

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 22, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

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

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Patricia Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 15, 2005.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated March 15, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. A resolution in the matter of recognizing March 19, 2005 as "Central Plains Severe Weather Symposium" Day (R-05-0030) - Doug Ahlberg, Emergency Management Director

Doug Ahlberg, Emergency Management Director, gave a brief overview of the "Central Plains Severe Weather Symposium" Day.

MOTION: Workman moved and Stevens seconded approval of a Resolution 05-0030 in the matter of recognizing March 19, 2005 as "Central Plains Severe Weather Symposium" Day. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **PUBLIC COMMENT:**

Robert VanValkenburg, 7921 Reno Road, appeared and expressed his concerns regarding verification of non-profit corporations when filing Form 451a tax exemption applications.

4) **CLAIMS: Approval of all claims processed through Tuesday, March 22, 2005.**

MOTION: Schorr moved and Stevens seconded approval of all claims processed through March 22, 2005. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS:**

A. A resolution approving (1) First Amendment to Site Lease from Lancaster County and the City of Lincoln, Nebraska to the Lincoln-Lancaster County Public Building Commission, (2) First Amendment to Lease Agreement from the Public Building Commission to the County and the City and (3) issuance of not to exceed \$27,000,000 of the Commission's Tax Supported Lease Rental Revenue Refunding Bonds, all with respect to the County-City Building and the Justice and Law Enforcement Center. (R-05-0029)

Lauren Wismer, Gilmore and Bell, appeared and explained that the resolution is proposed in connection with the refinancing of the 1996 Public Building Commission bonds.

Scott Keane, Ameritas Investment Corporation, stated there is currently \$25,000,000 of outstanding series 1996 bonds and that they would propose issuing approximately \$25,800,000 of refunding bonds. Keane said the current rate on the outstanding bonds is approximately 5.84 percent, with the refunding bonds having a rate of approximately 4.31 percent which would result in a savings of approximately \$107,000 per year over the remaining 22 year life of the bond issue.

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Heier seconded approval of Resolution 05-0029 approving (1) First Amendment to Site Lease from Lancaster County and the City of Lincoln, Nebraska to the Lincoln-Lancaster County Public Building Commission, (2) First Amendment to Lease Agreement from the Public Building Commission to the County and the City and (3) issuance of not to exceed \$27,000,000 of the Commission's Tax Supported Lease Rental Revenue Refunding Bonds, all with respect to the County-City Building and the Justice and Law Enforcement Center. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

B. A resolution authorizing submittal of a coordinated grant application on behalf of first responders in Lancaster County for Homeland Security funding. (R-05-0031)

MOTION: Schorr moved and Heier seconded approval of Resolution 05-0031 authorizing submittal of a coordinated grant application on behalf of first responders in Lancaster County for Homeland Security funding. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

C. A resolution in the matter of contributing up to \$27,000 to the Nebraska State Fair board under Legislative Resolution 209CA for the 1st quarter of 2005. (R-05-0032)

Kristy Mundt, Deputy County Attorney, requested the resolution be held one week. She stated it was her understanding that it is the intent of the County Board for the funds to come from County Keno dollars and explained a public hearing would have to be held, as provided by County Resolution R-5134, approved June 21, 1994.

Board consensus was to hold New Business Item 5C.

D. A contract with Van Kirk Brothers Contracting of Sutton, Nebraska, for grading construction in relation to Project 05-31, Part I, Section "A". The work will be performed in the following areas: North 162nd Street from Davey Road to Raymond Road. The County will pay \$245,372.48 for the services. The work will begin on April 18, 2005 and be completed within 80 working days. (C-05-0152)

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of a contract with Van Kirk Brothers Contracting of Sutton, Nebraska, for grading construction in relation to Project 05-31, Part I, Section "A". Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

E. A culvert replacement and maintenance agreement with L.J. Webb Contractor, Inc. of Geneva, Nebraska, for County Project 05-29. The services will be provided at various locations within the County. The pipe culvert work will be provided between April 25, 2005 through September 2, 2005. The County will pay \$133,824.30 for the services. (C-05-0153)

MOTION: Stevens moved and Heier seconded approval of a culvert replacement and maintenance agreement with L.J. Webb Contractor, Inc. of Geneva, Nebraska, for County Project 05-29. The services will be provided at various locations within the County. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

F. A service agreement between Lancaster County, the City of Lincoln and Aetna Life Insurance Company to provide supplemental group long term care insurance. The agreement will begin on April 1, 2005 and end on March 31, 2010. (C-05-0156)

MOTION: Stevens moved and Workman seconded approval of a service agreement between Lancaster County, the City of Lincoln and Aetna Life Insurance Company to provide supplemental group long term care insurance.

Schorr clarified that the agreement is for optional supplemental insurance to be purchased by County and City employees. No property tax dollars would be utilized.

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

5) **NEW BUSINESS CONTINUED:**

G. A service agreement between Lancaster County, the City of Lincoln and Union Agency, an independent agency representing Aetna Life Insurance Company, to market supplemental group long term care insurance to County and City employees. The agreement will begin on April 1, 2005 and end on March 31, 2010. (C-05-0157)

MOTION: Schorr moved and Stevens seconded approval of a service agreement between Lancaster County, the City of Lincoln and Union Agency, an independent agency representing Aetna Life Insurance Company, to market supplemental group long term care insurance to County and City employees.

In response to a question asked by VanValkenburg, Mundt stated there is a termination clause providing for a 31 day written notice by either party.

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

H. An agreement with Sheryl Schrepf to assist and coordinate various activities relating to the transfer of Families First and Foremost and the Integrated Care Coordination Unit from the County to Region V Systems. Term of the agreement is March 15, 2005 through June 30, 2005. The County will pay \$20,000 for such services. (C-05-0158)

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

Heier requested that the item be scheduled for discussion on a Staff Meeting agenda.

I. An interlocal cooperative agreement between Lancaster County and the Central Platte Natural Resources District, the cities of Grand Island, Kearney, Scottsbluff, Gering and Norfolk, Nebraska, the County of Scotts Bluff County, Nebraska and the Nebraska Department of Health and Human Services for a High Resolution Orthophotos Project. Term of the interlocal agreement is from March 22, 2005 through December 31, 2005. Lancaster County's cost share will be \$26,000. (C-05-0159)

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Stevens seconded approval of an interlocal cooperative agreement between Lancaster County and the Central Platte Natural Resources District, the cities of Grand Island, Kearney, Scottsbluff, Gering and Norfolk, Nebraska, the County of Scotts Bluff County, Nebraska and the Nebraska Department of Health and Human Services for a High Resolution Orthophotos Project. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

J. Recommendation from the Purchasing Agent and the Youth Services Director and committee to award a request for proposal for a resident telephone system for the Lancaster County Youth Services Center to Encartele, Inc.. The contract will be for a three year period with the option to renew for one additional three year period. No County funds will be used for this contract, however, the County will receive a commission for contracting with the provider to have exclusive right to provide the services. (B-05-0013)

MOTION: Heier moved and Workman seconded approval to award a request for proposal for a resident telephone system for the Lancaster County Youth Services Center to Encartele, Inc.. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

K. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- ▶ Progressive Construction Company, L.L.C., in the amount of \$35,240.23, relating to the Sheriff's garage
- ▶ Sinclair Hille Architects, in the amount of \$802.50, for architectural services relating to the Sheriff's garage

Total payment request is \$36,042.73.

MOTION: Workman moved and Stevens seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund, in the total amount of \$36,042.73. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- L. **Request from Josh Nielsen, on behalf of AGCO Finance L.L.C., for a refund of 2004 personal property taxes, in the approximate amount of \$1,028.86.**

Norm Agena, County Assessor/Register of Deeds, recommended the refund be approved. He explained AGCO had incorrectly filed their personal property schedule in Lancaster County when the property is actually located within Saunders County.

MOTION: Stevens moved and Schorr seconded to accept the recommendation of the County Assessor/Register of Deeds and approve a request from Josh Nielsen, on behalf of AGCO Finance L.L.C., for a refund of 2004 personal property taxes, in the approximate amount of \$1,028.86. Workman, Schorr, Heier, Stevens, and Hudkins voted aye. Motion carried.

- 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. **Noxious Weed Control Authority's Monthly Report for the Combined Weed Program with the City of Lincoln for February, 2005.**
2. **Noxious Weed Control Authority's Monthly Report for February, 2005.**

B. Request from Billie J. Hildebrandt, an employee at Lancaster Manor, to voluntarily participate in the County's retirement plan having met the requirements.

C. A right-of-way contract relating to road improvement between the Lancaster County Engineering Department and Robert Nohavec, in the total amount of \$8,707, on Old Cheney Road from South 148th to South 190th Streets; Project C55-Q-407(2). (2 contracts) (C-05-0154 and C-05-0155)

6) **CONSENT ITEMS CONTINUED:**

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

7) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:08 p.m.. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 22, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:08 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 15, 2005.**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated March 15, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

Robert VanValkenburg, 7921 Reno Road, appeared and reiterated his concerns regarding verification of non-profit corporations when filing Form 451a tax exemption applications.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 7 additions and deductions to the tax assessment rolls per Exhibit A.

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

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

Christ's Place
Cornhusker Place, Inc.
Developmental Services of Nebraska, Inc. (5 exemptions)
First Baptist Church
Nebraska Conference of the United Church of Christ
St. Monica's (2 exemptions)

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

5) **NOTICE OF PROPOSED CHANGE IN EXEMPTION STATUS FOR THE FOLLOWING:**

City of Lincoln

Norm Agena, County Assessor/Register of Deeds, stated the City of Lincoln sold the parcel. Recommendation was to approve the notice of proposed change in exemption status for the City of Lincoln (Parcel I.D. 16-23-101-020-000).

MOTION: Workman moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the notice of proposed change in exemption status for 2004 for the City of Lincoln (Parcel I.D. 16-23-101-020-000). Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

6) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES FOR THE FOLLOWING:**

Eiger Corporation

Agena recommended approval.

MOTION: Workman moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the notice of assessed valuation change for 2004 for property taxation purposes for Eiger Corporation (Parcel I.D. 16-23-101-020-000). Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

7) **APPROVAL OF 2005 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT B:**

MOTION: Heier moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the 2005 451 tax exemptions on real and personal property as listed in Exhibit B. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

8) **APPROVAL OF A 2005 451 TAX EXEMPTIONS ON REAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT C:**

In response to a question asked by Stevens, Agena stated the penalty would be ten percent of the amount of tax due per month.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the 2005 451 tax exemptions on real property with a late filing penalty as listed in Exhibit C. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

9) **APPROVAL OF 2005 PARTIAL 451 TAX EXEMPTIONS ON REAL PROPERTY PER EXHIBIT D:**

MOTION: Heier moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the 2005 partial 451 tax exemptions on real property as listed in Exhibit D. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

10) **APPROVAL OF A 2005 PARTIAL 451 TAX EXEMPTION ON REAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT E:**

MOTION: Schorr moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the 2005 partial 451 tax exemption on real property with a late filing penalty as listed in Exhibit E. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

11) **APPROVAL OF 2005 PARTIAL 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT F:**

MOTION: Workman moved and Heier seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the 2005 partial 451A tax exemptions on real and personal property as listed in Exhibit F. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

12) **APPROVAL OF 2005 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT G:**

MOTION: Workman moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and approve the 2005 451A tax exemptions on real and personal property with a late filing penalty as listed in Exhibit G. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

13) **DENIAL OF 2005 451 TAX EXEMPTIONS ON REAL PROPERTY PER EXHIBIT H:**

Trent Sidders, attorney representing the Anne K. and William L. Porter Foundation, appeared and gave a brief history explaining that the Foundation provides funds each year to community organizations. He stated the property is currently being used as the administrative office for the Foundation and that the president of the Foundation uses the unit when she comes to Lincoln for Foundation business.

Agena stated his office feels the predominant use of the condominium unit is as a residence and not an office.

Schorr asked where Foundation meetings are held.

Sidders replied that they meet in the apartment unit or in a conference room available to all members of the University Towers condominium regime.

Robert Scott, treasurer for the Anne K. and William L. Porter Foundation, stated the unit is used primarily for board meetings and meetings with charitable organizations requesting grants.

MOTION: Heier moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the 2005 451 tax exemptions on real property as listed in Exhibit H. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

14) **REQUEST FOR WAIVER FOR FILING PROPERTY TAX EXEMPTION APPLICATION FOR ANNE K. AND WILLIAM L. PORTER FOUNDATION, INC.:**

MOTION: Stevens moved and Workman seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the request for waiver for filing property tax exemption application for Anne K. and William L. Porter Foundation, Inc.. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

15) **DENIAL OF 2005 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT I:**

Greg Lund, representing the American Legion Post 3, appeared and stated they have submitted a corrected Form 451A for 2005.

Agenda indicated the exemption for the American Legion Post 3 should be removed from the list.

MOTION: Schorr moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and deny the 2005 451A tax exemptions on real and personal property per Exhibit I, with the exception of the American Legion Post 3 which was removed from the list. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

16) **2005 451 TAX EXEMPTION FOR MADONNA REHABILITATION HOSPITAL:**

Agenda requested the following documentation be submitted into the record (Exhibit 1):

- ▶ Letter from Madonna Rehabilitation Hospital, dated February 8, 2005, signed by Victor Witkowicz
- ▶ Letter from Cline, Williams, Wright, Johnson & Oldfather, L.L.P., requesting a ruling from the Internal Revenue Service regarding their qualification as a Section 501(c)(3)
- ▶ Reply from Department of the Treasury Internal Revenue Service granting the 501(c)(3)
- ▶ Printout from the Madonna web site - Search Highlight Summary
- ▶ Copy of a newspaper article from the CBS new site
- ▶ Copy of a faxed request for additional information and the reply submitted by Victor Witkowicz
- ▶ Copy of the final plat of Aspen 16th Addition
- ▶ Three photos of the building site
- ▶ Tax Equalization and Review Commission (T.E.R.C.) Ruling (Douglas County Assessor and Property Tax Administrator, Cathy Lang vs. Douglas County Board of Equalization)

Agena recommended denial of the exemption stating the facility is not built and is not in existence at the present time.

Victor Witkowicz, Senior Vice-President and Chief Financial Officer at Madonna Rehabilitation Hospital, described the physical layout of the proposed project which will include an approximate 56,000 square foot building called Madonna Pro Active Health and Fitness.

Also appearing were Paul Nathenson, Vice President of Patient Care at Madonna Rehabilitation Hospital, who discussed the programmatic aspect of the project and Judith Burnfield, Director of the Movement Sciences Center, who discussed the research aspects of the project. Marsha Lommel, President and Chief Executive Officer of Madonna Rehabilitation Hospital, stated other health and fitness centers of this nature are non-existent in the Midwest which makes it very difficult to conceptualize. She stated there would be physical equipment which looks like equipment in a fitness center, as well as a lot of medical and adaptive equipment which is unavailable in a fitness center.

The following individuals appeared in opposition of the exemption request stating that taxpayers should not be subsidizing membership based health clubs.

- ▶ Dean Rasmussen, Prairie Life Center
- ▶ Joel Potter, Gold's Gym
- ▶ Ryan Richardson, B-Fit Personalized Training
- ▶ Della Johns, Racquet Club
- ▶ Marlyn Schwarz, owner of the Racquet Club

MOTION: Schorr moved and Workman seconded to deny a 2005 451 tax exemption for Madonna Rehabilitation Hospital. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

17) **ADJOURNMENT:**

MOTION: Heier moved and Schorr seconded adjournment of the Board of Equalization meeting at 3:42 p.m.. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk