

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, OCTOBER 16, 2018**  
**9:00 A.M.**

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on October 12, 2018.*

Commissioners present: Todd Wiltgen, Chair; Bill Avery and Deb Schorr

Commissioners absent: Jennifer Brinkman, Vice Chair and Roma Amundson

Others present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk; and Monét McCullen, County Clerk's Office

*The Chair called the meeting to order at 9:03 a.m., the Pledge of Allegiance was recited and the location of the Nebraska Open Meetings Act was announced.*

**1) MINUTES:**

**A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 9, 2018.**

**MOTION:** Avery moved and Wiltgen seconded approval of the minutes. Avery and Wiltgen voted yes. Schorr abstained. Brinkman and Amundson were absent. Motion carried 2-0 with one abstention.

**B. Approval of the minutes of the One and Six-Year Road and Bridge Improvement Program public hearing held on Tuesday, October 9, 2018.**

**MOTION:** Schorr moved and Avery seconded approval of the minutes. Schorr and Wiltgen voted yes. Avery abstained. Brinkman and Amundson were absent. Motion carried 2-0 with one abstention.

**2) CLAIMS:**

**A. Approval of all claims processed through October 16, 2018.**

**MOTION:** Schorr moved and Avery seconded approval of the claims. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

**3) NEW BUSINESS:**

**A. Resolution in the matter of amending the policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by county elected officials, appointed officials, employees and volunteers. (R-18-0074)**

**MOTION:** Schorr moved and Avery seconded approval of the resolution. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- B. Addendum to County Contract C-16-0649 amending the Visitors Improvement Fund grant contract providing a grant of \$2,810,000 with the Lancaster County Agricultural Society for the National High School Rodeo Finals. The addendum adjusts the completion dates for the phases of the grant project and changes the amount due under phases one and two. (C-18-0630)**

**MOTION:** Avery moved and Schorr seconded approval of the contract.

Wiltgen asked for a status update regarding the construction at the Lancaster Event Center. Amy Dickerson, Lancaster Event Center Managing Director, said this grant contract is being revised, mostly for grounds improvements. The funds from the previously approved contract will be transferred to the second phase and the completion date will be updated.

Kerry Eagan, Chief Administrative Officer, said if the Board approves the contract it would be subject to approval by the Lancaster County Agricultural Society. Dickerson said the Board does not need to approve the contract it would just have to be signed by the Agricultural Society Board.

Wiltgen asked that this item be held until the October 23, 2018 meeting in order to receive a contract signed by the Agricultural Society Board. Schorr withdrew her motion and Avery withdrew his second.

- C. Labor agreement with Fraternal Order of Police, Lodge #32 (Corrections), for a two-year period beginning August 16, 2018. (C-18-0631)**

Doug McDaniel, Human Resources Department Director, said some language was changed recognizing management of the Corrections Department. The agreement includes a 3.25% wage increase for year one and a 3.0% wage increase for year two.

**MOTION:** Schorr moved and Avery seconded approval of the labor agreement.

Wiltgen thanked Mr. McDaniel and the Human Resources Department for their work on labor negotiations.

**ROLL CALL:** Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- D. Recommendation from the Purchasing Agent and Corrections Department to award a Sole Source contract for Phase 1 VMS Systems Upgrade to Accurate Controls Inc. The total amount of the order is \$80,052.96. (C-18-0624)**

Brad Johnson, Lancaster County Corrections Director, said currently they are using DVR's that provide no backup system. The new system will move from DVR recordings to a server, which will eliminate the possibility of losing footage. The funds for this project would be coming from savings carried over from last year's budget.

**MOTION:** Schorr moved and Avery seconded approval of the recommendation. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- E. Interlocal agreement with the City of Waverly for three Sheriff's Deputies for law enforcement services within the corporate limits of the City of Waverly. Waverly will pay the County \$27,640 per month. The term of the agreement is from October 1, 2018 through September 30, 2019. (C-18-0632)**

Terry Wagner, Lancaster County Sheriff, said this agreement has been in place since the 1970's for dedicated law enforcement services in Waverly.

Wiltgen asked who enforces the traffic on Amberly Road, 148<sup>th</sup> Street and Bluff Road. Wagner said that is a joint decision as they receive information from the City and the citizens of Waverly. Law enforcement takes everything into consideration and tries to develop an enforcement strategy to coincide with the safety concerns.

**MOTION:** Schorr moved and Avery seconded approval of the agreement. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- F. Mini-grant contract application and award with the Nebraska Office of Highway Safety to pay overtime in the amount of \$5,090 for the "Click It or Ticket" mobilization. (C-18-0633)**

Wagner said this is an annual highway safety initiative coinciding with the Thanksgiving Holiday and item 3G coincides with the Christmas Holiday. Both contracts reimburse the Sheriff's Office for overtime spent on enforcement actions.

**MOTION:** Schorr moved and Avery seconded approval of the grant contract application and award. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- G. Mini-grant contract application and award with the Nebraska Office of Highway Safety to pay overtime in the amount of \$5,794.80 for the "You Drink & Drive. You Lose" initiative. (C-18-0634)**

**MOTION** Avery moved and Schorr seconded approval of the grant contract application and award. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- H. Agreement with Child Advocacy Center to conduct interviews and medical examinations of child abuse victims to aid law enforcement and prosecutors in their investigations of child abuse. The County will pay \$20,000 for the services. The term of the agreement is from October 1, 2018 through September 30, 2019. (C-18-0635)**

**MOTION:** Schorr moved and Avery seconded approval of the agreement. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- I. Contract between Tamara Jo Dirks, M.S., L.M.H.P, C.P.C., L.A.D.C., and Lancaster County, on behalf of the Lancaster County Mental Health Crisis Center, for certified alcohol and drug abuse counselor services. The services will be provided at the rate of \$85 per evaluation completed and \$32 per hour for other services. The term of the contract is from September 1, 2018 to August 31, 2019. (C-18-0636)**

**MOTION:** Schorr moved and Avery seconded approval of the contract. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- J. Cooperative agreement with the U.S. Department of the Interior U.S. Geological Survey for joint funding of water resources investigations. The agreement is for the operation and computation of records for four stream flow gaging stations, which are Salt Creek, Little Salt Creek near Lincoln, Stevens Creek near Lincoln and Rock Creek near Ceresco. The County will pay \$12,900 for the services. The term of the agreement is from October 1, 2018 through September 30, 2019. (C-18-0639)**

**MOTION:** Avery moved and Schorr seconded approval of the agreement. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- K. Recommendation from the Purchasing Agent and Lancaster County Engineer to award and execute a Purchase Order for four 2018 or current production year Ford XLT 3/4 Ton E85 Extended Cab Trucks using the State of Nebraska Contract 14653 OC to Sid Dillion Ford Inc. The total amount of the order is \$158,548. (C-18-0623)**

Ken Schroeder, Lancaster County Engineer's Office, said this is for four trucks that will be used by the district supervisors which include plowing equipment. The trucks that are currently being used will be passed down to the assistant supervisors and all trucks have been included in the budget.

Avery inquired about the price of each truck. Schroeder explained this went through the bidding process and each will be equipped to handle the required duties.

Avery asked how long the current trucks have been in use. Schroeder said some of their old trucks have about 200,000 in mileage and range from 20 to 25 years old.

**MOTION:** Schorr moved and Avery seconded approval of the recommendation. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- L. Agreement with The Schemmer Associates, Inc., for Survey, Design, Plan Preparation and Permitting Services of Lancaster County Bridge(s) W-122, W-164 and W-174. The anticipated completion date is January 25, 2019. The cost to the County is \$80,000. (C-18-0628)**

Schroeder said these projects were included in the budget and are currently going through survey and hydrology studies. The hope is to have these designed as box culverts instead of bridges. (Exhibit A)

Schorr asked if these projects would be done this construction season. Schroeder said they will hopefully be done in the spring.

**MOTION:** Schorr moved and Avery seconded approval of the agreement. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- M. Agreement with JEO Consulting Group, Inc., for Survey, Design, Plan Preparation and Permitting Services of Lancaster County Bridge(s) F-78, F-82 and F-86. The anticipated completion date is January 25, 2019. The cost to the County is \$95,000. (C-18-0640)**

Schroeder said these bridges are located on North 14<sup>th</sup> Street, which is a paved road with higher traffic counts. (Exhibit B)

**MOTION:** Schorr moved and Avery seconded approval of the agreement. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- N. Grant contract with Girl Scouts Spirit of Nebraska in the amount of \$21,356 for the Lincoln Refugee Outreach program. The contract is funded by the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Grant for the period of July 1, 2018 through June 30, 2019. (C-18-0637)**

**MOTION:** Schorr moved and Avery seconded approval of the grant contract. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- O. Grant contract with Lincoln Public Schools in the amount of \$272,422 for the Truancy Diversion program through the Nebraska Commission on Law Enforcement and Criminal Justice Community-Based Juvenile Services Aid Grant (#18-CB-0525). The term of the grant contract is July 1, 2018 through June 30, 2019. (C-18-0638)**

**MOTION:** Avery moved and Schorr seconded approval of the grant contract. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- 4) CONSENT ITEMS: These are routine business items that 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. Amendments to the following contracts:**

- 1. County Contract C-17-0858 with Vulcan Signs (Vulcan Inc.) for Annual Supply - Traffic Sign Faces (Bid No. 17-239). The amendment renews the contract from November 7, 2018 through November 6, 2019. The cost to the County shall not exceed \$18,000. (C-18-0622)**
- 2. County Contract C-15-0586 with McKesson Medical-Surgical Minnesota Supply, Inc., for Annual Requirements - Exam Gloves (Bid No. 15-131). The amendment renews the contract from November 10, 2018 through November 9, 2019. The cost to the County shall not exceed \$8,000. (C-18-0625)**
- 3. County Contract C-15-0576 with MMS-A Medical Supply Company for Annual Requirements– Exam Gloves (Bid No. 15-131). The amendment renews the contract from November 3, 2018 through November 2, 2019. The cost to the County shall not exceed \$12,000. (C-18-0626)**
- 4. County Contract C-15-0149 between Redwood Toxicology Laboratory, Inc., and Lancaster County using the State of Minnesota MMCAP Contract No. MMS14033 for Drug and Alcohol Screening Products. The amendment renews the contract from October 1, 2018 through September 30, 2019. The estimated cost to the County is not to exceed \$30,000. (C-18-0627)**

5. **County Contract C-17-0860 with PageFreezer Software Inc., for the Lancaster County – Social Media Archive Services (Quote No. 5734). The amendment renews the contract from November 7, 2018 through November 6, 2019. The estimated cost to the County is not to exceed \$6,000. (C-18-0629)**

**MOTION:** Schorr moved and Avery seconded approval of the consent items. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

- 5) **PUBLIC COMMENT: Those wishing to speak on items relating to County business not on the agenda may do so at this time.**

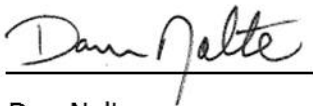
No one appeared for public comment.

- 6) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, October 18, 2018 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln).**
- B. **The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, October 23, 2018 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln).**
- C. **County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).**
- D. **The Lancaster County Board of Commissioners meeting is broadcast live on LNKTv City. For the rebroadcast schedule visit [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: LNKTv). Meetings are also streamed live on LNKTv and can be viewed on YouTube (LNKTvcity).**

- 7) **ADJOURNMENT**

**MOTION:** Schorr moved and Avery seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:32 a.m. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.



