

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 27, 2008
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
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Tom Fox, Deputy County Attorney

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, May 20, 2008.**

MOTION: Stevens moved and Heier seconded approval of the minutes of the Board of Commissioners meeting held on Tuesday, May 20, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, May 27, 2008.**

MOTION: Hudkins moved and Stevens seconded approval of all claims processed through Tuesday, May 27, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. Amending of the Lancaster County General Assistance Guidelines.

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

Gary Chalupa, Veterans Service Officer/General Assistance Director, appeared and gave an overview of the revisions. He also presented a behavioral health formulary (Exhibit 1).

In response to a question from Hudkins, Chalupa said clients receiving temporary assistance while applying for Social Security Income (SSI) or Medicaid assistance are usually permitted to remain on General Assistance until the SSI payments start or until Medicaid is approved and in effect.

Written comments from the Nebraska Appleseed Center for Law in the Public Interest on the proposed changes were entered into the record (Exhibit 2).

Schorr noted a representative of Nebraska Appleseed Center for Law in the Public Interest attends the General Assistance (GA) Monitoring Committee meetings.

Hudkins asked Chalupa whether he has had direct contact or correspondence from AARP on this matter.

Chalupa said he has not.

Tom Fox, Deputy County Attorney, appeared and said his office has not had a chance to review the proposed revisions and asked that the item be held to allow for further discussion with Chalupa. He said if it is determined that substantive changes are needed, a new public hearing will probably be required. If not, the item will be rescheduled on the agenda for approval.

The Chair closed the public hearing.

4) **OLD BUSINESS:**

A. A contract between Lancaster County and Bryant Crosby to perform polygraph examinations for the Lancaster County S.T.O.P. Program at the Lancaster County Mental Health Center. The services are provided as part of the Sex Offender Management Grant. (C-08-0220)

MOTION: Heier moved and Hudkins seconded approval of a contract between Lancaster County and Bryant Crosby to perform polygraph examinations for the Lancaster County S.T.O.P. Program at the Lancaster County Mental Health Center. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **NEW BUSINESS:**

- A. An agreement with Murphy Tractor and Equipment Company, Inc., for one (1) Articulated Frame Four Wheel Drive Loader, complete with trade-in allowance for the County Engineer, in the amount of \$127,500. Murphy Tractor will pay for all costs of repair, including parts and labor, for the power train and hydraulic system for a period of four years or 4,000 hours beyond the one year warranty period. The County also has the option to resell the equipment back to Murphy Tractor for \$110,000 for a period of five years or 4,000 hours of operation. (C-08-0225)**

MOTION: Stevens moved and Hudkins seconded approval of an agreement with Murphy Tractor and Equipment Company, Inc., for one (1) Articulated Frame Four Wheel Drive Loader, complete with trade-in allowance for the County Engineer. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

- B. An agreement between Lancaster County and Great Plains Appraisal Company on behalf of Wayne Kubert and Tom Kubert, to provide the services of a Referee Coordinator to coordinate referees who will hear property tax protests for the 2008 tax year that are before the Lancaster County Board of Equalization. The Coordinator is also responsible for ensuring that all papers related to such protests, along with written findings and recommendations, are made available to the Board. The Referee Coordinator shall be reimbursed at a rate of \$760 per working day up to \$100,000. (C-08-0226)**

MOTION: Hudkins moved and Stevens seconded approval of an agreement between Lancaster County and Great Plains Appraisal Company on behalf of Wayne Kubert and Tom Kubert, to provide the services of a Referee Coordinator to coordinate referees who will hear property tax protests for the 2008 tax year that are before the Lancaster County Board of Equalization. Heier, Hudkins, Stevens and Workman voted aye. Schorr abstained from voting due to a possible conflict of interest. Motion carried.

- C. An agreement with Diabetic Outreach, L.L.C. for examination, fitting and delivery of diabetic footwear and footwear to accommodate foot injuries for patients of Lancaster Manor. The service shall be provided pursuant to the orders of a resident's primary physician. The payment for any services given to a resident will be the responsibility of the resident. The County will not be responsible for payment of the services. The term of the agreement is from March 25, 2008 to March 24, 2011. (C-08-0227)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded approval of an agreement with Diabetic Outreach, L.L.C. for examination, fitting and delivery of diabetic footwear and footwear to accommodate foot injuries for patients of Lancaster Manor. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

M. A mini-grant application, on behalf of the Lancaster County Corrections Department, through the Lincoln-Lancaster County Health Department for litter removal along County roads, in the amount of \$4,000.

Mike Thurber, Corrections Director, appeared and gave a brief explanation of the grant.

MOTION: Hudkins moved and Stevens seconded to authorize the Chair to sign the mini-grant application, on behalf of the Lancaster County Corrections Department, through the Lincoln-Lancaster County Health Department, for litter removal along County roads. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

D. A license agreement and lease agreement with Evare, L.L.C. for a financial software program, Evare Desktop, to be utilized by the Lancaster County Treasurer's Office. The County will pay \$4,500 for a one year lease beginning June 1, 2008. (C-08-0228)

MOTION: Schorr moved and Stevens seconded approval of a license agreement and lease agreement with Evare, L.L.C. for a financial software program, Evare Desktop, to be utilized by the Lancaster County Treasurer's Office. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

E. A space rental agreement between the Lancaster County Event Center and Lancaster County, on behalf of the Lancaster County Clerk, for meeting space within the Event Center to be used for property valuation protest hearings between June 27 and July 15, 2008. (C-08-0229)

MOTION: Stevens moved and Hudkins seconded approval of a space rental agreement between the Lancaster County Event Center and Lancaster County, on behalf of the Lancaster County Clerk, for meeting space within the Event Center to be used for property valuation protest hearings between June 27 and July 15, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- F. A supplemental agreement with Hartmann Construction Company, in the amount of \$1,418, for grading construction on South 98th Street between Old Cheney Road and Pioneers Boulevard; Project No 08-27. (C-08-0230)**

MOTION: Schorr moved and Hudkins seconded approval of a supplemental agreement with Hartmann Construction Company for grading construction on South 98th Street between Old Cheney Road and Pioneers Boulevard. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

- G. An amendment to a grant contract between Lancaster County and Volunteer Partners Inc. The amendment changes the beginning of the term of the contract from July 1, 2007, to November 1, 2006. (C-08-0231)**

MOTION: Stevens moved and Heier seconded approval of an amendment to a grant contract between Lancaster County and Volunteer Partners Inc. to change the term of the contract. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

- H. An addendum to the agreement between Medi-Bill Systems and Lancaster County on behalf of Lancaster Manor for Medicare Part A and B claims management, processing, documentation and appeal services. The addendum provides that Medi-Bill Systems will pay all charges associated with the installation, administration, access and ongoing use of a third-party communications network which are billed to the County by Wisconsin Physicians Service. (C-08-0232)**

MOTION: Hudkins moved and Stevens seconded to approve an addendum to the agreement between Medi-Bill Systems and Lancaster County on behalf of Lancaster Manor for Medicare Part A and B claims management, processing, documentation and appeal services. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

- I. An agreement to the terms and conditions for the Hy-Vee in-store charge account for the Community Mental Health Center. (C-08-0233)**

Schorr said the agreement relates to meals purchased for the Midtown Center and said the funds are reimbursed by the Department of Education.

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded to approve an agreement to the terms and conditions for the Hy-Vee in-store charge account for the Community Mental Health Center. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

J. A subdivision agreement between Lancaster County and Pendel, Inc., a Nebraska Corporation, regarding Final Plat No. 07076, Fox Trail Estates Addition, on property generally located at S.W. 56th Street and West Old Cheney Road. (C-08-0234)

Mike DeKalb, Planner, appeared and gave an overview of the final plat (Exhibit 3).

MOTION: Heier moved and Schorr seconded approval of a subdivision agreement between Lancaster County and Pendel, Inc., a Nebraska Corporation, regarding Final Plat No. 07076, Fox Trail Estates Addition, on property generally located at S.W. 56th Street and West Old Cheney Road. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

K. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid for gravel, rock and gravel for ice control as follows: (B-08-0030)

- * Concrete Industries d/b/a Western Sand and Gravel (gravel for ice control) at \$4.65/ton
- * Lyman-Richey Sand and Gravel (gravel for ice control) at \$5.75/ton
- * Concrete Industries d/b/a Western Sand and Gravel (gravel) at \$9.40/ton
- * Bluff Gravel (gravel) at \$9.51/ton
- * Lyman-Richey Sand and Gravel (gravel) at \$9.45/ton
- * Kerford Limestone (Type A rock) at \$10.00/ton
- * Kerford Limestone (Type B rock) at \$10.00/ton
- * Martin-Marietta (Type B rock) at \$10.85/ton

Kerry Eagan, Chief Administrative Officer, appeared and said Don Thomas, County Engineer, has informed him it would be premature to accept the bids. He said Thomas is only seeking recognition of receipt of bids.

Board consensus was to hold the item.

5) **NEW BUSINESS CONTINUED:**

- L. Authorization of Wells Fargo, as Trustee, to disburse and make payment from the Lancaster Leasing Corporation Renewal and Replacement Fund to Ace Plumbing, Heating & Air Conditioning, Inc., in the amount of \$88,327, for chiller replacement at Lancaster Manor.**

MOTION: Stevens moved and Hudkins seconded to authorize Wells Fargo, as Trustee, to disburse and make payment from the Lancaster Leasing Corporation Renewal and Replacement Fund to Ace Plumbing, Heating & Air Conditioning, Inc., for a chiller replacement at Lancaster Manor. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- M. A mini-grant application, on behalf of the Lancaster County Corrections Department, through the Lincoln-Lancaster County Health Department for litter removal along County roads, in the amount of \$4,000.**

Item was moved forward on the agenda.

- N. Request from Larry Edgar for a refund of personal property taxes for 2005, in the approximate amount of \$8.32, for 2006, in the approximate amount of \$6.14 and for 2007, in the approximate amount of \$2.58.**

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and recommended approval of the request, noting the trailer in question has been licensed for the road.

MOTION: Hudkins moved and Schorr seconded to accept the recommendation of the County Assessor/Register of Deeds and approve a request from Larry Edgar for a refund of personal property taxes for 2005, in the approximate amount of \$8.32, for 2006, in the approximate amount of \$6.14 and for 2007, in the approximate amount of \$2.58. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- O. Appointment of James W. Partington to the Lincoln-Lancaster Planning Commission (replacing Robert Moline), term expiring September 24, 2013.**

MOTION: Hudkins moved and Stevens seconded approval of appointment of James W. Partington to the Lincoln-Lancaster Planning Commission (replacing Robert Moline), term expiring September 24, 2013. Heier, Schorr, Stevens, Hudkins and Workman 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. Sheriff's Report of Fees for April, 2008.

B. Setting of the following public hearings for Tuesday, June 10, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building:

1. Comprehensive Plan Amendment No. 08009, by the Director of Planning, at the request of the Director of the Public Works & Utilities Department and the Director of the Parks & Recreation Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt text and map changes to the Environmental Resources and Mobility and Transportation Chapters related to the multi-use trails and public transportation sections.

2. Comprehensive Plan Amendment No. 08012, by the Director of Planning, at the request of the Lancaster Engineer, the Nebraska Department of Roads and the Director of the Public Works & Utilities Department, pursuant to the 2008 Comprehensive Plan Annual Review, to amend the County Rural Road element and the National Functional Street and Road Classifications maps of the 2030 Lincoln-Lancaster County Comprehensive Plan.

