

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 14, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Bob Workman
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Board of Commissioners meeting was called to order at 1:32 p.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 7, 2003.**

MOTION: Hudkins moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated October 7, 2003.

Stevens noted misspelling of Lynn Sunderman's name on Page 8 of the minutes. Sunderman was recently appointed to the Lincoln-Lancaster County Planning Commission.

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

2) **SPECIAL PRESENTATIONS:**

Presentation of the Volunteer of the Month Award was made to Mary Vanek for her service with the Lancaster County Corrections Department.

- 3) **PUBLIC COMMENT: The public comment period is limited to thirty (30) minutes in duration and each speaker is limited to five (5) minutes. These time limits may be extended at the discretion of the County Board Chair. Comments shall be limited to items on the agenda.**

No one appeared for the public comment agenda item and the meeting proceeded.

- 4) **CLAIMS: Approval of all claims processed through Tuesday, October 14, 2003.**

MOTION: Stevens moved and Schorr seconded approval of all claims processed through October 14, 2003. Workman, Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

- 5) **NEW BUSINESS:**

A. Utility Relocation Agreement, Project No. STPE-3265(6), South 68th Street (Roca Road to Saltillo Road) between the County of Lancaster and the Norris Public Power District of Beatrice, Nebraska. The total amount of the project is estimated at \$207,403.76, of which \$175,878.39 is estimated to be the share of the cost chargeable to the County. (C-03-0529)

MOTION: Hudkins moved and Stevens seconded approval of a utility relocation agreement with Norris Public Power District of Beatrice, Nebraska, Project No. STPE-3265(6), on South 68th Street (Roca Road to Saltillo Road). Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

B. A grant contract with Berniklau Educational Solutions Team (B.E.S.T.) to provide funding for management of a Juvenile Day Reporting Center, in the amount of \$88,900. The term of the grant is July 1, 2003 to June 30, 2004. (C-03-0526)

MOTION: Hudkins moved and Workman seconded approval of a grant contract with Berniklau Educational Solutions Team (B.E.S.T.) to provide funding for management of a Juvenile Day Reporting Center. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- C. A grant contract with Houses of Hope, Inc. to provide funding for the Transitional Residential Halfway House, in the amount of \$45,765. The term of the grant is July 1, 2003 to June 30, 2004. (C-03-0527)**

MOTION: Schorr moved and Stevens seconded approval of a grant contract with Houses of Hope, Inc. to provide funding for the Transitional Residential Halfway House. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

- D. A grant contract with the Lincoln Medical Education Foundation for funding the following programs: Family Violence Council, in the amount of \$33,000 and the Pathways to Self-Sufficiency Through Education, in the amount of \$20,000. The total amount of the grant will be \$53,000. The term of the grant is July 1, 2003 to June 30, 2004. (C-03-0528)**

MOTION: Workman moved and Stevens seconded approval of a grant contract with Lincoln Medical Education Foundation for funding of the Family Violence Council and the Pathways to Self-Sufficiency Through Education Program. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

- E. An administrative service and fee agreement with Nationwide Retirement Solutions for Lancaster County's Deferred Compensation Plan (IRC 457). (C-03-0530)**

MOTION: Stevens moved and Workman seconded approval of an administrative service and fee agreement with Nationwide Retirement Solutions for Lancaster County's Deferred Compensation Plan. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

- F. An administrative service and fee agreement with Nationwide Retirement Solutions for Lancaster County's Defined Contribution Pension Plan. (C-03-0531)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Schorr seconded approval of an administrative service and fee agreement with Nationwide Retirement Solutions for Lancaster County's Defined Contribution Pension Plan. Stevens, Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

G. A program agreement and attached documents between Nationwide Trust Company, FSB and Lancaster County regarding the County's Deferred Compensation Plan (IRC §457). (C-03-0532)

Kerry Eagan, Chief Administrative Officer, appeared and said the agreement has been reviewed by the County Attorney Office.

MOTION: Workman moved and Stevens seconded approval of a program agreement and attached documents between Nationwide Trust Company, FSB and Lancaster County regarding the County's Deferred Compensation Plan. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

H. A program agreement and attached documents between Nationwide Trust Company, FSB and Lancaster County regarding the Lancaster County, Nebraska Employees' Retirement Plan. (C-03-0540)

MOTION: Workman moved and Schorr seconded approval of a program agreement and attached documents between Nationwide Trust Company, FSB and Lancaster County regarding the Lancaster County, Nebraska Employees' Retirement Plan. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

I. An amendment to Lancaster County's Employees' Retirement Plan by Nationwide Retirement Solutions, Inc. to comply with the final and temporary regulations under §401(a)(9) of the Internal Revenue Code. The amendment relates to required minimum distributions. (C-03-0539)

