

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, JUNE 14, 2012  
8:30 A.M.**

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  
Dan Nolte, Lancaster County Clerk  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

*Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on June 13, 2012.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:35 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE MINUTES OF THE THURSDAY, JUNE 7, 2012**

**MOTION:** Hudkins moved and Smoyer seconded approval of the minutes of the June 7, 2012 Staff Meeting. Smoyer, Hudkins, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

**2 ADDITIONS TO THE AGENDA**

- A. Claim for Overpayment of Sales Tax (Exhibit A)
- B. Community Mental Health Center (CMHC) Invitation to Negotiate (ITN) Committee Report - Raybould, Smoyer
- C. Solid Waste Advisory Committee Report - Raybould
- D. Questions for Marvin Krout, Planning Director
- E. Automated Payroll System

**MOTION:** Hudkins moved and Heier seconded to approve the additions to the agenda. Hudkins, Heier, Raybould, Smoyer and Schorr voted aye. Motion carried 5-0.

**3 AIR POLLUTION CONTROL PROGRAM REGULATION AND STANDARDS UPDATE** - Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department (LLCHD); Chris Schroeder, Air Quality Supervisor, LLCHD

Scott Holmes, Environmental Public Health Division Manager, Lincoln-Lancaster County Health Department (LLCHD), gave an overview of proposed changes to the Lincoln-Lancaster County Air Pollution Control Program Regulation and Standards. The changes include: 1) Incorporate permitting thresholds for fine particulate matter; 2) Updating the primary and secondary National Ambient Air Quality Standards for lead; 3) Establishing nitrogen oxides are precursors to ozone; and 4) Modifies how permits are charged for dry cleaners.

Holmes also reported that changes related to body art will be coming forward in the near future, noting there are no body art establishments in the County's jurisdiction at this time.

**ADDITIONS TO THE AGENDA**

A. Claim for Overpayment of Sales Tax (Exhibit A)

**MOTION:** Heier moved and Smoyer seconded to authorize submission of the claim for overpayment of sales tax, with signature by the Chair. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

E. Automated Payroll System

**MOTION:** Smoyer moved and Hudkins seconded to support investigation of instituting an automated payroll system, based on a presentation at the Management Team Meeting. Heier, Smoyer, Hudkins, Raybould and Schorr voted aye. Motion carried 5-0.

**ACTION ITEMS**

A. Microcomputer Request No. 83069, \$963.97 from Juvenile Probation Budget for a Printer

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

B. Microcomputer Request No. 83179 from the Microcomputer Fund for a PC for the County Clerk's Office

**NOTE:** The cost for the PC is \$627.11.

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

### **DISCUSSION OF BOARD MEMBER MEETINGS**

A. Girls State - Schorr

Schorr reported that she met with several participants.

B. Region V Governing Board - Smoyer

Smoyer said discussion focused on budgetary issues.

C. Public Building Commission (PBC) - Hudkins, Raybould

Hudkins said they discussed employees bringing bicycles into the building and whether to provide a more secure parking area. The no-smoking policy and replacement of the metal detectors in the Justice and Law Enforcement Center were also discussed.

D. Board of Health - Smoyer

Smoyer said they discussed rules for tobacco use in City Parks and Recreation facilities.

### **ADDITIONS TO AGENDA**

B. Community Mental Health Center (CMHC) Invitation to Negotiate (ITN) Committee Report - Raybould, Smoyer

Raybould said the Committee is examining a variety of issues.

Smoyer said he has concerns regarding a suggestion at the meeting to push the process timeline back to November and a tendency for "mission creep" (expanding the mission beyond its original goals).

Schorr noted the Board authorized the timeline and felt it should not be adjusted it without the consent of the Board.

C. Solid Waste Advisory Committee Report - Raybould

Raybould said the goal of the Committee is to formulate a policy, with input from the industry and public sector.

- 4 A) BUDGET UPDATE; B) VOICE OVER INTERNET PROTOCOL (VoIP) UPDATE; AND C) ADDITIONAL APPROPRIATIONS** - Dennis Meyer, Budget and Fiscal Officer; Vince Mejer, Purchasing Agent; Lauren Wismer, Gilmore & Bell P.C. (Bond Counsel); Scott Keene, Vice President and Managing Director; Ameritas Investment Corporation

### **Voice over Internet Protocol (VoIP) Update**

Scott Keene, Vice President and Managing Director; Ameritas Investment Corporation, presented financing options for the VoIP System, noting the County's estimated cost for the system is \$900,000 (Exhibit B):

- Vendor Financing
- Non-Bank Qualified Lease
- Bank Qualified Lease
- Rated Lease with the City

Keene noted the estimated rates, issuance costs, and payments shown in Exhibit B assume a five-year financing and would be less if the financing term were shortened. He said the City plans to finance their VoIP System through a \$10,000,000 certificates of participation issue within the next few months and will "roll in" some equipment purchases and improvements to one of its facilities. Keene said the County could partner on that financing through a sub-lease.

Lauren Wismer, Gilmore & Bell P.C. (Bond Counsel), said a certificate of participation transaction is otherwise known as a lease purchase and said the County has the authority to enter into this type of transaction for real and personal property.

Dennis Meyer, Budget and Fiscal Officer, recommended the County continue to budget at the \$365,000 level (the amount currently paid to Windstream for phone service) in order to quickly pay off the new system so the County can begin to see cost savings. In response to a question from Hudkins, Meyer said there will still be some on-going Windstream expenses, although there will be a immense reduction in costs.

Hudkins asked whether County government phone numbers will still be listed in the local phone book if the County moves to the VoIP System. Vince Mejer, Purchasing Agent, said he will check.

Schorr asked whether the County could include another project, such as the automated payroll system, in the financing. Wismer said it could, if the approximate cost is known. Keene said the County would need to discuss adding a project with the City. The County could also finance the project on its own.

There was also consensus to seek an estimate from Doug McDaniel, Personnel Director, of the automated payroll system cost.

**MOTION:** Hudkins moved and Smoyer seconded to authorize the Purchasing Department, in conjunction with the County's financial advisors, to pursue the Voice over Internet Protocol (VoIP) System through a rated lease with the City of Lincoln, with a preference for a three-year financing term. Heier, Raybould, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Kerry Eagan, Chief Administrative Officer, noted it may be necessary to amend the interlocal agreement with Information Services (IS) to address management of the VoIP System.

### **Budget Update**

Kit Boesch, Human Services Administrator, appeared and asked the Board to allow her to fill a vacant full-time administrative assistant position in her office at a part-time level (20 hours per week, with benefits). She said she fears there will be continual turnover in the position if it is reduced to 19 hours per week and benefits are eliminated, noting the Personnel Department has estimated the turnover rate at 20%. Boesch said the cost of lost productivity, overtime for other staff to perform the work, recruitment, advertising, interviewing, training and orientation of new staff is projected to be \$16,747. **NOTE:** The annual cost at 19 hours per week, with no benefits, is projected to be \$13,956. The annual cost at 20 hours a week, with benefits, is projected to be \$24,000.

**MOTION:** Raybould moved and Schorr seconded to fund the position at 20 hours per week, with benefits. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Meyer said he had included last year's figure for the Joint Budget Committee (JBC) in the budget document (\$794,000) and said Boesch has offered a 3% reduction (a reduction of \$23,820) to comply with the Board's request. Schorr noted the JBC is now working under a two-year budget cycle.

Meyer said the new contract with Legal Aid should reduce legal services costs by \$100,000 the first year.

### **Additional Appropriations**

Meyer gave an overview of additional appropriations (see agenda packet).

Gary Chalupa, Veterans Service Officer/General Assistance (GA) Director, appeared and discussed the GA additional appropriation request. He said GA has approximately \$125,000 in unpaid bills, the bulk of which are owed to hospitals, and anticipates \$25,000 in additional bills coming in, primarily from specialty providers.

**5 SALE OF SURPLUS PROPERTY** - Terry Wagner, County Sheriff;  
Brittany Behrens, Deputy County Attorney

Terry Wagner, County Sheriff, said Dax, a canine member of the Sheriff's K9 Unit, will be retired, due to health issues. He said the practice has been to declare the canine surplus property and sell it to the handler for \$1.00.

Brittany Behrens, Deputy County Attorney, said the Sheriff will provide notification of when the sale is conducted and the money will be transferred to the County Treasurer and put back into the Sheriff's fund.

Schorr asked whether the Sheriff's Office will be able to replace the dog. Wagner said they will through donations to a fund established for that purpose.

**MOTION:** Heier moved and Hudkins seconded to authorize Terry Wagner, County Sheriff to sell the surplus personal property, as outlined. Hudkins, Smoyer, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

**6 LABOR NEGOTIATIONS** - Doug McDaniel, Personnel Director; Nicole Gross and Amy Sadler, Compensation Technicians; Tom Fox, Deputy County Attorney

**MOTION:** Smoyer moved and Heier seconded to enter Executive Session at 9:55 a.m. for the purpose of protecting the public interest with regards to labor negotiations.

The Chair restated the motion for the record.

**ROLL CALL:** Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

**MOTION:** Heier moved and Smoyer seconded to exit Executive Session at 10:41 a.m. Raybould, Heier, Hudkins, Smoyer and Schorr voted aye. Motion carried 5-0.

**MOTION:** Heier moved and Smoyer seconded to request a legal opinion regarding the effect of changing contribution rates for different groups of employees under the statutory change, how that would effect the administration of the plan and whether there would be separate plans. Hudkins, Smoyer, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

**7 2012 NEBRASKA LAWS LB 14 (REGISTER OF DEEDS TECHNOLOGY FUND)** - Norm Agena, County Assessor/Register of Deeds; Brittany Behrens, Deputy County Attorney

Norm Agena, County Assessor/Register of Deeds, said the Register of Deeds Office will collect additional fees, beginning in 2013 through 2018, as a result of legislation that was passed this year (LB 14) (Exhibit C). He estimated the additional revenue at \$432,000 and said the funds will be split between the Register of Deeds Technology Fund and the General Fund. Agena said he established a policy that funds in the Technology Fund will only be used for software, training, equipment, maintenance and contract services (Exhibit C).

Brittany Behrens, Deputy County Attorney, said the law stipulates that the funds shall be used exclusively for the purposes of preserving and maintaining public records of the Office of the Register of Deeds and for modernization and technology needs relating to such records. The funds allocated shall not be substituted for other allocations of County general funds to the Register of Deeds for enumerated purposes.

Raybould expressed concern regarding any out-of-state travel for training.

**8 COUNTY CHANGE OF ZONE NO. 12015, AGRICULTURAL (AG) PRESERVATION LOTS (SECTION 4.06 - SIDEWALKS)** - Marvin Krout, Planning Director; Sara Hartzell, Planner

Sara Hartzell, Planner, clarified that the subdivision language relates to the miscellaneous application (Miscellaneous No. 12004), rather than the change of zone. Marvin Krout, Planning Director, explained the Subdivision Regulations are being amended to replace administrative permits with a final plat process and said there are no amendments proposed to sidewalk provisions.

Hudkins asked whether sidewalks could be required in an industrial area, such as the "Bennet Corner" (intersection of State Spur 43 and Nebraska Highway 2). Krout said it would be determined on a case-by-case basis. He added that any standard can be waived.

**ADDITIONS TO THE AGENDA**

D. Questions for Marvin Krout, Planning Director

Heier asked whether the 550 foot frontage requirement was changed. Hartzell said it was discussed, but the Planning Department was never told to change it. Krout said there is now a provision that allows the Planning Director to adjust the frontage requirement. He added there is also an appeal process in place.

Heier noted expiration of preliminary plats was reduced from 10 years to 5 years and asked whether those with a 10-year expiration were "grandfathered" in.

Eagan said there is a legal opinion that addresses this issue.

Heier said he would like the Planning Department to keep the Board apprised of inquires that are within the County's jurisdiction and the Planning Department's response. Krout said perhaps they could informally brief the Board member who represents that district, unless confidentiality has been requested.

The Chair suggested that further discussion of the issue be scheduled.

## **9 ACTION ITEMS**

- A. Microcomputer Request No. 83069, \$963.97 from Juvenile Probation Budget for a Printer
- B. Microcomputer Request No. 83179 from the Microcomputer Fund for a PC for the County Clerk's Office

Items A and B were moved forward on the agenda.

## **10 CONSENT ITEMS**

There were no consent items.

## **11 ADMINISTRATIVE OFFICER REPORT**

- A. Lancaster County Agricultural Society Bond Issue (Ballot Question)

Board consensus was to schedule discussion of this issue with Dave Shively, Election Commissioner; Lauren Wismer, Gilmore & Bell P.C. (Bond Counsel); and Alan Wood, Lancaster County Agricultural Society Counsel, on the June 21<sup>st</sup> Staff Meeting agenda.

- B. Village Meeting Date

The Board tentatively scheduled the meeting on August 2, 2012.

- C. Request from Erik Hubl, Geographic Information Systems (GIS) Mapping Division Head, County Engineering, to Attend ESRI User Conference (July 6-12, 2013)

Erik Hubl, Geographic Information Systems (GIS) Mapping Division Head, County Engineering, appeared and discussed his request.

**MOTION:** Heier moved and Hudkins seconded to deny the request, due to budget restraints. Raybould, Heier, Hudkins, Smoyer and Schorr voted aye. Motion carried 5-0.

**12 PENDING**

There were no pending items.

**13 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Girls State - Schorr
- B. Region V Governing Board - Smoyer
- C. Public Building Commission (PBC) - Hudkins, Raybould
- D. Board of Health - Smoyer

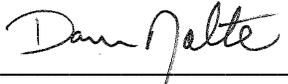
Items A-D were moved forward on the agenda.

**14 EMERGENCY ITEMS AND OTHER BUSINESS**

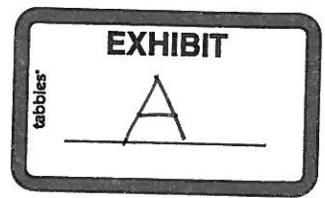
There were no emergency items or other business.

**15 ADJOURNMENT**

**MOTION:** Heier moved and Raybould seconded to adjourn the meeting at 11:35 a.m. Hudkins, Smoyer, Heier, Raybould and Schorr voted aye. Motion carried 5-0.

  
\_\_\_\_\_  
Dan Nolte  
Lancaster County Clerk





June 13, 2012

To: County Board

From: Rhonda Ryan

RE: Claim for Overpayment of Sales Tax

Would you please authorize the Board Chair to sign the attached form.

Our contractor for the Abbott Motocross project, Pat Thomas Construction, made a purchase for the project and was charged sales tax in the amount of \$525. In order for them to receive a refund of the sales tax from the Dept of Revenue, we have to file a Claim for Overpayment of Sales and Use Tax (Form 7). When the refund is received we will pass it on to Pat Thomas Construction, since they did not bill us for the sales tax.

Thank you.



PAT THOMAS CONSTRUCTION, INC.

1657 So. Cotner Blvd.  
Lincoln, Ne. 68506  
402-610-6540 (Pat)  
402-890-4649 (Office)  
402-483-0730 (FAX)

**RECEIVED**

JUN 13 2012

LANCASTER COUNTY  
BOARD

June 12, 2012

Rhonda Ryan, Lancaster County Grants Coordinator  
Lancaster County  
555 So. 10<sup>th</sup> St.  
Lincoln, NE 68505

Dear Ms. Ryan:

On behalf of Pat Thomas Construction, Inc., I hereby certify that sales tax in the amount of \$525.00 was paid to Soil-tek under Invoice No., 44001.

Sincerely,

PAT THOMAS CONSTRUCTION, INC.



Toni Thomas  
Secretary/Treasurer

03/05/2012 08:45 4024830730

PAT THOMAS CONST INC

PAGE 01/02

**PAT THOMAS CONSTRUCTION, INC.**

1657 So. Cother Blvd.  
Lincoln, Ne. 68506  
402-610-6540 (Pat)  
402-890-4649 (Office)  
402-483-0730 (Fax)

**FAX**

March 5, 2012

# of Pages including cover sheet: 2

TO: SOIL-TEK 9TB LLC)

FAX: 515-986-3960

FROM: TONI THOMAS  
Pat Thomas Construction, Inc.

FAX: 402-483-0730

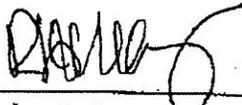
RE: INVOICE NO. 44001

This invoice has been paid and I am asking a favor of you. Can you please send me a paid receipt in the amount of \$8,025.00 for this invoice. The accountants are requesting this. I appreciate anything you can do for me. My fax number is 402-483-0730.

Thank you.

Toni Thomas

\*\*Please accept this signed acknowledgement that Soil-tek invoice #44001 totaling \$8,025.00 for the Abbott Motocross Project has been PAID IN FULL by Pat Thomas Construction, Inc. as of 10/14/2011.



Robert A. Ruby - Contracts & Collection Manager  
Truelsen Blumenthal, LLC d/b/a: Soil-tek  
Date: 03/05/2012

*certified statement from Soil tek*

**SOIL-TEK (TB LLC)**

PO BOX 738  
GRIMES, IA 50111-0738



**INVOICE**

Invoice Number: 44001  
Invoice Date: Oct 25, 2010  
Page: 1

REMIT TO: **Soil.Tek**  
PO Box 738  
Grimes, IA 50111

Voice: 515-988-3527  
Fax: 515-988-3960

**Bill To:**  
THOMAS CONSTRUCTION INC  
1657 S COTNER BLVD  
LINCOLN, NE 68506

**Ship to:**  
PROJECT: GEORGE  
ABBOTT MOTOCROSS PROJECT  
78TH & ARBOR  
LINCOLN, NE 68502

<b>Customer ID</b> THOMASCONSTRUC-OM	<b>Customer PO</b> WO # 51769	<b>Payment Terms</b> Net 30 Days
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<b>Sales Rep ID</b> RICK K	<b>Shipping Method</b> Soil-Tek	<b>Ship Date</b>	<b>Due Date</b> 11/24/10
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Quantity	Description	Unit Price	Amount
15.00	HAY MULCH OVER PREVIOUSLY SEEDED AREA: 15.00/AC @ \$500.00/AC.	500.00	7,500.00

10-25-10

Thank you for your business!  
[www.soil-tek.com](http://www.soil-tek.com)

Check/Credit Memo No:  
10051

Subtotal	7,500.00
Sales Tax	525.00
Total Invoice Amount	8,025.00
Payment/Credit Applied	2,675.00
<b>TOTAL</b>	<b>5,350.00</b>

Overdue invoices are subject to late charges.

We accept  . Please call office to make payment.  
Terms: Due upon completion of service.  
Overdue invoices are subject to a 1.5% late charge.

Erosion Control • Terracing • Storm Water Compliance



LANCASTER COUNTY, NEBRASKA  
FINANCING OF VOICE OVER INTERNET PROTOCOL  
(VOIP) SYSTEM - \$900,000 ESTIMATED COST

PRELIMINARY ESTIMATE OF TOTAL COSTS

JUNE 14, 2012

<u>FINANCING OPTION</u>	<u>EST. AIC RATE</u>	<u>EST. ISS. COSTS</u>	<u>TOTAL PAYMENTS</u>	<u>AVERAGE PAYMENTS</u>
Vendor Financing	2.25%	\$0	\$961,651	\$192,330
Non-BQ Lease*	1.88%	25,160	956,663	191,333
BQ Lease*	1.70%	25,160	951,618	190,324
Rated Lease with City	1.28%	14,685	935,290	187,058

\* Certificates of Participation issued by Lancaster County

**LB 14, Updated Fiscal Estimate as of April, 2012**

Docs filed	60,000	60,000	
	Current	LB 14	
1 1st page	5.00	10.00	
2.7 add'l page	5.00	6.00	
1 index	0.50		
			Change
	5.00	10.00	5.00
	13.50	16.20	2.70
	0.50	0.00	-0.50
	<u>19.00</u>	<u>26.20</u>	<u>7.20</u>
Filing Revenue	1,140,000	1,572,000	432,000
1st page		2.50	
add'l page		1.35	
		150,000	
		81,000	
<b>R.O.D. Tech Fund</b>		<u>231,000</u>	
1st page		2.50	
add'l page		1.35	
index		(0.50)	
		150,000	
		81,000	
		<u>(30,000)</u>	
<b>General Fund</b>		<u>201,000</u>	

## Norm H. Agena

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**From:** Brittany L. Behrens  
**Sent:** Friday, June 08, 2012 3:34 PM  
**To:** Norm H. Agena  
**Cc:** Rob M. Ogden  
**Subject:** LB 14

Norm and Rob,

I have had a chance to read through LB 14. As I see it the new language is abundantly clear that these funds shall not be substituted for other allocations of county general funds to the register of deeds. Therefore, the Board will have no choice but to allow your office to use these funds "exclusively for the purposes of preserving and maintaining public records of the office of the register of deeds and for modernization and technology needs relating to such records."

The language found in your draft Register of Deeds Technology Fund document meets the requirements of LB 14 and everything outlined would be considered an allowable use of the funds.

I think your idea of having a separate account that is tied to the general fund will work perfect, while ensuring that the funds are used only for the enumerated purposes and are not substituted for general fund dollars allocated to your department.

Please let me know if there are any other questions you may have, or if you would like to discuss this brilliant piece of legislation any more:)

Brittany

## Register of Deeds Technology Fund

**SOFTWARE** – Software for computerization, accounting programs, fee book, index systems, redaction software, e-recording, imaging, firewalls, annual software licensure, electronic/internet access and other costs associated with software and other vendor programs, GIS system, as long as data from ROD office is integrated within the system

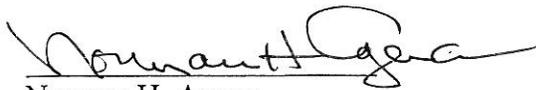
**TRAINING** – Training required for computer programs, archiving, indexing, education, registration fees for training sessions, supplies needed for training (CD's, DVD's, manuals, etc.), travel to/from training destination by an employee and/or vendor, webinar registration etc.

**EQUIPMENT** – Scanner, printers, reader/printer, copiers, file cabinets for record retention and preservation, microfilm cameras and readers, computers, computer monitors, servers, external hard drives, map cabinets, equipment for office modernization, equipment that might be needed to provide for climate control/storage area for records

**MAINTENANCE** – Maintenance for software, hardware, equipment, repair of equipment, etc.

**CONTRACT SERVICES** – Contract services for provision of software and hardware as well as repair, preservation and retention of records, digitization, etc.

May 31, 2012

  
Norman H. Agena