

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, JUNE 8, 2010**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

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

Others present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Tom Fox, 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, June 1, 2010.**

**MOTION:** Workman moved and Hudkins seconded approval of the minutes. Hudkins, Schorr, Workman and Heier voted aye. Stevens abstained. Motion carried 4-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, June 8, 2010.**

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

3) **SPECIAL PRESENTATIONS:**

A. **Presentation of the Commissioner's Award of Excellence for May, 2010, to Douglas Davis, County/City Property Management.**

The Clerk read the nomination for the record. Commissioner Hudkins presented a plaque to Douglas Davis. Davis stated he has worked for Property Management for around 18 years. He thanked everyone involved for the award. Don Killeen, Property Management Building Administrator, said the Property Management employees work a lot of hours and he appreciated them being acknowledged.

4) **PUBLIC HEARINGS:**

A. **An addition to licensed premise from Prime Country Winery, L.L.C., located at 12120 SW 142<sup>nd</sup> Street, Denton, Lancaster County, Nebraska.**

4) **PUBLIC HEARING CONTINUED:**

The Chair opened the public hearing.

Craig Gertsch, Prime Country Winery, was administered the oath. He explained the permit would allow expansion so patrons could enjoy their wine outdoors. Hudkins asked Gertsch if any of his family has taken hospitality training through the Health Department. Gertsch stated he had hospitality training through University of Nebraska-Lincoln and Concordia University. Stevens asked how the winery obtains their grapes. Gertsch said they are the only winery in Nebraska that does not purchase grapes from anyone else.

The Chair announced the public hearing would be held open for one week.

5) **OLD BUSINESS:**

- A. **County Change of Zone 147, from "AG" Agricultural to "AGR" Agricultural Residential, requested by Peter Katt for Steve Champoux, on property located at the northeast corner of 134<sup>th</sup> Street and A Street in Lancaster County, Nebraska.**

Kerry Eagan, Chief Administrative Officer, said this item would be held until July 6.

- B. **Authorization of Ray Stevens to sign a resolution instructing Lancaster County Rural Transit to apply for federal funds available under Section 5311 of the Federal Transit Act and for the Nebraska Public Transportation Assistance Program for federal fiscal year 2010. (R-10-0040)**

Kerry Eagan explained Commissioner Stevens was required to sign the resolution since he was the acting Chair at the time the resolution was approved.

**MOTION:** Hudkins moved and Workman seconded approval of the authorization. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

**EMERGENCY ITEM: Authorization to perform services and payment between Lancaster County and ServiceMaster.**

Tom Fox, Deputy County Attorney, explained a water pipe broke at Trabert Hall. The authorization would allow ServiceMaster to clean up the water damage.

**MOTION:** Hudkins moved and Workman seconded to declare this an emergency and add the item to the agenda. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

**MOTION:** Hudkins moved and Workman seconded to approve the authorization. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

6) **NEW BUSINESS:**

- A. **A special designated license application from Ken's Liquor to provide liquor beverage service for an event at Country Pines, 6305 W. Adams Street, Lincoln, Lancaster County, Nebraska, on Friday, June 25, 2010, from 5:00 p.m. to 1:00 a.m.**

6) **NEW BUSINESS CONTINUED:**

Tom Fox said the application stated Saturday, June 25; however, June 25 is a Friday. He recommended approving the application contingent on the applicant filing an updated application with the correct day and date.

**MOTION:** Schorr moved and Stevens seconded approval of the special designated license application pending receipt of the corrected form with the date of Friday, June 25. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- B. **A special events permit application from John Virts for a wedding at 1301 W. Wittstruck Road, Roca, Lancaster County, Nebraska, on Friday, June 18, 2010, from 6:00 p.m. to 10:00 p.m. The application includes a request to close W. Wittstruck Road from SW 2<sup>nd</sup> Street to SW 14<sup>th</sup> Street for the duration of the event.**

**MOTION:** Schorr moved and Hudkins seconded approval of the special events permit application.

Stevens questioned incorporating the Sheriff's recommendations into the approval. Schorr noted the Sheriff's requirements included use of barricades and no parking on the road. Stevens questioned the Sheriff's recommendation regarding use of an off-duty officer at the event. Terry Wagner, County Sheriff, said his main concerns were emergency vehicle access to the property and no parking along the road. John Virts said the event only included the wedding ceremony and not the reception. He expected around 23 cars, which could all be parked on the property. Wagner said barricades would be sufficient as long as the guests do not park in the roadway. Virts offered to call the Southwest fire department and rescue squad to notify them of the barricades.

The maker of the motion agreed to the elimination of the Sheriff's recommendation regarding use of an off-duty officer at the event. The seconder concurred.

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

- C. **A contract with Voss Lighting, using cooperative purchasing with the State of Nebraska, for the annual requirements for lights (incandescent and fluorescent) and ballasts. The term of the contract is from June 1, 2010, to November 30, 2010. Pricing of items will be according to the prices in State of Nebraska quote #11006. (C-10-0233)**

Bob Walla, Assistant Purchasing Agent, clarified that the contract is with the University of Nebraska, not the State of Nebraska.

**MOTION:** Workman moved and Hudkins seconded approval of the contract as corrected. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- D. **A partial release of platted utility easement, generally located at SW 14<sup>th</sup> Street and W. Bannertail Lane, described as the westerly ten feet of Lot 1, Block 2, Whitetail Run Addition, Lincoln, Lancaster County, Nebraska, except the northerly ten feet thereof and except the southerly ten feet thereof; said easement now lying within Lot 1, Block 2, Whitetail Run 1<sup>st</sup> Addition, Lincoln, Lancaster County, Nebraska. (C-10-0234)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Workman seconded approval of the partial release. Schorr, Workman, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

- E. **A revised grant application budget summary for a grant from the Nebraska Crime Commission through the Violence Against Women Act. The grant shall be in the amount of \$197,545.**

**MOTION:** Hudkins moved and Stevens seconded approval of the budget summary. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- F. **A license agreement between the County, on behalf of the Community Mental Health Center, and Network Ventures, Inc., for the Multnomah Community Ability Scale. Cost to the County shall be \$250. (C-10-0235)**

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

- G. **An agreement between Lancaster County and Fred Luthans, Ph.D., to provide the "Positive Leadership Development for Mental Health Professionals" training workshop for the Lancaster County Community Mental Health Center between June 1, 2010, and July 31, 2010. The County will pay up to \$1,000 for the services. (C-10-0236)**

Tom Fox said no insurance certificate was attached to the contract; it would be up to the Board to waive the insurance. Hudkins said he would prefer not to waive the insurance, but it was the practical thing to do for a contract this size.

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

- H. **An affiliation agreement with the University of Nebraska Board of Regents on behalf of the Clinical Psychology Training Program for five graduate psychology students who will provide services such as psychotherapy, counseling and psychological testing for the Community Mental Health Center. Term of the agreement is June 1, 2010, to May 31, 2011. The County will pay \$80,510 for these services. (C-10-0237)**

Heier requested the item be held for further discussion.

- I. **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, 2010, for the Community Mental Health Center. Term of the agreement shall be from the date Seim Johnson begins work for the cost report until the cost report has been submitted to the County (by November 30, 2010). The County will pay \$4,700 to \$5,200 for the services. (C-10-0238)**

6) **NEW BUSINESS CONTINUED:**

Hudkins questioned if there would be any financial reimbursement for the services. Kerry Eagan said he was not sure, but he would check with Dennis Meyer, Budget & Fiscal Director.

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

- J. **An agreement between the County and the Mediation Center for the presentation and facilitation of a training workshop for mediators in the Lancaster County Juvenile Justice System entitled "Basic Mediation Training and Restorative Justice and Victim Offender Dialogue with Juveniles". The training will be held April 27, 2010, to May 1, 2010. The cost to the County will be up to \$5,000. (C-10-0239)**

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

- K. **An agreement with Sandra Findley for substance abuse education intervention classes to participants in the pretrial release program. The County will pay up to \$11,200 for the services. Term of the agreement is July 1, 2010, through June 30, 2011. (C-10-0240)**

Tom Fox said the automobile portion on the attached insurance certificate had been changed from \$1,000,000 to \$300,000. He noted the same had been done in the past. Schorr verified that Sandra Findley would not be transporting anyone.

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

- L. **An interagency agreement between the State of Nebraska, Department of Motor Vehicles (DMV) and Lancaster County, on behalf of the Lancaster County General Assistance Office. The agreement provides access to the DMV database for personal information on individuals. The Lancaster County General Assistance Office intends to use the personal information to verify information provided by persons requesting assistance in the course of evaluating an applicant's eligibility for assistance. The County shall be responsible for all fees associated with use of the database. (C-10-0241)**

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

- M. **An agreement between Lancaster County and Great Plains Appraisal Company, on behalf of Wayne Kubert and Tom Kubert, to provide the services of a Referee Coordinator to coordinate referees who will hear all property tax protests for the 2010 tax year before the Lancaster County Board of Equalization. The coordinator is also responsible for ensuring all papers related to such protests along with written findings and recommendations are made available to the Board. The Referee Coordinator shall be reimbursed at a rate of \$720 per working day up to \$100,000. (C-10-0242)**

6) **NEW BUSINESS CONTINUED:**

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

N. **Reappointment of Karla Lester, Dr. Lisa Peterson and Heidi Stark to the Lincoln-Lancaster County Board of Health for a three-year term expiring on April 15, 2013.**

Schorr noted Karla Lester and Heidi Stark are also doctors.

**MOTION:** Hudkins moved and Workman seconded approval of the reappointments. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

O. **A political subdivision tort claim filed against Lancaster County by Auto-Owners Insurance and Jim Fehringer for damaged property in the amount of \$1,476.60.**

Tom Fox said there is no indication the County has anything to do with this matter and recommended denial.

**MOTION:** Hudkins moved and Stevens seconded denial of the tort claim based on the County Attorney's recommendation. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

P. **A political subdivision tort claim filed against Lancaster County by Rodney Alan Hitchler on behalf of the Estate of Ryan Alan Hitchler for medical bills, funeral and burial expenses, and other general and special damages in the amount of \$1,000,000.**

Tom Fox recommended denial of the claim.

**MOTION:** Hudkins moved and Workman seconded denial of the tort claim based on the County Attorney's recommendation. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

7) **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 the following monthly reports for May, 2010:**

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

7) **CONSENT ITEMS CONTINUED:**

B. **Right-of-way contracts between the County Engineer and the following:**

1. **Frederick J. and Carlene Miller, in the total amount of \$14,327, located at 12201 Pine Lake Road; Project No. C55-PQ-409(1).  
(C-10-0243) (C-10-0244) (C-10-0245)**
2. **Raymond and Wilma Kettelhut, in the total amount of \$3,122.50, located at 120<sup>th</sup> Street and Pine Lake Road; Project No. C55-Q-409(1).  
(C-10-0246) (C-10-0247) (C-10-0248)**

**MOTION:** Workman moved and Hudkins seconded approval of the consent items.

Heier said Wilma Kettelhut passed away the previous week. He questioned if that would invalidate the right-of-way contracts. Tom Fox recommended holding the contracts until a decision could be made. The maker and seconder of the motion agreed to exclude the three contracts for Raymond and Wilma Kettelhut.

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

8) **PUBLIC COMMENT:**

Kim Kaspar, President of the American Federation of State, County & Municipal Employees (AFSCME), discussed the money involved in the sale of Lancaster Manor related to the County's current budget. She submitted her testimony (Exhibit A). Kaspar said a letter was sent to Mark Koller, Personnel Director, stating AFSCME was willing to meet. Hudkins said he had not seen the letter and questioned if AFSCME is willing to discuss furloughs. Kaspar said AFSCME was willing to look at options.

Melvin Moore discussed the County's budget. He asked the Board to consider all their options when looking at employee layoffs and furloughs.

John L. Austin inquired about the firing of a former Health Department Director. Hudkins explained the Health Department is considered a City agency; the administration would fall under the Mayor and City Council. Austin questioned having more than one County Attorney present at the County Board meetings. Heier explained there is only one County Attorney at their meetings. Austin commented on the sale of Lancaster Manor. Hudkins clarified the sale of Lancaster Manor is not finalized; the terms have been extended.

9) **ANNOUNCEMENTS:**

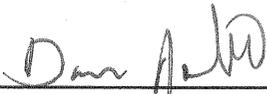
- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, June 10, 2010, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **A public hearing will be held on Tuesday, June 22, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding the proposed sale of surplus Lancaster County property located at 2331 S. 47<sup>th</sup> Street, Lincoln, Nebraska, legally described as Seymour addition, Lot 36 except E 134.90 feet.**

9) **ANNOUNCEMENTS CONTINUED:**

C. The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m., on Tuesdays and rebroadcast at 1:30 p.m., and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the internet 24 hours a day at [www.lancaster.ne.gov](http://www.lancaster.ne.gov). Click on 5 City-TV Video on Demand.

10) **ADJOURNMENT:**

**MOTION:** Stevens moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:18 a.m. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

  
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Dan Nolte  
Lancaster County Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, JUNE 8, 2010**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**IMMEDIATELY FOLLOWING THE LANCASTER COUNTY**  
**BOARD OF COMMISSIONERS MEETING**

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

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Tom Fox, 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 10:18 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 1, 2010.**

**MOTION:** Workman moved and Schorr seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

2) **ADDITIONS AND DEDUCTIONS: Approval of 10 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

**MOTION:** Workman moved and Stevens seconded approval of the additions and deductions. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

3) **ADJOURNMENT:**

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

  
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Dan Nolte  
Lancaster County Clerk



June 8, 2010

LIBA, the Chamber of Commerce, the Better Business Bureau, 4-H, FFA, a Bridge Club or AFSCME are all defined as “having a common interest or purpose”. Most of these organizations, associations, groups, etc. require memberships and/or dues or fees to belong. Yet only one of these is ruled as the “Bad One” because of what it stands for. Unfortunately, the overall common knowledge of Labor Unions is based on stereotypes and misconceptions of what we really stand for and do, but I’m not going into all this today.

Some of today is about approx. \$6.2 to \$7.2 million dollars, frivolously squandered away by this County Board. Whether it was negotiated, forgiven or given, the sale of Lancaster Manor is a spending spree gone bad and the only ones who really know how bad this deal is, are you, the County Board. Again, no one knows what the hidden costs have been beyond what is transparent at this time. As it stands, there really is no money coming back to the taxpayers and as it looks in its current status, well, nothing is still nothing.

But this isn’t the whole story yet. AFSCME has requested many times over to sit down and talk to the County Board about this. Many times over we were met with negativity or just plain ignored. Water under the bridge right now but the tables seemed to have turned. The County Board now wants to meet with us. Imagine that, you want to meet with AFSCME! But it is only because you now need something from us and unlike the negative and rude door slamming behaviors, we have and are willing to sit down and talk. Granted, this agreement may come as a surprise to you, as it seems the communication within your hierarchy seems to have a small issue. But before you get excited and make some decisions which are not in the best interests of the employees, we will talk, and hopefully with either Bernie or Larry present, about the deficit you have helped put the County in. We cannot make any guarantees or promises, nor will we talk today about concessions, but we will talk. AFSCME feels there are some good viable options available if, you again, don’t get yourselves excited and decide you have the only answer to the problem.

Lastly, AFSCME feels there may be other options available to help curb the deficit woes if only you will take a closer examination of your spending sprees. It should not always come down to the “little people” who do the biggest jobs always having to sacrifice their livelihoods for problems they did not create. It is time you learn to communicate with all the people instead of just making decisions of which can and may harm them in both the short and long term of things.

*Squandered money: 2.45 million on Manor sale, \$250,000 forgiven Breach of Contract, approx. \$500,000 still due the County for reimbursement (rough guess), and 3-4 million Medicaid Recapture Reimbursement.*

Kim Kaspar