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Workman seconded approval of an amendment to Lancaster County's Employees' Retirement Plan by Nationwide Retirement Solutions, Inc. to comply with the final and temporary regulations under §401(a)(9) of the Internal Revenue Code. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

J. A resolution directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's office to begin tax foreclosure proceedings. (R-03-0107)

MOTION: Hudkins moved and Stevens seconded approval of a resolution directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's office to begin tax foreclosure proceedings. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the County Sheriff to award a bid for vehicular repeater equipment for emergency radios via the Emergency Management Grant Funds to Futurecom Systems Group, Inc., in the amount of \$20,965. (B-03-0028)

Kathy Smith, Assistant Purchasing Agent, appeared and said the recommendation to award a bid is from the Purchasing Agent and Emergency Management Director, not the County Sheriff. The equipment will be used by the County Sheriff's Office.

MOTION: Hudkins moved and Schorr seconded to accept a recommendation from the Purchasing Agent and the Emergency Management Director to award a bid for vehicular repeater equipment for emergency radios via the Emergency Management Grant Funds to Futurecom Systems Group, Inc. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- L. Recommendation from the Purchasing Agent and the Corrections Director along with other designated Corrections Staff who served as the evaluation committee to award a Request for Proposals for security system consulting services to LTS Security Engineers and enter into contract negotiations with them. The amount of the contract will be approximately \$76,000 plus travel expenses from Independence, Missouri. (B-03-0029)**

MOTION: Hudkins moved and Workman seconded to accept a recommendation from the Purchasing Agent and the Corrections Director, along with other designated Corrections Staff who served as the evaluation committee, to award a Request for Proposals for security system consulting services to LTS Security Engineers and enter into contract negotiations with them. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

- M. Correction of Typographical Error - Authorization to change Resolution No. 03-0084 to correct an error in the legal description. The correct legal description in the resolution should be Range 6 East, not Range 8 East. The correct legal was used on the agenda, the legal notice and in the notice sent to surrounding property owners.**

MOTION: Stevens moved and Hudkins seconded to approve change of Resolution No. 03-0084 to correct an error in the legal description. Stevens, Workman, Hudkins, Schorr and Heier voted aye. Motion carried.

- N. Liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office, beginning November 1, 2003 and ending November 1, 2004, in the amount of \$6,800.**

Stevens asked whether funding will be through the Public Defender's budget.

Information on the funding source was not available.

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Workman seconded to approve liability insurance coverage with National Legal Aid and Defender Association (NLADA) Service Corporation for the Lancaster County Public Defender's Office. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

O. Request from Eric Sandberg on behalf of Quality Human Systems for a refund of 2000 personal property taxes, in the approximate amount of \$720.98.

Item held for additional information.

Workman exited the meeting at 1:50 p.m. to attend the Nebraska Association of County Officials (NACO) Annual Conference.

6) **CONSENT ITEMS:** These are items of business that are routine 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. County Clerk's Monthly Report for September, 2003.**
- 2. Lincoln Airport Authority's Audit Report for the Fiscal Year 2002-2003.**
- 3. County Attorney's Quarterly Report for July 1, 2003 to September 30, 2003.**

B. Request from Joseph E. Wagner, an employee with District Court, to participate in the Lancaster County Retirement Plan.

C. Leasehold contract for road improvements between the County Engineer and Bob Brauckmuller, in the amount of \$10, located on Waverly Road between 141st and 148th Street; Project No. C55-H-404(2). (C-03-0533)

6) **CONSENT ITEMS CONTINUED:**

D. Right of way contracts for road improvements between the County Engineer and the following:

- * **Ag Invest, LLC, Danja Pegram, Manager, in the total amount of \$10,246.50, located on Rokeby Road between South 56th and South 70th Streets; Project No. C55-P-427(1). (2 contracts) (C-03-0534 & C-03-0535)**
- * **C. Raymond Donley, et al., in the total amount of \$9,694.40, located on NW 84th Street from Adams Street to Hwy 34; Project No. C55-EM-401(1). (3 contracts) (C-03-0536 to C-03-0538)**

MOTION: Hudkins moved and Stevens seconded approval of the Consent Items. Stevens, Hudkins, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

RETURNING TO ITEM 50

Norm Agena, County Assessor/Register of Deeds, appeared and said unpaid taxes will be brought current based upon the corrected personal property schedule for 2000, 2001, 2002 and 2003. He recommended approval of the request.

MOTION: Hudkins moved and Stevens seconded to approve a request from Eric Sandberg on behalf of Quality Human Systems for a refund of 2000 personal property taxes, in the approximate amount of \$720.98. Schorr, Stevens, Hudkins and Heier voted aye. Workman was absent from voting. Motion carried.

7) **EMERGENCY ITEMS AND OTHER BUSINESS:**

There were no emergency items or other business to come before the Board.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 1:55 p.m. Hudkins, Schorr, Stevens and Heier voted aye. Workman was absent from voting. Motion carried.

Bruce Medcalf
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 14, 2003
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

The Lancaster County Board of Equalization meeting was called to order at 1:55 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 7, 2003.**

MOTION: Hudkins moved and Schorr seconded approval of the minutes of the Board of Equalization meeting dated October 7, 2003. Schorr, Hudkins, Stevens and Heier voted aye. Workman was absent from voting. Motion carried.

- 2) **PUBLIC COMMENT: The public comment period is limited to thirty (30) minutes in duration and each speaker is limited to five (5) minutes. These time limits may be extended at the discretion of the County Board Chair. Comments shall be limited to items on the agenda.**

No one appeared for the public comment agenda item and the meeting proceeded.

- 3) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS:**

Approval of 3 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Stevens moved and Schorr seconded to approve the additions and deductions to the tax assessment rolls. Stevens, Hudkins, Schorr and Heier voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Daughters of the Holy Spirit
Family Service Association of Lincoln
CrossBridge Christian Church**

MOTION: Stevens moved and Hudkins seconded to approve the motor vehicle tax exemptions. Hudkins, Schorr, Stevens and Heier voted aye. Workman was absent from voting. Motion carried.

5) **CERTIFICATION OF TAX LEVIES:**

Certification of 2003-2004 tax levies for Lancaster County, Nebraska.

Tim Genuchi, Accounting Operations Manager for the County Clerk's Office, appeared and distributed copies of the 2003-2004 tax rates and a comparison with previous years (Exhibits A and B).

MOTION: Hudkins moved and Stevens seconded to approve certification of 2003-2004 tax levies for Lancaster County, Nebraska. Hudkins, Stevens, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

6) **REMOVAL OF 451A TAX EXEMPTION ON REAL PROPERTY FOR 2003:**

Christian Heritage Children's Homes

Norm Agena, County Assessor/Register of Deeds, said Greg Nichols, Christian Heritage Children's Homes Director, informed his office that the property has been vacant since December, 2002. He said the property is not being used for an exempt purpose and asked that the tax exemption be rejected.

Schorr asked whether the vacancy was due to an intent to sell or a lack of programs.

Agena said he does not know. He said the owner has accepted a purchase offer and is scheduled to close on the property on, or before, October 31, 2003.

Schorr asked whether Christian Heritage Children's Homes was notified that the item was scheduled on the Board's agenda.

Agena said it was.

Kerry Eagan, Chief Administrative Officer, appeared and said Nichols contacted him and indicated that the property was being used as office space and for training purposes.

Agena said he has a copy of the Mobile Listing Service (MLS), dated June 19, 2003, which states the property is vacant.

In response to a question from Stevens, Agena said a change of use from non-exempt to exempt would have had to have occurred prior to August 1, 2003 to have qualified.

MOTION: Schorr moved and Hudkins seconded to: 1) Defer the item for one week; and 2) Direct Kerry Eagan, Chief Administrative Officer, to notify Greg Nichols, Christian Heritage Children's Homes, of the Board's action. Stevens, Schorr, Hudkins and Heier voted aye. Workman was absent from voting. Motion carried.

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

**MDS Pharma Services (US) Inc.
Christian Heritage Children's Home**

MOTION: Hudkins moved and Schorr seconded to approve the recommendations of the County Assessor/Register of Deeds for notice of valuation changes for omitted or undervalued property for MDS Pharma Services (US) Inc. and Christian Heritage Children's Home. Stevens, Hudkins, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

8) **APPEALS FILED ON LATE FILING PENALTY ON PERSONAL PROPERTY FOR THE FOLLOWING:**

**David A. and Marlene R. Wagner
The Insight Program, P.C.**

MOTION: Stevens moved and Hudkins seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the appeals of late filing penalties on personal property filed by David A. and Marlene R Wagner and The Insight Program, P.C. Schorr, Stevens, Hudkins and Heier voted aye. Workman was absent from voting. Motion carried.

9) **APPEAL ON DENIAL OF A HOMESTEAD EXEMPTION:**

John E Gogan

Norm Agena, County Assessor/Register of Deeds, said an annual certification by the Veterans Administration (VA) is required under terms of the provision John E. Gogan applied under. He said the VA will not provide the certification until the remodeling is complete.

In response to a question from Schorr, Agena said Gogan will not be able to reapply until next year.

MOTION: Schorr moved and Hudkins seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the appeal of denial of a homestead exemption for John E. Gogan. Hudkins, Stevens, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

10) **ADJOURNMENT:**

MOTION: Stevens moved and Schorr seconded to adjourn the Lancaster County Board of Equalization Meeting at 2:10 p.m. Stevens, Hudkins, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

Bruce Medcalf
Lancaster County Clerk