

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 5, 2013
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 February 1, 2013.

Commissioners present: Brent Smoyer, Vice Chair
Jane Raybould
Deb Schorr

Commissioners absent: Larry Hudkins, Chair
Roma Amundson

Others present: 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, January 29, 2013.**

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

2) **CLAIMS: Approval of all claims processed through Tuesday, February 5, 2013.**

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

3) **SPECIAL PRESENTATIONS:**

A. **Commissioners' Award of Excellence 2012 Annual Winner – Jason Workman, Youth Services Center.**

The Deputy Clerk read background information on the award and then read Jason Workman's nomination for the record. Schorr presented a plaque to Workman and expressed appreciation for his service. Workman thanked the Board for the recognition.

B. **Proclamation declaring February 12, 2013, as 4-H Achievement Day – Gary Bergman, Lancaster County Extension Unit Leader. (See 4A for correlating item.)**

SPECIAL PRESENTATIONS CONTINUED:

The Deputy Clerk read the proclamation for the record. Raybould presented a signed proclamation to Gary Bergman and commended the 4-H program. Bergman thanked the Board and introduced staff members, Tracy Anderson and Vicki Jedicka. He thanked everyone who volunteers for the 4-H program.

- C. **Lancaster County Visitors Improvement Fund grant for the renovation of The BAY at 2005 Y Street – Mike Smith, President of The BAY. (See 4B for correlating item.)**

Mike Smith said The BAY is a local youth facility focused on music, skateboarding and art. The grant funds will be used for renovation of the skate park and art gallery and for web and mail based marketing materials.

4) **NEW BUSINESS:**

- A. **Resolution proclaiming February 12, 2013, as "4-H Achievement Day". (R-13-0005)**

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

- B. **Lancaster County Visitors Improvement Fund grant contract between The BAY (grantee) and Lancaster County (sponsor) in the amount of \$10,000 for renovation of the facility located at 2005 Y Street, Lincoln. Term of the grant is September 1, 2012, to January 31, 2013. (C-13-0062)**

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

- C. **Resolution in the matter of Chief Deputy annual salary increases for the 2013 calendar year. (R-13-0006)**

The Vice Chair announced the item would be held for further discussion at the next staff meeting.

Joe Kelly, County Attorney, questioned what additional information would be needed. Raybould said she would like to see more historical data on previous raises and discuss the justification for the 3% raise. Kelly noted the 0% and 1% raise received by the chief deputies the past two years. He confirmed that four years of data would be sufficient. Raybould said she would like to see the full compensation package including salary and benefits.

Schorr noted a change through the years of relating the salary increase to the elected officials versus the appointed directors. She felt there should be more consistency. Schorr said there would be no staff meeting on Thursday, February 7, so further discussion could take place at the staff meeting on Thursday, February 14.

- D. **Resolution amending Lancaster County Board of Commissioners Resolution R-13-0004 to reflect the correct effective dates for the annual salary increases of Directors, Deputy Directors, Bailiffs, District Court Law Clerks, District Court Child Support Referee and Sheriff Captains. (R-13-0007)**

NEW BUSINESS CONTINUED:

MOTION: Schorr moved and Smoyer seconded approval of the resolution. Schorr and Smoyer voted aye. Raybould voted nay. Hudkins and Amundson were absent. Motion carried 2-1.

- E. **Resolution in the matter of designating an additional bank as a depository for Lancaster County for 2013. (R-13-0008)**

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

- F. **Setting the annual salary for Chelsie E. Goertz, Deputy Public Defender, in the amount of \$56,001.92 per year, effective February 1, 2013.**

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

- G. **Contract between TOHVT Motors, Inc., d/b/a Old Mill Toyota, Lancaster County and the City of Lincoln to provide passenger vehicles to the City and County. Pricing will be pursuant to State of Nebraska 2013 vehicle contracts. Term of the contract is January 1, 2013, to December 31, 2013. (C-13-0063)**

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

- H. **Contract between Husker Auto Group, Lancaster County and the City of Lincoln to provide passenger vehicles to the City and County. Pricing will be pursuant to State of Nebraska 2013 vehicle contracts. Term of the contract is January 1, 2013, to December 31, 2013. (C-13-0064)**

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

- I. **Political subdivision tort claim filed against Lancaster County by Ben and Leigh Lewis, on behalf of Nathan Lewis, for bodily injury and negligent infliction of emotional distress, in the amount of \$220,000.**

Nicholas Froeschl, Attorney for Ben and Leigh Lewis, appeared to answer questions on the claim.

Brittany Behrens, Deputy County Attorney, said the recommendation from the County Attorney's Office was denial of the tort claim.

MOTION: Schorr moved and Raybould seconded denial of the tort claim based on the County Attorney's recommendation. Schorr, Raybould and Smoyer voted aye. Hudkins and Amundson were absent. Motion carried 3-0.

- J. **Political subdivision tort claim filed against Lancaster County by Joshua Tackett for physical injury and mental anguish in the amount of \$5,000,000.**

NEW BUSINESS CONTINUED:

Doug Kerns, Attorney for Joshua Tackett, said Tackett was placed in the Firth Treatment Home (where the incident took place) by the Lancaster County Court. He said there is still investigation into the relationship between the Firth Treatment Home and Lancaster County to determine who holds liability for this claim.

MOTION: Raybould moved and Schorr seconded denial of the tort claim based on the County Attorney's recommendation. Schorr, Raybould and Smoyer voted aye. Hudkins and Amundson were absent. Motion carried 3-0.

K. Political subdivision tort claim filed against Lancaster County Corrections by James B. Jones for lost property in the amount of \$4,037.

MOTION: Raybould moved and Schorr seconded denial of the tort claim based on the department director's recommendation. Schorr, Raybould and Smoyer voted aye. Hudkins and Amundson were absent. Motion carried 3-0.

L. Acknowledgement of receipt of the National Flood Insurance Program (NFIP) Flood Insurance Claims Handbook for Lancaster County properties covered under the NFIP.

MOTION: Raybould moved and Schorr seconded approval of the receipt acknowledgement. Raybould, Schorr and Smoyer voted aye. Hudkins and Amundson were absent. Motion carried 3-0.

M. Request for a refund of personal property tax for Marcus Theatre.

Scott Gaines, Deputy County Assessor/Register of Deeds, said there are two parts to the refund request: 1) application software was reported that should not have been included and 2) the recovery period of some assets are being modified from seven years to five years. He recommended approval of a refund only for the removal of the application software.

MOTION: Schorr moved and Raybould seconded approval of the refund request only for the removal of the application software based on the County Assessor's recommendation. Schorr, Raybould and Smoyer voted aye. Hudkins and Amundson were absent. Motion carried 3-0.

N. Request for a refund of personal property tax for Walgreens.

Scott Gaines said Walgreens submitted a spreadsheet for some of their stores that showed the difference in personal property tax if their equipment was listed with a five-year recovery period (length of time in which property is depreciated for personal property taxation) versus the five-year and ten-year periods previously listed. In addition, Walgreens indicated that some equipment should have a seven-year recovery period but did not list which items. Gaines said more detail is needed to verify the changes, and so far, nothing has been received from Walgreen's.

Schorr questioned if the request should be denied or if it should be held for further information. Gaines suggested denial based on the current information.

Brittany Behrens said it was up to the Board whether they wanted to deny the request or hold it for further information. She said it is the applicant's responsibility to provide the information.

NEW BUSINESS CONTINUED:

Schorr suggested holding the item for future review and sending a letter to Walgreens requesting additional information before the Board takes action in a month.

MOTION: Raybould moved and Schorr seconded approval for the County Board to send a letter to Walgreens requesting the necessary information by the end of the month. Schorr, Raybould and Smoyer voted aye. Hudkins and Amundson were absent. Motion carried 3-0.

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 contract between the County Engineer and Dale Harlan, S. 68th Street and Wagon Train Road, in the amount of \$3,625. (C-13-0065)**
- B. **Receive and place on file the January 2013 monthly report for the County Clerk.**
- C. **Setting of a public hearing for Tuesday, February 12, 2013, at 10:30 a.m., in Room 112 on the first floor of the County-City Building regarding a Class B liquor license application from SK Race Team, d/b/a Toni's Corner, 5600 W. Raymond Road, Raymond.**

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

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 hold a staff meeting on Thursday, February 7, 2013, at 8:30 a.m., in Room 113 on the first floor of the County-City Building.**

The Deputy Clerk noted that the staff meeting on February 7, 2013, has been canceled. The next staff meeting is tentatively scheduled for Thursday, February 14, 2013, 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, February 12, 2013, at 10:30 a.m., in Room 112 on the first floor of the County-City Building with the Board of Equalization immediately following.**
- C. **The County Commissioners can be reached at 402-441-7447 or commish@lanaster.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.

8) **ADJOURNMENT**

MOTION: Raybould moved and Schorr seconded to adjourn the Board of Commissioners meeting at 10:01 a.m. Raybould, Schorr and Smoyer voted aye. Hudkins and Amundson were absent. Motion carried 3-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 5, 2013
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 February 1, 2013.

Commissioners present: Brent Smoyer, Vice Chair
Jane Raybould
Deb Schorr

Commissioners absent: Larry Hudkins, Chair
Roma Amundson

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
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 10:01 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 29, 2013.**

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

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

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

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

**Cathedral of the Risen Christ
Cornhusker Place of Lincoln-Lancaster County
Nebraska Wesleyan University
Tabitha
Union College**

MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:

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

4) **ADJOURNMENT**

MOTION: Raybould moved and Schorr seconded to adjourn the Board of Equalization meeting at 10:02 a.m. Schorr, Raybould and Smoyer voted aye. Hudkins and Amundson were absent. Motion carried 3-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk

