

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 112  
TUESDAY, JANUARY 6, 2015  
10:30 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 January 2, 2014.*

Commissioners present: Larry Hudkins, Chair; Brent Smoyer, Vice Chair; Deb Schorr, Roma Amundson and 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; and Ann Taylor, County Clerk's Office

*The Chair called the meeting to order at 10:34 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.*

1) **SPECIAL PRESENTATIONS:**

A. Oath of Office Ceremony for County Elected Officials – The Honorable Robert R. Otte

Judge Robert Otte administered the oath of office to Bill Avery, County Commissioner; Deb Schorr, County Commissioner; Todd Wiltgen, County Commissioner; Pam Dingman, County Engineer; Troy Hawk, Clerk of the District Court; Joe Kelly, County Attorney; Joe Nigro, Public Defender; Dan Nolte, County Clerk; Andy Stebbing, County Treasurer; and Terry Wagner, Lancaster County Sheriff.

B. Lancaster County Visitors Improvement Fund Grant in the amount of \$10,000 to Star City BMX for track improvements – Josh Larson, Star City BMX Track Operator; Greg and Tammy Thimigan, Star City BMX Board Members; Jeff Maul, Lincoln Convention & Visitors Bureau Executive Director; Julie Lattimer, Lancaster County Visitors Promotion Committee Chair (See 5A for correlating item.)

Jeff Maul, Lincoln Convention & Visitors Bureau Executive Director, thanked Board members for their support of tourism in Lancaster County.

Julie Lattimer, Lancaster County Visitors Promotion Committee (VPC) Chair, said Star City BMX is requesting \$10,000 to make improvements to facility, which includes rebuilding the starting hill, installing two retaining walls, pouring additional concrete on the staging area and rebuilding the starting gate. The total project cost is \$20,000 and Star City BMX has agreed to take on half of the cost themselves. She said the VPVC recommends approval of the funding request.

Josh Larson, Star City BMX Track Operator, and Tammy Thimigan, Star City BMX Board Member, explained the improvements would increase their potential to attract the annual State Championship Finals and national events such as Gold Cup Qualifier events.

## **NEW BUSINESS ITEM 5A**

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

## **RETURNING TO SPECIAL PRESENTATIONS**

- C. Recognition of County Commissioners Jane Raybould and Brent Smoyer for their dedicated service to the people of Lancaster County.

The Board recognized Raybould and Smoyer for their service and Amundson and Schorr presented them with clocks.

- 2) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, December 16, 2014.

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

- 3) **CLAIMS:** Approval of all claims process through January 6, 2015.

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

## **NEW BUSINESS ITEM 5JJ**

James Luers, an attorney representing John Honvlez, appeared and discussed the refund request (see Exhibit A). He said the land (approximately 90 acres) has been enrolled in the Federal Conservation Reserve Program (CRP) since the early 1990's. The CRP ground was initially classified as dryland. A change in federal regulations in 2009 required CRP to be characterized as grassland and not dryland. The claimant's property was not changed until 2014, as the result of the claimant protesting the tax value. Luers said the appraisal card only showed 3 acres of grassland in 2013, when it should have been 80 acres. He referenced state statutes and regulations, which state the appraiser has the obligation of correctly classifying the property. Luers said the claimant is entitled to the benefit of a correction of assessed values, as the mistaken value is the result of a clerical error of honest mistake of fact or misunderstanding. He asked that the claimant be given credit for \$4,690 (reduction of 28% for taxes in 2011, 2012 and 2013) against the 2013 and 2014 taxes owed on the property, or in the alternative, be refunded the taxes overpaid in accordance with the procedure set forth in Neb. Rev. Stat. § 77-1736.06 to determine the overpayment.

Rob Ogden, Chief Field Deputy Assessor/Register of Deeds, said the values for the two parcels were appealed to the Board of Equalization in 2014 and the corrections in the land uses were identified by the protest referee system. He said the values were recalculated at that time based on land use. Ogden said value notices were sent out every year since 2008 and said it is up to the property owner to verify the information and bring forth any changes or errors that were made in the listing. He added the information is available on the County's website.

Luers responded it is the responsibility of the Assessor to correctly inventory each parcel into its current agricultural land class, referencing Reg. Section 14 § 004.04. He clarified that the claimant is only claiming one parcel, explaining the other parcel was accurately maintained as grassland. Luers said the value on that parcel was modified after his property value protest, but it was not based on the mistake of CRP. Ogden added that other changes to that parcel were additional wasteland that was identified.

Brittany Behrens, Deputy County Attorney, noted the statutory definition of clerical error in Neb. Rev. Stat. § 77-128: *a transposition of numbers, mathematical error, computer malfunction causing programming and printing errors, data entry error, items of real property other than land identified on the wrong parcel, incorrect ownership, or certification of an incorrect valuation to political subdivisions*. She said it is the County Attorney's position that this situation does not meet the definition of a clerical error and would be more appropriately classified as a listing error. Behrens said it is important to note that the claimant did not file a property valuation protest until 2014 and when the landowner brought information forward at that time, the correction was made through the referee process. She said the only authorization that is before the Board at this time is to address whether it is a clerical error or not.

Luers said Neb. Rev. Stat. § 77-1734.01 addresses clerical errors and requiring the claimant to make their claim within three years. He said the exhibit he presented also provides case law that addresses a clerical error on honest mistakes of fact.

Behrens said the County Attorney's Office has historically taken the position that this type of error is not included in the contemplation of an honest mistake of fact in Neb. Rev. Stat. § 77-1734.01.

Luers suggested the general public was not aware of the change in federal regulations 2009. He also pointed out the Revenue Department has indicated the classification of agricultural property is supposed to be the responsibility of the Assessor.

Amundson asked when the claimant determined he was overpaying. Luers said the claimant noticed a significant increase in his property taxes and decided to protest the value of the land. He said the claimant did not realize it was taxed incorrectly until he met with the Assessor's Office and was told it was a classification error.

Ogden said the Assessor's Office reviewed aerial photographs of agricultural land following the change in 2009 and adjusted the properties they could identify as grassland.

Schorr asked whether the valuation notices that are sent to property owners show the number of acres that are in CRP and grassland. Ogden said they do not but said they do provide access to the website where they can check the information. He said the Assessor's Office would also provide a printout to the landowner, if requested. Ogden explained classification errors can frequently occur, explaining the Assessor's Office does not have access to Farm Service Agency (FSA) information and must rely on aerial photographs and drive by inspections.

Luers pointed out that the land has been taxed as CRP since 1993. Ogden explained the Assessor's Office only keeps five years of records and bases land use on aerial photographs, inspections and information from the property owner.

Hudkins asked whether the Department of Revenue gave the Assessor's Office instructions when the change was instituted in 2009 on how to deliver that information to landowners. Ogden said the change in statute was all.

Hudkins then asked whether the Assessor's Office has access to soils maps and geological surveys. Ogden said it does, adding that information is available on their website.

Raybould suggested the Assessor's Office include a disclaimer on valuation notices that it is the responsibility of the property owner to verify the information and to file property valuation appeals in a timely manner.

Schorr asked if it was determined that a property had been misclassified and more taxes were owed, would the County have the ability to recover the additional amount. Ogden said it would be corrected the next year. He said the exception would be an omitted property.

**MOTION:** Raybould moved and Hudkins seconded to approve the refund request.

The Chair noted the amount of the refund would likely need to be recalculated.

**ROLL CALL:** Raybould and Hudkins voted aye. Amundson, Smoyer and Schorr voted nay. Motion failed 3-2.

### **PUBLIC HEARINGS:**

- A. Request to vacate SW 31<sup>st</sup> Street, south of W. Denton Road to the north lot line of Outlot I, The Bridges Addition, Lancaster County, Nebraska.

The Chair opened the public hearing.

Sara Hartzell, Planner II, Lincoln/Lancaster County Planning Department, was administered the oath. She said the street is partially located within The Bridges subdivision development and explained a portion of the SW 31<sup>st</sup> Street was dedicated to the County in 1997. Hartzell said the intent of the subdivision was to have private roadways that would be maintained by the homeowners association. She said the street, which is a County road, is within the City's three-mile zoning jurisdiction and would have to meet City requirements. Since the roadway crosses Cardwell Branch at a sharp diagonal, a culvert would have to extend well beyond the bed of the roadway. Hartzell said vacating the roadway and replatting it as a private roadway allows for more flexibility. She said all of the adjacent property owners have agreed to the vacation.

Brittany Behrens, Deputy County Attorney, was administered the oath. She submitted a copy of the real estate appraisal report prepared by County Engineering (Exhibit B), noting the appraisal amount is \$50,000. Behrens said the Board will need to decide whether to approve or deny the vacation. She said a resolution will then be brought forward as soon as practicable in the matter of determining how to dispose of the property, adding there are several options, i.e., revert to private ownership, sell the property and specify how it is to be distributed, or negotiate a sale with the petitioner.

**MOTION:** Schorr moved and Smoyer to begin negotiations with the petitioner.

The Chair indicated that a motion should not be made during the public hearing.

## **PUBLIC HEARINGS CONTINUED:**

The maker of the motion and seconder withdrew their motion.

Hartzell said the Planning Commission has recommended approval of the vacation and City Council voted to approve it on November 24, 2014.

The Chair closed the public hearing.

Amundson indicated she would like additional information on options. Schorr said she does not believe beginning negotiations with the petitioner would limit the Board's options.

**MOTION:** Schorr moved and Amundson seconded to direct the County Attorney's Office to enter into negotiations with the petitioner but not approve the vacation at this time. Amundson, Smoyer, Schorr, Raybould and Hudkins voted aye. Motion carried 5-0.

- B. Issuance by the Hospital Authority No. 1 of Lancaster County, Nebraska, of its Healthcare Revenue Refunding Bonds (Tabitha, Inc., Project), Series 2015B, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. (See 5B for correlating item.)

The Chair opened the public hearing.

Colleen Duncan, Gilmore & Bell, P.C., was administered the oath. She explained that a public hearing must be held to satisfy the requirements of the Internal Revenue Code for the tax-exempt status of interest on the bonds. Duncan introduced Blaine Spady of Smith Hayes Financial Services, underwriter of the bonds, and Darcie Brink, Chief Financial Officer (CFO) of Tabitha, Inc.

Hudkins inquired about Tabitha's plans.

Brink was administered the oath. She explained their intent is to refinance and refund the current bonds and said they anticipate significant interest savings. Brink said they do not have specific plans on how to use the interest savings.

The Chair closed the public hearing.

### 4) **NEW BUSINESS:**

- A. Lancaster County Visitors Improvement Fund Grant Contract in the amount of \$10,000 between Lancaster County (sponsor) and Star City BMX (grantee) for track improvements. Term of the contract is January 1, 2015 to July 31, 2015. (C-15-0001)

Item 5A was moved forward on the agenda.

**NEW BUSINESS CONTINUED:**

- B. Resolution approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska of not to exceed \$3,300,000 principal amount of its Healthcare Revenue Refunding Bonds (Tabitha, Inc., Project), Series 2015B, solely for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, and related matters. (R-15-0001)

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

- C. Resolution in the matter of annual salary increases for Appointed Directors, Assistant Directors, Bailiffs, the Child Support Referee and the District Court Law Clerks. All salary increases are effective December 25, 2014. (R-15-0002)

**MOTION:** Smoyer moved and Amundson seconded approval of the resolution.

Gary Aldridge, 7112 South 45<sup>th</sup> Street, appeared and expressed concern regarding the impact the salary increases have on property taxes.

**ROLL CALL:** Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould voted nay. Motion carried 4-1.

- D. Setting the salary of Tara A. Parpart, Deputy County Attorney, at \$58,834.88 effective December 30, 2014.

Joe Kelly, County Attorney, introduced Tara Parpart, Deputy County Attorney, whom he said will be starting in the Juvenile Division.

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

- E. Setting the salary of Teresa J. Nutzman, Deputy Public Defender, at \$39,037 effective January 2, 2015.

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

- F. Resolution in the matter of County Maintenance of Roads in Willnerd Acres generally located at S. 82<sup>nd</sup> Street and Firth Road. (R-15-0003)

**MOTION:** Smoyer moved and Raybould seconded approval of the resolution.

Pam Dingman, County Engineer, appeared and said the developer worked out issues of concern and said she recommends that the subdivision be taken over for maintenance.

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

**NEW BUSINESS CONTINUED:**

- G. Recommendation from the County Sheriff and the Purchasing Department to award a bid per Bid No. 14-279 to Anderson Ford for seven (7) 2015 Ford Utility Interceptor Vehicles. The total cost of the purchase is \$193,781. (B-15-0001)

**MOTION:** Smoyer moved and Amundson seconded approval of the recommendation.

Bob Walla, Assistant Purchasing Agent, appeared and said this item involved a direct purchase and said the next two items involve vehicles purchased off State of Nebraska contracts. He said vehicle purchases for the City and County were combined into one bid, which resulted in significant savings.

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

- H. Recommendation from the County Sheriff and the Purchasing Department to issue a purchase order to Lincoln Dodge, Inc., for one (1) Dodge Caravan from State of Nebraska Contract #14132 OC. The total cost of the purchase is \$21,190. (B-15-0002)

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

- I. Recommendation from County Corrections and the Purchasing Department to issue a purchase order to Husker Auto Group for one (1) Chevrolet Express Passenger Van from State of Nebraska Contract #14157 OC. The total cost of the purchase is \$26,141. (B-15-0003)

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

- J. Recommendation from the Purchasing Department to award a bid per Bid No. 14-273 to NMC, Inc., for mobile electric generators for emergency and non-emergency use. The cost of this purchase shall not exceed \$50,000. (B-15-0004)

**MOTION:** Smoyer moved and Schorr seconded approval of the recommendation.

In response to a question from Raybould, Walla said this involves rental of equipment and covers pricing in the event of a natural disaster.

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

- K. Contract between RDO Truck Centers, Lancaster County and the City of Lincoln for the annual requirements of construction and landfill equipment repair. Term of the contract is one year from the date of execution by all parties. (C-15-0002)

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

## **NEW BUSINESS CONTINUED:**

- L. Agreement with Lincoln Glass, Inc. for automatic sliding doors at the Lancaster County Treasurer's Office located at 625 North 46<sup>th</sup> Street. The County will pay \$10,750 for the products and services. (C-15-0003)

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

- M. Contract between Jacobsen Fire Equipment, Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for fire extinguisher inspection, testing and maintenance. Term of the agreement is four years from the date of execution by all parties. (C-15-0004)

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

- N. Network provider contract with the Regional Behavioral Health Authority (Region V) for the provision of certain behavioral mental health services at the Mental Health Crisis Center. The County shall be reimbursed up to \$1,121,086 for the services. Term of the agreement is July 1, 2014 to June 30, 2015. (C-15-0005)

Behrens said the contract that was received from Region V in August reflected a decrease of approximately \$300,000 in funding. She said it was her understanding Region V would be sending the County a revised contract but said she was informed the funding would be addressed outside of the network provider contract.

Hudkins said that was not his understanding.

**MOTION:** Schorr moved to hold the contract.

There was no second to the motion but there was consensus to hold the contract and have further communication with Region V regarding the contract.

- O. Grant contract with Community Action Partnership of Lancaster and Saunders Counties to provide funding in the amount of \$1,000 for a tax preparation and filing service for low to moderate-income individuals in Lancaster County. Term of the contract is October 9, 2014 to October 10, 2015. (C-15-0006)

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

- P. Agreement with Continuum Employee Assistance to provide an employee assistance program for County employees. Term of the agreement is January 1, 2015 to December 31, 2017. The County will pay Continuum \$20,196.00 per contract year. (C-15-0007)

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

**NEW BUSINESS CONTINUED:**

- Q. Utility Permit No. 1234 allowing Unite Private Networks to install approximately 800 feet of fiber optic communications cable from 7201 North 98<sup>th</sup> Street north along the east side of North 98<sup>th</sup> Street to Cornhusker Highway/Highway 6. There is no cost to the County. (C-15-0008)

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

- R. A license agreement between Lancaster County and Tyrol and Kit Ehlers to construct a fence upon County property along road right-of-way adjacent to Masek's First Addition, Block 4, Lot 1, Lancaster County, Nebraska. (C-15-0009)

**MOTION:** Smoyer moved and Schorr seconded approval of the license agreement.

In response to a question from Raybould, Behrens said the license agreement will be filed with Register of Deeds and will run with the property.

Raybould then asked whether the County will be compensated for allowing the property owner to have the fence in the right-of-way. Behrens said that was not part of discussions. She said there are probably six of these types of agreements on record and said compensation has never been part of the granting of the license. Raybould said that might be something the Board would want to discuss in the future noting other jurisdictions have a formula for charging any property owner that may be encroaching in the right-of-way.

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

- S. Agreement with Big Rig Truck Accessories for upgrade services on the Lancaster County Sheriff's Office's military Mine Resistant Ambushed Protected (MRAP) vehicle. The County will pay \$6,983.20 for the products and services. (C-15-0010)

Terry Wagner, Lancaster County Sheriff, appeared and said the vehicle is being converted into an emergency rescue vehicle. He said no general fund monies are involved.

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

- T. Grant contract with Lincoln Public Schools for \$140,836 to fund truancy diversion programs at various Lincoln public schools. Term of the agreement is July 1, 2014 to June 30, 2015. (C-15-0011)

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

## **NEW BUSINESS CONTINUED:**

- U. Mini-grant contract application and award with the Nebraska Office of Highway Safety in the amount of \$7,000 for two in-car camera systems for the Lancaster County Sheriff. (C-15-0012)

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

- V. Amendment to County Contract C-14-0394 with Insight Public Sector, Inc. for computers, enterprise hardware, software and services. The amendment renews the agreement for an additional one-year term from October 1, 2014 to September 30, 2015. (C-15-0013)

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

- W. Amendment to County Contract C-13-0273 with Lawmen's & Shooters' Supply, Inc. for corrections uniform accessories. The amendment provides for the price increases per Attachment A. (C-15-0014)

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

- X. Amendment to County Contract C-12-0653 with Egan Supply Company for the annual supply of ice melt. The amendment provides for the price increases per Attachment A. (C-15-0015)

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

- Y. Amendment to County Contract C-13-0039 with Whitehead Oil Company for the annual supply of motor fuels. The amendment renews the agreement for an additional two-year term from January 24, 2015 to January 23, 2017. (C-15-0016)

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

- Z. Amendment to County Contract C-13-0002 with Fastenal Company for the annual supply of snowplow nuts, bolts and washers. The amendment renews the agreement for an additional one-year term from January 8, 2015 to January 7, 2016. (C-15-0017)

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

**NEW BUSINESS CONTINUED:**

- AA. Amendment to County Contract C-13-0571 with Hamilton Equipment Company for rental of a Bobcat S750 Skid Loader. The amendment extends the term of the agreement from December 9, 2014 to December 10, 2015. (C-15-0018)

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

- BB. Amendment to County Contract C-14-0360 with Kenwood USA Corporation for the annual supply of public safety communications equipment. The amendment renews the agreement from October 30, 2014 to March 31, 2015. (C-15-0019)

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

- CC. Amendment to County Contract C-11-0094 with Hewlett-Packard Company for computer equipment, peripherals and related services. The amendment renews the contract for an additional three-month term from January 1, 2015 to March 31, 2015. (C-15-0020)

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

- DD. Amendment to County Contract C-12-0461 with Mr. Yards and More, LLC, for the annual requirements of snow and ice removal services. The amendment adds additional City and Public Building Commission service locations. (C-15-0021)

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

- EE. Amendment to County Contract C-12-0059 with Sky Copters, Inc., for the annual requirements of aerial weed control of phragmites. The amendment extends the agreement for an additional one-year term from January 31, 2015 to January 30, 2016. (C-15-0022)

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

- FF. Amendment to County Contract C-13-0272 with Alamar Uniforms for corrections uniform accessories. The amendment provides for the price increases per Attachment A. (C-15-0023)

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

## **NEW BUSINESS CONTINUED:**

GG. Amendment to County Contract C-13-0270 with Ray O'Herron Company, Inc., for corrections uniform accessories. The amendment provides for the price increases per Attachment A. (C-15-0024)

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

HH. Fourth Grant Contract Addendum to County Contract C-12-0385, amending the grant contract between Lancaster County (sponsor) and Spring Creek Prairie Audubon (grantee) to extend the grant term to July 31, 2015 and to provide for partial payment of work already completed. (C-15-0025)

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

II. Request from the Joint Budget Committee to approve the Keno Human Services Prevention Fund Recommendations – Round 39 (Year 2).

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

JJ. Refund request from John Honvlez for overpayment of 2011, 2012 and 2013 property taxes.

Item was moved forward on the agenda.

KK. Political Subdivision Tort Claim filed against Lancaster County Corrections by Brian Gouge for lost property in the amount of \$180.

**MOTION:** Smoyer moved and Raybould seconded denial of the tort claim based on Corrections Director's recommendation. Smoyer, Schorr, Raybould, Amundson and Hudkins 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 contract with Ronald L. and Ila M. Deinert, NW 84<sup>th</sup> and W. Adams, in the amount of \$30. (C-15-0026)

B. Receive and place on file the following monthly reports:

1. County Sheriff - November, 2014
2. County Clerk - December, 2014
3. Clerk of the District Court - December, 2014

**CONSENT ITEMS CONTINUED:**

- C. Setting the following public hearings for Tuesday, January 13, 2015, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln):
1. County Text Amendment No. 14020, an amendment to Article 10 of the Lancaster County Zoning Resolution on Personal Wireless Telecommunications Facilities; and
  2. Amendment of various sections of County Resolution No. R-13-0062, procedures for the regulation of on-site wastewater treatment systems in Lancaster County, and rescinding County Resolution No. R-02-31.

**MOTION:** Raybould moved and Smoyer seconded approval of the consent items. Schorr, Raybould, Amundson, Smoyer and Hudkins 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.

Hudkins introduced a visitor from Denmark.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, January 8, 2015 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, January 13, 2015, at 10:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) with the Board of Equalization immediately following.
- C. The County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).
- 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 the internet at [lancaster.ne.gov](http://lancaster.ne.gov) under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

8) **ADJOURNMENT**

**MOTION:** Smoyer moved and Raybould seconded to adjourn the Board of Commissioners meeting at 12:30 p.m. Raybould, Amundson, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

*Dan Noite*

Dan Noite  
Lancaster County Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, JANUARY 6, 2015**  
**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 January 2, 2014.*

Commissioners present: Larry Hudkins, Chair; Brent Smoyer, Vice Chair; Deb Schorr, Roma Amundson and 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; and Ann Taylor, County Clerk's Office

*The Chair called the meeting to order at 12:30 p.m., and the location of the Nebraska Open Meetings Act was announced.*

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 16, 2014.

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

- 2) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

Allon Chapel SDA Church/Central States Conference  
Goodwill Industries Serving Southeast Nebraska  
Great Plains Annual Conference of the United Methodist Church  
Madonna Rehabilitation Hospital  
People's City Mission  
VITAL Services, Inc.

**MOTION:** Smoyer moved and Raybould seconded approval of the motor vehicle tax exemption application. Raybould, Amundson, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

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

No one appeared for public comment.

4) **EXECUTIVE SESSION** – Pending Litigation

**MOTION:** Smoyer moved and Schorr seconded to enter Executive Session at 12:30 p.m. for the purpose of protecting the public interest with regards to pending litigation.

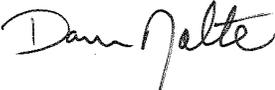
The Chair restated the motion for the record.

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

**MOTION:** Schorr moved and Smoyer seconded to exit Executive Session at 12:34 p.m. Raybould, Amundson, Smoyer, Schorr and Hudkins voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

**MOTION:** Smoyer moved and Raybould seconded to adjourn the Board of Equalization meeting at 12:36 p.m. Smoyer, Schorr, Raybould, Amundson and Hudkins voted aye. Motion carried 5-0.

  
Dan NOITE  
Lancaster County Clerk

