

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JUNE 7, 2011**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

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

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 held on Tuesday, May 31, 2011.**

**MOTION:** Smoyer moved and Hudkins seconded approval of the minutes. Hudkins, Heier and Smoyer voted aye. Raybould abstained. Schorr was absent from voting. Motion carried 3-0 with one abstention.

2) **CLAIMS: Approval of all claims processed through Tuesday, June 7, 2011.**

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

3) **PUBLIC HEARING:**

- A. **Issuance of not to exceed \$2,000,000 principal amount Healthcare Revenue Bonds (Tabitha, Inc. Project), Series 2011, by Hospital Authority No. 1 of Lancaster County, Nebraska, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.**

The Vice Chair opened the public hearing. Lauren Wismer, Gilmore & Bell; Dave Jackson, Tabatha, Inc.; and Blaine Spady, Smith Hayes Financial Services Corporation were administered the oath.

Schorr entered the meeting.

Wismer said the internal revenue code requires that bond proceeds used by a non-governmental entity be approved by the highest elected official, which in this case is the County Board. He explained these proceeds would be used by Tabitha, Inc. to complete the Phase 1 renovations on their main campus.

3) **PUBLIC HEARING CONTINUED:**

Jackson gave an overview of the Phase 1 project. He said a total of \$26,400,000 in projects have been completed between 2009 and 2011 including \$1,500,000 for skilled nursing rehabilitation. In addition, updates to the clinical documentation and billing system are being reviewed.

Heier noted there is no liability to the County.

The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **A resolution approving the issuance of Healthcare Revenue Bonds (Tabitha Inc. Project), Series 2011, in a principal amount not to exceed \$2,000,000 solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. (R-11-0037)**

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

4) **OLD BUSINESS:**

- A. **A contract with Peregrine Services for the printing and mailing of DMV and real estate statements for the County Treasurer. The County will pay for products and services according to the line item pricing listed in the Contractor's proposal. Term of the contract is four years from the date of execution by both parties. (C-11-0301)**

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

- B. **An amusement license application from Josh Kadavy to operate a pumpkin patch on Fridays, Saturdays and Sundays beginning the last week in September through the last week in October, 2011, at 757 Bluff Road, Lincoln, Lancaster County, Nebraska.**

Josh Kadavy said the City Council approved the text amendment regarding agricultural attractions (Change of Zone No.11011). He requested a reduction in the insurance liability requirement.

Brittany Behrens, Deputy County Attorney, said the liability insurance requirements per the amusement license guidelines state that a commercial general liability should be written on an occurrence basis with a \$1,000,000 limit for each occurrence, \$1,000,000 personal insurance, \$2,000,000 product liability and \$5,000,000 general aggregate. She stated that the County Attorney's Office recommends following these liability limits, as there are many activities occurring that open the County to liability.

Heier questioned the County's liability insurance. Behrens said she could check with Risk Management on the amount of liability insurance carried.

In response to Schorr's question, Kadavy said the insurance premium is around \$3,000 more for a \$5,000,000 policy than a \$2,000,000 policy. He requested numerous quotes and most agencies declined because they did not see a need for a \$5,000,000 policy.

4) **OLD BUSINESS CONTINUED:**

Heier confirmed with Behrens that the County Board had previously set the \$5,000,000 requirement.

Raybould asked about changes made to the amusement license on an annual basis. Behrens said the statute does not require the applicant to go through the whole process every time. If circumstances change for the attraction, a letter would be sent to the applicant and activities would need to be reviewed.

Smoyer said he was inclined to waive the extra insurance, but he asked that Kadavy come forward if any changes were made so the insurance could be reevaluated.

**MOTION:** Raybould moved and Hudkins seconded approval of the request to lower the insurance liability from the aggregate amount of \$5,000,000 to \$2,000,000.

Heier said he generally does not go against the County Attorney's recommendation, but he would support the motion in this case.

**FRIENDLY AMENDMENT:** Schorr amended the motion to include the approval of the amusement license. The maker and seconder of the motion concurred.

Hudkins said he thought the County was self-insured up to \$500,000 and had umbrella coverage.

In response to Heier's question, Behrens confirmed beverages and other items not produced on the farm could be served. This would be covered under the City's approved text amendment.

Smoyer clarified with Behrens that the access drive was approved as recommended by the County Engineer.

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

5) **NEW BUSINESS:**

- A. **A resolution approving the issuance of Healthcare Revenue Bonds (Tabitha Inc. Project), Series 2011, in a principal amount not to exceed \$2,000,000 solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. (R-11-0037)**

Item moved forward on the agenda.

- B. **An amendment to County Contract No. C-08-0324 with Cornerstone Printing & Imaging for the annual requirements of quick copy and related services. The amendment renews the agreement for an additional one-year term from July 25, 2011, to July 24, 2012. (C-11-0308)**

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

5) **NEW BUSINESS CONTINUED:**

- C. **An amendment to County Contract No. C-08-0385 with Cornerstone Printing & Imaging for the annual requirements of offset printing and related services. The amendment renews the agreement for an additional one-year term from August 5, 2011, to August 4, 2012. (C-11-0309)**

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

- D. **An amendment to County Contract No. C-08-0386 with A to Z Printing for the annual requirements of offset printing and related services. The amendment renews the agreement for an additional one-year term from August 5, 2011, to August 4, 2012. (C-11-0310)**

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

- E. **An amendment to County Contract No. C-08-0364 with A to Z Printing for the annual requirements of envelope supply and printing. The amendment renews the agreement for an additional one-year term from July 22, 2011, to July 21, 2012. (C-11-0311)**

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

- F. **An agreement with the Board of Regents of the University of Nebraska, University of Nebraska at Omaha, for evaluation of the Truancy Diversion Program. The County shall expend federal grant funds in the amount of \$30,000 for the services provided. Term of the agreement is January 1, 2011, to December 31, 2012. (C-11-0312)**

Smoyer expressed his support for the program.

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

- G. **An agreement with Seim, Johnson, Sestak and Quist, L.L.P., to prepare and deliver the Medicare Form CMS 2088-92 cost report for the fiscal year ended June 30, 2011, for the Community Mental Health Center. The County will pay \$4,700 to \$5,200 for the services. Term of the agreement shall be from the date work begins until the cost report has been submitted to the County (by November 30, 2011). (C-11-0313)**

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

- H. **A voluntary benefits engagement letter with Aon Consulting regarding voluntary benefits for County employees and a disclosure statement regarding commissions received by Aon Consulting from third party services providers that provide voluntary benefits to County employees. (C-11-0314)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Smoyer seconded approval of the letter and disclosure statement. Hudkins, Raybould, Heier, Smoyer 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. **Richard Hellerich, in the amount of a donation, located at NW 70<sup>th</sup> Street and W. Branched Oak Road; Project No. CP-D-185. (C-11-0315)**
2. **Bruce and Kimberly Topp, in the amount of \$743.50, located at W. Pella Road east of SW 14<sup>th</sup> Street; Project No. CP-W-174. (C-11-0316)**

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

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

C. **Setting of a public hearing for Tuesday, June 28, 2011, at 9:30 a.m. in Room 112 on the first floor of the County-City Building regarding the establishment of an access road for Dorothy K. Maher, located in the Southeast Quarter of Section 8, Township 12, Range 8, East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.**

Hudkins thanked Richard Hellerich for his donation.

**MOTION:** Heier moved and Smoyer seconded approval of the consent items. Raybould, Heier, Smoyer, Hudkins 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 speak at this time.

Jane Svoboda appeared.

John Austin discussed weight restrictions on County roads and public comment.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, June 9, 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, June 14, 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.**

8) **ANNOUNCEMENTS CONTINUED:**

- C. A public hearing will be held on Tuesday, June 14, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building, regarding the sale of a portion of W. Waggoner Drive as platted in Waggoner Subdivision in the Northwest Quarter of Section 27, Township 10 North, Range 5 East of the Principal Meridian, Lancaster County, Nebraska.
- D. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday at 1:30 and 6:30 p.m. and on Saturday afternoon 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.
- E. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).

9) **ADJOURNMENT**

**MOTION:** Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:04 a.m. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

*Dan Nolte*

**Dan Nolte**  
Lancaster County Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, JUNE 7, 2011**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**IMMEDIATELY FOLLOWING THE LANCASTER COUNTY**  
**BOARD OF COMMISSIONERS MEETING**

Commissioners present: Deb Schorr, Chair  
Bernie Heier, Vice Chair  
Larry Hudkins  
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  
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, May 31, 2011.**

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

2) **ADDITIONS AND DEDUCTIONS: Approval of 13 additions and deductions to the tax assessment rolls per Attachment "A".**

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

**Nebraska Annual Conference UMC**  
**Northern Lighthouse**

**MOTION:** Heier moved and Hudkins 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 Smoyer seconded to adjourn the Board of Equalization meeting at 10:06 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**