Dan Nolte  
Lancaster County Clerk

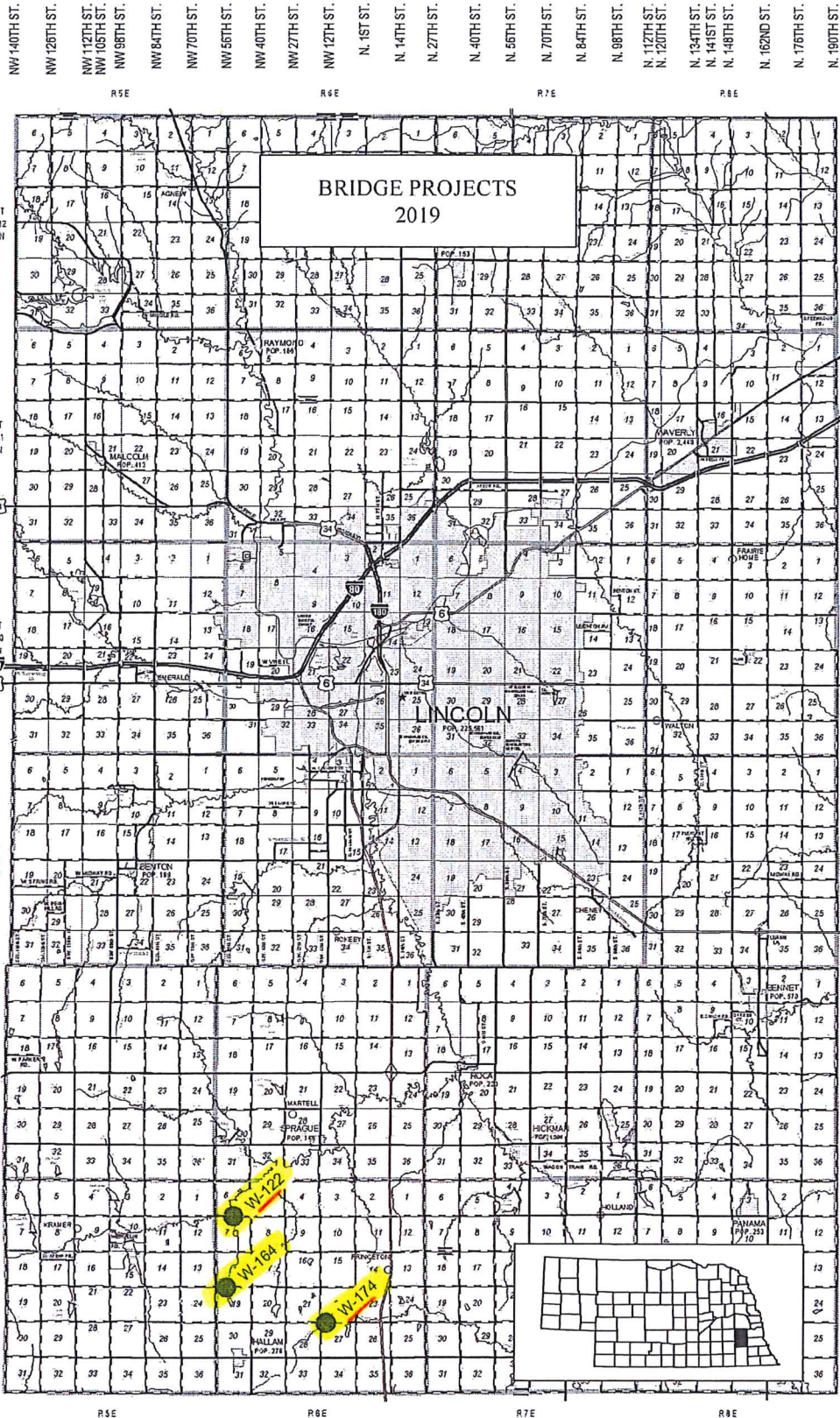


Exhibit "A" - Project Sites Location Map

LANCASTER COUNTY, NEBRASKA

NO SCALE

- W. ASHLAND RD.
- W. LITTLE SALT RD.
- W. AGNEW RD.
- W. ROCK CREEK RD.
- W. DAVEY RD.
- W. BRANCHED OAK RD.
- W. RAYMOND RD.
- W. MILL RD.
- W. WAVERLY RD.
- W. BLUFF RD.
- W. MCKELVIE RD.
- W. ALVO RD.
- W. FLETCHER AV.
- W. SUPERIOR ST.
- W. ADAMS ST.
- W. HOLDREGE ST.
- W. 'O' ST.
- W. 'A' ST.
- W. VAN DORN ST.
- W. PIONEERS BLVD.
- W. OLD CHENEY RD.
- W. DENTON RD.
- W. YANKEE HILL RD.
- W. ROKEBY RD.
- W. SALTILLO RD.
- W. BENNET RD.
- W. WITTSTRUCK RD.
- W. ROCA RD.
- W. MARTELL RD.
- W. SPRAGUE RD.
- W. STAGECOACH RD.
- W. PANAMA RD.
- W. OLIVE CREEK RD.
- W. PRINCETON RD.
- W. PELLA RD.
- W. HALLAM RD.
- W. GAGE RD.



