

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, DECEMBER 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 December 7, 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  
Richard Grabow, Deputy County Attorney  
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 One and Six-Year Road and Bridge public hearing held on Tuesday, November 20, 2012, and the minutes of the Board of Commissioners meeting held on Tuesday, December 4, 2012.**

**MOTION:** Hudkins moved and Smoyer 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, December 11, 2012.**

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

- 3) **SPECIAL PRESENTATIONS:**

**A. Commissioners Award of Excellence for December 2012 to Diane Ness Kirchhoff.**

The Deputy Clerk read the nomination for the record. Raybould presented a plaque to Diane Ness Kirchhoff who expressed appreciation for the award. Ron Sorensen, Community Mental Health Center (CMHC) Director, commended Ness Kirchhoff and the other CMHC employees for their work.

## **SPECIAL PRESENTATIONS CONTINUED:**

### **B. Retirement of Terry Adams, Deputy County Treasurer.**

The Deputy Clerk read a statement on Terry Adams' background. Hudkins presented a plaque to Adams who expressed his appreciation for his time with the County and the people with whom he worked. Andy Stebbing, County Treasurer, praised Adams for delaying his retirement to assist with his transition as the new Treasurer.

## **4) PUBLIC HEARING:**

### **A. Lancaster County Public Rural Transit vehicle acquisition. (See 5A and 5B for correlating items.)**

The Chair opened the public hearing.

Carol Meyerhoff, Lancaster County Public Rural Transit Manager, was administered the oath. She explained that Public Rural Transit provides transportation and community resource access for low-income seniors and persons with disabilities. Previously the Board granted permission to proceed with a vehicle application for funds from Section 5311 of the Federal Transit Act (FTA). Meyerhoff said the original cost of the vehicle is listed as \$28,000, although the final cost has historically been lower. FTA will provide 80% of the funds at \$22,400. The local match is \$5,600 minus funds in reserve from the 2010 vehicle sale. At the most, County match would be \$3,770. If the current fleet up for auction sells at the appraised amount of \$5,500, the entire match would be covered and leave some funds in reserve.

The Chair closed the public hearing.

## **5) NEW BUSINESS:**

### **A. Resolution instructing Lancaster County Public Rural Transit to apply for federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program to acquire a 12-passenger van. (R-12-0098)**

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

### **B. Vehicle application for acquisition of a 12-passenger van for Lancaster County Public Rural Transit.**

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

### **C. Special events permit application from Lincoln Track Club for the State Farm "Run for Your Life" Road Race on March 23, 2013.**

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

## **NEW BUSINESS CONTINUED:**

### **D. Resolution in the matter of adopting salary schedules for deputy county attorneys and deputy public defenders. (R-12-0099)**

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

Raybould stated she would be voting no and discussed her reservations over the Attorney I pay plans. She did not feel there was enough proof of the concerns raised, such as employee turnover and unfair salaries, to justify the step increase program. She encouraged everyone to consider the benefit package available to County employees, not just the salaries.

Smoyer stressed the importance of public safety and providing that service to the County. He discussed the need to compensate attorneys fairly to attract them to County positions and to maintain those with experience.

Hudkins asked Doug McDaniel, Personnel Director, to present a salary comparison for public sector attorneys in Nebraska. McDaniel listed a variety of salaries resulting in a mean salary of \$56,700. He did not feel the starting salary of \$56,000 for Attorney I was out of line compared to the rest of the market.

Schorr stated she would support the motion. She felt the starting salary for Attorney I was fair, but a step plan increase should be in place as with other County employees. This would allow the County to better budget for increases.

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

### **E. Recommendation from Personnel to amend Rule 17.20 of the Personnel Rules – Weekend Differential Pay.**

Doug McDaniel said the rule currently reads as if the weekend differential pay is for all Community Mental Health employees, but further research showed the rule was created for nursing classifications who worked the weekend shift under contract. This amendment will return the rule to its original intent.

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

### **F. Agreement with Lisa M. Cook to provide non-exempt employees in the Security Guard classification compensatory time off in lieu of compensation for hours worked in excess of 40 hours per week. The County will pay the employee at the rate of one and one-half hours for each overtime hour which the employee works up to a maximum accrual of 20 hours of compensatory time. (C-12-0681)**

**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:**

- G. **Recommendation from the Purchasing Agent and the County Engineer to award a purchase order to Anderson Ford in the amount of \$45,962 for two 2013 Ford F-150 4-wheel drive regular cab eight-foot fleetside bed trucks. (B-12-0039)**

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

- H. **Recommendation from the Purchasing Agent and the County Engineer to award a purchase order to NMC, Inc., in the amount of \$194,190 for the Caterpillar certified power train rebuilds for two motor graders. (B-12-0040)**

Ken Schroeder, County Surveyor, said the cost includes basic rebuilds and a three-year, 5,000-hour extended warranty. Bob Walla, Assistant Purchasing Agent, submitted a cost breakdown (Exhibit A).

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

- I. **A contract between Sapp Brothers Petroleum, Lancaster County and the City of Lincoln for the annual supply of absorbent floor dry. Term of the contract is one year from date of execution with an option for an additional three years. (C-12-0682)**

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

- J. **Amendment to County contract C-10-0021 between Mid-Continent Safety, LLC, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual supply of personal protective equipment and first aid supplies. The amendment provides for certain price increases as listed on Attachment A. (C-12-0683)**

Item held per the County Attorney.

- K. **Amendment to County Contract C-09-0641 with Cash Money 24-7 for automated teller machines and services at the Lancaster County Motor Vehicle facilities. The amendment extends the agreement for any additional three-year term from December 11, 2012, to December 10, 2015. (C-12-0684)**

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

- L. **Amendment to County Contract C-10-0005 between Hofeling Enterprises, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for annual tree trimming requirements. The amendment renews the agreement for an additional one-year term from January 15, 2013, to January 24, 2014. (C-12-0685)**

## **NEW BUSINESS CONTINUED:**

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

*Note: The correct contract term is January 25, 2013, to January 24, 2014.*

- M. **Amendment to County Contract C-10-0006 between New Heights Tree Service, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for annual tree trimming requirements. The amendment renews the agreement for an additional one-year term from January 15, 2013, to January 24, 2014. (C-12-0686)**

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

*Note: The correct contract term is January 25, 2013, to January 24, 2014.*

- N. **Amendment to County Contract C-11-0131 between Graybar Electrical Company, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual requirements of electrical products. The amendment extends the agreement for an additional three-month term from January 1, 2013, to March 31, 2013. (C-12-0687)**

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

- O. **Grant contract with Friendship Home, Inc., in the amount of \$21,000 to provide funding for the Children in Shelter Project program. Term of the grant contract is July 1, 2012, to June 30, 2013. (C-12-0688)**

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

- P. **Liability insurance coverage with AIX Specialty Insurance Company for the Lancaster County Public Defender's Office in the amount of \$6,130.56. The policy begins on November 1, 2012, for a period of 12 months.**

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

- Q. **Reappointment of Norm Agena to the Lancaster County Sheriff's Merit Commission for a three-year term, beginning January 1, 2013, and ending December 31, 2015.**

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

- R. **Appointment of Scott Gaines to the Pension Review Committee.**

## **NEW BUSINESS CONTINUED:**

Kerry Eagan, Chief Administration Officer, provided background information on the Pension Review Committee, which reviews pension plans and makes recommendations.

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

### **S. Request for a refund of personal property tax from Global Enterprises, LLC.**

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of a refund for Barton Development as requested by Global Enterprises, LLC. He said a technical correction to Barton Development's filings deal with an IRS interpretation for a different property class code. The total refund is a little under \$3,000 for three years.

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

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 the following:**

1. Loren and Lavina Schwaninger, SW 2<sup>nd</sup> Street north of W. Pella road, in the amount of \$181. (C-12-0689) (C-12-0690)
2. W. Jean Oelling, SW 2<sup>nd</sup> Street north of W. Wittstruck Road, in the amount of \$18. (C-12-0691)
3. Ronald Oelling, SW 2<sup>nd</sup> Street north of W. Wittstruck Road, as a donation. (C-12-0692)
4. Cynthia Fixemer, SW 98<sup>th</sup> Street and W. Midway Road, in the amount of \$2,747. (C-12-0693)
5. Cynthia Fixemer, SW 98<sup>th</sup> Street and W. Yankee Hill Road, in the amount of \$2,088. (C-12-0694)
6. Steve and Diane Kraus, SW 98<sup>th</sup> Street and W. Yankee Hill Road, in the amount of \$815.50. (C-12-0695)

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

1. County Clerk
2. County Assessor/Register of Deeds
3. Clerk of the District Court
4. County Records & Information Management

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

- 7) **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.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Tuesday, December 11, 2012, at 10:30 a.m., in Room 112 on the first floor of the County-City Building. There will not be a staff meeting on Thursday, December 13, due to the Board's attendance at the NACO (Nebraska Association of County Officials) annual conference.
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, December 18, 2012, at 9:30 a.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.

9) **ADJOURNMENT**

**MOTION:** Raybould moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:17 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.



**Dan Nolte**  
Lancaster County Clerk



**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, DECEMBER 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 December 7, 2012.*

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

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Richard Grabow, Deputy County Attorney  
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 10:17 a.m.

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

**MOTION:** Hudkins moved and Smoyer 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 Heier 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:**

**School Sisters of Christ the King  
St. Mark's United Methodist Church**

**MOTION:** Heier 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**

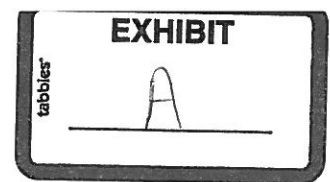
**MOTION:** Raybould moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:19 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

*Dan Nolte*

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





**DATE:** December 3, 2012

**TO:** Sharon Mulder, Purchasing

**FROM:** Bill Fleisher, Lancaster County Shop

**SUBJECT:** Bid# 12-293 Addendum 1 Recommend Motor Grader Certified Power Train Rebuilds for the Lancaster County Engineer

Lancaster County Engineering recommends bid award for (2) Two Caterpillar Certified Motor Grader Power Train Rebuilds to the sole bidder, NMC, Inc.

**Lancaster County Unit #324, s/n JAPM00273**

Caterpillar Power Train Rebuild in accordance with Cat REYD1109	\$90,000
Rebearing/Reseal rear spindles option	5,720
Rebuild circle gear box option	2,625
Rebuild hydraulic pump option	3,750
New high pressure hydraulic hoses from pump to control valves	3,000
Deduct/Subtract Caterpillar incentive	- 5,000
Total	\$100,095

**Lancaster County Unit #347, s/n 2ZK03877**

Caterpillar Power Train Rebuild in accordance with Cat REYD1109	\$84,000
Rebearing/Reseal rear spindles option	5,720
Rebuild circle gear box option	2,625
Rebuild hydraulic pump option	3,750
New high pressure hydraulic hoses from pump to control valves	3,000
Deduct/Subtract Caterpillar incentive	- 5,000
Total	\$94,095

Price includes a loaner motor grader for duration of rebuilds, and 3 year/5,000 hour power train warranty.

Thank you,

Bill Fleisher  
Lancaster County Shop