

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 22, 2011
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Commissioners absent: Bernie Heier, Vice Chair

Others present: Kerry Eagan, 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, March 15, 2011.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, March 22, 2011.**

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

3) **OLD BUSINESS:**

- A. **An agreement with Lindsey Allsman for a professional non-paid internship at the Community Mental Health Center. Allsman will provide three hours per week of evaluation and counseling services to individuals needing outpatient therapy services. (C-11-0093)**

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

4) **NEW BUSINESS:**

- A. **A resolution authorizing the filing of a petition with the Nebraska Department of Health and Human Services to reclassify closed loop heat pump water wells at SW 40th Street and West O Street used to provide thermal services and emergency power to the new Lancaster County Correctional Facility. (R-11-0020)**

4) **NEW BUSINESS CONTINUED:**

Krishna Amancheria, District Energy Corporation (DEC) Project Manager, said 145 wells were rejected by Nebraska Department of Health and Human Services (HHS) for not meeting specifications.

Charlie Humble, legal counsel for DEC, said K2 Construction, the contractor drilling the wells, filed a petition with HHS, but discovered only the owner (Lancaster County and DEC) has the right to ask for reclassification of the wells from illegal to active status. Humble spoke to the K2 Construction attorney who said they could prepare and file the petition. He suggested including a condition requiring K2 Construction to cover any assessments during the process.

Lauren Wismer, Gilmore & Bell, confirmed with Hudkins that he agreed with this course of action.

Schorr inquired about possible assessments. Humble said he does not foresee any fees or penalties.

Hudkins asked Amancheria if he felt the variance of five versus six inches made a difference and if the current wells would be sufficient for the desired heating and cooling. Amancheria said the current wells should be efficient and work well. He noted other neighboring states have smaller diameter specifications for their wells. Amancheria said the DEC would ask K2 Construction to abandon the 145 wells and drill new wells seven to ten feet from the existing wells if HHS rejects the petition.

Raybould said concerns over the costs of the petition have been well addressed.

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

B. A recommendation from the Purchasing Agent and the County Sheriff to issue an order to Vogel Paint and Wax Co., Inc., in the amount of \$66,405 for traffic paint from State of Nebraska Contract 12717 OC. (B-11-0017)

Don Thomas, County Engineer, noted this order was for his department, not the County Sheriff's.

MOTION: Hudkins moved and Raybould seconded approval of the recommendation with the correction. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier was absent. Motion carried 4-0.

C. An amendment to County Contract No. C-10-0006 between New Heights Tree Service, the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for annual tree trimming requirements. The amendment renews the agreement from January 25, 2011, to January 24, 2012. (C-11-0141)

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

D. An amendment to County Contract No. C-10-0005 between Hofeling Enterprises, Inc., the City of Lincoln, Lancaster County and the Lincoln-Lancaster County Public Building Commission for annual tree trimming requirements. The amendment renews the agreement from January 25, 2011, to January 24, 2012. (C-11-0142)

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

4) **NEW BUSINESS CONTINUED:**

- E. **An agreement between Garcia-Chicoine Enterprises, Inc., the City of Lincoln and Lancaster County for maintenance and repair of guardrails. The County will pay for services according to State of Nebraska Department of Roads Contract QG0811. The contract is effective upon execution and will remain in effect through May 31, 2011. (C-11-0143)**

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

- F. **A construction contract with Constructors, Inc., in the amount of \$1,816,311 for asphaltic concrete paving and resurfacing on various county roads; Project No. 11-28. (C-11-0144)**

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

- G. **A surveying contract with WNK Surveying in the amount of \$4,400 for road project surveying at S. 98th Street, Project No. C55-KP-412(2); Saltillo Road, Project No. C55-PQ-406(2); S. 1st Street, Project No. C55-O-408(4); and NW 70th Street, Project No. C55-M-407. (C-11-0145)**

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

- H. **An affiliation agreement with Doane College Department of Graduate Studies, Master of Arts in Counseling Program, for students who will provide counseling services for the Community Mental Health Center. Term of the agreement is January 1, 2011, to December 31, 2011. (C-11-0146)**

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

- I. **A lease agreement between Lancaster County and the Lincoln Lancaster Mental Health Foundation for a 2000 Toyota Avalon for the benefit of the Community Mental Health Center. The lease will begin April 1, 2011, and will renew each subsequent April unless otherwise terminated in writing. The lease amount is \$1 per year. (C-11-0147)**

MOTION: Hudkins moved approval of the agreement. Motion died for lack of a second.

Raybould noted concerns regarding the County's liability for maintenance costs, as well as the fact that 32 vehicles already used by the Community Mental Health Center. Schorr said the item would be discussed further at an upcoming staff meeting.

4) **NEW BUSINESS CONTINUED:**

- J. **A lease agreement between Lancaster County and the Healthy Families Project for approximately 812.75 square feet of office space in Trabert Hall, located at 2202 S. 11th Street, Lincoln, Nebraska. Health Families Project will pay the County \$660.38 per month for the leased space. Term of the agreement is March 1, 2011, to February 29, 2012. (C-11-0148)**

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

- K. **A grant contract with Community Action Partnership of Lancaster and Saunders Counties to provide employment related service to refugee men and women and assist them in assimilating into the community through the Targeted Assistance Discretionary Grant program. The County shall contribute grant funds in the amount of \$30,000. Term of the grant contract is October 1, 2010, to September 30, 2011. (C-11-0149)**

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

- L. **An agreement between LanguageLinc Interpretation Services and Lancaster County for foreign language translation and interpretation services. The County shall pay \$38 per hour for on-site interpretation services Monday through Friday between 8:00 a.m. and 6:00 p.m., \$43 per hour Monday through Friday between 6:00 p.m. and 8:00 a.m. and \$48 per hour on Saturday and Sunday. Term of the agreement is January 1, 2011, to December 31, 2011. (C-11-0150)**

Item was held per request of the County Attorney.

- M. **A subscriber agreement and special offer amendment to the subscriber agreement between Lancaster County, the City of Lincoln and Thompson – West for Westlaw computerized legal research. The total monthly charge for the services is \$3,254. The monthly rate will not increase more than 3% per year of the contract. Term of the agreement is April 1, 2011, to March 31, 2015. (C-11-0151)**

MOTION: Raybould moved and Smoyer seconded approval of the agreement and special offer amendment. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent. Motion carried 4-0.

- N. **Authorization of the replacement of the Vanguard Mid Cap Index Inv Fund with the Vanguard Mid Cap Index Signal Fund and replacement of the Vanguard Small Cap Index Inv Fund with the Vanguard Small Cap Index Signal Fund for the Lancaster County 401(a) Retirement and 457(b) Deferred Compensation Plans with Prudential Retirement.**

Kerry Eagan, Chief Administrative Officer, said Vanguard eliminated the investment requirement for the lower share class. It reduced from 27 to 14 basis points.

MOTION: Hudkins moved and Smoyer seconded to authorize the replacement. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier was absent. Motion carried 4-0.

4) **NEW BUSINESS CONTINUED:**

- O. **Approval of a Plan-at-a-Glance for the Lancaster County 457 Deferred Compensation Plan.**

MOTION: Raybould moved and Hudkins seconded approval of the Plan-at-a-Glance. Raybould, Smoyer, Hudkins and Schorr voted aye. Heier was absent. Motion carried 4-0.

- P. **Approval of Administrative Directive for Governmental Roth 457(b) Contributions concerning the Lancaster County 457 Deferred Compensation Plan.**

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

- Q. **A political subdivision tort claim filed against the Lancaster County Election Commissioner by the SouthWood Neighborhood Association for damaged property in the amount of \$110.**

Hudkins said the County appreciates locations, such as this one, allowing their facilities to be used as polling places and felt the expense should be covered. He explained the carpet had been stained and needed to be cleaned.

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

- R. **A political subdivision tort claim filed against Lancaster County Corrections by David L. Coulter for lost property in the amount of \$3.**

MOTION: Smoyer moved and Hudkins seconded denial of the tort claim based on the department director's recommendation. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier was absent. Motion carried 4-0.

- 5) **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 City of Hickman Management's Discussion and Analysis Financial Statements and Supplementary Information for the year ended September 30, 2010.**
- B. **Setting of public hearings for Tuesday, March 29, 2011, at 5:00 p.m., in Room 112 on the first floor of the County-City Building regarding:**
1. **County Change of Zone No. 10026, a text amendment to the Lancaster County Zoning Resolution relating to commercial wind energy conversion systems/turbines.**
 2. **County Change of Zone No. 11004, a text amendment to the Lancaster County Zoning Resolution delegating final action to the Planning Commission and the County Board of Zoning Appeals.**

5) **CONSENT ITEMS CONTINUED:**

- C. **Setting of a public hearing for Tuesday, April 5, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding the automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, for which the County Clerk has received no protests.**

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

6) **PUBLIC COMMENT:**

Kim Kaspar, President of the American Federation of State, County and Municipal Employees (AFSCME) Local 2468, discussed the contract freeze proposal submitted by AFSCME. She said step increases are not part of the proposal, noting step increases were renegotiated three years ago, creating one more step and decreasing increments between steps from 5% to 3.6%. Kaspar also discussed using a decreased hiring rate to fund early retirement, furloughs, AFSCME's share of the budget and refresher training on sexual harassment and discrimination. Schorr said the Board would look into the training.

Melvin Moore discussed the importance of benefits to County employees. He felt furloughs would be a better option than cutting benefits. Raybould said the County needs to look at all possible cuts, including benefits. She noted singles currently not paying for insurance would generate \$250,000 if paying \$50 per month and \$500,000 if paying \$100 per month. She felt furloughs would be a short term fix to the budget.

7) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, March 24, 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, March 29, 2011, at 5:00 p.m., in Room 112 on the first floor of the County-City Building, with the Board of Equalization meeting immediately following.**
- C. **Public hearings will be held on Tuesday, March 29, 2011, at 5:00 p.m. in Room 112 on the first floor of the County-City Building regarding:**
- 1. 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.**
 - 2. County Waiver No. 11003, requested by James Schwartman, to waive the County Land Subdivision design standard on property located at 12755 N. 84th Street.**
- 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 101 and on the internet at www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.**

7) **ANNOUNCEMENTS CONTINUED:**

E. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

8) **ADJOURNMENT**

MOTION: Smoyer moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:09 a.m. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 22, 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
Jane Raybould
Brent Smoyer

Commissioners absent: Bernie Heier, Vice Chair

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, 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 10:09 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 15, 2011.**

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

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 64 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

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

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

BryanLGH Medical Center
Capital Humane Society
CEDARS Youth Services
Cornhusker Place of Lincoln-Lancaster County
First Baptist Church
First Free Methodist Church
Nebraska Wesleyan University

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

MOTION: Raybould moved and Hudkins seconded approval of the motor vehicle tax exemptions. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent. Motion carried 4-0.

4) **ADJOURNMENT**

MOTION: Smoyer moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:11 a.m. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent. Motion carried 4-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk

