

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 25, 2000
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

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

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 18, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated Tuesday, July 18, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 9 additions and deductions to the tax assessment rolls per Exhibit A.

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

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**American Red Cross, Lancaster County Chapter
Catholic Social Services
Cedars Youth Services
Christ's Place (2 exemptions)
Goodwill Industries Serving Southeast Nebraska Inc.
Madonna Rehabilitation Hospital
Martin Luther Homes of Nebraska Inc.
Pius X High School**

MOTION: Steinman moved and Heier seconded approval of motor vehicle tax exemptions for American Red Cross, Lancaster County Chapter; Catholic Social Services; Christ's Place; Goodwill Industries Serving Southeast Nebraska Inc.; Madonna Rehabilitation Hospital; Martin Luther Homes of Nebraska Inc. and Pius X High School and to also approve a motor vehicle tax exemption for Cedars Youth Services subject to titling and registering the vehicle(s) to the applicant. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **DENIAL OF A MOTOR VEHICLE TAX EXEMPTION:**

Simple Grace Ministries

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

The Chair recessed the Board of Equalization meeting until 2:30 p.m. when it was reconvened.

5) **APPEAL OF GREENBELT STATUS:**

Spilker Family LTD Partnership

Norm Agena, County Assessor, said greenbelt status will be removed from 32 of the acres, leaving a balance of 4 acres.

5) **APPEAL OF GREENBELT STATUS CONTINUED:**

Agena noted that 15 acres to the south of this property, which is also being dirt mined, will also be recaptured.

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

6) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

DOT Inc.

Agena said the value has been adjusted to reflect land only, as the buildings did not exist as of January 1, 2000. The adjusted value is \$375,105.

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

Walgreens

Agena said the value has been adjusted to \$628,276 to reflect the period it was exempt under City ownership.

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

7) **ADJOURNMENT**

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

Bruce Medcalf
Lancaster County Clerk

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- 2) **CLAIMS:** Approval of all claims processed through Tuesday, July 25, 2000.

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

- 3) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Bible Study Lesson Graders, nominated by the Corrections Department.

B. The Commissioners Award of Excellence was presented to Marvin Dillwood, an employee with the Community Mental Health Center.

4) **PUBLIC HEARINGS:**

- A. **County Special Permit 181, Post Rock Pines Community Unit Plan, requested by Lyle Loth of ESP, on behalf of Randy Miller, consisting of eight dwelling units, on property generally located at the southeast corner of South 120th Street and Firth Road in Lancaster County, Nebraska.**

- B. **County Preliminary Plat 00008, Post Rock Pines, requested by Lyle Loth of ESP, on behalf of Randy Miller, consisting of eight residential lots and one outlot, with requests to waive street lighting, street trees, landscape screens, sidewalks and storm water detention, on property generally located at the southeast corner of South 120th Street and Firth Road in Lancaster County, Nebraska.**

The Chair opened the public hearing and noted that the applicant was not present.

Board members indicated that they have questions for the applicant.

By direction of the Chair, the public hearing on County Special Permit 181 and County Preliminary Plat 00008 was continued one week.

Mike DeKalb, Planning Department, appeared and said he will notify Lyle Loth and Randy Miller that they need to appear to answer questions.

Workman noted that testimony before the Planning Commission had indicated that development is occurring in six different areas under the Village of Firth zoning jurisdiction. He asked DeKalb to verify this information by next Tuesday's meeting.

5) **OLD BUSINESS:**

- A. An agreement with Wells Fargo Bank Nebraska for treasury management services for the County. The contract provides for the County to terminate upon seven days notice. Fees for services are more particularly provided in the service documents and are based upon each service. (C-00-355)**

Dave Johnson, Deputy County Attorney, appeared and requested that the item be dropped from the agenda to allow for further revision of the document.

MOTION: Steinman moved and Hudkins seconded to drop the item from the agenda and to reschedule the item when the County Attorney is ready to proceed. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- B. A political subdivision tort claim filed against Lancaster County by Amie C. Martinez, on behalf of Rex Dean Hollman, for over collection of child support, in the amount of \$1,119.94.**

Dave Johnson, Deputy County Attorney, appeared and said a crucial question is whether or not any notice of a credit had been provided to Hollman.

Elly Carrico, Deputy District Court Clerk, appeared and said the court file does not reflect that a letter indicating a credit balance had been sent, although this is the office policy.

Johnson said, should the County Board decide to award the claim, it is his recommendation that \$219.94 be deducted from the requested amount. He said this recommendation is based on the fact that the tort claim was filed with the County Clerk on May 31, 2000. This date exceeds the one year filing deadline for the first two claim instances, which were May 13, 1999 and May 26, 1999.

Amie C. Martinez, attorney representing Rex Dean Hollman, appeared and said a letter was sent to the County Board of Commissioners Office on February 16, 1999 which should constitute notice of filing. She said since no response was received she followed up with a telephone call to Kerry Eagan, Chief Administrative Officer. He had indicated to her that he had not seen the letter and suggested that it be resubmitted to the County Clerk's Office, which she did on May 31, 2000.

5) **OLD BUSINESS CONTINUED:**

Johnson said Nebraska Revised Statute § 13-905 requires tort claims to be filed with the County Clerk, who serves as the keeper of records for the County. He said if the tort claim was filed with another department in error, the correspondence should have been returned to the sender with an indication that the claim was not properly filed.

Steinman asked whether the District Court Clerk is required to make up the shortfall.

Johnson indicated that he had not researched that issue.

MOTION: Workman moved and Heier seconded to approve \$900 compensation to Rex Dean Hollman. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS:**

A. An agreement with Educational Management, Inc. doing business as Lincoln School of Commerce and the Corrections Department for providing work to students eligible for the Federal Work-Study program (FWS). The County will pay 25 percent of the compensation due to the student. (C-00-366)

Dave Johnson, Deputy County Attorney, appeared and requested that Items 6A and 6B be dropped from the agenda to allow for further revision, including the addition of a mutual hold harmless clause.

MOTION: Hudkins moved and Steinman seconded to drop Items 6A and 6B from the agenda. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

B. An agreement with Educational Management, Inc. doing business as Lincoln School of Commerce and the County Clerk's Office for providing work to students eligible for the Federal Work-Study program (FWS). The County will pay 25 percent of the compensation due to the student. (C-00-365)

See Item 6A.

6) **NEW BUSINESS CONTINUED:**

C. A resolution declaring a limited moratorium upon the issuance and approval of roadhouse and amusement licenses in Lancaster County. (R-00-91)

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

D. A resolution creating a policy regulating the use of the common areas in and around County owned buildings for expressive activity. (R-00-92)

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

E. A resolution in the matter of County maintenance of the following roads located in Finigan's 1st Addition: (R-00-88)

- **Approximately 1,130 feet of Edwin Lane**
- **Approximately 712 feet of Pearle Road**

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

F. Recommendation from the Purchasing Agent and the Corrections Department to award a request for proposal for snack vending services to Perfect Cup Vending. The award will secure an 18.86 percent commission rate on all products sold by vending placements with a guaranteed minimum annual commission (GMAC) amount of \$22,000 to be paid to the County. The term of the agreement is for a three year period, with a renewal option for an additional three year period. (B-00-29)

Steinman noted that there had been indications that the machine that changes currency needs to be replaced and that payment needs to be made in a more timely manner.

6) **NEW BUSINESS CONTINUED:**

Mike Thurber, Corrections Director, appeared and said the vendor has agreed to do so. He added that proceeds will go to the Inmate Benefit Fund.

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

G. An Allowance Modification to Cheever Construction to make changes to doors in connection with the Juvenile Detention Facility Project. The Contingency/Discovery Allowance will be decreased by changes to \$82,103. (C-00-367)

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

H. An Allowance Modification to Cheever Construction to delete a garbage disposal in connection with the Juvenile Detention Facility Project. The new Contingency/Discovery Allowance will be increased by the deletion to \$82,499. (C-00-368)

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

I. Authorization of the installation of the following traffic signs in Lancaster County, Nebraska: (R-00-90)

- Installation of "Stop Ahead" warning signs on North 1st Street, one 500' north of Waverly Road for southbound traffic and one 500' south of Waverly Road for northbound traffic
- Installation of "Stop Ahead" warning signs on West Waverly Road, one 500' east of Northwest 27th Street for westbound traffic and one 500' west of Northwest 27th Street for eastbound traffic

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

6) **NEW BUSINESS CONTINUED:**

J. A ballot for accepting or rejecting debtors' second amended plan under Chapter 11 of the United States Bankruptcy Code in relation to JumboSports Inc. (M-00-58)

Board members indicated that they have questions on the item.

Dave Johnson, Deputy County Attorney, appeared and said Doug Cyr, Deputy County Attorney, had reviewed the document but is unavailable.

MOTION: Hudkins moved and Steinman seconded to defer the item one week. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

K. Reappointment of Kathy Campbell to the Public Building Commission for a four (4) year term, commencing August 1, 2000.

MOTION: Hudkins moved and Steinman seconded approval. Hudkins, Steinman, Workman, Heier and Campbell 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. Receive and Place on File:

1. Lincoln City Libraries Director's Report for June, 2000.
2. Register of Deeds Monthly Report
3. Sheriff's Report of Fees for June, 2000

B. Setting of a public hearing on the County Budget for Tuesday, August 8, 2000 at 7 p.m. in the County Commissioners Chambers on the first floor of the County -City Building.

7) **CONSENT ITEMS CONTINUED:**

C. Right-of-way contracts between the County Engineer and the following relating to road improvements:

- Alan D. and Connie E. Reed, in the total amount of \$4,871.50, on Fletcher Avenue from Bridge H-60 to North 148th Street; Project C55-H-409(1). (2 contracts) (C-00-364 and C-00-363)
- Mervel G. and Edith L. Reed, in the total amount of \$6,223.75, on Fletcher Avenue from Bridge H-60 to North 148th Street; Project C55-H-409(1). (2 contracts) (C-00-362 and C-00-361)

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

8) **EXECUTIVE SESSION - LABOR NEGOTIATIONS, Diane Staab, Deputy County Attorney; Georgia Glass, Personnel Director:**

MOTION: Steinman moved and Hudkins seconded to enter Executive Session at 2:20 p.m. for discussion of labor negotiations. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

MOTION: Steinman moved and Heier seconded to exit Executive Session at 3:02 p.m. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT**

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

Bruce Medcalf
Lancaster County Clerk