

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 4, 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 November 30, 2012.

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

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Richard Grabow, 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 9:31 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 27, 2012.**

MOTION: Hudkins moved and Smoyer 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, December 4, 2012.**

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

3) **NEW BUSINESS:**

A. **Special events permit application from Angry Cow Adventures for a fun run in southeast Lancaster County on January 13, 2013.**

Jim Craig, Angry Cow Adventures, said the event would be the same as in previous years, starting and ending in Panama.

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

NEW BUSINESS CONTINUED:

- B. Special designated license application from the Foundation for Education School District 145 to provide alcoholic beverage service on January 26, 2013 for an event at Prairie Creek Inn Bed & Breakfast, 2400 S. 148th Street, Walton.**

Item was held per the request of the applicant.

- C. Resolution in the matter of declaring projects under Nebraska Revised Statute §23-120, as amended, and imposing levy for the costs and indebtedness for such projects. (R-12-0093)**

Dennis Meyer, County Budget & Fiscal Director, said the statute allows for use of 5.2 cents for bonded indebtedness of which the County will use 0.6135 cents.

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

- D. Resolution in the matter of Comprehensive Plan Conformance No. 12014: Adopting the One and Six-Year Road and Bridge Construction Program for Lancaster County, Fiscal Years 2013 and 2014-2018. (R-12-0094)**

Don Thomas, County Engineer, recommended paving 1½ miles south of Saltillo Road on S. 25th Street as requested at the One and Six-Year Road and Bridge Public Hearing. In addition, because of requests from the Public Hearing, Saltillo Road will be monitored for excessive dust and a traffic count has been done on W. Bluff Road.

MOTION: Heier moved and Hudkins seconded approval of the resolution with the addition of paving on S. 25th Street as recommended by the County Engineer. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- E. Recommendation from the County Engineer to award a contract to Buel Trucking in the amount of \$178,228.05 for rock hauling to County stockpiles. (B-12-0038)**

Don Thomas confirmed for Raybould that rock and gravel bids were done earlier in the year; this bid is only for hauling.

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

- F. Grant contract application and award with the Nebraska State Patrol in the amount of \$2,400 for the County Sheriff's Internet Crimes Against Children Task Force. (C-12-0666)**

Terry Wagner, County Sheriff, said the ongoing grant is used for equipment for the Internet Crimes Against Children Task Force.

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

NEW BUSINESS CONTINUED:

- G. **Amendment to County Contract C-06-0201 with Global Software, Inc., for the computer software "Spreadsheet Server for JD Edwards" to be utilized by the Lancaster County Treasurer's Office. The amendment amends the license agreement by adding the purchase of an additional user license for \$1,800, which increases the total number of users to seven and the total amount paid by the County for user licenses to \$12,600. (C-12-0667)**

Dennis Meyer explained that the software is an integral part of the system for generating budget reports and information.

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

- H. **Contract with Culligan Water for lease of a water softener for the Department of Corrections. Term of the lease will be six months with a month-to-month option thereafter. Cost to the County is \$47 per month. (C-12-0668)**

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

- I. **Amendment to County Contract C-12-0008 with Sarpy County for microfilming imaging services for the Sarpy County Register of Deeds to be performed by the Lancaster County Records Management Department. The amendment extends the contract for an additional term from February 9, 2013, to February 8, 2014. (C-12-0669)**

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

- J. **Appointment of Alan Doster to the Lincoln-Lancaster County Board of Health to complete the unexpired term of David R. Smith through April 15, 2015.**

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

- K. **Approval of Prudential's Automatic Rollover Agreement appointing Prudential Bank & Trust, FSB, as custodian of individual retirement accounts to receive automatic direct rollovers from the Lancaster County, NE Employees Retirement Plan in accordance with the Internal Revenue Code with Prudential providing such accounts under the terms and conditions of this Rollover Agreement. (C-12-0670)**

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

NEW BUSINESS CONTINUED:

- L. **Recommendation from the Pension Review Committee to remove from the 401(a) Lancaster County Retirement Plan and 457 Deferred Compensation Program the American Funds Growth Fund of America R4 and Neuberger Berman U.S. Large Cap Growth USD I Fund and replace with the Fidelity Advisor New Insights I Fund with all assets mapped accordingly; and remove the Neuberger Berman Socially Responsible Fund and map the assets to the American Funds Fundamental Investor R4 Fund.**

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

Schorr said Items 3M to 3X involve changes in the Post-Employment Health Plan. She indicated all items would be read individually and one vote would be taken.

Kerry Eagan, Chief Administrative Officer, said the County has been looking for another provider for the Post-Employment Health Plan to replace Nationwide who has served the County since 1998. There has been concern over Nationwide's multi-employer VEBA (Voluntary Employee Benefit Association) plan which has high fees and little ability to govern investments. The Pension Review Committee recommended switching to International City Management Association-Retirement Corporation (ICMA-RC). The following agenda items are designed to move the County from Nationwide's multi-employer VEBA to an integral part trust with ICMA-RC. Since the money can only be transferred from one VEBA to another, a single employer VEBA was created with Wilmington Trust Company as trustee for the VEBA. After Nationwide transfers the funds to the single employer VEBA, they will be instantaneously transferred to the integral part trust. Eagan noted that only money for non-collective bargaining employees, sheriff deputies and sheriff captains would be moved; AFSCME (American Federation of State, County and Municipal Employees) has opted to stay with Nationwide for the collective bargaining employees.

