

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JULY 31, 2007**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Larry Hudkins  
Deb Schorr  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
Tom Fox, Deputy County Attorney  
Dan Nolte, County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

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, July 24, 2007.**

**MOTION:** Stevens moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on July 24, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, July 31, 2007.**

**MOTION:** Heier moved and Schorr seconded approval of all claims processed through July 31, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

**A. Continuation of a public hearing regarding a request for an addition to licensed premise from Dustin and Sharon Duba d/b/a Dusty's Bar & Grill located at 109 1<sup>st</sup> Street, Kramer, Lancaster County, Nebraska.**

The Chair reconvened the public hearing and asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

4) **OLD BUSINESS:**

**A. Reconsideration of agenda item 3(A) of the Tuesday, July 17, 2007 Lancaster County Board of Commissioners agenda, specifically regarding the issuance by the Lancaster County Fairgrounds Joint Public Agency of its Limited Tax Facility Bonds, Series 2007 in the maximum principal amount of \$10,000,000, as opposed to \$8,000,000, pursuant to the Joint Public Agency Act, to pay the costs of constructing an additional livestock pavilion, a roof for the existing outdoor arena with a connecting building housing meeting rooms, a cafeteria and storage, additional parking, concrete flooring in an existing building, certain additional equipment and fencing, together with related improvements at the Agency's existing facilities, located at 4100 North 84<sup>th</sup> Street, Lincoln, Nebraska.**

Alan Wood, attorney representing the Lancaster County Agricultural Society and the Lancaster Event Center, explained that the notice published prior to the hearing on July 17<sup>th</sup> referenced \$8,000,000. The action taken by the County Board recommended up to \$10,000,000 in bond amount. He said the reconsideration is to correct the amount which includes the refinancing of the 2000 Limited Facility Bonds.

**MOTION:** Hudkins moved and Heier seconded to authorize the issuance by the Lancaster County Fairgrounds Joint Public Agency of its Limited Tax Facility Bonds, Series 2007, in the maximum principal amount of \$10,000,000 which includes refinancing of the 2000 Limited Facility Bonds. Hudkins, Heier and Workman voted aye. Stevens voted no. Schorr abstained from voting due to a conflict of interest. Motion carried.

4) **OLD BUSINESS CONTINUED:**

**B. Recommendation from the Visitors Promotion Committee for a grant of \$500,000 from the Lancaster County Visitor Improvement Fund to the Lancaster County Agricultural Society for expansion of the Lancaster Event Center.**

Heier clarified that the \$500,000 is a one time payment.

Wood concurred with the one time payment and stated the money would be used for concrete flooring in Pavilion I and some of the parking.

**MOTION:** Heier moved and Hudkins seconded to approve a one time disbursement of \$500,000 from the Visitors Improvement Fund to the Lancaster County Agricultural Society for expansion of the Lancaster Event Center effective July 31, 2007 and upon subsequent request of the Agricultural Society. Heier, Hudkins and Workman voted aye. Stevens voted no. Schorr abstained from voting. Motion carried.

**C. A political subdivision tort claim filed against the Lancaster County Sheriff's Office by Michael DoRan for property sold by the County, in the amount of \$2,800.**

Michael DoRan, claimant, stated he feels he has a valid claim and gave an overview of the claim.

Terry Wagner, Lancaster County Sheriff, appeared and gave a recount of the arrest occurring on December 14, 2005 at 11:15 p.m..

**MOTION:** Schorr moved and Heier seconded denial of the political subdivision tort claim filed against the Lancaster County Sheriff's Office by Michael DoRan for property sold by the County, in the amount of \$2,800. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS:**

**A. Acceptance of the withdrawal of County Special Permit No. 06051 for authority to construct and operate a drag strip on property generally located on the east side of North 56<sup>th</sup> Street/Highway 77 between Branched Oak Road and Davey Road, Lancaster County, Nebraska.**

**MOTION:** Heier moved and Stevens seconded to accept the withdrawal of County Special Permit No. 06051 for authority to construct and operate a drag strip on property generally located on the east side of North 56<sup>th</sup> Street/Highway 77 between Branched Oak Road and Davey Road, Lancaster County, Nebraska. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

**B. A resolution in the matter of an application for an addition to licensed premise from Dustin and Sharon Duba d/b/a Dusty's Bar & Grill located at 109 1<sup>st</sup> Street, Kramer, Lancaster County, Nebraska. (R-07-0064)**

**MOTION:** Schorr moved and Heier seconded approval of Resolution 07-0064 in the matter of an application for an addition to licensed premise from Dustin and Sharon Duba d/b/a Dusty's Bar & Grill located at 109 1<sup>st</sup> Street, Kramer, Lancaster County, Nebraska.

Stevens stated he was disappointed that the applicant did not appear at the hearing. He added that he assumed that the westward expansion of the building doesn't interfere with the roadway or the right-of-way.

**ROLL CALL:** Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**C. A resolution in the matter of amending the policy for management of records at the Records Center. (R-07-0065)**

**MOTION:** Stevens moved and Heier seconded approval of Resolution 07-0065 in the matter of amending the policy for management of records at the Records Center.

5) **NEW BUSINESS CONTINUED:**

Kerry Eagan, Chief Administrative Officer, explained that the current policy states that the record owner must indicate records may be destroyed at the end of their scheduled retention. The new policy, he stated, shifts some of the burden to the record owner in that Records Management will notify the record owner two weeks notice prior to the destruction of records. If the record owner does not respond those documents will be destroyed.

**ROLL CALL:** Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**D. An agreement between Lancaster County and Terracon Consultants, Inc. to conduct soil boring tests in County right-of-way as part of its work for the Nebraska Public Power District in designing a water line from the Sheldon Power Plan west to the Blue River. The borings will take place at Southwest 50th Street and West Pella Road, Southwest 72nd Street between West Pella Road and West Hallam Road and on West Hallam Road between Southwest 142nd and Southwest 72nd Streets. The work will be completed by August 18, 2007 and there will be no cost to the County. (C-07-0294)**

**MOTION:** Hudkins moved and Stevens seconded approval of an agreement between Lancaster County and Terracon Consultants, Inc. to conduct soil boring tests in County right-of-way as part of its work for the Nebraska Public Power District in designing a water line from the Sheldon Power Plan west to the Blue River. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

**E. A licensing agreement between Lancaster County and Swank Motion Pictures, Inc. for showing video cassette movies at the Youth Services Center. Term of the agreement is from July 1, 2007 through June 30, 2008. The County will pay \$250 for the license. (C-07-0295)**

**MOTION:** Stevens moved and Heier seconded approval of a licensing agreement between Lancaster County and Swank Motion Pictures, Inc. for showing video cassette movies at the Youth Services Center. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**F. A contract between Lancaster County and Alamar Uniforms for the purchase of Body Armor Second Chance vests on an as needed basis by the Lancaster County Sheriff's Office. Term of the contract is from August 15, 2007 through August 14, 2008, with an option to renew for two additional one-year periods. The price of the vests is outlined in accordance with 'Attachment A' of the contract. (C-07-0296)**

**MOTION:** Stevens moved and Hudkins seconded approval of a contract between Lancaster County and Alamar Uniforms for the purchase of Body Armor Second Chance vests on an as needed basis by the Lancaster County Sheriff's Office. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

**G. An interlocal agreement between Lancaster County and Educational Service Unit No. 18 for educational services for youth detained at the Youth Services Center. Term of the agreement is August 1, 2007 through July 31, 2008. The County will reimburse the ESU up to \$953,440 for the services provided. (C-07-0297)**

**MOTION:** Hudkins moved and Schorr seconded approval of an interlocal agreement between Lancaster County and Educational Service Unit No. 18 for educational services for youth detained at the Youth Services Center. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

**H. An agreement with Nebraska Occupational Health Center to conduct post offer physical examinations and screenings of potential employees for Lancaster Manor. The County will pay \$25 per pre-employment physicals and \$45 per post hire pre-confirmation back screens. Term of the agreement is from the date of execution through June 30, 2008. (C-07-0298)**

**MOTION:** Heier moved and Stevens seconded approval of an agreement with Nebraska Occupational Health Center to conduct post offer physical examinations and screenings of potential employees for Lancaster Manor. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**I. A contract between United Adjustments Corp. and Lancaster County, on behalf of the Community Mental Health Center, for collections services for past due accounts. For collection of past due accounts, the contractor will be paid eight percent on accounts that do not require litigation and 18 percent on accounts that require litigation. Accounts will be turned over to the contractor after CMHC efforts to collect have been unsuccessful. Term of the contract is between August 1, 2007 and December 31, 2008. (C-07-0299)**

**MOTION:** Heier moved and Stevens seconded approval of a contract between United Adjustments Corp. and Lancaster County, on behalf of the Community Mental Health Center, for collections services for past due accounts. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

**J. A memorandum of understanding between Lancaster County and Theresa Emmert, Bailiff II, setting forth the parties understanding that the temporary additional salary provided to Theresa Emmert for performing Drug Court Coordinator responsibilities and support services for Lancaster County Family Drug Court, will be reduced or eliminated at any time, if such responsibilities and support services are limited, taken away, reassigned or discontinued. (C-07-0300)**

**MOTION:** Hudkins moved and Stevens seconded approval of a memorandum of understanding between Lancaster County and Theresa Emmert, Bailiff II, setting forth the parties understanding that the temporary additional salary provided to Theresa Emmert for performing Drug Court Coordinator responsibilities and support services for Lancaster County Family Drug Court, will be reduced or eliminated at any time, if such responsibilities and support services are limited, taken away, reassigned or discontinued. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**K. A resolution in the matter of approving the temporary additional salary increase for Theresa Emmert, Bailiff II, from \$45,910.56 to \$53,945.14, effective July 1, 2007. (R-07-0066)**

Tom Fox, Deputy County Attorney, referred to the resolution and requested that Item 1 be changed to read as follows: *The salary for Theresa Emmert, a Bailiff II, shall increase from \$45,910.56 to \$53,945.14 provided, however, that her salary will be adjusted in the event that her additional Drug Court Coordinator responsibilities and support services are limited, taken away, reassigned or discontinued.*

**MOTION:** Stevens moved and Heier seconded approval of Resolution 07-0066 in the matter of approving the temporary additional salary increase for Theresa Emmert, Bailiff II, from \$45,910.56 to \$53,945.14, effective July 1, 2007 incorporating the change as outlined by the County Attorney's Office. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

**L. Recommendation from the Purchasing Agent and the Pension Review Committee to award a Request for Proposal (RFP) to Segal Advisors for pension consulting services. The services will consist of an initial pension review, in the amount of \$8,000; a review of the investment plan, in the amount of \$6,000; bidding assistance, in the amount of \$50,000 and investment advice as needed, in the amount of \$300 per hour. (B-07-0042)**

**MOTION:** Hudkins moved and Stevens seconded to award a Request for Proposal (RFP) to Segal Advisors for pension consulting services as recommended by the Purchasing Agent and the Pension Review Committee. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

**M. Acceptance or rejection of all bids relating to the Sheriff's sale of surplus property located at 831 Westgate Boulevard, legally described as Westgate Park for Business and Industry, Block 5, Lot 3.**

**MOTION:** Hudkins moved and Heier seconded to reject all bids relating to the Sheriff's sale of surplus property located at 831 Westgate Boulevard, legally described as Westgate Park for Business and Industry, Block 5, Lot 3. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**N. An application for a Special Designated License from Ken's Liquor Inc. to provide liquor beverage for the University of Nebraska-Lincoln Dental College annual open house on Friday, September 14, 2007 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.**

**MOTION:** Schorr moved and Stevens seconded approval of an application for a Special Designated License from Ken's Liquor Inc. to provide liquor beverage for the University of Nebraska-Lincoln Dental College annual open house on Friday, September 14, 2007 from 5 p.m. to 1 a.m. at Country Pines. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

**O. A political subdivision tort claim filed against the Lancaster County Corrections by Nicki M. Janousek for lost property, in the amount of \$1.40.**

**MOTION:** Heier moved and Hudkins seconded to accept the Director's recommendation and deny the political subdivision tort claim filed against the Lancaster County Corrections by Nicki M. Janousek for lost property, in the amount of \$1.40. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **CONSENT ITEMS:** *These are items of business that are routine which 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. Receive and Place on File:**

**1. Sheriff's Report of Fees and Cash Receipts Report for June, 2007.**

**B. Setting of a public hearing for Tuesday, August 14, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Special Permit No. 07024, requested by Gregory and Heidi Rettele, for authority to locate and occupy a mobile home while building a permanent residence on property generally located at Southwest 14<sup>th</sup> Street and West Olive Creek Road, Lancaster County, Nebraska.**

6) **CONSENT ITEMS CONTINUED:**

**MOTION:** Stevens moved and Heier seconded approval of the Consent Items. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

7) **OTHER BUSINESS**

Larry Lewis, owner of Nebraska Truck and Equipment, appeared and expressed his concern regarding the possible purchase by the County of land at Southwest 40<sup>th</sup> and West "O" Streets. He stated he feels it would be a waste of taxpayers dollars to build a jail on the property and suggested they look at property in the vicinity of the airport.

Schorr stated the public didn't have the benefit of the extensive analysis, mapping and rating system conducted by Clark Enersen Partners. She stated they reviewed approximately 20 different locations which took about six months.

Stevens stated the location at Southwest 40<sup>th</sup> and O Streets ranked the highest of the locations reviewed, based on approximately 200 parameters evaluated. On final analysis, he stated, the location at Southwest 40<sup>th</sup> was the lowest cost. He added that the site is not level and the movement of dirt to make it level is included in the price, as well as the acquisition of an additional residence.

8) **ADJOURNMENT:**

**MOTION:** Stevens moved and Schorr seconded adjournment of the Board of Commissioners meeting at 10:20 a.m.. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

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Dan Nolte  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, JULY 31, 2007  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Larry Hudkins  
Deb Schorr  
Ray Stevens

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Tom Fox, Deputy County Attorney  
Dan Nolte, County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 10:20 a.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 24, 2007.**

**MOTION:** Stevens moved and Hudkins seconded approval of the minutes of the Board of Equalization meeting held on July 24, 2007. Hudkins, Stevens, Schorr and Workman voted aye. Heier abstained from voting. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 30 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

**MOTION:** Stevens moved and Schorr seconded approval of the additions and deductions to the tax assessment rolls. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Capital Humane Society  
Fellowship Baptist Church**

**MOTION:** Schorr moved and Stevens seconded approval of the motor vehicle tax exemptions. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES FOR THE FOLLOWING:**

**Eugene Maahs Life Estate (2 notices)  
Marvin N. Hoy  
Crystal Y. Hunt**

Norm Agena, County Assessor/Register of Deeds, gave a brief explanation regarding the notices.

**MOTION:** Heier moved and Hudkins seconded to send notice of assessed valuation change for property taxation purposes for Eugene Maahs (2 notices), Marvin N. Hoy and Crystal Y. Hunt. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:22 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

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Dan Nolte  
County Clerk