry Hudkins, Vice Chair  
Jane Raybould

Others present: 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 9:51 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 4, 2012.**

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

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

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

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

**Christian Church (Disciples of Christ) in Nebraska**  
**Congregation of Benedictine Sisters**  
**Lincoln Lutheran School Association**  
**Priestly Fraternity of St. Peter**  
**Sacred Heart Church**



## **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:**

### **Sacred Heart School**

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

#### **4) PERSONAL PROPERTY TAX PENALTY APPEAL:**

### **Action Plumbing, Inc. Lincoln Holdings, Ltd.**

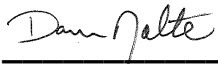
Scott Gaines, Deputy County Assessor/Register of Deeds, said further evidence submitted from Action Plumbing and their CPA showed the mailing did occur in a timely manner. He recommended approval of the appeal for Action Plumbing upon advice of the County Attorney's Office.

Gaines recommended upholding the penalty for Lincoln Holdings since it was filed late and there is no evidence to show otherwise.

**MOTION:** Heier moved and Smoyer seconded to repeal the late filing penalty for Action Plumbing and to uphold the late filing penalty for Lincoln Holdings. Smoyer, Heier and Schorr voted aye. Hudkins and Raybould were absent. Motion carried 3-0.

#### **5) ADJOURNMENT**

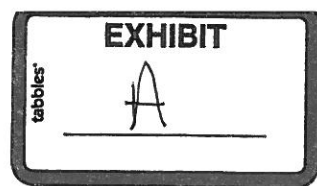
**MOTION:** Smoyer moved and Heier seconded to adjourn the Board of Equalization meeting at 9:54 a.m. Heier, Smoyer and Schorr voted aye. Hudkins and Raybould were absent. Motion carried 3-0.



**Dan Nolte  
Lancaster County Clerk**



# TORT CLAIM RECOMMENDATION FORM



NAME OF PERSON FILING TORT CLAIM: Lwanga Basudde

CONTROL NUMBER ASSIGNED: JT12-16

INVESTIGATIVE FINDINGS: The investigation found no evidence that Mr. Basudde arrived at the jail with a "BDO-white container of chemical engineering medicine project of my own proteins." Denial of the claim is recommended.

DATE: 08/31/2012

SIGNATURE: Benda Lolo

DIRECTOR'S FINDINGS: Clearly Inmate Basudde, did not have in his possession items that were not returned to him on his release from jail - I recommend the Board disapprove this claim.

in his possession while in jail

DIRECTOR'S RECOMMENDATION:

(CHECK ONE)

X

APPROVED FOR \$ \_\_\_\_\_

DISAPPROVED

CLAIM WITHDRAWN

DATE: 09-04-12

SIGNATURE: Michael Thurman

DATE SUBMITTED TO COUNTY ATTORNEY'S OFFICE: 09-04-12

DISTRIBUTION: COUNTY CLERK (ORIGINAL)  
PERMANENT TORT FILE (DOC)  
JAIL ADMINISTRATORS