Doug Cyr, Deputy County Attorney, discussed investment options under ICMA-RC and the ability to control the investments. Cyr said he met with AFSCME representatives to discuss conversion to the new plan. Although AFSCME was not interested in changing companies, he hoped that would change in the future since the collective bargaining employees could receive more benefit from the new plan.

- M. **Letter to Nationwide Retirement Solutions providing notice of termination of Post-Employment Health Plans for non-collective bargaining employees, sheriff deputies and sheriff captains but not for collective bargaining employees (AFSCME 2468).**
- N. **Resolution in the matter of the Post-Employment Health Plan, establishing a single employer Voluntary Employee Benefit Association (VEBA) known as the Lancaster County Post-Employment Health Plan. (R-12-0095)**
- O. **Adoption of the Lancaster County Post-Employment Health Plan.**
- P. **Adoption of the Welfare/VEBA Trust Agreement between Lancaster County (employer) and the Wilmington Trust Retirement and Institutional Services Company (trustee) for the Lancaster County Post-Employment Health Plan. (C-12-0671)**

NEW BUSINESS CONTINUED:

- Q. **Employer VantageCare Retirement Health Savings Plan Adoption Agreement between Lancaster County and International City Management Association-Retirement Corporation (ICMA-RC), governing employer contributions, Plan No. 803381. (C-12-0672)**
- R. **Administrative Services Agreement between Lancaster County and International City Management Association-Retirement Corporation (ICMA-RC) for the VantageCare Retirement Health Savings Plan, governing employer contributions, Plan No. 803381. (C-12-0673)**
- S. **Employer VantageCare Retirement Health Savings Plan Adoption Agreement between Lancaster County and International City Management Association-Retirement Corporation ICMA-RC (ICMA-RC), governing employee contributions, Plan No. 803272. (C-12-0674)**
- T. **Administrative Services Agreement between Lancaster County and International City Management Association-Retirement Corporation (ICMA-RC) for the VantageCare Retirement Health Savings Plan, governing employee contributions, Plan No. 803272. (C-12-0675)**
- U. **Resolution in the matter of the Post-Employment Health Plan, establishing the Lancaster County Integral Part Trust and the Post-Employment Health Plan with International City Management Association-Retirement Corporation (ICMA-RC). (R-12-0096)**
- V. **Declaration of Trust of the Lancaster County, Nebraska Integral Part Trust for the Post-Employment Health Plan with International City Management Association-Retirement Corporation (ICMA-RC).**
- W. **First amendment to the Lancaster County Post-Employment Health Plan, replacing the VEBA Trust Agreement with Wilmington Trust Retirement and Institutional Services Company with the Lancaster County Integral Part Trust, effective on the transfer of funds from the Wilmington VEBA Trust to Lancaster County Integral Part Trust.**
- X. **Business Associate Agreement among the Lancaster County Post-Employment Health Plan (covered entity), Lancaster County, Nebraska (plan sponsor), and International City Management Association-Retirement Corporation (ICMA-RC) (business associate) to protect the privacy of Protected Health Information (PHI) under the Health Insurance Portability and Accountability Act (HIPAA). (C-12-0676)**

MOTION: Raybould moved and Smoyer seconded approval of Items 3M to 3X (changes in the Post-Employment Health Plan). Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

- Y. **Refund request of personal property tax from Vanity.**

NEW BUSINESS CONTINUED:

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended approval of the refund request. He explained the item was double reported by the lessor and lessee.

MOTION: Hudkins moved and Smoyer seconded approval of the refund request based on the County Assessor's recommendation. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

4) **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. **A leasehold contract between the County Engineer and Jane Huenink, S. 110th Street and Stagecoach Road, in the amount of \$10. (C-12-0677)**
- B. **Right-of-way contracts between the County Engineer and the following:**
 - 1. **David and Susan Samani, SW 98th Street and Kolbrook Road, in the amount of \$2,064. (C-12-0678)**
 - 2. **Larry Hartman, S. 110th Street and Stagecoach Road, in the amount of \$464.50. (C-12-0679)**
 - 3. **Larry and Kathleen Gadeken, O Street and N. 148th Street, in the amount of \$1,111. (C-12-0680)**

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

5) **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.

6) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, December 6, 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, December 11, 2012, at 9:30 a.m., in Room 112 on the first floor of the County-City Building.**
- C. **The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**

ANNOUNCEMENTS CONTINUED:

- D. 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. Click on 5 City-TV Video on Demand.

7) **ADJOURNMENT**

MOTION: Raybould moved and Smoyer seconded to adjourn the Board of Commissioners meeting at 10:02 a.m. Hudkins, Raybould, Heier, Smoyer and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, DECEMBER 4, 2012
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

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 November 30, 2012.

Commissioners present: Deb Schorr, Chair
Larry Hudkins, Vice Chair
Bernie Heier
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
Richard Grabow, 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 10:02 a.m.

1) **MINUTES**: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 27, 2012.

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

2) **ADJOURNMENT**

MOTION: Heier moved and Raybould seconded to adjourn the Board of Equalization meeting at 10:02 a.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

