

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 28, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Others Present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, August 21, 2007.**

MOTION: Stevens moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting held on August 21, 2007.

Heier asked for clarification on the motion relating to New Business Item 5H, specifically whether anything relating to architectural and design fees for the jail was included.

Stevens stated suggestions were made, however, no specific designations were included regarding how to use the one cent levy.

Schorr and Hudkins concurred.

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

2) **CLAIMS: Approval of all claims processed through Tuesday, August 28, 2007.**

MOTION: Hudkins moved and Schorr seconded approval of all claims processed through August 28, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. Recommendation from the Visitors Promotion Committee in accordance with Neb. Rev. Stat. §81-1255 (Cum. Supp. 2006) to use 1/2% of the lodging tax paid to the Lancaster County Visitors Improvement raised between July 1, 2006 and June 30, 2007 to promote, encourage, and attract visitors to Lancaster County to use the County's travel and tourism facilities.

Appearing were Jeff Maul, Lincoln Convention and Visitors Bureau Executive Director, and Tom Lorenz, Chair of the Visitors and Promotion Committee.

Lorenz stated that it was determined by the Visitors Promotion Committee (VPC) that attractions are adequate in order to request the one-half percent lodging tax funds.

In response to a question asked by Workman, Maul stated the one-half percent for the previous six months would be approximately \$122,000 for a total of approximately \$250,000 for a one year period.

MOTION: Stevens moved and Hudkins seconded approval of the recommendation from the Visitors Promotion Committee to use one-half percent of the lodging tax paid to the Lancaster County Visitors Improvement raised between July 1, 2006 and June 30, 2007. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

B. Appointment of Norbert Greuner to the Lancaster County Visitors Promotion Committee to fulfill the unexpired term of Joel Schossow, terms expiring June 30, 2011.

Maul introduced Norbert Greuner, with the Cornhusker Marriott Hotel, to the County Board.

3) **SPECIAL PRESENTATIONS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of the appointment of Norbert Greuner to the Lancaster County Visitors Promotion Committee to fulfill the unexpired term of Joel Schossow, terms expiring June 30, 2011. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

C. Reappointment of John Chapo to the Lancaster County Visitors Promotion Committee to a four-year term, effective July 1, 2007 and terms expiring June 30, 2011 - Jeff Maul, Lincoln Convention and Visitors Bureau Executive Director; Scott Miller, VPC Chairman.

MOTION: Heier moved and Stevens seconded approval of the reappointment of John Chapo to the Lancaster County Visitors Promotion Committee to a four-year term, effective July 1, 2007 and terms expiring June 30, 2011. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

4) **NEW BUSINESS:**

A. A resolution in the matter of final allocation of levy authority to all political subdivisions subject to County levy authority. (R-07-0080)

Dennis Meyer, Budget & Fiscal Officer, appeared and explained that the resolution sets the allocation for all miscellaneous subdivisions. He stated the Agricultural Society, Railroad Transportation Safety District (RTSD) and the Rural Library would receive the allocation which was requested in their budget document(s). In order for the fire districts to stay at the 15 cents, he said, the levy was maxed out at 9.9614 cents which would affect both the Malcolm and Raymond Rural Fire Districts. Both fire districts, Meyer said, would have to decrease their requests by \$4,000 to \$6,000.

MOTION: Heier moved and Schorr seconded approval of Resolution 07-0080 in the matter of final allocation of levy authority to all political subdivisions subject to County levy authority.

MOTION TO AMEND: Stevens amended the motion to strike the Capital Fund, \$94,535, listed under the Agricultural Society.

There was no second and the motion to amend failed.

