

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, MAY 29, 2012**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on May 25, 2012.*

Commissioners present: Deb Schorr, Chair  
Larry Hudkins, Vice Chair  
Brent Smoyer

Commissioners absent: Bernie Heier  
Jane Raybould

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 9:33 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 22, 2012.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, May 29, 2012.**

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

3) **SPECIAL PRESENTATIONS:**

A. **Lancaster County Law Enforcement Memorial and Craig Dodge Memorial Park – Terry Wagner, County Sheriff.**

Terry Wagner, County Sheriff, discussed the groundbreaking ceremony for the Craig Dodge Memorial Park on May 18. He said the memorial is being funded by private donations; the Lancaster County Deputy Sheriff's Association will be the conduit for receiving and dispensing funds. Schorr and Hudkins commended the project.

4) **PUBLIC HEARINGS:**

- A. **A manager application for Brett A. Morgan in connection with the liquor license for Hidden Valley Golf Course, 10501 Pine Lake Road, Lincoln.**

The Chair opened the public hearing. Since no one appeared, the Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **A resolution in the matter of a corporate manager liquor license application for Brett A. Morgan in connection with a Class IB liquor license for Hidden Valley Golf Course, 10501 Pine Lake Road, Lincoln, Lancaster County, Nebraska. (R-12-0042)**

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

**RETURNING TO PUBLIC HEARINGS:**

- B. **A manager application for Nicholas R. Ganow in connection with the liquor license for Jasper's, 13940 O Street, Lincoln.**

The Chair opened the public hearing. Nicholas Ganow, Jasper's, was administered the oath. He said he had been an owner in the business since January 2011. He currently holds a Level 3 Manager's Permit; however, he has not taken the Health Department's hospitality training. Ganow said his wife has taken the training, and he agreed to make the effort to do so himself. The Chair closed the public hearing.

**RETURNING TO NEW BUSINESS:**

- B. **A resolution in the matter of a corporate manager liquor license application for Nicholas R. Ganow in connection with a Class C liquor license for Jasper's, 13940 O Street, Lincoln, Lancaster County, Nebraska. (R-12-0043)**

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

**RETURNING TO PUBLIC HEARINGS:**

- C. **An amusement license application from Robinette Farms to hold an event on June 16, 2012, at 17675 SW 14th Street, Martell.**

The Chair opened the public hearing. Alex McKiernan, Robinette Farms, was administered the oath. He said Robinette Farms is a small vegetable and diversified farm that sells more than 95% of its produce and meat to the City of Lincoln. He wants to hold a promotional event featuring a band and local producers to encourage people to come from the City and learn about their food sources. The Chair closed the public hearing.

**RETURNING TO NEW BUSINESS:**

- C. **An amusement license application from Robinette Farms to hold an event on June 16, 2012, at 17675 SW 14th Street, Martell.**

**NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Smoyer seconded approval of the amusement license. Hudkins, Smoyer and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

- D. A special designated license application from WunderRosa Winery to provide liquor beverage service for an event on June 16, 2012, at Robinette Farms, 17675 SW 14th Street, Martell.**

**MOTION:** Smoyer moved and Hudkins seconded approval of the special designated license. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

- E. A special designated license application from Blue Blood Brewing Company to provide liquor beverage service for an event on June 16, 2012, at Robinette Farms, 17675 SW 14th Street, Martell.**

**MOTION:** Smoyer moved and Hudkins seconded approval of the special designated license. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

- F. A resolution in the matter of authorizing use of the County Visitors Improvement Fund for Visitors Promotion. (R-12-0044)**

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

- G. A resolution in the matter of adopting benefits for the Deputy Sheriff Captains in the Unclassified Service. (R-12-0040)**

Terry Wagner said in the past Deputy Sheriff Captains have received the same benefits as Deputy Sheriffs who are under contract through the Deputy Sheriffs' Association (the union) while the Captains are unrepresented/unclassified employees. All fall under the Merit Commission Rules and Regulations which are the State Statutes that control the hiring and working conditions of Deputy Sheriffs. This resolution would align the Sheriff Captains with the Deputy Sheriffs in their benefits.

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

- H. A resolution in the matter of adopting the Deputy Sheriff Captains' Temporary Retirement Buyout Program. (R-12-0041)**

Terry Wagner said the temporary buyout takes into account unused sick leave for employees and pays into the PEHP (Post Employment Health Plan) premium account which will help take care of insurance premiums after retirement. The buyout is only good until August 30, 2012.

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

**NEW BUSINESS CONTINUED:**

- I. **A resolution authorizing the installation of an "Engine Braking Prohibited" traffic sign at the following location in Lancaster County: on Holdrege Street, approximately one-half mile east of N. 84<sup>th</sup> Street for westbound traffic. (R-12-0045)**

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

- J. **A quitclaim deed between Lancaster County and the Malcolm Rural Fire Protection District, grantee, regarding property legally described as part of the west half of vacated West Street lying between the south right-of-way line of First Street and the easterly right-of-way line of Malcolm Road and part of Block 10, Village of Malcolm, Lancaster County, Nebraska.**

Denise Saathoff, Attorney for the Malcolm Rural Fire Protection District, displayed the survey record of the property listed in the quitclaim deed (Exhibit A). She explained the Village of Malcolm was providing maintenance for the area described but realized it is partially owned by the County and partially owned by the Fire Department. This would make the Fire Department responsible for the entire property.

**MOTION:** Hudkins moved and Smoyer seconded approval of the quitclaim deed. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

- K. **An agricultural lease agreement with Todd M. Reed for use of up to 13.92 acres of agricultural land located at Day Commercial Park, Block 1, Lot 4, Property ID 24-20-401-004-000. Mr. Reed will pay the County \$186 per acre. Term of the agreement is May 1, 2012, to April 30, 2013. (C-12-0255)**

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

- L. **A recommendation from the Purchasing Agent and the County Corrections Director to award a contract to Midwest Storage Solutions, Inc., in the amount of \$149,750.09 for storage equipment and installation for the new detention facility. (B-12-0023)**

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

- M. **An amendment to County Contract C-12-0223 with AOI for facility furniture at the new Lancaster County Detention Facility. The amendment adds the items listed in Attachment A for an additional cost of \$10,136.81. (C-12-0256)**

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

- N. **An amendment to County Contract C-10-0305 with BI Incorporated for electronic monitoring. The amendment renews the agreement for an additional one-year term from May 1, 2012, to April 30, 2013. (C-12-0257)**

**NEW BUSINESS CONTINUED:**

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

- O. **A contract between Safety-Kleen Systems, Inc., Lancaster County and the City of Lincoln for the used oil collection program. The County shall pay for products and services according to the line item pricing as listed in the contractor's proposal. Term of the contract is one year from the date of execution by all parties. (C-12-0258)**

Bob Walla, Assistant Purchasing Agent, clarified that the County would be paid for the used oil.

**MOTION:** Hudkins moved and Smoyer seconded approval of the contract with the correction. Hudkins, Smoyer and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

- P. **An amendment to County Contract C-09-0351 between TooFast Supply Company, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual supply of power and hand tools. The amendment renews the contract for an additional one-year term from August 11, 2012, to August 10, 2013. (C-12-0259)**

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

- Q. **An amendment to County Contract C-09-0359 between Total Tool, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for the annual supply of power and hand tools. The amendment renews the contract for an additional one-year term from August 11, 2012, to August 10, 2013. (C-12-0260)**

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

- R. **An amendment to County Contract C-10-0384 with Aon Risk Services Central, Inc., to provide employee benefit consulting services for insurance programs. The amendment renews the contract for an additional term from June 1, 2012, to May 31, 2013. (C-12-0261)**

Bill Kostner, Lincoln-Lancaster County Personnel, said this is a standard renewal. He noted a 2% increase in rates; however, he was pleased with the service and recommended approval.

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

- S. **An amendment to County Contract C-11-0148 with Healthy Families Project for approximately 812.75 square feet of office space in Trabert Hall located at 2202 S. 11<sup>th</sup> Street, Lincoln, Nebraska. The amendment extends the lease agreement through June 30, 2012. (C-12-0262)**

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

**NEW BUSINESS CONTINUED:**

- T. **A lease agreement with Healthy Families Project for approximately 1141.75 square feet of office space in Trabert Hall located at 2202 S. 11<sup>th</sup> Street, Lincoln, Nebraska. Healthy Families Project will pay the County \$800.66 per month for the leased space. Term of the agreement is July 1, 2012, to June 30, 2013. (C-12-0263)**

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

- U. **An addendum to a memorandum of agreement between the Department of Homeland Security and Lancaster County, on behalf of the Community Mental Health Center, for the Systematic Alien Verification for Entitlements (SAVE) program. The addendum renews the agreement through June 30, 2013, and verifies the County's anticipated collections for the new term. (C-12-0264)**

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

- V. **An agreement between Lancaster County and Melissa Virgil to provide non-exempt employees in the County Records Specialist III and Board of Equalization Specialist job classification compensatory time off in lieu of compensation for hours worked in excess of 40 hours per week. The County will pay the employee at the rate of one and one-half hours for each overtime hour which the employee works up to a maximum accrual of 20 hours of compensatory time. (C-12-0265)**

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

- W. **An agreement between Lancaster County and Angela Zocholl to provide non-exempt employees in the County Records Specialist III and Board of Equalization Specialist job classification compensatory time off in lieu of compensation for hours worked in excess of 40 hours per week. The County will pay the employee at the rate of one and one-half hours for each overtime hour which the employee works up to a maximum accrual of 20 hours of compensatory time. (C-12-0266)**

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

- 6) **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. **Leasehold contracts between the County Engineer and Todd Buel, in the amount of \$30, located at 18400 S. 54<sup>th</sup> Street; Project C55-S-405(3). (C-12-0267) (C-12-0268) (C-12-0269)**

**CONSENT ITEMS CONTINUED:**

- B. Right-of-way contracts between the County Engineer and the following:**
- 1. Dennis and Malinda Buel, in the amount of \$100,811.56, located at 18400 S. 54<sup>th</sup> Street; Project C55-S-405(3). (C-12-0270) (C-12-0271) (C-12-0272) (C-12-0273) (C-12-0274)**
  - 2. Eric Slezak and Susan White, in the amount of \$5,587, located at 17860 S. 54<sup>th</sup> Street; Project C55-S-405(3). (C-12-0275) (C-12-0276)**
  - 3. Byron and Kimberly Brown, in the amount of \$17,945.92, located at S. 54<sup>th</sup> Street and Martell Road; Project C55-S-405(3). (C-12-0277) (C-12-0278)**
  - 4. Larry Coffey, in the amount of a donation, located at NW 70<sup>th</sup> Street south of W. Branched Oak Road; Project CP-D-29. (C-12-0279)**
  - 5. Kenneth and Chris Lonowski, in the amount of \$629, located at Davey Road east of N. 176<sup>th</sup> Street; Project CP-A-233. (C-12-0280)**

**MOTION:** Hudkins moved and Smoyer seconded approval of the consent items. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

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

Cori Beattie, Deputy County Clerk, reminded the public that property owners could begin filing property valuation protests in the County Clerk's Office starting Friday, June 1. Protests can be filed electronically at [www.lancaster.ne.gov](http://www.lancaster.ne.gov) using the keyword "protest" or a hard copy form may be obtained from the County Clerk's Office (402-441-8724). She encouraged people to file early since the County Board capped referee hearings at 6,000 hearings. Only residential and agricultural properties will have hearings scheduled at the Lancaster Event Center; all other classes will have protests reviewed in writing. People may waive their referee hearing if they choose. Hudkins questioned when valuation notices would be received. Beattie was not sure since the Assessor's Office would be sending the notices, but she anticipated property owners would receive them by June 1.

**8) ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, May 31, 2012, 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, June 5, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.**
- C. 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 [lancaster.ne.gov](http://lancaster.ne.gov). Click on 5 City-TV Video on Demand.**
- D. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).**

9) **ADJOURNMENT**

**MOTION:** Smoyer moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:07 a.m. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

*Dan Nolte*

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



**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, MAY 29, 2012  
COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY  
BOARD OF COMMISSIONERS MEETING**

**COMMISSIONERS: Deb Schorr, Chair; Larry Hudkins, Vice Chair;  
Bernie Heier; Jane Raybould; and Brent Smoyer**

*Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on May 25, 2012.*

Commissioners present: Deb Schorr, Chair  
Larry Hudkins, Vice Chair  
Brent Smoyer

Commissioners absent: Bernie Heier  
Jane Raybould

Others present: Norm Agena, 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 10:07 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 22, 2012.**

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

2) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS (See attached additions and deductions)**

**MOTION:** Hudkins moved and Smoyer seconded approval of the additions and deductions. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

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

**First Slavic Baptist Church**

**MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:**

**MOTION:** Smoyer moved and Hudkins seconded approval of the motor vehicle tax exemption applications. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

4) **ADJOURNMENT**

**MOTION:** Smoyer moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:08 a.m. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent. Motion carried 3-0.

*Dan Nolte*

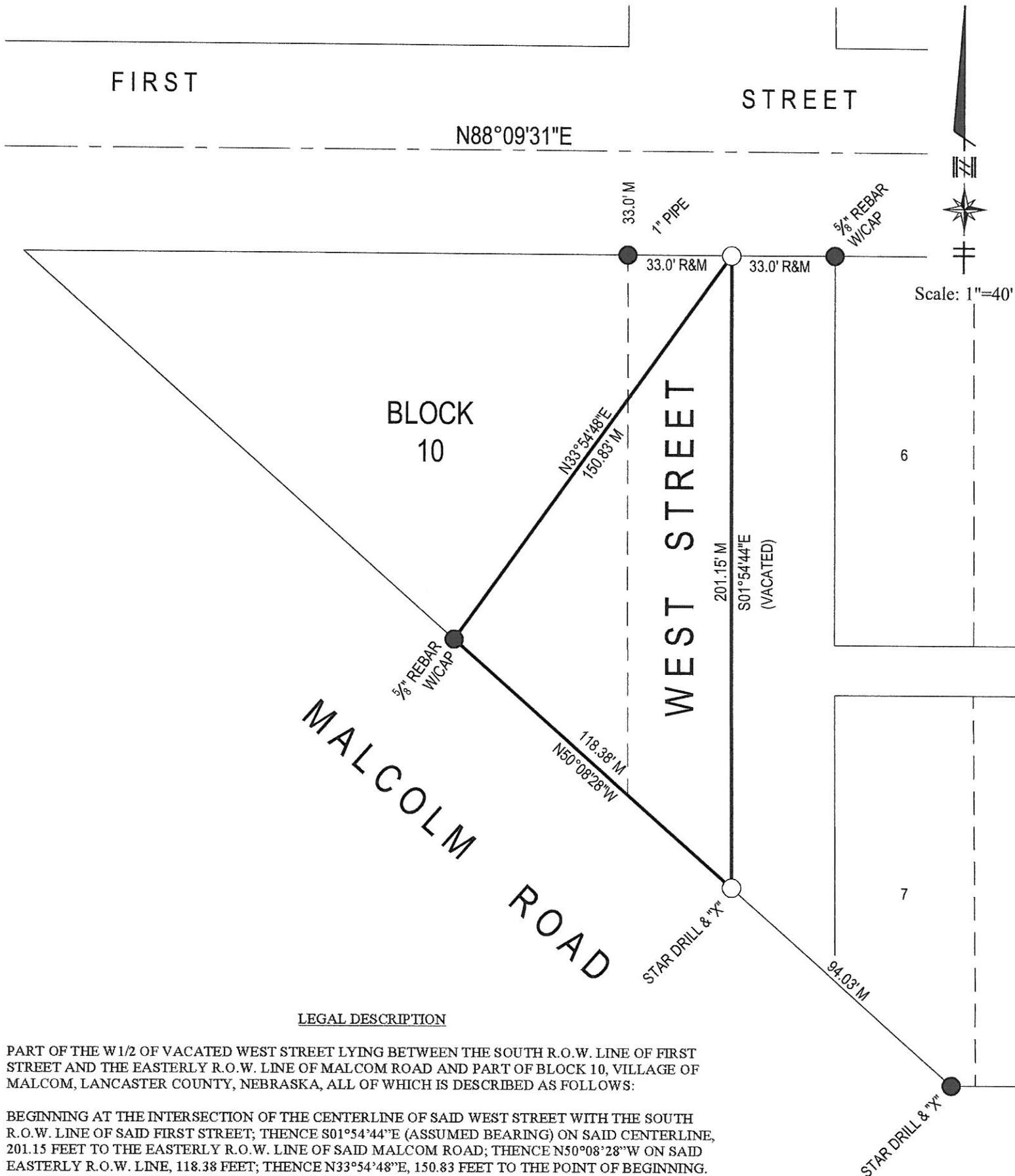
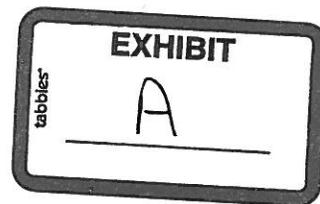
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**Dan Nolte**  
Lancaster County Clerk



# SURVEY RECORD

PREPARED BY  
**L & S SURVEYING**  
 P.O. BOX 354, CRETE NE 68333  
 (402) 826-4620 FAX (402) 826-4646



**LEGAL DESCRIPTION**

PART OF THE W 1/2 OF VACATED WEST STREET LYING BETWEEN THE SOUTH R.O.W. LINE OF FIRST STREET AND THE EASTERLY R.O.W. LINE OF MALCOM ROAD AND PART OF BLOCK 10, VILLAGE OF MALCOM, LANCASTER COUNTY, NEBRASKA, ALL OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF SAID WEST STREET WITH THE SOUTH R.O.W. LINE OF SAID FIRST STREET; THENCE S01°54'44"E (ASSUMED BEARING) ON SAID CENTERLINE, 201.15 FEET TO THE EASTERLY R.O.W. LINE OF SAID MALCOM ROAD; THENCE N50°08'28"W ON SAID EASTERLY R.O.W. LINE, 118.38 FEET; THENCE N33°54'48"E, 150.83 FEET TO THE POINT OF BEGINNING. CONTAINING 8,880.1 SQUARE FEET MORE OR LESS.

**SURVEYOR'S CERTIFICATE**

I, Leslie J. Siedschlag, a Registered Land Surveyor in the State of Nebraska, hereby certify that this survey was made under my direct supervision on March 23, 2012 and that all dimensions shown are in feet and decimals of a foot and correct to the best of my knowledge and belief.

**Legend**

- Corners Found
- Corners Found
- Corners Set ( 5/8" Rebar W/ L&S Cap)
- Survey Marker
- Temporary Point
- R Record Distance
- M Measured Distance
- W.C. Witness Corner



*Leslie J. Siedschlag*  
 Leslie J. Siedschlag, Nebraska L.S. No. 469

Date of Completion; April 13, 2012