

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 8, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins
Linda Steinman
Bob Workman

Absent: Kerry Eagan, Chief Administrative Officer

Others Present: Norm Agena, County Assessor
Bruce Medcalf, County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy County Clerk

The Chair noted for the record that Kerry Eagan, Chief Administrative Officer, was absent due to attendance at a funeral.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 1, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Workman seconded approval of the minutes of June 1, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 7 additions and deductions to the tax assessment rolls per Exhibit "A". (19991094)

MOTION: Steinman moved and Heier seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

The Board of Equalization was recessed and reconvened at 2:40 p.m.

- 3) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY :**

Foundation for Educational Funding Inc.

Paul Peter, attorney representing the Foundation for Educational Funding Inc., appeared and stated they object to the proposed actions to be taken by the County Assessor because there is a significant legal difference between issues of appraisal and issues of assessment. He stated the Nebraska Supreme Court has made it clear that issues of assessment go to efforts at levying tax against the property.

Peter distributed documentation regarding a survey of tax exempt properties (Exhibit C). He noted that the documentation, which was taken from the County Assessor's web site, shows zero in the assessed section.

He stated they don't have any objections to the Assessor making a determination of appraised value as long as it's fair and reasonable.

Norm Agena, County Assessor, asked Peter if he has supplied his office with an appraisal of what they feel the value should be.

Peter responded no because it is their view that the appraisal would not be relevant.

Agena suggested the item be placed on pending until an opinion, which is being prepared by the Attorney General, is available.

Mike Thew, Deputy County Attorney, stated he's unsure how a property goes from being exempt to being omitted or undervalued. He stated it's his understanding that after receiving information regarding the sale of assets, that the Assessor was exercising his authority, under Nebraska State Statute 77-202, to cause a review of the continued exempt status of the organization. He stated he feels that is the issue to be focused on.

If it's determined, he said, that the organization should no longer be exempt then the issue of valuation should be reviewed.

Thew requested that documentation filed in the Register of Deeds Office, in relation to Foundation for Educational Funding Inc., which changes the name of the corporation and shows that the deed to the property is now in the name of the corporation be submitted into the record (Exhibit D).

He stated he has visited with the Attorney General's Office who indicated that the study is about ready to be made public and suggested that no action be taken until the study is available.

By direction of the Chair, the notice of valuation change for omitted or undervalued property for Foundation for Educational Funding Inc., was deferred to Tuesday, July 6, 1999 at 2:30 p.m.

4) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

Bruce Medcalf
County Clerk

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Commissioners Present: Kathy Campbell, Chair
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Absent: Kerry Eagan, Chief Administrative Officer

Others Present: Bruce Medcalf, County Clerk
Diane Staab, Deputy County Attorney
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 1, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Hudkins seconded approval of the minutes of June 1, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, June 8, 1999.**

MOTION: Workman moved and Steinman seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

A. Introduction of Georgia M Glass as the Lancaster County Personnel Officer pursuant to Nebraska Revised Statute §23-2523 (Reissue 1997), effective June 14, 1999.

Campbell stated Ms. Glass was unable to attend the County Board meeting due to attendance at another meeting.

MOTION: Steinman moved and Heier seconded approval of the appointment of Georgia M Glass as the Lancaster County Personnel Officer, effective June 14, 1999. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

B. The County Service Awards were presented to those employees who have been employed with the County for 15, 20, 25, 30, 35 and 40 years.

C. Annual Report for Region V Mental Health, Alcoholism and Drug Abuse Program - Jill Rubottom, Program Administrator

Jill Rubottom, Regional Program Administrator, distributed documentation (Exhibit A) and gave a brief overview of that material which included the following:

- * Statutory Responsibilities
- * Mental Health Funding
- * Substance Abuse Revenue
- * Individuals Served
- * Prevalance Data
- * Emergency/Prevention Services Coordination
- * Family & Youth Investment
- * Region V Behavioral Health System
- * Mental Health and Substance Abuse Demographics
- * Local Requests (Mental Health)
- * Local Requests (Substance Abuse)

4) **PUBLIC HEARINGS:**

County Change of Zone 184, from AG Agricultural to AGR Agricultural Residential, requested by J Michael Rierden on behalf of Todd Lewis, on property located at the southeast corner of Highway 77 and Stagecoach Road in Lancaster County, Nebraska. (1999948)

Campbell opened the public hearing and stated J Michael Rierden, attorney representing applicant, requested a one week continuance due to a scheduling conflict.

Campbell asked if anyone wished to testify on the Change of Zone.

No one appeared and Campbell recessed the public hearing until Tuesday, June 15, 1999 at 1:30 p.m.

5) **OLD BUSINESS:**

An application for a Class E (Beer Off Sale Only) liquor license from Jacox Reinsch Inc. dba/"Emerald Mini Mart", located at 8401 West "O" Street in Lancaster County, Nebraska. (1999990) (19991062) (1999996)

Diane Staab, Deputy County Attorney, stated she received additional information from the Planning Department, which she submitted into the record (Exhibit B). She explained that Emerald Mini Mart has applied for a Special Permit under the City of Lincoln Municipal Code because they are within the three-mile jurisdiction of City zoning. Staab stated they are not currently following the zoning regulations, however, application for a Special Permit has been made.

Steinman expressed concern about Mrs. Jacox's pending Driving While Intoxicated (DWI) offense which wasn't reported on the application.

Workman stated he is concerned about the 1999 conviction for DWI of one of the applicants and a 1984 felony criminal conviction of another applicant.

MOTION: Workman moved and Steinman seconded to deny the application for a Class E liquor license from Jacox Reinsch Inc dba/Emerald Mini Mart.

Campbell expressed concern that the County Board has not received complete assurance regarding the role of the applicant's spouse and management of the premises.

Terry Wagner, County Sheriff, clarified that John Reinsch, who is a partner in the business, had a previous liquor license and that there were no problems in connection with that license. It is his understanding that Mr. Reinsch is the manager of the Emerald Mini Mart and noted that the application does not reflect that.

Campbell reiterated that there is uncertainty regarding the application and the management and control of the premises.

Staab stated since the application is from a corporation, a corporate manager application is also required. The name on the corporate manager application, she said, is John Jacox.

Wagner stated there remains a character question for the Board to address.

ROLL CALL: Hudkins, Steinman, Workman, Heier and Campbell voted aye.
Motion carried.

Staab noted she will have the resolution prepared for signature by the County Board on Thursday, June 10, 1999.

6) **NEW BUSINESS:**

A. An agreement with Child Guidance for rental of space in Trabert Hall, located at 2202 South 11th Street, in the amount of \$1,060.28, from June 4, 1999 through June 30, 1999 and for \$1,223.34 per month, beginning July 1, 1999. (19991115)

MOTION: Steinman moved and Heier seconded approval of an agreement with Child Guidance.

In response to a question asked by Workman, Diane Staab, Deputy County Attorney, stated the agreement is on a month to month basis, which, by law, requires that the landlord give notice on the same terms as the lease, which would be 30 days.

ROLL CALL: Steinman, Workman, Campbell, Hudkins and Heier voted aye.
Motion carried.

B. An interlocal agreement with the City of Lincoln for the County to contribute \$20,000 to the City's Wetland Bank Project. (19991111)

MOTION: Steinman moved and Heier seconded approval.

Don Thomas, County Engineer, explained that it is difficult for his office to find locations where wetlands can be mitigated. Locations that have been used in the past are no longer available, however, the City is creating a wetlands bank and the County has the opportunity to participate. Thomas stated the interlocal will allow the County to use the wetlands bank instead of having to mitigate.

Hudkins asked where the wetlands bank was located.

Thomas responded that he didn't know if there would be one "bank" or more than one.

ROLL CALL: Heier, Workman, Hudkins, Campbell and Steinman voted aye.
Motion carried.

C. An agreement with Norris Public Power District for relocating utility facilities because of a County road construction project on South 68th Street and Panama Road, at a cost to the County of \$10,449.85. (19991106)

MOTION: Hudkins moved and Steinman seconded approval. On call Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

D. A resolution recognizing Saturday, June 12, 1999 as "Celebration of Trails" day. (19991114)

MOTION: Heier moved and Workman seconded approval of Resolution 99-1114.

The Chair read the resolution into the record.

ROLL CALL: Heier, Workman, Steinman, Campbell and Hudkins voted aye.
Motion carried.

E. A resolution transferring appropriations from the Workers' Compensation Loss Fund Budget to the Workers' Compensation Safety and Training Budget, in the amount of \$3,200. (19991117)

MOTION: Steinman moved and Workman seconded approval of Resolution 99-1117. On call Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

F. Authorization of the installation of deer crossing signs on Waverly Road west of North 40th Street for west and eastbound traffic. (19991112)

Don Thomas, County Engineer, stated last year 20 percent of accidents involved deer or animals. He explained there has been one accident a year for the past two to three years at the location on Waverly Road.

MOTION: Workman moved and Hudkins seconded approval of Resolution 99-1112. On call Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

G. A resolution transferring appropriations from the General Fund Miscellaneous Budget to the following General Fund agencies: (19991118)

| | |
|---------------------------------------|------------------|
| County Board of Commissioners | \$ 4,500 |
| County Clerk | \$ 25,556 |
| Election Commissioner | \$ 13,460 |
| Budget & Fiscal | \$ 3,900 |
| Geographic Information Systems | \$ 41,930 |
| Clerk of the District Court | \$ 68,440 |
| County Court | \$ 25,000 |
| Public Defender | \$ 69,625 |
| Sheriff | \$ 34,909 |
| Records Management | \$ 1,197 |
| Attention Center | \$ 20,538 |
| Adult Probation (County Court) | \$ 2,329 |
| County Engineer | \$ 52,310 |
| Veterans Service | \$ 7,476 |
| Human Service contracts | \$ 19,160 |
| Human Services/Justice Council | \$ 6,628 |
| TOTAL TRANSFER | \$396,958 |

MOTION: Heier moved and Steinman seconded approval of Resolution 99-1118.

Dave Kroeker, Budget and Fiscal Director, explained that each budget is reviewed at year end with the Salary Cost of Living being placed in a Contingency Fund. If monies are needed for salary purposes a transfer is then made at the end of the year. He stated there are also other items which come up during the year that are of an emergency nature and the transfer covers both salary and emergency items.

ROLL CALL: Hudkins, Workman, Heier, Campbell and Steinman voted aye.
Motion carried.

H. Recommendation from the Purchasing Agent and Lancaster Manor to award a request for proposal for pharmacy services to NCS HealthCare, at rates listed in the proposal. (19991098)

MOTION: Workman moved and Steinman seconded approval. On call Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

I. Authorization of the Lincoln-Lancaster Justice Council to submit a grant, as a co-applicant with the Lincoln-Lancaster County Health Department and the Family Violence Council, to the United States Department of Health and Human Services, in the amount of \$250,000, for "Safe Start", and to authorize Kit Boesch, Human Services Administrator, to sign Memorandums of Understanding with participating agencies. (19991120)

MOTION: Hudkins moved and Steinman seconded approval. Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

J. Recommendation from the Personnel Policy Board regarding Internet and E-Mail Usage Policy. (19991116)

MOTION: Steinman moved and Workman seconded approval. On call Campbell, Hudkins, Heier, Workman and Steinman seconded approval. Motion carried.

K. Release of a mortgage and termination of Uniform Commercial Code (UCC) financing statements previously filed to secure an economic development loan to Kurt Schachenmeyer, which has been paid in full. (19991107)

MOTION: Hudkins moved and Steinman seconded approval.

In response to a question asked by Campbell, Diane Staab, Deputy County Attorney, stated the mortgage was for an onion farm located near Raymond, Nebraska.

ROLL CALL: Heier, Campbell, Steinman, Hudkins and Workman voted aye.
Motion carried.

L. A political subdivision tort claim filed against the Corrections Department by Gloria D Carrington for lost property, in the amount of \$250. (19991113)

MOTION: Steinman moved and Workman seconded to accept the Director's recommendation and deny the tort claim.

Gloria Carrington, claimant, appeared and indicated a cameo ring was not returned to her upon her release from Corrections, however she received the remainder of the items.

In response to a question asked by Hudkins, Carrington stated she was wearing the ring when booked and didn't know why it wasn't recorded on the inventory sheet.

Roger Harris, friend of the claimant, explained when he went to get Carrington upon her release, her personal affects were co-mingled with another individual's property.

Steinman asked Carrington if she had to sign the inventory sheet upon her incarceration.

Carrington stated she was not asked to sign the inventory sheet until she was released.

Diane Staab, Deputy County Attorney, inquired about a letter from the Corrections Department regarding the value of her property.

Steinman withdrew her motion and the seconder concurred.

By direction of the Chair, the item was deferred for one week to Tuesday, June 15, 1999 for further review.

M. Request from Kelly R Ems, an employee at the Attention Center for Youth, for early participation in the County Employee Retirement Plan. (19991119)

MOTION: Steinman moved and Workman seconded approval. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine and which 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 of a public hearing for Tuesday, June 15, 1999 at 1:30 p.m. to increase appropriations for the following funds:

| | |
|----------------------------------|------------------|
| Bridge & Special Road | \$ 13,240 |
| Relief/Medical Fund | \$177,075 |
| Grants Fund | \$276,588 |
| Community Mental Health | \$388,052 |
| Weed Control Fund | \$ 5,217 |

- B. Setting of a public hearing for Tuesday, June 22, 1999 at 1:30 p.m. for County Final Plat 98042, requested by Lyle Loth of ESP on behalf of Ronald and Judeen Oelling, for ten residential lots and one outlot for agricultural use, on property located on the northwest corner of Southwest 29th Street and West Roca Road/Nebraska Highway 33 in Lancaster County, Nebraska. (19991097)**
- C. Maintenance agreements with the following:**
- * ERSI, Inc for maintenance and software upgrades for the County Assessor's Office, in the amount of \$5,752.12. (19991110)**
 - * Government Technology Services Inc for two Sun Ultra 10 Systems for the County Assessor's Office, in the amount of \$1,200. (19991109)**
 - * Natkin Services for a furnace and air conditioning system for the County Engineering Department, in the amount of \$1,143, beginning May 19, 1999 and ending May 18, 2000. (19991108)**
- D. A leasehold contract with Wayne and David Eggert on Southwest 42nd Street near West Stagecoach Road, in the amount of \$10. (19991105)**
- E. A right-of-entry agreement with C Allen and Joyce A Palmer for removal of trees on West Pioneers Boulevard near Southwest 112th Street. (This is a land donation.) (19991104)**
- F. Contracts relating to road improvements with the following:**
- * Ralph H Timmerman on West Adams Street near Northwest 56th Street, in the amount of \$192.75. (19991103)**
 - * Mavis A Reller on Southwest 42nd Street near West Stagecoach Road, in the amount of \$1,217.80. (19991102)**

MOTION: Steinman moved and Heier seconded approval of the Consent Items. On call Hudkins, Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Steinman moved and Heier seconded adjournment of the Board of Commissioners meeting. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk