

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 112  
TUESDAY, NOVEMBER 18, 2014  
10:30 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 November 14, 2014.*

Commissioners present: Larry Hudkins, Chair; Brent Smoyer, Vice Chair; Roma Amundson, Jane Raybould and Deb Schorr

Others present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; Brittany Behrens, Deputy County Attorney; Dan Nolte, County Clerk; and Cori Beattie, Deputy County Clerk

*Commissioner Schorr called the meeting to order at 10:33 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.*

1) **MINUTES:**

A. **Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 4, 2014.**

**MOTION:** Amundson moved and Raybould seconded approval of the minutes. Schorr and Amundson voted aye. Raybould abstained. Hudkins and Smoyer were absent. Motion carried 2-0 with one abstention.

2) **CLAIMS: Approval of all claims processed through Tuesday, November 18, 2014.**

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

3) **PUBLIC HEARING:**

A. **County Text Amendment No. 14012 to amend Lancaster County Zoning Resolution Article 13.001 on excavation and stone milling (See 4A for correlating item)**

Commissioner Schorr opened the public hearing.

Sara Hartzell, Planning Department, was administered the oath. She provided an overview of the text amendment noting that prior to 1979, mining was an allowed use in the County. In 1979, the County zoning resolution changed to require a special permit.

Hudkins arrived at 10:35 a.m., and assumed direction of the meeting.

Hartzell said in 2009 numerous soil mines were created due to the Interstate 80 widening project. Neighbors began having concerns with traffic, dust, etc., thus, a task force was formed which helped

establish new soil mine regulations for both the City of Lincoln and Lancaster County. At that time, the name of this group of mining activities changed to "Excavation and Stone Milling" but no specific definition of stone milling was included. The amendment includes the definition as, "...the crushing, cutting, grinding or otherwise processing of minerals when associated with an excavation operation." Hartzell said another amendment suggestion is to strike the word "stone milling" from the permit and call it just "excavation."

Smoyer arrived at 10:37 a.m.

Hartzell noted new language is also included to address long-time quarries and sand mines which are still active.

DaNay Kalkowski, appearing on behalf of Gana Trucking and Excavating, was administered the oath. She noted her client is in support of the text amendment.

Pam Dingman, County Engineer, was administered the oath. She pointed out that the Engineer's Office has a rock quarry and she would be monitoring how the text amendment might affect it.

The Chair closed the public hearing.

4) **NEW BUSINESS:**

- A. **Resolution in the matter of County Text Amendment No. 14012, a text amendment to the Lancaster County Zoning Resolution, amending Article 13, Section 13.001, Subsection 14) Excavation and Stone Milling. The amendments are provided in Attachment A. (R-14-0072)**

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

- B. **Resolution in the matter of rescinding County Resolution No. R-01-31, authorizing installation of a fence and gate on Sunny Slope Lane in Lancaster County, Nebraska. (R-14-0073)**

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

- C. **Resolution in the matter of County maintenance of roads within Parkland Estates Addition, generally located at N.W. 118<sup>th</sup> Street and W. Fletcher Avenue. (R-14-0074)**

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

- D. **Amusement license amendment from JK's Pumpkin Patch to extend operation dates to include December 6-7, 13-14 and 20-21 from 10:00 a.m. to 7:00 p.m.**

Josh Kadavy said he received requests from the public for additional agriculture-related field trips. Christmas-themed activities, such as Santa Claus and sleigh rides, may also be added on these new dates. Kadavy confirmed that they continue to be involved in numerous fundraisers.

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

- E. Recommendation from Purchasing and County Corrections to issue a purchase order to Riekes Equipment Company for one Yale stand up control lift truck with a backup alarm at a cost of \$21,248. (B-14-0040)**

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

- F. Recommendation from Purchasing and the County Engineer to issue a purchase order to NMC, Inc., for one 420F ST backhoe loader off of the NJPA (National Joint Powers Alliance) Contract #060311-CAT. Estimated cost of the purchase is \$101,643.67. (B-14-0041)**

Pam Dingman, County Engineer, explained that while the bid is about \$5,000 over budget, the proposed machine would have 4-wheel drive, front wheel assist and a pneumatic thumb. She indicated other budgetary adjustments would be made to cover the additional cost.

Raybould inquired whether any equipment would be traded in. Dingman said a few older pieces were sold recently at auction and she would continue to evaluate which method, trade-in or auction, would provide the best return for the County.