- ASHLAND RD.
- LITTLE SALT RD.
- AGNEW RD.
- ROCK CREEK RD.
- DAVEY RD.
- BRANCHED OAK RD.
- RAYMOND RD.
- MILL RD.
- WAVERLY RD.
- BLUFF RD.
- MCKELVIE RD.
- ALVO RD.
- FLETCHER AV.
- HAVELOCK AV.
- ADAMS ST.
- HOLDREGE ST.
- 'O' ST.
- 'A' ST.
- VAN DORN ST.
- PIONEERS BLVD.
- OLD CHENEY RD.
- PINE LAKE RD.
- YANKEE HILL RD.
- ROKEBY RD.
- SALTILLO RD.
- BENNET RD.
- WITTSTRUCK RD.
- ROCA RD.
- MARTELL RD.
- HICKMAN RD.
- STAGECOACH RD.
- PANAMA RD.
- OLIVE CREEK RD.
- PRINCETON RD.
- PELLA RD.
- FIRTH RD.
- GAGE RD.

Exhibit "A" - Project Sites Location Map

LANCASTER COUNTY, NEBRASKA

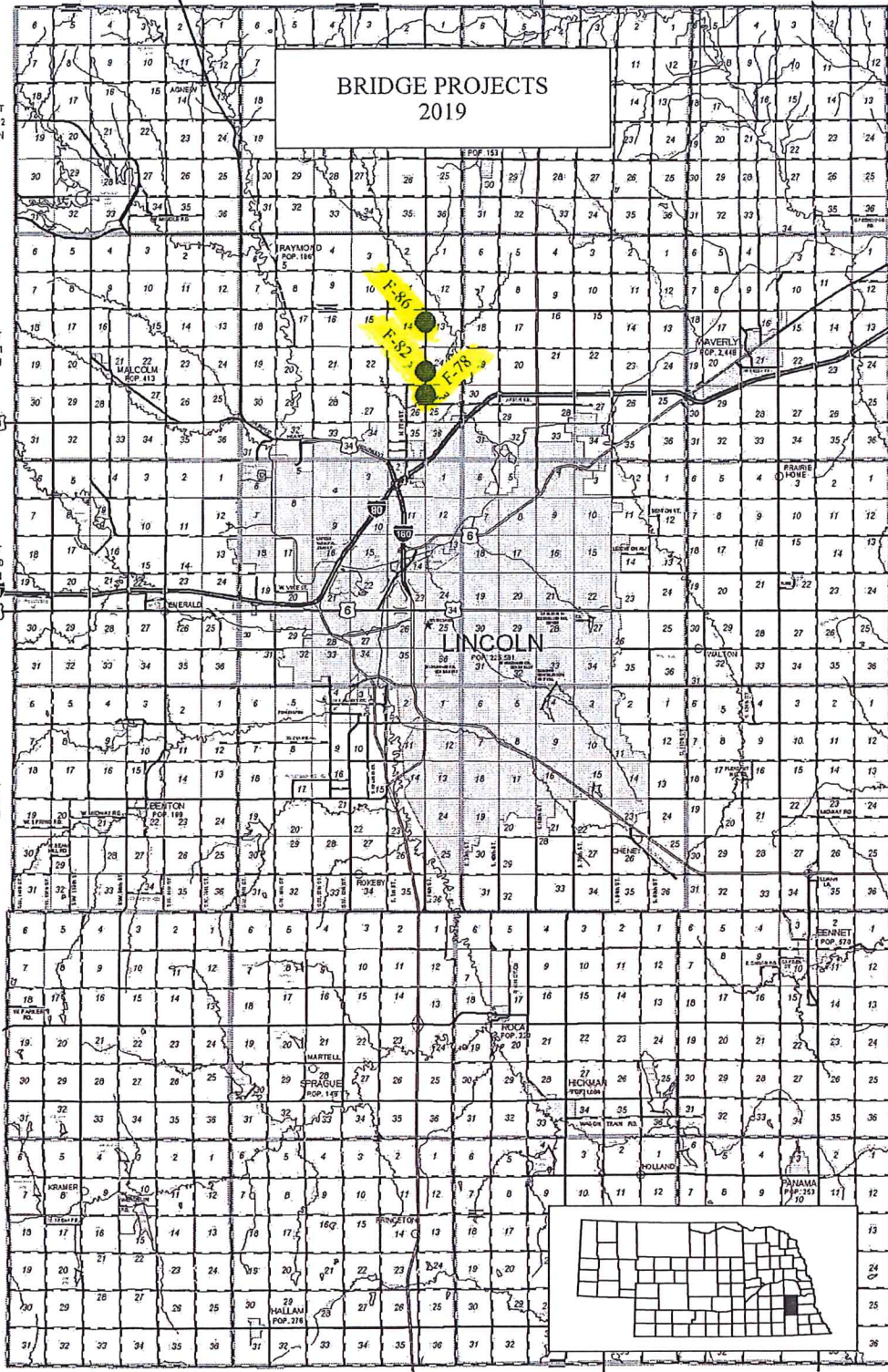


NO SCALE

NW 140TH ST. NW 126TH ST. NW 112TH ST. NW 106TH ST. NW 98TH ST. NW 84TH ST. NW 70TH ST. NW 56TH ST. NW 40TH ST. NW 27TH ST. NW 12TH ST. N. 1ST ST. N. 14TH ST. N. 27TH ST. N. 40TH ST. N. 56TH ST. N. 70TH ST. N. 84TH ST. N. 98TH ST. N. 112TH ST. N. 120TH ST. N. 134TH ST. N. 141ST ST. N. 148TH ST. N. 162ND ST. N. 176TH ST. N. 190TH ST.

R5E R6E R7E R8E

W. ASHLAND RD.  
W. LITTLE SALT RD.  
W. AGNEW RD.  
W. ROCK CREEK RD.  
W. DAVEY RD.  
W. BRANCHED OAK RD.  
W. RAYMOND RD.  
W. MILL RD.  
W. WAVERLY RD.  
W. BLUFF RD.  
W. McKELVIE RD.  
W. ALVO RD.  
W. FLETCHER AV.  
W. SUPERIOR ST.  
W. ADAMS ST.  
W. HOLDREGE ST.  
W. 'O' ST.  
W. 'A' ST.  
W. VAN DORN ST.  
W. PIONEERS BLVD.  
W. OLD CHENEY RD.  
W. DENTON RD.  
W. YANKEE HILL RD.  
W. ROKEYB RD.  
W. SALTILLO RD.  
W. BENNET RD.  
W. WITTSTRUCK RD.  
W. ROCA RD.  
W. MARTELL RD.  
W. SPRAGUE RD.  
W. STAGECOACH RD.  
W. PANAMA RD.  
W. OLIVE CREEK RD.  
W. PRINCETON RD.  
W. PELLA RD.  
W. HALLAM RD.  
W. GAGE RD.



ASHLAND RD.  
LITTLE SALT RD.  
AGNEW RD.  
ROCK CREEK RD.  
DAVEY RD.  
BRANCHED OAK RD.  
RAYMOND RD.  
MILL RD.  
WAVERLY RD.  
BLUFF RD.  
McKELVIE RD.  
ALVO RD.  
FLETCHER AV.  
HAVELOCK AV.  
ADAMS ST.  
HOLDREGE ST.  
'O' ST.  
'A' ST.  
VAN DORN ST.  
PIONEERS BLVD.  
OLD CHENEY RD.  
PINE LAKE RD.  
YANKEE HILL RD.  
ROKEYB RD.  
SALTILLO RD.  
BENNET RD.  
WITTSTRUCK RD.  
ROCA RD.  
MARTELL RD.  
HICKMAN RD.  
STAGECOACH RD.  
PANAMA RD.  
OLIVE CREEK RD.  
PRINCETON RD.  
PELLA RD.  
FIRTH RD.  
GAGE RD.

SW 142ND ST. SW 128TH ST. SW 114TH ST. SW 100TH ST. SW 86TH ST. SW 72ND ST. SW 58TH ST. SW 42ND ST. SW 25TH ST. SW 14TH ST. SW 2ND ST. S. 12TH ST. S. 25TH ST. S. 38TH ST. S. 54TH ST. S. 68TH ST. S. 82ND ST. S. 96TH ST. S. 110TH ST. S. 120TH ST. S. 134TH ST. S. 148TH ST. S. 162ND ST. S. 176TH ST. S. 190TH ST.



**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
COUNTY-CITY BUILDING, ROOM 112  
TUESDAY, OCTOBER 16, 2018  
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY  
BOARD OF COMMISSIONERS MEETING**

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on October 12, 2018.*

Commissioners present: Todd Wiltgen, Chair; Bill Avery and Deb Schorr

Commissioners absent: Jennifer Brinkman, Vice Chair and Roma Amundson

Others present: Norm Agena, County Assessor; Scott Gaines, Assessor/Register of Deeds Office; Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk; and Monét McCullen, County Clerk's Office

*The Chair called the meeting to order at 9:32 a.m., the location of the Nebraska Open Meetings Act was announced.*

**1) MINUTES:**

**A. Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 9, 2018.**

**MOTION:** Avery moved and Wiltgen seconded approval of the minutes. Wiltgen voted yes. Avery and Schorr abstained. Brinkman and Amundson were absent. Motion failed 1-0 with two abstentions.

Note: During the meeting, the vote on the above item was inadvertently announced as failing by a vote of 1 yes and 2 abstentions; however, the Motion had actually carried by the vote of 1 yes and 2 abstentions. The record above reflects the correct motion and vote to approve.

**2) ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS**

**MOTION:** Schorr moved and Avery seconded approval of the additions and deductions. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

**3) NOTICE OF TAXABLE STATUS FOR RAYMOND CENTRAL PUBLIC SCHOOL DISTRICT NO. 161**

Scott Gaines, Deputy Assessor/Register of Deeds, said this is a parcel that was acquired by the school district and they have notified the Assessor's Office that they have no intent to use it for educational purposes. He noted since the property will be leased to a farmer, it remains taxable.

**MOTION:** Schorr moved and Avery seconded approval to send the notice. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

#### **4) PUBLIC HEARINGS:**

##### **A. Motor Vehicle Tax Exemption Applications (See correlating item 5)**

- 1. Community Action Partnership of Lancaster and Saunders County**
- 2. New Bethel Bibleway Apostolic Temple Church**

The Chair opened the public hearing.

No one appeared in support, opposition or a neutral position.

The Chair closed the public hearing.

The Board voted on correlating item 5.

##### **B. Notice of Proposed Change in Exemption Status (See correlating item 6)**

- 1. Indian Hills Community Church**
- 2. Developmental Services of Nebraska Inc.**

The Chair opened the public hearing.

Gaines was administered the oath and said these parcels were previously exempt and have now sold to taxable entities.

No one appeared in support, opposition or a neutral position.

The Chair closed the public hearing.

The Board voted on correlating item 6.

##### **C. Review of 2018 Exemption Application (See correlating item 7)**

- 1. United Yezidi Community of America Inc.**

The Chair opened the public hearing.

Gaines was administered the oath and said this was a previously approved exemption application for a cemetery on a 20-acre parcel. Recently, an appraiser noticed there were close to 17 acres planted in soybeans. The Assessor's recommendation is to continue to exempt the portion of the property that is being used for the cemetery and tax the portion being used for agricultural purposes.

Schorr asked what the fiscal impact would be to the nonprofit agency. Gaines said the valuation of the agricultural land is just under \$80,000. He was unsure of the tax rate in that area, but based on a tax rate of 2% the impact would be about \$1,600.

Khalaf Hesso, Yezidi Community Board Member, 7610 Northwest 12<sup>th</sup> Street, was administered the oath and said the adjacent land owner asked to plant soybeans to help eliminate weeds. Hesso said his organization is not profiting financially and was unaware that this would cause complications with the exemption status.

Schorr inquired about parking. Hesso said close to an acre of land is used for parking.

Wiltgen explained that as long as the land is being used for a nonprofit purpose it would be exempt, but when it is used for profit, it becomes taxable. Wiltgen suggested Mr. Hesso speak to the adjacent land owner about a lease arrangement.

No one appeared in a neutral position.

The Chair closed the public hearing.

The Board voted on correlating item 7.

**5) ACTION ON MOTOR VEHICLE TAX EXEMPTION APPLICATIONS**

**MOTION:** Schorr moved and Avery seconded approval of the motor vehicle tax exemption applications. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

**6) ACTION ON PROPOSED CHANGE IN EXEMPTION STATUS**

**MOTION:** Schorr moved and Avery seconded approving the notices of proposed change in exemption status. Schorr, Avery and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

**7) ACTION ON REVIEW OF 2018 EXEMPTION APPLICATION**

**MOTION:** Schorr moved to approve taxing a portion of the property.

Avery stated he was not willing to second the motion. He felt providing the Yezidi Community time to negotiate with the farmer was appropriate.

Gaines disagreed as the use of the property dictates its taxable status. He added negotiations between the property owner and the farmer would not involve the County.

Wiltgen seconded the motion.

Avery suggested the County find another way to enforce the payment of the taxes without the land owner being penalized.

Wiltgen asked that this item be postponed until the end of the meeting to allow the County Attorney time to review State Statutes.

**8) APPEAL OF PENALTY AND INTEREST ON PERSONAL PROPERTY FROM WEST PLAINS, LLC**

Gaines said the County Board cannot statutorily waive or reduce penalties as long as the amount was correctly calculated. His recommendation was to deny the appeal.

Wiltgen asked what the circumstances were surrounding the Tax Equalization and Review Commission (TERC) appeal. Gaines stated this appeal would have no relationship to TERC.

**MOTION:** Schorr moved and Avery seconded to deny the appeal. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.

9) **APPEAL OF PENALTY AND INTEREST ON PERSONAL PROPERTY FROM SOUTHERN CARLSON**

Gaines recommended denial of the appeal.

**MOTION:** Schorr moved and Avery seconded to deny the appeal. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0

10) **PUBLIC COMMENT:** Those wishing to speak on items relating to County Board of Equalization business not on the agenda may do so at this time.

No one appeared for public comment.

**RETURNING TO ITEM 7**

Jenifer Holloway, Deputy County Attorney, read into the record State Statute §77-202.02. She confirmed that the County should not be involved in an agreement between the landowner and farmer.

Schorr asked if taxes can be prorated. Gaines said there is no proration on tax. He clarified that the issue is whether the property is subject to partial or full property tax exemption. He reiterated that the recommendation of the Assessor's Office is to tax the portion of the land being used for agriculture. It was also noted that the County cannot dictate who pays the taxes.

Greg Greder, Attorney for the United Yezidi Community, 819 O Street, said the organization is not making a profit and that they were under the impression the beans were planted solely to maintain weeds.

Wiltgen said the farmer is likely selling the soybeans so a profitable activity is being conducted. Greder said he was hoping for a waiver for this year to allow his clients time to get a written agreement with the farmer in place for next year.

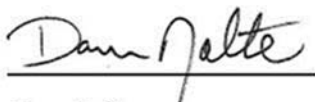
Avery said he was not in favor of a waiver, but he is in favor of holding the item for one week to allow the applicant the opportunity to enter into a legal arrangement with the individual using the land.

Schorr withdrew her motion and Wiltgen withdrew his second.

Wiltgen asked that this item be held over to next week's meeting.

11) **ADJOURNMENT**

**MOTION:** Schorr moved and Avery seconded to adjourn the Lancaster County Board of Equalization meeting at 10:07 a.m. Avery, Schorr and Wiltgen voted yes. Brinkman and Amundson were absent. Motion carried 3-0.



Dan Nolte  
Lancaster County Clerk

