

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 11, 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 meeting was called to order at 9:30 a.m.

3) **SPECIAL PRESENTATIONS:**

- A. **Ceremonial administration of the oath of office for newly elected Lancaster County officials: Norman H. Agena, County Assessor/Register of Deeds; Dennis R. Keefe, Public Defender; Joe Kelly, County Attorney; Sue Kirkland, Clerk of the District Court; Dan Nolte, County Clerk; Jane M. Raybould, County Commissioner; Deb Schorr, County Commissioner, Brent T. Smoyer, County Commissioner, Andrew Stebbing, County Treasurer; Don R. Thomas, County Engineer; and Terry T. Wagner, County Sheriff – the Honorable Michael G. Heavican, Chief Justice of the Nebraska Supreme Court, Presiding.**

Chief Justice Michael G. Heavican administered the oath of office to the newly elected officials. Norman H. Agena, County Assessor/Register of Deeds, was absent.

Heier introduced the two new County Commissioners: Jane Raybould and Brent Smoyer.

The location announcement of the Nebraska Open Meetings Act was given.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 4, 2011.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, January 11, 2011.**

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

3) **SPECIAL PRESENTATIONS:**

- A. **Ceremonial administration of the oath of office for newly elected Lancaster County officials: Norman H. Agena, County Assessor/Register of Deeds; Dennis R. Keefe, Public Defender; Joe Kelly, County Attorney; Sue Kirkland, Clerk of the District Court; Dan Nolte, County Clerk; Jane M. Raybould, County Commissioner; Deb Schorr, County Commissioner, Brent T. Smoyer, County Commissioner, Andrew Stebbing, County Treasurer; Don R. Thomas, County Engineer; and Terry T. Wagner, County Sheriff – the Honorable Michael G. Heavican, Chief Justice of the Nebraska Supreme Court, Presiding.**

Item was moved forward on the agenda.

- B. **Receipt of the American Institute of Architects Academy of Architecture for Justice Certificate of Award for design of the new Lancaster County Correctional Facility – Greg Newport, Clark Enersen Partners; and Mike Thurber, Corrections Director.**

Mike Thurber said the County was being given an architectural award for the new Correctional Facility.

Greg Newport distributed a handout on the Lancaster County Adult Detention Facility (Exhibit A) and read comments from the jury. Hudkins and Schorr praised Clark Enersen for their work on the project.

- C. **Hickman Regional Recreational & Event Complex Master Plan – Brett Baker, Hickman City Administrator.**

Item is being held until next week.

- D. **Review of the 2011 Lancaster County Noxious Weed Control Plan and the potential designation of Japanese and Giant Knotweed as a noxious weed – Brent Meyer, Lancaster County Weed Control Superintendent. (See Items 6A and 6B for correlating document.)**

Brent Meyer reviewed the 2011 weed control plan. He reviewed the three goals: 1) prevent the development of new weed infestations, 2) provide education and public outreach on noxious and invasive weed control and 3) provide for ongoing management of State of Nebraska mandated noxious weeds and City of Lincoln weed abatement. He gave an overview of Japanese and Giant Knotweed and the need to designate knotweed as a noxious weed.

6) **NEW BUSINESS:**

- A. **Submission of the 2011 Lancaster County Noxious Weed Control Plan to the Nebraska Department of Agriculture.**
- B. **Support for the designation of Japanese and Giant Knotweed as a noxious weed in the State of Nebraska.**

MOTION: Hudkins moved and Smoyer seconded approval to submit the weed control plan (6A) and to support the designation (6B). Raybould, Smoyer, Hudkins, Schorr and Heier voted aye. Motion carried 5-0.

4) **PUBLIC HEARING:**

- A. **A Class D liquor license application for Casey's General Store, located at 10000 S. 158th Street, Bennet, Lancaster County, Nebraska. (See Item 6C for correlating document.)**

The Chair continued the public hearing from last week. No one appeared to testify. The Chair closed the public hearing.

6) **NEW BUSINESS:**

- C. **A resolution in the matter of an application for a Class D (beer, wine, distilled spirits, off sale only) liquor license for Casey's Retail Company, d/b/a Casey's General Store #2967, and a corporate manager liquor license application for Tina Krings in connection with the Class D liquor license for Casey's Retail Company, d/b/a Casey's General Store #2967, located at 10000 S. 158th Street, Bennet, Lancaster County, Nebraska. (R-11-0006)**

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

5) **OLD BUSINESS:**

- A. **An easement for utility lines and/or underground utility facilities granted to Lincoln Electric System, Windstream Nebraska, Inc., and Time Warner Entertainment on property located in Lots 73 and 74, Irregular Tract, in the Northwest Quarter of the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the 6th Principal Meridian, Lincoln, Lancaster County, Nebraska. Lancaster County will receive \$1 for the permanent easement. (C-11-0002)**

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

- B. **A grant contract with YWCA to provide funds in the amount of \$10,000 to support capacity building. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-11-0018)**

Item was held per request of the County Attorney.

6) **NEW BUSINESS:**

- A. **Submission of the 2011 Lancaster County Noxious Weed Control Plan to the Nebraska Department of Agriculture.**

Item moved forward on the agenda.

- B. **Support for the designation of Japanese and Giant Knotweed as a noxious weed in the State of Nebraska.**

6) **NEW BUSINESS CONTINUED:**

Item moved forward on the agenda.

- C. **A resolution in the matter of an application for a Class D (beer, wine, distilled spirits, off sale only) liquor license for Casey's Retail Company, d/b/a Casey's General Store #2967, and a corporate manager liquor license application for Tina Krings in connection with the Class D liquor license for Casey's Retail Company, d/b/a Casey's General Store #2967, located at 10000 S. 158th Street, Bennet, Lancaster County, Nebraska. (R-11-0006)**

Item moved forward on the agenda.

D. **Election of Lancaster County Board Officers for 2011.**

MOTION: Raybould moved and Smoyer seconded to nominate Commissioner Schorr as Chair of the Board. Hudkins, Raybould, Smoyer, Schorr and Heier voted aye. Motion carried 5-0.

MOTION: Raybould moved and Hudkins seconded to nominate Commissioner Hudkins as Vice Chair of the Board. Raybould and Hudkins voted aye. Heier, Smoyer and Schorr voted nay. Motion failed 2-3.

MOTION: Smoyer moved and Heier seconded to nominate Commissioner Heier as Vice Chair of the Board. Heier, Smoyer and Schorr voted aye. Raybould and Hudkins voted nay. Motion carried 3-2.

E. **Reappointment of Clover Frederick and Nate Woods to the Keno Human Services Advisory Board for a three-year term commencing January 1, 2011.**

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

F. **Special events permit applications submitted by Lincoln Track Club for the State Farm "Run for Your Life" Road Race on Saturday, March 26, 2011, at 9:00 a.m. and for the Havelock Run Road Race on Saturday, June 4, 2011, at 7:30 a.m.**

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

G. **Amendment of Resolution No. R-11-0003, setting Chief Deputy Salaries for 2011.**

Kerry Eagan, Chief Administrative Officer, said Joe Kelly, the previous Chief Deputy County Attorney, still had five days to serve in 2011, but the original resolution only listed Pat Condon who took his place. The amended version lists both names with the date the position changed.

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

H. **A recommendation from the Purchasing Agent and the County Engineer to award a contract in the amount of \$24,391.39 to CONTECH Construction Products, Inc., for culvert pipe. (B-11-0002)**

6) **NEW BUSINESS CONTINUED:**

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

- I. **A recommendation from the Purchasing Agent and the County Sheriff to issue an order from State of Nebraska Contract 12861 OC in the amount of \$21,350 to Lincoln Dodge, Inc., d/b/a Performance Dodge, for a 2011 Dodge Grand Caravan. (B-11-0003)**

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

- J. **A contract between Lincoln Dodge, Inc., d/b/a Performance Dodge, the City of Lincoln and Lancaster County to provide passenger vehicles to the City and County. Pricing will be pursuant to State of Nebraska 2011 passenger vehicle contracts. Term of the contract is January 1, 2011, to December 31, 2011. (C-11-0029)**

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

- K. **A contract between Ferrellgas, the City of Lincoln and Lancaster County for the annual requirements of propane. The County will pay for products according to the line item pricing as listed in the contractor's proposal. Term of the contract is January 1, 2011, to December 31, 2011, with the option to renew for two additional one-year terms. (C-11-0030)**

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

- L. **A contract between Uniforms Manufacturing, Inc., and Lancaster County for the purchase of Youth Services Center staff clothing. The County will pay for clothing according to the line item pricing as listed in the contractor's proposal. Term of the contract is four years from the date of execution by both parties. (C-11-0031)**

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

- M. **A contract between OD Taragin & Bros., LLC, and Lancaster County for the purchase of Youth Services Center staff clothing. The County will pay for clothing according to the line item pricing as listed in the contractor's proposal. Term of the contract is four years from the date of execution by both parties. (C-11-0032)**

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

- N. **An amendment to County Contract No. C-10-0293 between Vogel Paint & Wax Co., Inc., and Lancaster County for the annual supply of traffic paint, State of Nebraska Contract No. 12717 OC. The amendment renews the contract for an additional one-year term from January 1, 2011, to December 31, 2011. (C-11-0033)**

6) **NEW BUSINESS CONTINUED:**

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

- O. **A signature amendment to commercial account authorization for the Wells Fargo bank account titled Lancaster County Treasurer, County Attorney. The amendment deletes Gary E. Lacey as an authorized signer and adds Patrick F. Condon as an authorized signer on the account. (C-11-0034)**

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

- P. **An agreement between Lancaster County and Kevin Wynegar for advanced compensation in the amount of \$75,000 as a result of a political subdivision tort claim. The County will receive credit for this advancement against any future settlement, judgment or sum that may ultimately be due to Mr. Wynegar. (C-11-0035)**

Doug Cyr, Deputy County Attorney, gave an overview of Kevin Wynegar's accident, noting a crash occurred when the other party involved crossed the center line while being pursued by Deputy Sheriffs. He stated Lancaster County is strictly liable under the political subdivision tort claim act in cases of pursuit if the pursuit was the proximate cause of injury to an innocent third party. Terry Poppe, attorney for Kevin Wynegar, said Wynegar is currently not working due to his injuries and will probably be disabled for another year or more.

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

- Q. **An agreement with Cole Diagnostics to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Cole Diagnostics will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-11-0036)**

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

- R. **A 2007 grant adjustment notice to the sub-grant award agreement for the 2007 Department of Homeland Security Grant No. 2007-GE-T7-0035, with the Nebraska Emergency Management Agency (NEMA) as the grantee and Lancaster County, on behalf of the Southeast PET Region, as the sub-grantee. The sub-grant is in the amount of \$407,964.67 and covers the period of August 30, 2007, to June 30, 2011.**

Doug Ahlberg, Emergency Management Director, said the grant has \$8,900 left unused. He requested an extension until June so he could meet with the Governance Board of Southeast Nebraska to determine how to best use the remaining funds.

6) **NEW BUSINESS CONTINUED:**

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

- S. **Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for Public Defender's Office training regarding immigration consequences. Total grant amount is \$40,420. Term of the grant award is January 1, 2011, to December 31, 2012.**

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

- T. **Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for Public Defender's Office planning, training and upgrade. Total grant amount is \$58,364. Term of the grant award is January 1, 2011, to December 31, 2012.**

MOTION: Heier moved and Raybould seconded approval of the grant award. Raybould, Heier, Smoyer, Hudkins and Schorr 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. **A right-of-way contract between the County Engineer and Ann Kemper, in the amount of \$9,575, located at 11400 Pine Lake Road; Project No. C55-Q-409(1). (C-11-0037)**
- B. **Receive and place on file the December, 2010, monthly reports for the following:**
1. **Weed Control Authority.**
 2. **County Clerk.**
 3. **County Assessor/Register of Deeds.**
 4. **Clerk of the District Court.**
 5. **County Records Information Management.**

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

8) **PUBLIC COMMENT:**

Kim Kaspar welcomed the new County Commissioners and congratulated those who won their election races.

Melvin Moore welcomed the new County Commissioners.

John Austin discussed immigration.

9) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, January 13, 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, January 18, 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.
- C. A public hearing will be held on Tuesday, January 18, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding a request to vacate North Street abutting Lot 1, Block 1, as platted in the unincorporated village of Agnew, Lancaster County, Nebraska.
- D. 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. Click on 5 City-TV Video on Demand.

10) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:25 a.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 11, 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
Larry Hudkins, Vice Chair
Bernie Heier
Jane Raybould
Brent Smoyer

Others present: Norm Agena, County Assessor/Register of Deeds
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 10:25 a.m.

1) **ELECTION OF LANCASTER COUNTY BOARD OFFICERS: Election of 2011 Lancaster County Board Officers for the Board of Equalization.**

MOTION: Heier moved and Raybould seconded approval to elect the same officers for the County Board of Equalization as elected for the County Board of Commissioners. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

2) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 4, 2011.**

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

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

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

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

**Oak Lake Evangelical Free Church
Union College**

4) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:**

MOTION: Hudkins moved and Smoyer seconded approval of the motor vehicles tax exemptions. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

5) **NOTICE OF TAXABLE STATUS:**

City of Lincoln

Scott Gaines, Deputy County Assessor/Register of Deeds, said the property owned by the City is being leased; therefore, the property will be taxed.

MOTION: Hudkins moved and Heier seconded approval to send the notice based on the County Assessor's recommendation. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

6) **ADJOURNMENT**

MOTION: Heier moved and Smoyer seconded to adjourn the Board of Equalization meeting at 10:30 a.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk

