

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, NOVEMBER 29, 2011**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**4:30 P.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 4:30 p.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 22, 2011.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, November 29, 2011.**

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

3) **PUBLIC HEARINGS:**

A. **Adoption of the 2011 edition of the National Electrical Code and the new fee schedule.**

The Chair opened the public hearing. Ed Bergstraesser, City of Lincoln Chief Electrical Inspector, was administered the oath. He said the proposed resolution renews the agreement between the City of Lincoln Electrical Inspection Program and Lancaster County to perform all state mandated inspections in Lancaster County that are outside Lincoln's three-mile jurisdiction and not in any incorporated villages or their municipal boundaries. In response to Hudkins' question, Bergstraesser said government buildings would be affected by the code as well as private buildings. Hudkins noted the increased cost in doing inspections; he felt the fee change was appropriate. The Chair closed the public hearing.

4) **NEW BUSINESS:**

- A. **A resolution in the matter of adopting the 2011 edition of the National Electrical Code. (R-11-0087)**

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

- B. **An agreement with Great Plains Appraisal, Inc., for services of qualified professional appraisers to assist the Lancaster County Assessor's Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2011 tax year. The contract also authorizes Great Plains Appraisal, Inc., to process the TERC appeals for the 2010 tax year and any other TERC cases between the 2003 and 2010 tax years that have not been completed. The total compensation for services will not exceed \$200,000. (C-11-0691)**

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

- C. **An agreement with Continuum Employee Assistance to provide an employee assistance program for County employees. Term of the agreement is January 1, 2012, to December 31, 2014. The County will pay Continuum \$19,800 per contract year. (C-11-0694)**

Pat Kant, Lincoln-Lancaster County Personnel Coordinator, said the agreement assists employees experiencing problems that affect job performance, provides a training program and provides substance abuse professional services required by the Federal drug and alcohol testing programs. Schorr asked if the dollar amount was calculated by the number of employees or if it was a flat rate. Kant said an employee count of 841 was used and calculated on an average of three-year service. Heier asked how many employees use the service. Kant estimated around 10% use the counseling services, in addition to employees that use the training.

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

- D. **An agreement with the Board of Regents of the University of Nebraska, University of Nebraska at Omaha, for evaluation of the Second Chance Act Juvenile Offender Re-entry Program. The County shall expend federal grant funds in the amount of \$14,000 for the services provided. Term of the agreement is October 1, 2011, to September 30, 2012. (C-11-0692)**

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

- E. **A grant contract with United Way of Lincoln and Lancaster County in the amount of \$7,000 to provide funding for the Food Distribution Service Point Project and the Grants Management Software Program. Term of the grant contract is July 1, 2011, to June 30, 2012. (C-11-0693)**

**NEW BUSINESS:**

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

- F. **A Region V network provider contract for services under the Projects for Assistance in Transition from Homelessness (PATH) grant program. The County, through the Mental Health Center, will provide outreach services, community mental health services, screening and diagnostic services. The County shall be compensated up to \$32,500 for the services and is required to match \$57,560 in cash or in kind. The term of the agreement is October 1, 2011, to September 30, 2012. (C-11-0695)**

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

- G. **A facility network participation agreement between Mental Health Associates, Inc., and Lancaster County for reimbursement of services provided by the Community Mental Health Center. Mental Health Associates, Inc., shall reimburse the County as provided in Appendix B. Term of the agreement is October 15, 2011, to October 14, 2012. (C-11-0696)**

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

- H. **An amendment to County Contract C-11-0053 between Lancaster County, as grantor, and Lincoln Area Model Railroad Club & Museum, amending the scope of work under the grant. (C-11-0697)**

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

- I. **An amendment to County Contract C-08-0626 with CBM Food Services for the provision of food service at various County facilities. The amendment provides for an immediate increase in the per meal cost, as well as an additional increase in the per meal costs following the opening of the new Lancaster County Correctional Facility. The amendment also clarifies the services to be provided following the opening of the new Lancaster County Correctional Facility. (C-11-0698)**

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

- J. **An amendment to County Contract C-11-0605 with Seminole Energy Services, LLC, for the annual supply of natural gas. The amendment provides a fixed hedge price of \$4.93/MMBTu for 65% of the winter gas load (December 2011 – April 2012) for the Lancaster County Correctional Facility, Lancaster County Jail, Lancaster County Engineering Shop and the Lancaster County Engineer's Office. (C-11-0699)**

## **NEW BUSINESS:**

Vince Mejer, County Purchasing Agent, said the fixed hedge price should read \$4.943/MMBTu instead of \$4.93. He discussed the cost decrease from \$11,093 to an estimated \$9,421 in a three-month comparison to last year (December-February). Hudkins noted the price of gas is less than year. Schorr asked if the contract was in place with the Public Building Commission or any City facilities. Mejer said the volume for the County Jail and the County Engineer is included for this year, as well as the Public Building Commission and other City agencies not part of any agreement.

**MOTION:** Heier moved and Smoyer seconded approval of the amendment with the corrected price of \$4.943. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

- K. **A subdivision agreement between Lancaster County and Fisherman's Landing, LLC, regarding Final Plat No. 11066, Fisherman's Landing 1<sup>st</sup> Addition, on property generally located at S. 176<sup>th</sup> Street and Firth Road. (C-11-0700)**

**MOTION:** Hudkins moved and Smoyer seconded approval of the agreement. 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. **Monte Bohmont, in the amount of a donation, located on W. Rokeby Road west of SW 56<sup>th</sup> Street; Project CP-N-43. (C-11-0701)**
  2. **Nancy Becker and Kathy Menke, in the amount of \$175, located on SW 114<sup>th</sup> Street north of W. Wittstruck Road; Project CP-U-70. (C-11-0702) (C-11-0703)**
  3. **Ricky Schmutte, in the amount of \$229, located on Roca Road west of S. 110<sup>th</sup> Street; Project CP-S-177. (C-11-0704) (C-11-0705)**

**MOTION:** Raybould 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.

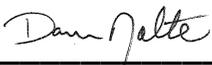
Dennis Keefe, County Public Defender, expressed his concern related to the agreement with Great Plains Appraisal (Item 4B), specifically mentioning a 12% increase for some appraisers during a time when County budgets are being reduced. He felt this action was a troublesome message to County employees, many which have received minimal or no recent raises, as well as those currently reviewing assigned counsel fees. Hudkins clarified that not all appraiser salaries were increased and that the funds will come from the Board of Equalization budget. He stressed the importance of having adequate representation to defend the Assessor's property valuations. Raybould thanked Keefe for bringing his concern forward and added his point is "duly noted."

7) **ANNOUNCEMENTS:**

- A. 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.
- B. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, December 1, 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, December 6, 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, 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.
- 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:** Heier moved and Raybould seconded to adjourn the Board of Commissioners meeting at 4:51 p.m. Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

  
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**Dan Nolte**  
Lancaster County Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, NOVEMBER 29, 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 4:51 p.m.

1) **MINUTES**: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 22, 2011.

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

2) **ADJOURNMENT**

**MOTION**: Heier moved and Smoyer seconded to adjourn the Board of Equalization meeting at 4:52 p.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.



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Dan Nolte  
Lancaster County Clerk

