

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, NOVEMBER 15, 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  
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 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 8, 2011.**

**MOTION:** Hudkins moved and Smoyer seconded approval of the minutes. Hudkins, Smoyer and Schorr voted aye. Raybould was absent from voting. Heier was absent. Motion carried 3-0.

Raybould entered the meeting.

2) **CLAIMS: Approval of all claims processed through Tuesday, November 15, 2011.**

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

3) **SPECIAL PRESENTATIONS:**

A. **County Commissioners Award of Excellence for October 2011 to Eileen LeGrande, County Attorney's Office.**

The Clerk read the nomination for the record. Joe Kelly, County Attorney, commended Eileen LeGrande for her contributions to the County Attorney's Office. Doug Cyr, Deputy County Attorney, explained that LeGrande took on extra work due to elimination of the Child Support Division Supervisor; this has saved approximately \$30,000 in the last six months. Mike Thew, Deputy County Attorney, discussed the number of people LeGrande has worked with during her County employment. Judy Tweedy, County Attorney's Office, thanked LeGrande for her work with the Child Support Division. Smoyer presented a plaque to LeGrande who expressed her appreciation.

4) **NEW BUSINESS:**

- A. **A contract with Judds Brothers Construction Company in the amount of \$9,745 for repair of County Bridge X-205 located approximately one block west of S. 68<sup>th</sup> Street and Firth Road. (C-11-0642)**

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

- B. **An easement for utility lines and/or underground utility facilities granted to Lincoln Electric System on property described as a tract of land located in Lot 72, Irregular Tract, in the Northeast Quarter of the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the 6<sup>th</sup> Principle Meridian, Lancaster County, Nebraska. Lancaster County will receive \$1 for the permanent easement. (C-11-0643)**

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

- C. **Approval of the sale and warranty deed of vacated County right-of-way to Gana Farms, LLC. The property is part of Lot 2, Irregular Tracts, located in the Southwest Quarter, Section 4, Township 7 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.**

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

Schorr questioned why Items 4C to 4G were listed separately. Ken Schroeder, County Surveyor, discussed the different lots involved, noting that the ownership is listed differently on each one.

- D. **Approval of the sale and warranty deed of vacated County right-of-way to Craig and Lori Gana. The property is part of Lot 2, Irregular Tracts, located in the Southwest Quarter, Section 4, Township 7 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.**

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

- E. **A warranty deed from Gana Farms to Lancaster County, for a part of Lot 15, Irregular Tracts, located in the Southwest Quarter, Section 4, Township 7 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.**

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

- F. **A warranty deed from Craig A. and Lori A. Gana to Lancaster County, for a part of Lot 4, Irregular Tracts, located in the Southwest Quarter, Section 4, Township 7 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.**

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

**NEW BUSINESS CONTINUED:**

- G. **A warranty deed from Craig A. and Lori A. Gana to Lancaster County, for a part of Lot 16, Irregular Tracts, located in the Southwest Quarter, Section 4, Township 7 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska.**

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

- H. **A federal equitable sharing agreement and annual certification report for the Lancaster County Attorney's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2011. (C-11-0644)**

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

- I. **Approval of a Medicare enrollment application for the reassignment of Medicare benefits to the Lancaster County Community Mental Health Center and authorization for Commissioner Bernie Heier to sign the application. The application allows Stephen A. Salaycik to reassign his right to bill the Medicare program and receive Medicare payments to the Community Mental Health Center. (C-11-0645)**

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

- J. **A contract for professional services with the Lincoln-Lancaster County Human Services Federation for the oversight and administration of the Community Services Initiative. The County will pay up to \$60,000 for the services. Term of the agreement is July 1, 2011, to June 30, 2012. (C-11-0646)**

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

- K. **A grant contract with Cedars Youth Services, Inc., in the amount of \$38,189 to provide funding for the Centralized Risk and Needs Assessment project. Cedars Youth Services, Inc., will contribute \$5,574 in matching funds. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0647)**

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

- L. **A grant contract with Cedars Youth Services, Inc., in the amount of \$30,000 to provide funding for the Weekend Reporting Center program. Cedars Youth Services, Inc., will contribute \$1,063 in matching funds. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0648)**

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

**NEW BUSINESS CONTINUED:**

- M. **A grant contract with Cedars Youth Services, Inc., in the amount of \$290,000 to provide funding for the Out of Home Continuum program. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0649)**

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

- N. **A grant contract with Friendship Home, Inc., in the amount of \$3,500 to provide funding for the Hotels and Motels in Partnership program. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0650)**

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

- O. **A grant contract with Friendship Home, Inc., in the amount of \$16,500 to provide funding for the Emergency Shelter program. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0651)**

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

- P. **A grant contract with Berniklau Educational Solutions Team (BEST) in the amount of \$102,000 for the management of a juvenile day reporting center. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0652)**

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

- Q. **An amendment to County Contract C-10-0118 with Family Violence Council for "Improving the Violence against Women Coordinated Response in Lancaster County." The amendment extends the end date of the agreement to December 31, 2011. (C-11-0653)**