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

- * Dennis and Debra Malousek, in the total amount of \$933.10, located at North 14th Street and Waverly Road; Project No. C55-F-417(3). (2 contracts) (C-08-0235 and C-08-0236)**
- * Firethorn Utility Service Co., in the total amount of \$33,960, located on South 98th Street from Old Cheney Road to "A" Street; Project No C55-KP-412(1). (3 contracts) (C-08-0237, C-08-0238, C-08-0239)**

6) **CONSENT ITEMS:**

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

7) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 10:20 a.m. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 27, 2008
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: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Scott Gaines, Chief Administrative Deputy Assessor/Register of
Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:20 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 20, 2008.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Equalization meeting held on Tuesday, May 20, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 6 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

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 EXEMPTION APPLICATIONS:**

**Christian Record Services, Inc.
Glad Tidings**

MOTION: Hudkins moved and Stevens seconded approval of motor vehicle tax exemption applications for Christian Record Services, Inc. and Glad Tidings. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **APPROVAL OF 2008 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT C:**

MOTION: Heier moved and Hudkins seconded to accept the County Assessor's recommendation and approve the 2008 451 tax exemptions on real and personal property, per Exhibit C. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **APPROVAL OF 2008 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT D:**

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, said it is a statutory requirement the applications be filed by December 31st. He said a penalty must be applied if the application is filed after that date. The penalty is ten percent of the tax due or \$100 per month for each month the application is late, whichever is less.

Melissa Finlaw Draper, Pastor at the Northeast United Church of Christ, appeared and thanked the County Assessor's Office for bringing the matter to her attention. She said the information had been sent to the Church Treasurer, who failed to take action. Draper said the application was filed as soon as she and the Church Moderator were notified and said she plans to meet with the County Assessor's Office to make sure this situation doesn't occur in the future.

MOTION: Stevens moved and Hudkins seconded to accept the County Assessor's recommendation and approve the 2008 451 tax exemptions on real and personal property with a late filing penalty, per Exhibit D. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **APPROVAL OF 2008 451 PARTIAL TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT E:**

Gaines said his office is amending its recommendation from a partial to a complete tax exemption for the Peoples City Mission Home (Parcel No. 10-23-336-003-000).

MOTION: Stevens moved and Hudkins seconded to accept the recommendation of the County Assessor's Office and approve a complete 2008 451 tax exemption for the Peoples City Mission Home (Parcel No. 10-23-336-003-000). Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

MOTION: Schorr moved and Heier seconded to follow the recommendation of the County Assessor's Office and approve the 2008 451 partial tax exemptions on real and personal property, per Exhibit E, with the exception of the Peoples City Mission Home (Parcel No. 10-23-336-003-000). Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

7) **DENIAL OF 2008 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT F:**

Gene Summerlin, Zion Presbyterian Church, appeared and discussed use of Parcel No. 10-26-413-009-000 since the church on the parcel burned down approximately a year ago (Exhibit 4). He said although use of the parcel has changed, it is still used for church business.

Hudkins asked whether the church receives any rent or income on the parcels.

Summerlin said it does not.

Gaines said their application indicated the vacant lot is being held as a future church site and said the Property Tax Exemption Regulations address that situation - *A qualifying organization buys a vacant lot for future use as a building site. However, the land is held idle for several years. No exemption is allowed for the tax years during which the vacant land sits idle, since during those years the land is not used for exempt purposes.*

Tobey Brockman, Covenant Presbyterian Church, a sister congregation that also has a vacant lot, appeared and said his church's lot is used on a daily basis for neighborhood, Campus Life and Food Net ministries.

In response to a question from Hudkins, Gaines said his office's recommendations are based on information provided on the applications.

7) **DENIAL OF 2008 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT F CONTINUED:**

MOTION: Schorr moved and Hudkins seconded to grant 2008 451 tax exemption status to Covenant Presbyterian Church (Parcel No. 10-26-413-011-000) and Zion Presbyterian Church (Parcel No. 10-26-413-009-000). Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

MOTION: Schorr moved and Hudkins seconded to follow the recommendation of the County Assessor's Office and deny the 2008 451 tax exemptions on real and personal property, per Exhibit F, with the exception of those for Covenant Presbyterian Church (Parcel No. 10-26-413-011-000) and Zion Presbyterian Church (Parcel No. 10-26-413-009-000). Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:47 a.m. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk