

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 5, 2002
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Commissioners Absent: Bernie Heier, Vice Chair

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 29, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Campbell seconded approval of the Board of Equalization minutes dated January 29, 2002. Campbell, Hudkins and Workman voted aye. Stevens abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 6 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Campbell moved and Stevens seconded approval of the additions and deductions. Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Cornhusker Chapter Pheasants Forever
East Lincoln Christian Church
Grace Lutheran Church
Martin Luther Homes of Nebraska, Inc.
Martin Luther Home Society
Our Lady of Guadalupe Seminary, Division of Priestly Fraternity of St. Peter
Our Saviour's Lutheran Church
Transfiguration Inc.

MOTION: Campbell moved and Stevens seconded approval of the motor vehicle tax exemptions. Stevens, Workman, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

Setting of a public hearing for Tuesday, February 19, 2002 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for Scott A. and Kathi L. Krause.

By direction of the Chair, a public hearing was set for Tuesday, February 19, 2002 at 2:30 p.m. for notice of valuation change for omitted or undervalued property for Scott A. and Kathi L. Krause.

5) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned at 1:33 p.m.

RECONVENING OF THE BOARD OF EQUALIZATION:

At 2:25 p.m. the Chair reconvened the Board of Equalization meeting to reconsider the motor vehicle tax exemption for Cornhusker Chapter Pheasants Forever.

MOTION: Campbell moved and Hudkins seconded to reconsider the motor vehicle tax exemption for Cornhusker Chapter Pheasants Forever. Stevens, Workman, Campbell and Hudkins voted aye. Motion carried.

MOTION: Campbell moved and Stevens seconded to hold the motor vehicle tax exemption for Cornhusker Chapter Pheasants Forever for one week at the request of the County Assessor. Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

By direction of the Chair, the Board of Equalization meeting was adjourned at 2:27 p.m.

Bruce Medcalf
County Clerk

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Commissioners Present: Bob Workman, Chair
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Commissioners Absent: Bernie Heier, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
David Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting convened at 1:33 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 29, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Campbell seconded approval of the minutes of the Board of Commissioners meeting dated January 29, 2002. Campbell, Hudkins and Workman voted aye. Stevens abstained from voting. Motion carried.

- 2) **CLAIMS FOR REVIEW:**

A. PV 782-1181, dated January 11, 2002 - Families First (F³) has requested payment to Child Guidance Center, totaling \$846.30, for Flex Funds (Training and Care Coordination), for which there is no contract. (Held over from the January 29, 2002 agenda.)

MOTION: Campbell moved and Stevens seconded to approve payment voucher 782-1181, dated January 11, 2002 to Child Guidance Center in the amended amount of \$812.40. Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, February 5, 2002.

MOTION: Hudkins moved and Campbell seconded approval of all claims processed through February 5, 2002. Stevens, Workman, Campbell and Hudkins voted aye. Motion carried.

- 4) **SPECIAL PRESENTATIONS:**

A. An exceptional circumstance award for Linda Covert, an employee at Lancaster Manor, in the amount of \$300.

MOTION: Campbell moved and Hudkins seconded approval of the exceptional circumstance award for Linda Covert, in the amount of \$300. Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

- 5) **PUBLIC HEARINGS:**

A. County Miscellaneous 01014, requested by the Director of Planning, to amend the Lancaster County Subdivision Resolution to require that the size of each sheet of a final plat submittal be 16 by 22 inches (as opposed to 16 by 24 inches), to be consistent with the requirements of the City Subdivision Ordinance.

The Chair opened the public hearing and asked if anyone wished to provide testimony.

Mike DeKalb, Planning Department, appeared and explained the proposal would amend the County Subdivision Resolution to change the size of the final plat filed.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

MOTION: Hudkins moved and Stevens seconded to direct the County Attorney's Office to prepare a resolution regarding County Miscellaneous 01014. Hudkins, Stevens, Workman and Campbell voted aye. Motion carried.

5) **PUBLIC HEARINGS CONTINUED:**

- B. Discussion regarding the adoption of a policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by County elected officials, appointed officials, employees and volunteers.**

The Chair opened the public hearing.

Diane Staab, Deputy County Attorney, referred to page three of an amended resolution noting the following changes based on input received from department heads:

- ▶ **Transportation Expenses: Privately Owned Motor Vehicles** - Addition of language to clarify when more than one employee is traveling to the same destination, they are expected to car pool if possible to minimize costs.
- ▶ **Transportation Expenses: Travel by County Owned Vehicle** - Addition of language to clarify that County vehicles only be used for County purposes and be restricted to authorized passengers.
- ▶ **Living Expenses: Meals** - Addition of language regarding meal expenses/reimbursements.

Staab requested that the Board defer action for one week to allow for further input from department heads/elected officials.

By direction of the Chair, action on New Business Item 7A was deferred for one week.

6) **OLD BUSINESS:**

- A. A contract between Lancaster County and Maximus, in the amount of \$81,300, for "Capital Asset and Infrastructure Inventory and Valuation for the Governmental Accounting Standards Board (GASB) Statement 34". (C-02-17)**

MOTION: Campbell moved and Stevens seconded approval of a contract with Maximus. Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

7) **NEW BUSINESS:**

- A. A resolution adopting a policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by County elected officials, appointed officials, employees and volunteers. (R-02-13)**

This item was deferred for one week at the request of the County Attorney's Office.

- B. A collaborative agreement with Lincoln Action Program, Inc. to have the County, through the Cooperative Extension Office, provide for a .5 full-time employee Nutrition Assistant to coordinate the Lincoln Action Program Head Start Performance Standards Responsibility Grid. The County shall be reimbursed up to \$31,680. (C-02-45)**

The Clerk noted that the County Attorney's Office requested the agreement be held.

- C. An interlocal agreement with the City of Lincoln for \$75,000 in funds to be used in the Senior Center Capital Improvement Program for the construction of a skywalk link at 10th and "O" Streets in Lincoln, Nebraska. (C-02-46)**

David Johnson, Deputy County Attorney, explained that the contract was amended to show that construction has been completed.

MOTION: Campbell moved and Hudkins seconded approval of an interlocal agreement with the City of Lincoln. Stevens, Hudkins, Workman and Campbell voted aye. Motion carried.

- D. A NACO (Nebraska Association of County Officials) lease purchase agreement, certificate of acceptance and resolution for one, 2002 Chevrolet Express 15 passenger van and one, 2002 Ford Focus Wagon SE. The term of the agreement is February 7, 2002 to February 7, 2005. The County will pay a total of \$26,487. (C-02-47 and R-02-12)**

MOTION: Hudkins moved and Stevens seconded approval of a NACO lease purchase agreement. Workman, Campbell, Hudkins and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

E. A security agreement UCC-1 form and title for approval of a loan to Robert Brundage d/b/a Handyman Services Plus, in Hickman, Nebraska. The County will loan \$10,000 through the Rural Enterprise Assistance Project. The County will make the loan at five percent interest for a term of 60 months, with the first payment being February 15, 2002. (C-02-48)

Troy Gagner, Economic Development Coordinator, appeared and gave a brief review of the loan request process.

In response to a questions asked by Campbell, Robert Brundage, applicant, stated he had been in business for five years and would like to expand. He also indicated he has conducted business in the rural areas of Lancaster and Gage counties.

Gagner informed the Board that they would like Mr. Brundage to become involved with the Urban Development Department's housing rehabilitation program through the City of Lincoln.

In response to a question asked by Workman, Brundage stated that some of the funds would be used to purchase a second company vehicle.

MOTION: Campbell moved and Stevens seconded approval.

Workman stated he would not support the motion because he feels debt is not always a good thing for a business. He stated he felt it was a type of business which would be best served with very little debt.

ROLL CALL: Hudkins, Campbell and Stevens voted yes. Workman voted no. Motion carried.

F. A contract between the Lancaster County Engineering Department and Great Plains Appraisal Company for appraisal services in connection Project BR-5204(3) at 3rd and Pioneers Boulevard, in the amount of \$3,500. (C-02-49)

MOTION: Campbell moved and Hudkins seconded approval of a contract with Great Plains Appraisal Company. Campbell, Stevens, Workman and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

- G. An amendment to an interlocal agreement with the City of Lincoln for housing of City offenders at the County's Correctional facilities. The amendment provides for an increase in the per diem rate charged to the City to \$65. The increase will be in effect from January 1, 2002 to June 30, 2002. (C-02-50)**

The Chair noted that the amendment to the interlocal agreement would be held.

- H. A resolution in the matter of formally approving the written policies and procedures of the Lancaster County Juvenile Detention Center located at 1200 Radcliff, Lancaster County, Nebraska. (R-02-13)**

Michelle Schindler, Deputy Director of the Juvenile Detention Center, appeared and introduced the Transition Team who developed the policies and procedures for the new Juvenile Detention Center. Members of the team were as follows: Chris Borch, Lori Swanson, Irene Prince and Denny Macomber with the Nebraska Commission on Law Enforcement - Jail Standards Division. It was noted that Ed Kortefay was also a member of the team, however, he was unable to attend the Board meeting.

MOTION: Stevens moved and Hudkins seconded approval of Resolution 02-13.

Johnson requested that the third paragraph of the resolution be amended to read as follows: "Whereas, Lancaster County has constructed a new Juvenile Detention Center and written policies and procedures for the facility have been developed by staff and approved by representatives of the Nebraska Jail Standards Board."

Both the maker of the motion and the seconder agreed to the amendment.

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

- I. A claim for attorney's fees from Mary Stoughton Wenzl, pursuant to Resolution 4630, for 25 percent of retroactive Social Security benefits in representing Abdialhusein Sheruza. The amount of the claim would be \$333.75.**

This item was held at the request of Dave Kroeker, Budget and Fiscal Officer.

7) **NEW BUSINESS CONTINUED:**

J. A political subdivision tort claim filed against Lancaster County by Brad Walburn, in the amount of \$4,585, for lagoon repair.

Brad Walburn, claimant, appeared and stated that in October, 1997 the lagoon was inspected and approved by the Health Department. He stated he feels it shouldn't have been approved because it wasn't constructed correctly. Walburn reported that in September, 2001 a plumbing company rebuilt the lagoon and indicated to him that the lagoon had never been constructed correctly.

In response to a question asked by Campbell regarding the installment of the lagoon, Walburn stated he couldn't remember the name of the individual who put it in and was unable to contact him because he had retired and moved to Florida.

Campbell asked if the individual provided yearly maintenance on the system.

Walburn stated he had seeded around the lagoon and kept the weeds maintained.

Campbell asked if the mudslide was in August, 2001.

Walburn stated it occurred in 2001 over a matter of months.

MOTION: Campbell moved and Hudkins seconded to deny the tort claim filed by Brad Walburn based on the information provided.

Stevens stated he couldn't find any information which would indicate that the Lincoln-Lancaster County Health Department was negligent.

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

K. Political subdivision tort claims filed by Dennis P. Crawford, on behalf of Anthony Sandlin-EI and Lateefah Brown, in the amount of \$25,000 each, for medical expenses.

MOTION: Hudkins moved and Campbell seconded to deny the tort claims filed by Dennis P. Crawford, on behalf of Anthony Sandlin-EI and Lateefah Brown. Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

L. **A request from Tammie Fischer for a refund of real estate taxes for 1999, 2000 and 2001.**

MOTION: Campbell moved and Hudkins seconded approval of a request from Tammie Fischer for a refund of real estate taxes for 1999 and 2000. Hudkins, Stevens, Workman and Campbell voted aye. Motion carried.

M. **Appointment and reappointments of the following individuals to the Lancaster County Ecological Advisory Committee:**

<u>Name of Individual</u>	<u>Expiration of Term</u>
Kay Kottas (new appointment)	2004
Steve Gaul (reappointment)	2004
Marilyn McNabb (reappointment)	2004
Bill Latenser (reappointment)	2004
Richard Slama (reappointment)	2004

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

8) **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:

The Clerk announced that an individual would like to speak regarding Consent Item 8B.

A. **Receive and Place on File:**

1. **County Attorney's Quarterly Report from October 1, 2001 through December 31, 2001.**
2. **County Clerk's Monthly Report for January, 2002.**

8) CONSENT ITEMS CONTINUED:

- B. Setting of a public hearing for Tuesday, February 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a petition from ten percent of the property owners within the Hitching Post Hills Addition, First Addition, Second Addition and Third Addition in Lancaster County, Nebraska for formation of a Special Paving Improvement District for the paving of Saddle Creek Trail, West Buckthorn Road, West Rodeo Road, Rodeo Circle, Hitching Post Lane, West Paddock Road, Palomino Lane and Hitching Post Circle.
- C. Request from Maggie M. Blazek, an employee in the Office of the Clerk of the District Court, to voluntarily participate in the Lancaster County Retirement Plan.
- D. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Donald and Linda Glover, in the amount of \$3,116.91, at 607 Everett Street in Firth, Nebraska; Project C55-X-402(5). (C-02-51)

MOTION: Hudkins moved and Stevens seconded approval of Consent Items 8A, 8C and 8D. Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

RETURNING TO CONSENT ITEM 8B:

Mike Britten, 6000 Saddle Creek Trail, appeared and questioned the procedures for forming a Special Improvement Paving District. He also said that in December, 2001 a lot per lot vote was taken. Out of 43 lots, 23 lots voted against the Special Improvement Paving District and 20 voted in favor of forming the paving district.

Britten asked the County Board to review the procedure.

Mike Kirk, 2929 Hitching Post Circle, addressed the financial aspects of forming the paving district. He stated many of the financial factors presented to the homeowners were unclear and the estimates have escalated. Kirk stated they have a petition with 22 signatures in opposition of the formation of the paving district. He stated it is his understanding that once the County Clerk or the County Commissioners knows there is a majority against the formation of a Special Improvement Paving District it can be dropped at any given point.

MOTION: Campbell moved and Stevens seconded to set a public hearing for Tuesday, February 26, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a petition from ten percent of the property owners within the Hitching Post Hills Addition, First Addition, Second Addition and Third Addition in Lancaster County, Nebraska for formation of a Special Paving Improvement District for the paving of Saddle Creek Trail, West Buckthorn Road, West Rodeo Road, Rodeo Circle, Hitching Post Lane, West Paddock Road, Palomino Lane and Hitching Post Circle. Campbell, Stevens, Workman and Hudkins voted aye. Motion carried.

9) **ADJOURNMENT:**

MOTION: At 2:25 p.m. Hudkins moved and Stevens seconded adjournment of the Board of Commissioners meeting. Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk