

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, APRIL 12, 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  
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 and the minutes of the County agency tours held on Tuesday, April 5, 2011.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, April 12, 2011.**

Commissioner Raybould entered the meeting.

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

3) **SPECIAL PRESENTATIONS:**

**A. Donate Life Month – Beverly Neth, Department of Motor Vehicles Director.**

Beverly Neth said April is Donate Life Month and Lancaster County has achieved a 50% rate of organ donors who sign up at the time they obtain their Nebraska driver's license or identification card. She presented a plaque to the Board. Hudkins commended Neth for her public service announcements.

**B. National County Government Month recognition of Lancaster County Veterans – Gary Chalupa, County Veterans Service Officer.**

Gary Chalupa said April is National County Government Month with a theme of "Serving our Veterans, Armed Forces and their Families". He recognized veterans of previous wars, noting Lancaster County is home to around 18,250 veterans. He also recognized active armed force members and their families. Chalupa said veterans in Lancaster County receive around \$47,500,000 in benefits annually.

4) **NEW BUSINESS:**

**A. A resolution in the matter of endorsing the development of a rehabilitation plan for the Upper Salt Creek Site 3-A flood control and road structure. (R-11-0026)**

Schorr explained the resolution shows the County's support of a comprehensive plan for flood control management. Paul Zillig, Lower Platte South Natural Resources District, said the United States Department of Agriculture-Natural Resources Conservation Service (USDA NRCS) is preparing the plan. Hudkins noted there could be a possible County road relocation with the project.

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

**B. A resolution regarding the proposed sale of County property generally located at SW 98<sup>th</sup> Street and Waggoner Drive, Lancaster County, Nebraska, which includes declaring the property surplus, determination of fair market value and setting the sale date of the property for May 19, 2011. (R-11-0027)**

Brittany Behrens, Deputy County Attorney, said the resolution requires the Board to determine if the property no longer serves a County purpose, declaring it surplus. It also requires establishing a fair market value; in this case, it is set at \$8,000 based off the real estate appraisal report, which is on file at the County Clerk's Office. The sale date is being set for May 19, 2011, which is within two months of the public hearing as required. Behrens said the resolution contains language stating the Board has the ability to reject any bid, accept any bid, or negotiate a contract for sale if the bid is substantially lower than fair market value.

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

**C. A resolution authorizing the installation and removal of temporary information signs instructing construction traffic to use N. 98<sup>th</sup> Street and O Street. Signs will be at the southeast corner of the intersection of Linwood Lane and Holdrege Street and approximately 400 feet east of the intersection of N. Linwood Lane and Eastview Road on the south side of Eastview Road. (R-11-0028)**

Danay Kalkowski, attorney for the Waterford Estates developer, said the Sunrise Estates Neighborhood Association asked for signage due to construction traffic going into the residential development. The signs placed on Holdrege Street and on Eastview Drive turned out to be in the County right-of-way, which requires approval. Kalkowski said two additional requests have been received from the Sunrise Estates Neighborhood Association, both involving governmental approval; she planned to follow up on the requests. Raybould asked if there has been any communication with contractors urging them to avoid Linwood and Eastview Streets and if contracts with the subcontractors had a penalty clause regarding street usage. Kalkowski said contact has been made with the contractors; however, the main contract is with the builder, and each builder has multiple subcontractors. Heier suggested posting weight limit signs. Schorr asked how many homes were being built. Kalkowski thought eight were currently under construction, but construction would continue throughout the summer. Raybould asked if there would be follow-up communication with the Sunrise Estates Neighborhood Association. Kalkowski said she has worked extensively with them through the development.

4) **NEW BUSINESS CONTINUED:**

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

- D. **A recommendation from the Purchasing Agent and the Corrections Director to award a contract to Correct Care Solutions at an estimated cost of \$1,184,512 for inmate medical services. (B-11-0021)**

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

- E. **An amendment to County Contract No. C-11-0039 with All Needs Computer & Mailing Services, Inc., for mailing services. The amendment adds the services and pricing as listed in Attachment A. (C-11-0177)**

Schorr said the increasing use of absentee ballots is increasing voter rates but also increasing costs. Dave Shively, Election Commissioner, said it is less expensive to use a mail service than to use the County's own mailroom. He said if it works well, he would use All Needs for future elections.

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

- F. **An amendment to County Contract No. C-10-0305 with BI Incorporated. The amendment adds the documents in Exhibit A to the contract to comply with federal grant requirements. (C-11-0178)**

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

- G. **An amendment to County Contract No. C-09-0461 with Voices of Hope for management and programming of Lancaster County's coordinated response to domestic violence, dating violence, sexual assault or stalking. The amendment extends the end date of the contract to June 30, 2011. (C-11-0179)**

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

- H. **An amendment to County Contract No. C-09-0151 with El Centro De Las Americas for management and programming of Lancaster County's coordinated response to domestic violence, dating violence, sexual assault or stalking. The amendment extends the ending date of the contract to June 30, 2011. (C-11-0180)**

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

- I. **An amendment to County Contract No. C-09-0166 with Family Violence Council for management and programming of Lancaster County's coordinated response to domestic violence, dating violence, sexual assault or stalking. The amendment extends the ending date of the contract to June 30, 2011. (C-11-0181)**

4) **NEW BUSINESS CONTINUED:**

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

- J. **A supplemental agreement with Rush Creek Construction, Inc., in the amount of \$10,444.51 for culvert replacement and maintenance; Project No. 11-01. Work will be completed between May 2, 2011, and September 2, 2011. (C-11-0182)**

Hudkins commended the County Engineer's Office for moving forward with this work.

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

- K. **A physician services agreement with West Lincoln Family Medicine to provide necessary medical services for individuals housed in the County jail facilities. West Lincoln Family Medicine will be paid \$3,000 per month for general services, \$150 per hour for time in preparation of trial or in court testimony and \$85 per hour for Advanced Practice Registered Nurse services. Term of the agreement is March 1, 2011, to April 1, 2011, with an automatic renewal on the 1st of each following month unless terminated prior to that time. (C-11-0183)**

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

- L. **A cooperative agreement between the Lower Platte South Natural Resources District, Abbott Motocross, LLC, and Lancaster County regarding the Abbott Motocross Track Facility Operation Plan, annual review of said plan and auditing of records of the motocross facility. (C-11-0184)**

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

- M. **An interlocal agreement with the Village of Hallam for one Sheriff's deputy to provide law enforcement services within the corporate limits of the Village of Hallam. Term of the agreement is May 1, 2011, to April 30, 2012. (C-11-0185)**

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

- N. **An interlocal agreement with Malcolm School District 148 to provide one Lancaster County Sheriff's Office School Resource Officer to serve the school district while school is in session. The school agrees to pay the County \$10,852 for the first year of the contract with a 2.5% increase each contract year thereafter. Term of the agreement is August 1, 2011, to July 31, 2013. (C-11-0186)**

Terry Wagner, County Sheriff, said the school contracts use one deputy per two schools with the two schools paying one-half of the deputy's wages and the County paying the other half. In the summer, the deputy is used for other duties. Hudkins stated he spoke to school board members in all the districts when there was concern over financing the officers.

4) **NEW BUSINESS CONTINUED:**

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

- O. **An interlocal agreement with Waverly School District 145 to provide one Lancaster County Sheriff's Office School Resource Officer to serve the school district while school is in session. The school agrees to pay the County \$10,852 for the first year of the contract with a 2.5% increase each contract year thereafter. Term of the agreement is August 1, 2011, to July 31, 2013. (C-11-0187)**

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

- P. **An interlocal agreement with Raymond Central School District 161 to provide one Lancaster County Sheriff's Office School Resource Officer to serve the school district while school is in session. The school agrees to pay the County \$10,852 for the first year of the contract with a 2.5% increase each contract year thereafter. Term of the agreement is August 1, 2011, to July 31, 2013. (C-11-0188)**

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

- Q. **An interlocal agreement with Norris School District 160 to provide one Lancaster County Sheriff's Office School Resource Officer to serve the school district while school is in session. The school agrees to pay the County \$10,852 for the first year of the contract with a 2.5% increase each contract year thereafter. Term of the agreement is August 1, 2011, to July 31, 2013. (C-11-0189)**

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

- R. **An interlocal agreement with the City of Lincoln to provide project monitoring for services provided by the City of Lincoln Liaison to the Hispanic/Latino Community and to provide office space to the City of Lincoln Liaison. The County shall be paid \$8,100 for the services. Term of the agreement is January 1, 2011, to December 31, 2011. (C-11-0190)**

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

- S. **An agreement between Lancaster County and the Nebraska Department of Health and Human Services regarding the County Clerk's computer access and use of the State's Electronic Registration System (ERS II) for vital records. Term of the agreement is January 1, 2011, to December 31, 2015. There is no cost to the County. (C-11-0191)**

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

4) **NEW BUSINESS CONTINUED:**

- T. **An agreement between Lancaster County and Segal Advisors, Inc., for an annual investment and administrative review of the Lancaster County 401(a) Retirement and 457 Deferred Compensation programs. The review shall cover an annual period ending June 30, 2011, and the County will pay Segal \$25,000 for the services. (C-11-0192)**

Kerry Eagan, Chief Administrative Officer, said an expert overview of the entire program and investment structure is provided for in the Prudential contract and is paid for with revenue sharing. He noted there is no revenue sharing with the Hartford program.

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

- U. **Recertification of the Computer Matching and Privacy Protection Act Agreement between the Social Security Administration and Lancaster County, on behalf of Lancaster County General Assistance, found at County Contract No. C-09-0478. The recertification extends the term of the agreement from June 30, 2011, to June 30, 2012. There is no cost to the County. (C-11-0193)**

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

- V. **A political subdivision tort claim filed against Lancaster County Corrections by John Warrack in the amount of \$5,583.**

**MOTION:** Heier moved and Hudkins seconded denial of the tort claim based on the department director's recommendation.

Raybould said she agreed with the denial recommendation, but she wondered if John Warrack could be reinstated in his program of study, which is funded exclusively with grant funds. Schorr suggested she consult with Mike Thurber, Corrections Director, to see if it is a possibility, but that would not be part of the current motion on the claim.

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

- 5) **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. **Receive and place on file the monthly report for March, 2011, for the following:**
1. **Clerk of the District Court.**
  2. **County Assessor/Register of Deeds.**
  3. **County Records & Information Management.**

5) **CONSENT ITEMS CONTINUED:**

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

1. **Loren Schwaninger, in the amount of a donation, located at SW 2<sup>nd</sup> Street and W. Princeton Road; Project No. CP-W-151. (C-11-0194)**
2. **Bradley and Cindy Oldemeyer, in the amount of \$779.50, located at S. 54<sup>th</sup> Street and Olive Creek Road; Project No. CP-X-140. (C-11-0195)**

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

Hudkins thanked the Schwaninger family for the donation, which helps expedite right-of-way contracts.

6) **PUBLIC COMMENT:**

Jane Svoboda questioned the validity of stories run by the Lincoln Journal Star. She discussed County controlled healthcare and a few other miscellaneous items.

7) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will tour the new jail on Tuesday, April 12, 2011, at 3801 West O Street, immediately following the County Board of Commissioners/Board of Equalization meetings.**
- B. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 14, 2011, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**
- C. **The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, April 19, 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.**
- D. **Public hearings will be held on Tuesday, April 19, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding:**
  1. **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.**
  2. **A Class I liquor license from Sandbar, LLC, d/b/a Branched Oak Marina Sandbar & Grill, 10001 W. Davey Road, Raymond, Lancaster County, Nebraska.**
- E. **A public hearing will be held on Tuesday, April 26, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding an amusement license application from Linh Quang Buddhist Center, Inc., for events on Saturday, May 14; Saturday, August 13; and Saturday, September 3, 2011, located at 3175 W. Pleasant Hill Road, Lincoln, Lancaster County, Nebraska.**

7) **ANNOUNCEMENTS CONTINUED:**

F. 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](http://www.lancaster.ne.gov). Click on 5 City-TV Video on Demand.

G. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).

8) **ADJOURNMENT**

**MOTION:** Heier moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:20 a.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

*Dan Nolte*

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**Dan Nolte**  
Lancaster County Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, APRIL 12, 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:                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  
                                      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 10:20 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 5, 2011.**

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

2) **ADDITIONS AND DEDUCTIONS: Approval of 30 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

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

**Developmental Services of Nebraska, Inc.**  
**First Church of the Nazarene**  
**Food Bank of Lincoln, Inc.**  
**Lincoln Literacy Council**  
**New Bethel Bibleway Apostolic Temple**  
**St. Peter's Catholic Church of Lincoln**

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

4) **REVIEW OF TAX EXEMPTION STATUS:**

**State Troopers Association of Nebraska & State Law Enforcement Bargaining Council  
State Law Enforcement Bargaining Council**

Scott Gaines, County Assessor/Register of Deeds, said the State Troopers building on West O Street was publicly announced for sale. The property was assessed to determine if its use has changed. At this time, it has not and his recommendation is to leave the tax exemption status. If there is a change, the Assessor's Office should be notified. Gaines clarified that two items are being reviewed, including the building and personal property within that building.

Brian Jorde, attorney for the property owners, said the Assessor's Office would be notified of any change in status.

Raybould asked Gaines how he would be notified of a change. Gaines said once a property deed is filed, it would trigger action to remove exemption status. If it occurs before mid August, the property retroactively would become taxable for the entire 2011 year.

5) **ADJOURNMENT**

**MOTION:** Heier moved and Smoyer seconded to adjourn the Board of Equalization meeting at 10:24 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

*Dan Nolte*

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**Dan Nolte  
Lancaster County Clerk**



**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY JAIL TOUR  
3801 WEST O STREET  
TUESDAY, APRIL 12, 2011  
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY  
BOARD OF EQUALIZATION MEETING**

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

Commissioner absent: Brent Smoyer

Others present: Chuck Richter, Sampson Construction Company, Inc.  
Greg Newport, The Clark Enersen Partners  
Mike Thurber, Corrections Director  
Brad Johnson, Corrections Transition Coordinator  
Bob Jarrett, Corrections Maintenance/Construction Manager  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Dennis Meyer, County Budget & Fiscal Director  
Terry Wagner, County Sheriff  
Vince Mejer, Purchasing Director  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office  
Al Laukaitis, Lincoln Journal Star  
Robert Becker, Lincoln Journal Star

The County agency tours commenced at approximately 11:09 a.m.

1) **TOUR OF NEW JAIL**

Tours were given in two groups and a layout of the new jail was distributed. (A copy is on file in the County Clerk's Office.) The tour included a walkthrough of the special needs area, kitchen and laundry facilities, video conferencing room, property storage, intake area and housing units.

Hudkins expressed his concerns over the spacing of the bars on the second floor of the housing units. He felt they were spaced too wide and inmates could still slip through them.

2) **ADJOURNMENT**

**MOTION:** Raybould moved and Hudkins seconded to adjourn the jail tour at 12:00 p.m. Raybould, Hudkins and Schorr voted aye. Heier and Smoyer were absent from voting. Motion carried 3-0.



**Dan Nolte**  
Lancaster County Clerk