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

- R. **Reappointment of Larry Hudkins to the District Energy Corporation Board of Directors for a two-year term commencing January 1, 2012.**

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

- S. **Approval of a rider for the public officials bonds of Larry Hudkins and Bernie Heier, extending the term of their bonds to January 10, 2013.**

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

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. **Right-of-way contracts between the County Engineer and the following:**
  - 1. **Curtis McConnell, in the amount of \$432, located on W. Bennet Road west of SW 128<sup>th</sup> Street; Project No. CP-U-79. (C-11-0654)**
  - 2. **Steven and Diane Kraus, in the amount of \$217, located on W. Bennet road west of SW 128<sup>th</sup> Street; Project No. CP-U-79. (C-11-0655)**
  - 3. **Kendall and Deann Weber, in the amount of \$163, located on S. 68<sup>th</sup> Street north of Pella Road; Project No. CP-X-65. (C-11-0656)**
  - 4. **Kendall and Deann Weber, in the amount of \$229, located on S. 68<sup>th</sup> Street north of Pella Road; Project No. CP-X-66. (C-11-0657) (C-11-0658)**
  - 5. **Melvin and Lorraine Lesoing, in the amount of \$881.75, located on S. 176<sup>th</sup> Street north of Olive Creek Road; Project No. CP-Y-118. (C-11-0659) (C-11-0660)**
  - 6. **Anthony Renze and Ginger Massey, in the amount of \$15,982.50, located at 162<sup>nd</sup> Street and Havelock; Project No. C55-J-403(2). (C-11-0661) (C-11-0662)**
- B. **A right-of-entry contract between the County Engineer and Anthony Renze and Ginger Massey, located at 162<sup>nd</sup> Street and Havelock; Project No. C55-J-403(2). (C-11-0663)**
- C. **Receive and place on file the following:**
  - 1. **LPlan 2040 Lincoln/Lancaster County 2040 Comprehensive Plan**
  - 2. **Lincoln Airport Authority Accountants' Report and Financial Statements**
- D. **Setting of a public hearing for Tuesday, December 6, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding a corporate manager application for Michael H. Kunkee in connection with the Lincoln Izaak Walton League, Bennet.**

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

6) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

Melvin Moore discussed using Hartford versus Prudential for the County's 457 Deferred Compensation Plan.

Kim Kaspar, President of the American Federation of State, County & Municipal Employees (AFSCME), discussed using International City Management Association Retirement Corporation (ICMA-RC) versus Nationwide for the County's Post Employment Health Plan (PEHP). Kaspar submitted a letter on AFSCME's decision to stay with Nationwide (Exhibit A). Schorr verified that Kaspar last met with financial advisors on September 28 and chose not to pursue additional meetings even though requests have been made. Kaspar felt additional meetings with financial advisors would not have been beneficial since the information was "over their heads"; she did not feel her questions had been fully answered.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board will hold a staff meeting on Thursday, November 17, 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, November 22, 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, November 29, 2011, at 4:30 p.m., in Room 112 on the first floor of the County-City Building regarding the adoption of the 2011 edition of the National Electrical Code and the new fee schedule.
- D. A public hearing will be held on Tuesday, November 29, 2011, at 5:00 p.m., in Room 112 on the first floor of the County-City Building regarding the One and Six Year Road and Bridge Improvement Program for July 1, 2012, to June 30, 2017.
- E. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on Nebraska On Demand Time Warner Channel 411 and on the internet at [www.lancaster.ne.gov](http://www.lancaster.ne.gov). Click on 5 City-TV Video on Demand.
- F. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).

8) **ADJOURNMENT**

**MOTION:** Smoyer moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:05 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, NOVEMBER 15, 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: 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 10:05 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 8, 2011.**

**MOTION:** Hudkins moved and Raybould 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 eight additions and deductions to the tax assessment rolls per Attachment "A".**

**MOTION:** Smoyer 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**

**Christian Retirement Homes, Inc.**  
**University of Nebraska Foundation**  
**VITAL Services, Inc.**

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

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

**Myko, Inc.**

Scott Gaines, Deputy County Assessor/Register of Deeds, said this mobile home was moved from a dealer's inventory to a lot on NW 13<sup>th</sup> Street. When staff created the mobile home account, a clerical error was made and the value associated with the parcel was not pulled. This notice would correct the error.

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

5) **ADJOURNMENT**

**MOTION:** Smoyer moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:08 a.m. Hudkins, Raybould, Smoyer and Schorr voted aye. Heier was absent. Motion carried 4-0.

*Dan Nolte*

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**Dan Nolte**  
**Lancaster County Clerk**



**SHIFFERMILLER LAW OFFICE, P.C., L.L.O.**



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November 15, 2011

Kerry Eagan  
555 S. 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

Doug Cyr  
555 S. 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

HAND DELIVERED BY KIM KASPAR

Please be advised that AFSCME Union members met and discussed whether to change the PHEP providers as you have suggested.

The membership elected to have the funds remain in the Nationwide plan rather than change to the suggested ICMA-RC provider.

Very truly yours,

JOY SHIFFERMILLER

JS/cl  
cc: Kim Kaspar