

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 19, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Commissioners Absent: Ray Stevens, Vice Chair

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

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 12, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, May 19, 2009.**

MOTION: Schorr moved and Hudkins seconded approval of all claims. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

- 3) **SPECIAL PRESENTATION:**

A. **Recognition of County Employees' Service Anniversaries**

The 10-year, 15-year, 20-year, and 25-year employees came forward to be recognized. Following them, the 30-year and 35-year employees came forward and spoke about themselves.

The Board expressed their appreciation for all the employees.

4) **PUBLIC HEARING:**

- A. **The issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska, of its not to exceed \$7,200,000 principal amount revenue refunding bond (Madonna Project), Series 2009, solely for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, and related matters.**

Lauren Wismer, Gilmore & Bell, P.C., was sworn in. Wismer explained this was a refinancing of bonds issued in 2004 for Madonna Rehabilitation Hospital. The maturity is being extended slightly.

Heier closed the Public Hearing.

5) **NEW BUSINESS:**

- A. **A resolution approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska, of its not to exceed \$7,200,000 principal amount revenue refunding bond (Madonna Project), Series 2009, solely for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, and related matters. (R-09-0028)**

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

- B. **A resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-09-0025)**

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

- C. **A resolution in the matter of extending the deadline for hearing protests regarding real property in Lancaster County from July 25, 2009, to August 10, 2009, pursuant to Neb. Rev. Stat. §77-1502(1). (R-09-0026)**

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

- D. **A resolution in the matter of agreeing to accept electronically filed property valuation protests and the electronic signatures attached to such filings, pursuant to Neb. Rev. Stat. §86-311 and the Uniform Electronic Transactions Act, Neb. Rev. Stat. §§86-612 to 86-643. (R-09-0027)**

5) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Hudkins seconded approval of the resolution.

Cori Beattie, Deputy County Clerk, appeared and spoke about the new e-filing system. Beattie thanked Melissa Virgil, County Clerk's Office; Tom Fox, Deputy County Attorney; and Nick Wemhoff, Information Services, for helping with the project.

Hudkins thanked the County Clerk's Office for being proactive and being one of the first counties in the state to implement this type of service.

Schorr asked how to sign up on-line for tax protests. Beattie said this can be done by visiting the County web site at www.lancaster.ne.gov and typing in the keyword PROTEST. Attachments can be e-mailed to the office as explained on the web site. Beattie added that scheduling a referee hearing on-line was implemented last year, allowing individuals to choose their own hearing time. This feature was very popular with around 70% utilizing it.

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

- E. **An agreement with Seim, Johnson, Sestak and Quist LLP, to prepare and deliver the Medicare Form CMS 2088-92 cost report for the fiscal year ended June 30, 2009, for the Community Mental Health Center. The term of the agreement shall be from the date Seim Johnson begins work for the cost report until the cost report has been submitted to the County (by November 30, 2009). The County will pay \$4,600 to \$5,100 for the services. (C-09-0206)**

MOTION: Hudkins moved and Workman seconded approval of the agreement.

Hudkins praised Seim, Johnson for their excellent service in previous years.

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

- F. **A rental agreement between Lancaster County and Nebraska Rents for a 2009 Caterpillar Model 262C skid steer loader for the benefit of the Lancaster County Engineering Department. The rental term will end one year from the date of execution of the agreement. The rental amount is \$2,500 per year, and \$10 per hour for every hour of use over 250 hours. (C-09-0209)**

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

5) **NEW BUSINESS CONTINUED:**

- G. **An agreement for a preliminary survey with Allied Surveying and Mapping, Inc., to begin the design process for road improvement on S. 82nd Street from Roca Road to a point one-half mile north of Bennet Road. The County shall pay \$5,800 for the services. (C-09-0210)**

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

- H. **An agreement with the Nebraska Department of Roads for the realignment of South 148th Street between Yankee Hill Road and NE Highway 2; Project No. MISC-2-6(1027). Project is to be completed in the Fall of 2010. There is no cost to the County. (C-09-0211)**

MOTION: Workman moved and Hudkins seconded approval of the agreement.

Schorr reminded the board this project was in the interest of safety. However, it will inconvenience certain county residents since they are closing access to Hwy 2 from 148th Street.

Hudkins said he heard from residents that would be affected. He suggested to the Nebraska Department of Roads that there be a left turn only at the intersection, but the state did not agree.

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

- I. **An agreement with the Nebraska Department of Roads to add turn lanes on all four legs of the intersection and construct a traffic signal at the intersection of 148th Street and US Hwy 34; Project No. HSIP-34-6(138). Project is to be completed in the Fall of 2009. There is no cost to the County. (C-09-0212)**

MOTION: Hudkins moved and Workman seconded approval of the agreement.

Hudkins said this is another dangerous intersection.

Heier asked about the widening of Hwy 34.

Doug Pillard, County Engineer's Office, said Hwy 34 is designed to be widened to four lanes, but the project has been pushed back because of funding.

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

5) **NEW BUSINESS CONTINUED:**

- J. **A mini-grant application in the amount of \$1,940.96 to the Nebraska Office of Highway Safety to pay the cost of mandatory training for the Sheriff Deputy Drug Recognition Experts. All funds used to attend the conference will be reimbursed to the Sheriff's Office by the Nebraska Office of Highway Safety within 60 days of completion. (C-09-0208)**

MOTION: Hudkins moved and Workman seconded approval of the mini-grant. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

- K. **Recommendation from the Purchasing Agent and the Weed Control Authority to award a bid for Aerial Spraying of Phragmites to Sky Copters, Inc., in the amount of \$23,529. (B-09-0029)**

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

- L. **Appointment of Dr. David R. Smith to the Lincoln-Lancaster County Board of Health for a three-year term expiring April 15, 2012, and reappointment of Ed Schneider, O.D., and Tony Messineo for three-year terms expiring April 15, 2012.**

MOTION: Schorr moved and Hudkins seconded approval of the appointment.

Schorr and Hudkins praised Tony Messineo and Dr. Schneider for their previous work. Schorr said she looked forward to having a unique area of expertise brought by Dr. Smith.

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

- M. **A political subdivision tort claim filed against Lancaster County Corrections by Riley D. Wieser for damaged property in the amount of \$40.**

MOTION: Schorr moved and Hudkins seconded denial of the claim based upon the recommendation of the department director. Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

- N. **A political subdivision tort claim filed against Lancaster County Corrections by Frederick T. Schraeder for lost property in the amount of \$450.**

MOTION: Schorr moved and Hudkins seconded denial of the claim based upon the recommendation of the department director. Schorr, Hudkins, Workman and Heier 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 the County Attorney's quarterly report for January, February and March, 2009.**
- B. **A right-of-way contract for a road project between the Lancaster County Engineering Department and John Beckman, located at W. Waverly Road & NW 98th Street, Tract 2; Project No. CP-E-156. Cost is \$1,533. (C-09-0207)**

MOTION: Workman moved and Hudkins seconded approval of the consent items. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

7) **PENDING:**

- A. **A resolution in the matter of County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (R-08-0093) (Item placed on pending on November 4, 2008.)**

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

9) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, May 21, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.**

9) **ANNOUNCEMENTS CONTINUED:**

- B. **The Lancaster County Board of Commissioners will hold departmental budget hearings at the County-City Building in Room 113 on the following dates:**

TUESDAY, MAY 19, 2009

1:00 pm - Human Services
1:20 pm - Veterans Affairs/General Asst
1:40 pm - Community Corrections
2:00 pm - Lancaster Manor
2:30 pm - Mental Health Center
3:00 pm - Youth Services Center
3:30 pm - Juvenile Court
4:00 pm - Miscellaneous Budgets

THURSDAY, MAY 21, 2009

1:00 pm - County Clerk
1:20 pm - County Treasurer
1:40 pm - County Assessor
2:00 pm - County Engineer/GIS
2:20 pm - Records Management
2:40 pm - Property Management
3:00 pm - Emergency Management
3:20 pm - Miscellaneous Budgets

- C. **The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m. on Tuesdays and rebroadcast at 1:30 p.m. and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the Internet 24 hours a day at <http://www.lancaster.ne.gov>. Click on 5 City-TV Video On Demand.**

10) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:07 a.m. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

**Dan Nolte
Lancaster County Clerk**

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 19, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING**

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

Commissioners Absent: Ray Stevens, Vice Chair

Others Present: Scott Gaines, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:07 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, May 12, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS:**

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

MOTION: Schorr moved and Workman seconded approval of the additions/deductions. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Glad Tidings Assembly of God
Sheridan Lutheran Church
Southeast Nebraska Mobile Diagnostic Services, Inc.
St. Peter's Catholic Church of Lincoln (two applications)**

MOTION: Workman moved and Hudkins seconded approval of the tax exemption applications. Workman, Schorr, Hudkins, and Heier voted aye. Motion carried.

4) **APPROVAL OF 2009 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER ATTACHMENT "C":**

MOTION: Hudkins moved and Workman seconded approval of the tax exemption applications per Attachment "C". Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

5) **APPROVAL OF 2009 PARTIAL 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY PER ATTACHMENT "C":**

Scott Gaines said the Berean Church has a privately run daycare using a few rooms within the church and excess land subject to tax. The recommendation is to exempt the church except for the rooms occupied by the private daycare and the excess land.

Gaines said the Catholic Bishop of Lincoln is using the Old Cheney school and has a few buildings on the east end of the property with no use for the church. Recommendation is for exemption of only the church-used buildings.

MOTION: Schorr moved and Workman seconded approval of the partial tax exemptions per Attachment "C". Workman, Schorr, Hudkins, and Heier voted aye. Motion carried.

6) **DENIAL OF 2009 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY AND PERSONAL PER ATTACHMENT "C":**

Gaines said Capital Humane Society has bare ground at 70th and Hwy 2 that has been acquired for a future site but presently is not used for anything. Typically, the policy has been once there is a building permit, it is considered in use for the intended purpose.

Bob Downing and Jeanelle Lust, Capital Humane Society, appeared. Downing brought architectural plans, explaining they hope to break ground in 2010. He said possession was taken of the property on September 1, 2008, and taxes were paid at that time. Downing added they have done preliminary work, including ground samples, survey work, land plotting, and a floor plan, and they have spent around \$535,000, including the land. Downing also stated that the land has not been used for any other purpose.

6) **DENIAL OF 2009 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY AND PERSONAL PER ATTACHMENT "C" CONTINUED:**

Workman and Hudkins discussed what constitutes construction. Gaines said once the building permit is issued, it is considered under construction, and as long as the land sits vacant, there is no exclusive use for the charitable purpose.

MOTION: Hudkins and Workman moved to approve Capital Humane Society as a tax exempt property.

Schorr asked if all the cases could be reviewed before voting. Hudkins agreed to hold his motion until all cases were heard.

Carrie Klein, attorney for Charlie M. Wilson Replacement Home, Inc., appeared. Klein said they are providing service to four disabled individuals living there, and it is non-profit. Gaines said this home was previously disapproved because it was for a limited number of individuals rather than for the public or a large number of people. Recommendation by the Assessor's Office for 2009 would be for denial unless TERC reverses that decision in an upcoming hearing.

Gaines said Lincoln Family Church has a private residence that should be excluded since it is privately owned.

Gaines said Nebraska Family Council applied as an educational group but it is primarily an advocacy for family values and a lobbying organization. It does not meet the definition of an educational group.

Dick LeBlanc, Pastor of North Point Church, and Rick Geiler, the church's architect, appeared. LeBlanc said they closed on land at 2224 Fletcher on September 8, 2008, paid taxes, received loan approval from Union Bank, have done borings, and paid for a share of street construction. Geiler said they are about 90% complete with construction documents and have one final review with the city. Gaines said if tax exemption was denied, they could reapply in August. Gaines read from the regulations, stating use of the property includes ongoing construction of a building or improvement that when complete will be used exclusively for exempt purposes. For ongoing construction to be sufficient to render the property exempt from tax, such construction must prevent other non-exempt uses of the property. Hudkins said construction does not mean a completed building, and the money would not be spent on land boring if someone were not serious about building. Workman agreed the intent is there.

Gaines said the Slavic Church of Evangelical Faith Christians had a house on the property used as their church but are now using another location. The house has been demolished and they are prepping the ground for a new building. Hudkins asked if anything has been done for construction. Gaines was not sure but he thought they had.

6) **DENIAL OF 2009 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY AND PERSONAL PER ATTACHMENT "C" CONTINUED:**

Gaines said University of Nebraska-Lincoln applied for exemption on leased equipment, and taxes are paid on leased equipment. Hudkins asked about the nature of the equipment. Gaines said it is a postage machine.

Gaines said the Covenant Presbyterian Church has property on 9th Street which has been sold and will close soon.

Kenneth Brobiak, Pastor of St. Michael's Parish in Cheney, appeared on behalf of Catholic Bishop of Lincoln. He said the property in question is adjacent to the church property and is being used for religious and educational purposes. He said they have a playground area and a few portables they are not using for religious purposes. (Note: Action was already taken on this in Item 5.)

Capital Humane Society

ROLL CALL: Workman and Hudkins voted aye. Schorr and Heier voted no. Motion failed.

Charlie M. Wilson Replacement Home, Inc.

MOTION: Schorr moved and Workman seconded denial of tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Lincoln Family Church

MOTION: Schorr moved and Workman seconded denial of tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Nebraska Family Council

MOTION: Schorr moved denial of tax exemption based upon the fact that the facility is owned by a lobbying agency. Workman seconded with the provision that there are no educational activities taking place. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

North Point Church

MOTION: Hudkins moved to approve tax exemption. Workman seconded based on the fact that significant funds have been spent. Workman and Hudkins voted aye. Schorr and Heier voted no. Motion failed.

6) **DENIAL OF 2009 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY AND PERSONAL PER ATTACHMENT "C" CONTINUED:**

Slavic Church of Evangelical Faith Christians

MOTION: Workman moved and Schorr seconded denial of tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

University of Nebraska-Lincoln

MOTION: Schorr moved and Workman seconded denial for tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Covenant Presbyterian Church

MOTION: Hudkins moved and Schorr seconded denial for tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

7) **REVIEW OF 2009 451A TAX EXEMPTION APPLICATIONS ON REAL AND PERSONAL PROPERTY PER ATTACHMENT "C":**

Full Exemptions

Gaines recommends full exemption for Union College. The college previously leased the property to a private entity but are now using it for college business instead of leasing it.

MOTION: Hudkins and Schorr seconded full exemption for Union College. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

Partial Exemptions

Gaines listed the following under partial exemptions:

- BryanLGH had a partial exemption, with the hospital being exempt and the privately leased property being taxed.
- Good News Broadcasting is leasing a smaller portion of their property which recalibrates what is taxable.
- Horizon Church has had some reconfiguration from development of land. The excess land is subject to tax.
- Lakeview Care Center reconfigured how the parcel is laid out. The care center is exempt while the buildings are leased.

MOTION: Workman moved and Hudkins seconded approval of the partial exemptions for BryanLGH, Good News Broadcasting, Horizon Church, and Lakeview Care Center. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

7) **REVIEW OF 2009 451A TAX EXEMPTION APPLICATIONS ON REAL AND PERSONAL PROPERTY PER ATTACHMENT "C" CONTINUED:**

Taxable Status

Gaines said the following groups had a change in circumstance:

- St. Vincent DePaul Warehouse & Stores have been sold and are now privately owned.
- Southview Baptist Church tore down the house on the property, and there is now a lot with no religious purpose.

MOTION: Schorr moved and Workman seconded approval of changing St. Vincent DePaul Warehouse & Stores and Southview Baptist Church to taxable status. Workman, Schorr, Hudkins, and Heier voted aye. Motion carried.

Transfer Status

Gaines said the transfer cases remove exemption from the previous owner to the new owner for the following:

- Houses of Hope sold to Reach Out Christian Church, which was granted exemption in Item 4.
- Nebraska Synod Evangelical Lutheran property was transferred to Lincoln Family Church, which was granted exemption in Item 4.

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

8) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded to adjourn the Board of Equalization meeting at 11:05 a.m. Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk