

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 112  
TUESDAY, SEPTEMBER 20, 2016  
9:00 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 September 16, 2016.*

Commissioners present: Todd Wiltgen, Vice-Chair; Bill Avery and Deb Schorr

Commissioners absent: Roma Amundson, Chair; Larry Hudkins

Others present: Kerry Eagan, Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

*The Vice-Chair called the meeting to order at 9:00 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.*

**1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 13, 2016.**

**MOTION:** Schorr moved and Avery seconded approval of the minutes. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**2) CLAIMS: Approval of all claims process through September 20, 2016.**

**MOTION:** Avery moved and Schorr seconded approval of the claims. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**3) NEW BUSINESS:**

- A. Special designated license application from Meier's Wine, Inc. d/b/a Meier's Cork N' Bottle for a reception on October 7, 2016 at Roca Berry Farm, 16531 S 38<sup>th</sup> Street, Roca, Nebraska.**

**MOTION:** Schorr moved and Avery seconded approval of the special designated license. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

- B. Special designated license application from Meier's Wine, Inc. d/b/a Meier's Cork N' Bottle for a reception on October 8, 2016 at Roca Ridge, 5265 Prairie Sage Drive, Roca, Nebraska.**

**MOTION:** Avery moved and Schorr seconded approval of the special designated license. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**C. Setting the annual salary for Kayla Hathcote, Deputy County Attorney, in the amount of \$61,813.44 as Attorney I, effective September 30, 2016.**

Ryan Swaroff, Deputy County Attorney, introduced Kayla Hathcote. Hathcote is a graduate of the University of Lincoln College of Law and will be handling civil litigations.

**MOTION:** Avery moved and Schorr seconded approval of the salary. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

Item J was moved forward on the agenda.

**J. Amendment of the District Energy Corporation's Articles of Incorporation and Bylaws.**

Bill Austin, Baylor Evnen Law Firm, acting as general counsel for the District Energy Corporation (DEC), stated that the DEC provides heating and cooling to various city and county governmental buildings and has been engaged in a master planning effort to see how best to utilize the facilities under their control in the future. Austin stated the master plan effort has shown excess capacity that might be best utilized by selling it to private parties. In order to do so, he said the DEC articles of incorporation and bylaws, which have not been addressed since 1992, will need to be adjusted.

Jason Fortik, Vice-President, Lincoln Electric System (LES) Contract Manager, said Evergreen Energy, a company that manages several district energy systems throughout the country provided the analysis. He stated they looked at the facilities and contacted potential customers in the downtown area and discovered there is an interest as well as a need in some cases for updates to heating and cooling services.

**MOTION:** Avery moved and Schorr seconded approval of the amended articles of incorporation and bylaws. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**D. Modification to County Contract C-16-0528, the 2016 Sub-Recipient Agreement between Nebraska Emergency Management Agency (NEMA) and the Southeast Region for the Southeast Region's State Homeland Security Program (SHSP), decreasing the grant amount from \$223,900 to \$183,900 under a Memorandum of Understanding to fund the State of Nebraska's Fusion Center. (C-16-0565)**

Kerry Eagan, Chief Administrative Officer, stated the decrease is due to the Department of Agriculture grant of \$40,000, which covers some of the same activities provided in the original grant.

**MOTION:** Schorr moved and Avery seconded approval of the modification to the agreement. Schorr and Avery voted yes. Wiltgen abstained. Amundson and Hudkins were absent. Motion carried 2-0 with one abstention.

- E. Recommendation from the Purchasing Department and the County Engineer to award a purchase order for the supply and hauling of gravel surface course material to Lancaster County stockpiles per specification 16-203 to Lyman-Richey Corporation, Western Sand and Gravel, Westover Rock and Sand and Husker Trucking. The total amount of all orders will be \$590,025. (C-16-0566)**

Pam Dingman, County Engineer, said they did bid out rock production and rock hauling to give local small businesses the opportunity to participate. She stated this item is included in the budget.

**MOTION:** Schorr moved and Avery seconded approval of the purchase order. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

- F. Interlocal agreement with the Village of Bennet for law enforcement services within the Village limits. The Lancaster County Sheriff will assign one or more deputies to duty in the Village limits and provide a cruiser or cruisers. The Village will reimburse the County at the average overtime rate based on the Deputy Sheriff's Pay Plan as detailed in the agreement between Lancaster County, Nebraska and the Lancaster County Deputy Sheriff's Association Fraternal Order of Police, Lodge 29, effective August 20, 2016. Term of the agreement is September 1, 2016 through August 31, 2017. (C-16-0567)**

Dave Derbin, Deputy County Attorney, requested this item be held until further notice.

- G. Agreement with Roca Berry Farm authorizing Roca Berry Farm to apply magnesium chloride to those portions of South 38<sup>th</sup> Street and Roy Street as designated in Exhibit A of the agreement. The term of this agreement is two years from the date the agreement is executed by both parties. (C-16-0568)**

Eagan requested this item be held until further notice.

- H. Contract with Hawkins Construction Company for Project No. 16-18 on Rokeby Road from South 84<sup>th</sup> Street to South 98<sup>th</sup> Street. Term of the contract is from September 21, 2016 through November 3, 2017. Cost to the County is \$2,817,347.53. (C-16-0569)**

Dingman stated Lincoln Electric System (LES) is covering the entire cost of the project and has already deposited the money into the County Engineer's account. She added this project is a collaboration of the City of Lincoln, Lancaster County and LES to meet the needs of the community.

Schorr noted the original amount was estimated to be \$4,000,000. She inquired if there would be other charges incurred as the project progresses. Dingman answered if there are any additional expenses LES will be responsible for those costs as well. She added although she has the authority for this line item in the amount of \$4,000,000, the deposit from LES was \$2.8 million, thus, the County Engineer's budget will be adjusted.

**MOTION:** Schorr moved and Avery seconded approval of the contract. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**I. Settlement agreement and release of claims with Ben Lewis, Leigh Lewis and Nathan Lewis. (C-16-0570)**

**MOTION:** Schorr moved and Avery seconded approval of the settlement agreement. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**J. Amendment of the District Energy Corporation's Articles of Incorporation and Bylaws.**

This item was moved forward on the agenda.

**K. Amendments to the following contracts for miscellaneous HVAC services (Bid No. 12-152). The amendments extend the contracts from August 14, 2016 through February 28, 2017. The estimated cost to the County for all contracts is not to exceed \$25,000.**

- 1. County Contract C-12-0398 with Capitol Heating and Air Conditioning. (C-16-0557)**
- 2. County Contract C-12-0396 with Johnson Controls, Inc. (C-16-0558)**

**MOTION:** Schorr moved and Avery seconded approval of the amendments. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**L. Amendments to the following contracts for electrical services (Bid No. 12-177). The amendment extends the contract from September 13, 2016 through February 28, 2017. The estimated cost to the County for all contracts is not to exceed \$16,000.**

- 1. County Contract C-12-0433 with Gregg Electric Company. (C-16-0559)**
- 2. County Contract C-12-0436 with Hy-Electric, Inc. (C-16-0560)**
- 3. County Contract C-12-0435 with Progressive Electric (C-16-0561)**
- 4. County Contract C-12-0434 with Willmar Electric Service Corp. (C-16-0562)**

**MOTION:** Schorr moved and Avery seconded approval of the amendments. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**M. Amendment to County Contract C-16-0154 with Orkin LLC for annual services of pest control (Bid No. 16-031). The amendment adds additional services for Lancaster County. The additional locations for these services are listed in Attachment A. The revised contract total with the additional services is estimated to be \$2,680. (C-16-0563)**

**MOTION:** Avery moved and Schorr seconded approval of the amendment. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

- N. **Amendment to County Contract C-12-0527 with NGC Group, Inc. for general construction services. The amendment extends the contract from September 13, 2016 through February 28, 2017. The estimated cost to the County is not to exceed \$25,000. (C-16-0564)**

**MOTION:** Avery moved and Schorr seconded approval of the amendment. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins 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. **Setting a public hearing for September 27, 2016 at 9:00 a.m. in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street) to set the final tax request at a different amount than the prior year tax request. The request is for Lancaster County and the Rural Library for Lancaster County.**
  - B. **Setting a public hearing for September 27, 2016 at 9:00 a.m. in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street) regarding an appeal of County Preliminary Plat No. 16003, Conestoga Lake Estates, Southwest 91<sup>st</sup> Street and West Pioneers Boulevard.**
  - C. **Right-of-way contracts between Lancaster County and Talcott Land and Cattle Company, Rokeby Road, South 84<sup>th</sup> – 98<sup>th</sup> Streets, in the total amount of \$9,634. (3 contracts) (C-16-0571) (C-16-0572) (C-16-0573)**

**MOTION:** Avery moved and Schorr seconded approval of the consent items. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins 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.

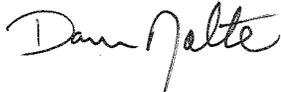
Gary Aldridge, 7112 South 45<sup>th</sup> Street, Lincoln, Nebraska, appeared and commented on the budget documents for the upcoming fiscal year located on the County's webpage.

- 8) **ANNOUNCEMENTS:**
- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 22, 2016 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, September 27, 2016 at 9:00 a.m., in the 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 Tuesdays (1:30 p.m. and 7:00 p.m.), Wednesdays (12:00 a.m. midnight) and Saturdays (3:30 p.m.) 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.

9) **ADJOURNMENT**

**MOTION:** Schorr moved and Avery seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:30 a.m. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.



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Dan Nolte, County Clerk



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, SEPTEMBER 20, 2016**  
**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 September 16, 2016.*

Commissioners present: Todd Wiltgen, Vice-Chair; Bill Avery and Deb Schorr

Commissioner absent: Roma Amundson, Chair; Larry Hudkins

Others present: Norm Agena, Assessor/Register of Deeds; Kerry Eagan, Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

*The Vice-Chair called the meeting to order at 9:30 a.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, September 13, 2016.**

**MOTION:** Schorr moved and Avery seconded approval of the minutes. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

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

**MOTION:** Schorr moved and Avery seconded approval of the additions and deductions. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**3) PUBLIC HEARING:**

**A. Motor Vehicle Tax Exemption Applications (See correlating item 4)**

**Catholic Social Services**  
**CEDARS Youth Services**  
**Evangelical United Lutheran Church**  
**Great Plains Annual Conference of the United Methodist Church**  
**Lincoln Lutheran School Association**  
**VITAL Services, Inc.**

The Vice-Chair opened the public hearing.

No one appeared to testify in support, opposition or in a neutral position.

The Vice-Chair closed the public hearing.

**4) ACTION ON MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

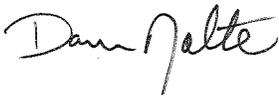
**MOTION:** Schorr moved and Avery seconded approval of the motor vehicle exemptions. Schorr, Avery and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.

**5) 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.

**6) ADJOURNMENT**

**MOTION:** Schorr moved and Avery seconded to adjourn the Lancaster County Board of Equalization meeting at 9:33 a.m. Avery, Schorr and Wiltgen voted yes. Amundson and Hudkins were absent. Motion carried 3-0.



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Dan Nolte, County Clerk