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

- G. Amendment to County Contract C-14-0453 with Dr. Fuel Good for fuel maintenance and service on an as needed basis. The amendment increases the maximum expenditures of the County to \$18,100 during the term of the contract. (C-14-0587)**

**MOTION:** Smoyer moved and Raybould seconded approval of the amendment.

Dingman said algae plume was discovered growing in diesel fuel which can be very tough on equipment. She displayed photos (see Exhibit A) showing such infestation and said the cost increase is related to shock treating fuel tanks. These treatments will then be followed up with general maintenance. Dingman also noted that all pump filters have been replaced, as well as some fuel filters, and in the future, all diesel fuel would be quality tested.

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

- H. Memorandum of understanding with Julia Dyckman Andrus Memorial, Inc., for consultation and training services for the Nebraska Community Aid and Juvenile Justice Conference. (C-14-0586)**

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

**I. Interlocal agreement with the City of Lincoln to create a joint City-County Information Services Division. (C-14-0588)**

**MOTION:** Raybould moved and Smoyer seconded approval of the agreement.

Steve Henderson, Chief Information Officer, Information Services, appeared and clarified that the agreement revises one from 1999 (C-99-0188). He added it was unanimously approved by the City Council earlier this month.

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

**J. Agreement with the Board of Regents of the University of Nebraska, on behalf of the University of Nebraska-Lincoln, for evaluation of the Lancaster County Adult Drug Court expansion grant and motivational interviewing training sessions. The County shall expend federal grant funds in an amount not to exceed \$216,420 for the services provided. Term of the agreement is October 1, 2014, to September 30, 2017. (C-14-0589)**

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

**K. Grant contract with Houses of Hope Nebraska, Inc., in the amount of \$40,000 to provide funding for the Halfway House program. Term of the contract is July 1, 2014, to June 30, 2015. (C-14-0590)**

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

**L. Labor agreement with the Fraternal Order of Police, Lodge 32, for a two-year period beginning August 21, 2014. (C-14-0594)**

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

**M. Revised job description for the Lancaster County Human Services Administrator.**

**MOTION:** Amundson moved and Smoyer seconded approval of the revised job description.

Schorr noted the application process is underway as the current administrator, Kit Boesch, will be retiring next month.

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

**N. Setting the salary of Sarah Safarik, Deputy Public Defender, in the amount of \$58,834.88 per year, effective December 1, 2014.**

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

- O. **Setting the salary of Brittani Lewit, Deputy Public Defender, in the amount of \$58,834.88 per year, effective December 23, 2014.**

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

- P. **Compliance Amendment to the Lancaster County 401(a) Retirement Plan. The Amendment modifies the definition of "spouse" to include same sex spouses who are legally married under the laws of the state in which the marriage was celebrated, only for those Plan purposes subject to federal, rather than state, law. The Amendment also designates the "state of domicile" rule during the transitional period from June 26, 2013, through September 15, 2013.**

**MOTION:** Schorr moved and Raybould seconded approval of the compliance amendment.

Raybould applauded Lancaster County's efforts to move forward on the issue and briefly discussed the events leading up to today. She noted all 50 states have filed lawsuits challenging the ban against same-sex marriages and felt the legal landscape has dramatically changed especially since the U.S. Supreme Court declared parts of the Defense of Marriage Act (DOMA) unconstitutional in 2013. Raybould said 33 states, including the District of Columbia, recognize same sex marriages and, over the last few years, the number of Nebraska private and public entities providing benefits to same-sex couples has also grown. She said while it looks like Lancaster County may be the last public sector institution to approve health benefits for same-sex, legally married couples, she hoped the U.S. Supreme Court would provide additional legal clarity in the near future.

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

- Q. **Adoption of recommendations from the Lancaster County Pension Review Committee regarding the investment array for the 401(a) Lancaster County Employee Retirement Plan and the 457(b) Deferred Compensation Program:**
- 1. Immediately initiate a search for a new mid cap value fund while continuing to monitor the Mid Cap Value/Systematic and Perkins Value T Funds through the end of 2014. If the two existing mid cap value funds are eliminated, their proceeds should be mapped to the new mid cap value fund selected as a result of the search process;**
  - 2. 7 basis points of the savings from the renegotiation of the Prudential contract should be used to increase the return on the Gibraltar Guaranteed Fund by reducing the cost of the fund by 14 basis points and 2 basis points of revenue should be placed annually into the 401(a) and 457(b) expense accounts;**
  - 3. Eliminate the Royce Pennsylvania Mutual Invmt Fund and map the proceeds to the Vanguard Small Cap Index Signal Fund; and**
  - 4. The Core Plus Bond/PIMCO Fund should be eliminated and proceeds should be mapped to a new core bond fund with higher quality assets and less risk.**

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

- R. **Grant contract with Families Inspiring Families to provide funding of \$10,865 for Parent Support Groups at the Youth Services Center. Term of the contract is July 1, 2014, to June 30, 2015. (C-14-0595)**

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

- S. **Grant contract with Volunteer Partners to provide funding in the amount of \$11,707 for the Community Service Project. Term of the contract is July 1, 2014, to June 30, 2015. (C-14-0596)**

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

- T. **Political subdivision tort claim filed against Lancaster County Corrections by Lawrence Harris for \$8.89.**

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

- U. **Political subdivision tort claim filed against Lancaster County Corrections by Lawrence Harris for \$3,500.**

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

- V. **Political subdivision tort claim filed against Lancaster County Corrections by Bryant Williams for \$47.58.**

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

- W. **Political subdivision tort claim filed against Lancaster County Corrections by Cody Sharp in an undisclosed amount.**

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

- X. **Executive Session – Labor Negotiations**

The item was held until the end of the meeting.

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 with the following:**

1. City Bank and Trust of Crete, S. 54<sup>th</sup> Street and Hickman Road, for \$505. (C-14-0591)
2. Omar and Maxine Jensen, S. 60<sup>th</sup> Street and Rebel Drive, for \$150. (C-14-0592)
3. William and Sheryl Wright, S. 60<sup>th</sup> Street and Rebel Drive, for \$1,000. (C-14-0593)

**B. Receive and place on file the following reports for October 2014:**

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

**C. Setting of a public hearing on Tuesday, November 25, 2014, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) regarding Comprehensive Plan Amendments 14005-14007, Watershed Master Plan.**

**MOTION:** Raybould moved and Smoyer seconded approval of the consent items. Schorr, Raybould, Amundson, Smoyer and Hudkins 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.**

Schorr recognized students in attendance and pointed out that additional meeting information is available on the County's web site, as well as the Commissioners' contact information.

Rick DeBoer, President of the American Federation of State, County and Municipal Employees (AFSCME) Union #2468, appeared and indicated he had some issues he would like to bring to the County Board's attention and suggested they perhaps be discussed during an executive session.

7) **ANNOUNCEMENTS**:

**A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 20, 2014, at 8:30 a.m., in the Bill Luxford Studio of the County-City Building (Room 113, 555 S. 10<sup>th</sup> Street, Lincoln).**

**B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, November 25, 2014, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) with the Board of Equalization immediately following.**

**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 the internet at [lancaster.ne.gov](http://lancaster.ne.gov) under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

The Chair recessed the meeting at 11:14 a.m.

The Chair reconvened the meeting at 11:17 a.m.

**RETURNING TO ITEM 4X:**

**MOTION:** Schorr moved and Raybould seconded to enter Executive Session at 11:17 a.m. for the purpose of labor negotiations and to protect the public interest.

The Chair restated the motion for the record.


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

Raybould exited the meeting at 11:35 a.m.

**MOTION:** Schorr moved and Smoyer seconded to exit Executive Session at 11:40 a.m. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

8) **ADJOURNMENT**

**MOTION:** Smoyer moved and Amundson seconded to adjourn the Board of Commissioners meeting at 11:40 a.m. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent. Motion carried 4-0.

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





**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
COUNTY-CITY BUILDING, ROOM 112  
TUESDAY, NOVEMBER 18, 2014  
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 November 14, 2014.*

Commissioners present: Larry Hudkins, Chair; Brent Smoyer, Vice Chair; Roma Amundson; Jane Raybould and Deb Schorr

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds; Kerry Eagan, Chief Administrative Officer; Brittany Behrens, Deputy County Attorney; Dan Nolte, County Clerk and Cori Beattie, Deputy County Clerk

*The Chair called the meeting to order at 11:14 a.m. and the location of the Nebraska Open Meetings Act was announced.*

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 4, 2014.**

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

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

**Catholic Social Services  
Immanuel Retirement Communities  
Ling Quang Buddhist Center  
School Sisters of Christ the King  
The Bridge Behavioral Health  
VITAL Services**

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

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

No one appeared for public comment.

5) **ADJOURNMENT**

**MOTION:** Raybould moved and Amundson seconded to adjourn the Board of Equalization meeting at 11:17 a.m. Amundson, Smoyer, Schorr, Raybould and Hudkins voted aye. Motion carried 5-0.

*Dan Nolte*

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Dan Nolte  
Lancaster County Clerk



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EXHIBIT  
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