

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, NOVEMBER 22, 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 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 15, 2011.**

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

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

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

3) **SPECIAL PRESENTATIONS:**

A. **Southeast Community College (SCC) Annual Report – Jack Huck, SCC President.**

Jack Huck distributed the 2011-2012 Annual Report (Exhibit A) and the 2010 Placement Report (Exhibit B). He discussed enrollment numbers, local property tax, expenditures, revenue, programs of study, graduate information, tuition and fees, and the Entrepreneurship Center.

B. **Introduction of Doug McDaniel, Proposed Lincoln-Lancaster County Personnel Director.**

Doug McDaniel expressed his appreciation for the opportunity and provided a brief overview of his professional and personal experience.

## **SPECIAL PRESENTATIONS CONTINUED:**

Heier questioned if McDaniel had experience with the Commission of Industrial Relations (CIR). McDaniel explained he had some indirect experience with the BryanLGH union.

Schorr verified that McDaniel's start date is January 3, 2012.

### 4) **NEW BUSINESS:**

#### **A. Appointment of Doug McDaniel as the Lincoln-Lancaster County Personnel Director.**

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

#### **B. Approval of the annual salary for Rhonda Most, Bailiff for Judge Karen Flowers, at \$54,662.84, effective November 21, 2011.**

Troy Hawk, District Court Administrator, said Judge Flowers' former bailiff would be working for one of the new judges so she is hiring a new bailiff. He said the position is in the budget.

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

#### **C. A subscription agreement between Telvent and Lancaster County, on behalf of Lancaster County Emergency Management, for weather radar services. The County will pay \$4,632 for the services. Term of the agreement is November 1, 2011, to October 31, 2012. (C-11-0664)**

Doug Ahlberg, Emergency Management Director, said the radar system has been in place for about ten years and these services are budgeted.

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

#### **D. A recommendation from the Purchasing Agent and the County Engineer to award a contract to Westover Rock & Sand, Inc., in the amount of \$203,328.50 for Fiscal Year 2012 rock hauling to stockpiles. (B-11-0039)**

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

#### **E. A right-of-way contract between Lancaster County and the City of Lincoln in conjunction with the SW 40<sup>th</sup> Street bridge project. The City will pay the County the sum of \$133,930 for the sale of a portion of Lot 74 and temporary and permanent easements. (C-11-0665)**

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

**NEW BUSINESS CONTINUED:**

- F. **A warranty deed from Lancaster County to the City of Lincoln for a portion of Lot 74, Irregular Tract located in the Northwest Quarter of the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska. The City will pay the County \$62,700 for said property.**

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

- G. **A temporary easement between Lancaster County and the City of Lincoln for a portion of Lot 74, Irregular Tract located in the Northwest Quarter of the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska. The City will pay the County \$3,490 for the temporary easement.**

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

- H. **A permanent easement between Lancaster County and the City of Lincoln for a portion of Lot 74, Irregular Tract located in the Northwest Quarter of the Northwest Quarter of Section 29, Township 10 North, Range 6 East of the 6<sup>th</sup> Principal Meridian, Lancaster County, Nebraska. The City will pay the County \$67,740 for the temporary easement.**

Heier said Items 4E to 4H pertain to the SW 40<sup>th</sup> Street viaduct project. Schorr noted the total amount for the four items is \$267,860.

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

- I. **A contract with Great Plains Appraisal, Inc., in the amount of \$8,240 for appraisal services on a project at N. 27<sup>th</sup> Street from Arbor Lake to Waverly Road; Project No. C55-G-407(2). (C-11-0666)**

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

- J. **A construction contract with Theisen Construction, Inc., in the amount of \$9,004.93 for installation of lateral bracing at County Bridge H-120; Project No. 12-03. (C-11-0667)**

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

**NEW BUSINESS CONTINUED:**

- K. **An amendment to County Contract C-09-0636 between Cornerstone Printing and Imaging, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for business card and letterhead printing. The amendment renews the agreement for an additional two-year term from January 14, 2012, to January 13, 2014. (C-11-0668)**

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

- L. **An amendment to County Contract C-10-0410 between NMC, Inc., and Lancaster County for rental of a skid loader. The amendment renews the agreement for an additional one-year term from September 9, 2011, to September 8, 2012. (C-11-0669)**

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

- M. **An agreement with Tyler Technologies, Inc., in the amount of \$2,240 for the addition of eRecording capabilities to the County Assessor/Register of Deeds Office software. (C-11-0670)**

Scott Gaines, Deputy County Assessor/Register of Deeds, said minor adjustments must be made to the software to accommodate electronic recording of the Register of Deeds' images. The savings in reduced postage costs will absorb this expense.

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

- N. **A memorandum of understanding with Inego Systems, Inc., for electronic filing/recording of records with the Lancaster County Register of Deeds. There is no cost to the County. Term of the agreement is November 1, 2011, to October 31, 2012. (C-11-0671)**

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

- O. **An agreement with John E. Cripe, d/b/a John E. Cripe & Associates, Inc., to provide professional services and expert testimony and opinions in Nebraska Commission of Industrial Relations Case Number 1278. Services shall be completed by November 29, 2011. The County will pay \$150 per hour for the services not to exceed \$2,000. (C-11-0672)**

In response to Hudkins' inquiry, Brittany Behrens, Deputy County Attorney, verified the agreement was reviewed by the County Attorney's Office prior to being placed on the agenda.

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

**NEW BUSINESS CONTINUED:**

- P. **A memorandum of understanding between the Lancaster County Medical Society and Lancaster County, on behalf of the Community Mental Health Center, for operation of the Medical Transportation Program. Term of the memorandum of understanding is October 1, 2011, to June 30, 2012. (C-11-0673)**

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

- Q. **An organization provider application with Magellan Behavioral Health, Inc., for reimbursement of services provided by the Lancaster County Community Mental Health Center for day rehabilitation. (C-11-0674)**

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

- R. **An organization provider application with Magellan Behavioral Health, Inc., for reimbursement of services provided by the Lancaster County Community Mental Health Center for residential rehabilitation. (C-11-0675)**

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

- S. **A sub-grant award agreement between the Nebraska Department of Health and Human Services, Division of Public Health Office of Community Health and Performance Management, and Lancaster County, on behalf of Lancaster County Human Services, to prevent adolescent alcohol use, binge drinking and alcohol impaired driving. The County will receive \$176,000. Term of the agreement is October 1, 2011, to September 30, 2012. (C-11-0676)**

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

- T. **A grant contract with Community Action Partnership of Lancaster and Saunders Counties in the amount of \$2,000 to provide funding for medical interpretation services. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0677)**

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

- U. **An amendment to County Contract C-10-0561 with St. Monica's Behavioral Health Services for Women for the Project Mother and Child program. The grant contract amendment reduces funding to \$40,000 for the period of July 1, 2011, to June 30, 2012. (C-11-0678)**

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

**NEW BUSINESS CONTINUED:**

- V. **A master group application for an administrative services agreement with Blue Cross and Blue Shield of Nebraska for the provision of claim administration services on behalf of Lancaster County's self-funded group health care program. (C-11-0679)**

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

- W. **An administrative services agreement between Lancaster County and Blue Cross and Blue Shield of Nebraska for claims administrative services for the Lancaster County self funded group health care program, effective January 1, 2012. (C-11-0680)**

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

- X. **A political subdivision tort claim filed against Lancaster County Corrections by Bethann N. Beery for lost property in the amount of \$150.**

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

- Y. **A political subdivision tort claim filed against Lancaster County Corrections by Joe Policky for lost or stolen property in the amount of \$600.**

**MOTION:** Heier moved and Raybould seconded denial of the tort claim based on the recommendation of the department director. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- Z. **A political subdivision tort claim filed against Lancaster County Corrections by Jacob B. Rath for lost property in the amount of \$1,400.**

**MOTION:** Heier moved and Raybould seconded approval of the tort claim for \$30 based on the recommendation of the department director. Raybould, Heier, Smoyer, Hudkins 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. **Right-of-way contracts between the County Engineer and the following:**
1. **Ronald and Judeen Oelling, in the amount of a donation, located on SW 29<sup>th</sup> Street north of W. Roca Road; Project CP-T-187. (C-11-0681)**
  2. **Ronald and Judeen Oelling, in the amount of \$109, located on SW 2<sup>nd</sup> Street south of W. Wittstruck Road; Project CP-T-153. (C-11-0682)**

**CONSENT ITEMS CONTINUED:**

3. Daniel and Marcia Rand, in the amount of a donation, located on S. 176<sup>th</sup> Street north of Olive Creek Road; Project CP-Y-118. (C-11-0683)
4. Alan and Laurel Baade, in the amount of a donation, located on Roca Road west of S. 82<sup>nd</sup> Street; Project CP-S-183. (C-11-0684)
5. Norma Gordon, in the amount of \$109, located on SW 2<sup>nd</sup> Street south of W. Wittstruck Road; Project CP-T-153. (C-11-0685)
6. Alan and Jone Beer, in the amount of \$163, located on Roca Road west of S. 82<sup>nd</sup> Street; Project CP-S-183. (C-11-0686)
7. Darrell and Lynette Teselle, in the amount of \$169, located on S. 134<sup>th</sup> Street south of Stagecoach Road; Project CP-Y-62. (C-11-0687) (C-11-0688)
8. Leon Berg and Elaine Miller, in the amount of \$962.10, located at NW 98<sup>th</sup> Street and W. Holdrege Street; Project BRO-7055(102). (C-11-0689) (C-11-0690)

B. Receive and place on file the County Sheriff's monthly report for October 2011.

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

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

No one appeared for public comment.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will not hold a staff meeting on Thursday, November 24, 2011, due to the Thanksgiving holiday. The next staff meeting is tentatively scheduled for Thursday, December 1, 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 29, 2011, at 4:30 p.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.

**ANNOUNCEMENTS CONTINUED:**

- E. Public hearings will be held on Tuesday, December 6, 2011, at 9:30 a.m., in Room 112 on the first floor of the County-City Building regarding the following:
  - 1. A request to vacate a portion of NW 12<sup>th</sup> Street between W. Branched Oak Road and W. Raymond Road.
  - 2. A corporate manager application for Michael H. Kunkee in connection with a liquor license for the Lincoln Izaak Walton League, Bennet.
  
- F. 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.
  
- 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 10:12 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, NOVEMBER 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  
Bernie Heier, Vice Chair  
Larry Hudkins  
Jane Raybould  
Brent Smoyer

Others present: 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 10:12 a.m.

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

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

- 2) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS**

**Nebraska United Methodist Foundation  
Pius X High School  
School Sisters of Christ the King  
Sisters of St. Francis**

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

- 3) **NOTICE OF PROPOSED CHANGE IN EXEMPTION STATUS:**

**First Slavic Baptist Church  
Saint Josephs Church of Lincoln  
Salvation Army  
United Methodist Church of Martell**

**NOTICE OF PROPOSED CHANGE IN EXEMPTION STATUS CONTINUED:**

Scott Gaines, Deputy County Assessor/Register of Deeds, said the notice for Saint Josephs Church of Lincoln should be removed since the closing on the property's sale did not occur until after the levy date; it will be on the tax roll beginning 2012 but will remain exempt for 2011. First Slavic Baptist Church was sold to another church to which the exemption will transfer. Salvation Army was sold to a taxable individual before the levy date and United Methodist Church of Martell was rented to private individuals so they both will go on the tax roll.

Hudkins verified the levy date of October 11 with Gaines.

**MOTION:** Heier moved and Hudkins seconded approval of the notices of proposed change in exemption status for First Slavic Baptist Church, Salvation Army and United Methodist Church of Martell. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **451 TAX EXEMPTION APPLICATIONS:**

**The Congregation "Ministerio Manantial de Vida"  
RECF III LLC (two applications)**

Scott Gaines, Deputy County Assessor/Register of Deeds, said these properties have either had ownership changes or converted to exempt use after the first of the year. The Congregation "Ministerio Manantial de Vida" was a transfer from the Slavic Baptist Church. RECF III LLC is a restructuring of ownership involving the Center for People in Need properties. He recommended approval of all three exemption applications.

**MOTION:** Heier moved and Hudkins seconded approval of the 451 tax exemption applications. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

**MOTION:** Heier moved and Raybould seconded to adjourn the Board of Equalization meeting at 10:17 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

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