4) **NEW BUSINESS CONTINUED:**

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

B. A resolution in the matter of adopting benefits for County employees in the Unclassified Service who are not covered by a labor agreement, excluding Deputy Sheriff Captains, effective the pay period beginning August 30, 2007. The resolution rescinds and replaces County Resolution No 06-0030. (R-07-0081)

MOTION: Stevens moved and Heier seconded approval of Resolution 07-0081 in the matter of adopting benefits for County employees in the Unclassified Service who are not covered by a labor agreement, excluding Deputy Sheriff Captains, effective the pay period beginning August 30, 2007. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

C. A contract between Lancaster County and Pyramid Roofing, for a roof replacement at Lancaster Manor. The contract shall be effective upon execution and all work shall be completed by October 15, 2007. The cost to the County is \$123,993. (C-07-0338)

MOTION: Hudkins moved and Heier seconded approval of a contract between Lancaster County and Pyramid Roofing, for a roof replacement at Lancaster Manor. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

D. Agreement with Milliman USA for consulting services for the Lancaster County medical and dental employee benefit plan. The term of the agreement is from June 1, 2007 to May 31, 2008 and the County shall pay a first year fee of \$9,600. (C-07-0339)

MOTION: Schorr moved and Stevens seconded approval of an agreement with Milliman USA for consulting services for the Lancaster County medical and dental employee benefit plan. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- E. An agreement between the Lancaster County Community Mental Health Center and Southeast Community College to present a diversity training workshop on August 30, 2007. The County will pay up to \$1,275 for the services. (C-07-0340)**

MOTION: Stevens moved and Schorr seconded approval of an agreement between the Lancaster County Community Mental Health Center and Southeast Community College to present a diversity training workshop on August 30, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- F. Release of lien held by Lancaster County on a 1992 Ford Festiva, VIN #KNJPT06H8N6114820, owned by Carl and Michelle Criswell. The lien secured an economic development loan through the Rural Enterprise Assistance Project, Loan #236, which has been paid in full. (C-07-0341)**

Kerry Eagan, Chief Administrative Officer, appeared and stated he received written confirmation from Troy Gagner, Urban Development, indicating the Criswell's have paid the loan in full.

MOTION: Heier moved and Hudkins seconded approval of release of lien held by Lancaster County on a 1992 Ford Festiva, VIN #KNJPT06H8N6114820, owned by Carl and Michelle Criswell. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

- G. An interagency agreement between the State of Nebraska, Department of Motor Vehicles (DMV) and Lancaster County, on behalf of the Lancaster County General Assistance Office. The Agreement provides for access to the DMV database for personal information on individuals. The Lancaster County General Assistance Office intends to use the personal information to verify information provided by persons requesting assistance in the course of evaluating an applicant's eligibility for assistance. The County shall be responsible for all fees associated with the use of the database. (C-07-0342)**

MOTION: Stevens moved and Heier seconded approval of an interagency agreement between the State of Nebraska, Department of Motor Vehicles (DMV) and Lancaster County, on behalf of the Lancaster County General Assistance Office. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

H. A subdivision agreement with Ponderoca Crossing, L.L.C., for County Final Plat No. 06121, Ponderoca Crossings Addition, on property generally located at South 38th Street and Martell Road. (C-07-0343)

MOTION: Stevens moved and Schorr seconded approval of a subdivision agreement with Ponderoca Crossing, L.L.C., for County Final Plat No. 06121, Ponderoca Crossings Addition, on property generally located at South 38th Street and Martell Road. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

I. Utility Permit No. 893 to John Henry Plumbing for Brown & Brown Co. to add fire protection to the Holland Reformed Church during remodeling project, located on Panama Road, inside Holland, Nebraska, at no cost to Lancaster County. (C-07-0344)

MOTION: Hudkins moved and Heier seconded approval of Utility Permit No. 893 to John Henry Plumbing for Brown & Brown Co. to add fire protection to the Holland Reformed Church during remodeling project, located on Panama Road, inside Holland, Nebraska, at no cost to Lancaster County. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

J. A Centers for Medicare & Medicaid Services (CMS) Electronic Data Interchange (EDI) Enrollment Form in which the County agrees to various responsibilities and obligations regarding submitting Medicare claims electronically to CMS to CMS's carriers, or designated CMS contractors. (C-07-0345)

MOTION: Stevens moved and Schorr seconded approval of a Centers for Medicare & Medicaid Services (CMS) Electronic Data Interchange (EDI) Enrollment Form in which the County agrees to various responsibilities and obligations regarding submitting Medicare claims electronically to CMS to CMS's carriers, or designated CMS contractors. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

- K. Recommendation from the Purchasing Agent and the Community Corrections Department to issue an order from the State of Nebraska Contract, #5820-05, to B.I., Inc., for monitoring devices, in the total amount of \$29,649.75, for Community Corrections. (B-07-0047)**

Bob Walla, Assistant Purchasing Agent, appeared and indicated the contract is through the State of Pennsylvania, not Nebraska as listed on the agenda.

MOTION: Heier moved and Hudkins seconded approval to issue an order from the State of Pennsylvania Contract, #5820-05, to B.I., Inc., for monitoring devices, in the total amount of \$29,649.75, for Community Corrections as recommended by the Purchasing Agent and the Community Corrections Department. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- L. Recommendation from the Purchasing Agent and the County Sheriff to issue an order from the State of Minnesota Contract, #426490, to Insight Public Sector, for Panasonic Toughbook Computers, in the amount of \$19,950, for the County Sheriff. (B-07-0048)**

MOTION: Hudkins moved and Stevens seconded approval to issue an order from the State of Minnesota Contract, #426490, to Insight Public Sector, for Panasonic Toughbook Computers, in the amount of \$19,950, for the County Sheriff as recommended by the Purchasing Agent and the Sheriff. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- M. Approval of a salary of \$45,910.56 for Angela Owens, Bailiff for the Honorable Reggie L. Ryder, effective September 4, 2007.**

MOTION: Heier moved and Hudkins seconded approval of a salary of \$45,910.56 for Angela Owens, Bailiff for the Honorable Reggie L. Ryder, effective September 4, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

N. Political subdivision tort claim filed against the Lancaster County Sheriff's Department by Jerry Lilja, JCL Rentals, for damaged property, in the amount of \$374.77.

MOTION: Schorr moved and Stevens seconded to accept the recommendation of the Sheriff and approve a political subdivision tort claim filed against the Lancaster County Sheriff's Department by Jerry Lilja, JCL Rentals, for damaged property, in the amount of \$374.77. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

O. Appeals filed by the following on the 10% penalty on late filings of 2007 personal property:

- * **Dr. Leonard's Healthcare Corp., in the approximate amount of \$183**
- * **Engineering Design Consultants, in the approximate amount of \$263**
- * **RRJ L.L.C., in the approximate amount of \$299**

Norm Agena, County Assessor/Register of Deeds, appeared and explained that by state statute, the County Board has no authority to waive the penalty relating to late filings. Recommendation was denial.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds and deny appeals relating to a ten percent late filing penalty on personal property for Dr. Leonard's Healthcare Corp., Engineering Design Consultants and RRJ, L.L.C.. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **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 Sheriff's Monthly Report for July, 2007.**
- 2. County Treasurer's Report on Distress Warrants for 2005, in the amount of \$18,024.48.**

5) **CONSENT ITEMS CONTINUED:**

- B. Setting of a public hearing for Tuesday, September 4, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building to set the final tax request at a different amount than the prior year tax request. The request is for both Lancaster County and the Rural Library for Lancaster County.**
- C. Setting of a public hearing for Tuesday, September 11, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Special Permit No. 07032, requested by Doug Barry for Radix, Inc., for authority to operate a youth athletic club and semi-public building on a 20-acre parcel, generally located at Southwest 14th Street and West Wittstruck Rd, Lancaster County, Nebraska. The applicant states that this is proposed to be a church-based youth athletic club with a main building and activities located in the wooded area of the 20-acre parcel. A 20,000 square foot building is proposed to accommodate up to 50 persons (youth), operating from two to five days per week, primarily in the summer months.**
- D. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan having met the requirements:**
- * Sarah J Virchow, Community Corrections**
 - * Heidi Saltzman, Records & Information Management**
- E. Right-of-way contract for a road project between the County Engineer and Gary L. and Ellen M. Hellerich, in the total amount of \$196, located approximately 2196' west of Northwest 27th on Little Salt Road; Project No. C.P-C-116. (2 contracts) (C-07-0346 & C-07-0347)**

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

6) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 10:05 a.m.. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, AUGUST 28, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 21, 2007.**

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on August 21, 2007. Hudkins, Stevens, Schorr and Workman voted aye. Heier abstained from voting. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 49 additions and deductions to the tax assessment rolls per Attachments "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Bishop of Lincoln
Grace Lutheran Church
Lincoln Action Program
Lincoln Christian School
Sacred Heart School
Sesostris Shrine
Tabitha, Inc.**

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

4) **APPEALS FILED ON DENIAL OF GREENBELT STATUS:**

**Joan Till
Barry Lake - Aksarben Thoroughbred Company, L.L.C.
James Skinner (Held from 8/21)
Robert and Bonnie Priel (Held from 8/21)
Bruce M. and Marjorie G. Kennedy (Held from 8/21)
Timothy M. Hier (Held from 8/21)**

Joan Till

Joan Till appeared and gave an overview regarding the use of the parcel.

MOTION: Schorr moved and Hudkins seconded to reinstate greenbelt status on Parcel I.D. No. 16-12-100-006-000 for Joan Till. Heier, Schorr, Hudkins and Workman voted aye. Stevens voted no. Motion carried.

Barry Lake - Aksarben Thoroughbred Company, L.L.C.

Barry Lake appeared and gave an overview regarding the use of the parcel noting that it was purchased in September, 2006.

MOTION: Hudkins moved and Heier seconded to reinstate greenbelt status on Parcel I.D. No. 25-34-200-002-000 for Aksarben Thoroughbred Company, L.L.C.. Heier, Hudkins and Workman voted aye. Stevens and Schorr voted no. Motion carried.

James Skinner - (Held from August 21, 2007)

James Skinner appeared and gave an overview regarding the use of the parcel.

MOTION: Schorr moved and Hudkins seconded to reinstate greenbelt status on Parcel I.D. No. 23-13-301-003-000 for James Skinner. Schorr, Hudkins, Heier and Workman voted aye. Stevens voted no. Motion carried.

Robert and Bonnie Priel - (Held from August 21, 2007)

Robert Priel appeared and gave an overview regarding the use of the parcel. Additional information was also submitted (Exhibit 1).

MOTION: Schorr moved and Stevens seconded to approve the greenbelt disqualification on Parcel I.D. No. 14-04-200-005-000 for Robert and Bonnie Priel. Stevens, Schorr and Heier voted aye. Hudkins and Workman voted no. Motion carried.

Bruce and Marjorie Kennedy - (Held from August 21, 2007)

No appearance was made by the property owner, however, additional information was received on August 28, 2007 and submitted to the Board of Equalization for review (Exhibit 2).

MOTION: Schorr moved and Hudkins seconded to approve the greenbelt disqualification on Parcel I.D. No. 05-34-300-002-000 for Bruce and Marjorie Kennedy. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Timothy Hier - (Held from August 21, 2007)

Tim Heier appeared and gave an overview regarding the use of the parcel.

MOTION: Schorr moved and Stevens seconded to approve the greenbelt disqualification on Parcel I.D. No. 07-29-100-003-000 for Timothy Heier. Heier, Hudkins, Schorr and Stevens voted aye. Workman voted no. Motion carried.

5) **ADJOURNMENT:**

MOTION: Heier moved and Hudkins seconded adjournment of the of the Board of Equalization meeting at 10:55 a.m.. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk