

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 10, 2001
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Robin Hendricksen, Deputy County Assessor
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Mike Thew, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 26, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Workman moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated June 26, 2001. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 24 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Workman seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Second Baptist Church

MOTION: Workman moved and Heier seconded approval of a motor vehicle tax exemption for Second Baptist Church. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT**

MOTION: Heier moved and Stevens seconded adjournment of the Board of Equalization meeting. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk

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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 26, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated June 26, 2001. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, July 10, 2001.**

MOTION: Workman moved and Hudkins seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. A resolution proclaiming the period of July 9th through July 20th, 2001 as the "Campaign Against Hunger". (R-01-45)

The Chair read the resolution into the record.

MOTION: Heier moved and Hudkins seconded approval of Resolution 01-45. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. An application for a Class E (Beer Off Sale Only) and a Class K (Wine Off Sale Only) liquor license from Salem Oil Company d/b/a Yankee Hill Amoco located at 630 West Prospector Court in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to provide testimony in favor of the application.

The County Clerk administered the oath to Charles Salem, applicant.

In response to questions asked by Campbell, Salem stated he owns three convenience stores in the community and sells alcohol in one other store. He reported that he has had no liquor violations.

Stevens asked if there is a provision in the liquor laws which allows a new owner to operate under an existing license.

Salem explained that there is a provision which allows a new owner to operate under the previous owner's license for a period of 120 days.

In response to a question asked by Workman, Salem said he purchased the convenience store business, not the real estate.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

The Chair noted that the County Board would take action on the liquor license application next Tuesday, July 17, 2001.

5) **OLD BUSINESS:**

A. A contract with Child Guidance Center for expediting the provision of wraparound services for juveniles and their families through flexible funding. The term of the agreement is from November 1, 2000 to December 31, 2002. The County shall pay the contractor an amount not to exceed \$75,000. (C-01-222)

Mike Thew, Deputy County Attorney, recommended the item be deferred until issues regarding flexible funding are resolved.

MOTION: Workman moved and Heier seconded to defer action. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **NEW BUSINESS:**

A. An application for a Special Designated License from 134th and O Street Partnership d/b/a Crooked Creek Golf Course, located at 333 South 134th Street, to hold a golfing event on Sunday, July 29, 2001 from 8 a.m. to Noon.

J. Michael Rierden, attorney representing Crooked Creek Golf Course, appeared and explained that the County Board had previously approved six Special Designated License applications, however, one of the events was cancelled. He said the application for July 29th would replace the cancelled event.

MOTION: Heier moved and Workman seconded approval. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

B. An agreement with Cole, Layer, Trumble Company to provide consulting services to assist the County Assessor's office in their 2003 revaluation. The County shall pay no more than \$10,000 for the services. (C-01-327)

In response to a question asked by Stevens, Campbell stated the money was in the County Assessor's budget.

Mike Thew, Deputy County Attorney, stated Cole, Layer, Trumble is a nationally recognized company and has specialized in these type of services for many years.

6) **NEW BUSINESS CONTINUED:**

In response to a question asked by Workman, Robin Hendricksen, Deputy County Assessor, explained that Cole, Layer, Trumble owns the software which the Assessor's office uses for their appraisals and administration of the appraisals. He noted that the contract addresses the following areas:

- ▶ More consistency with the Register of Deeds office regarding number of characters used for a subdivision code. (Register of Deeds currently uses ten characters. The Assessor's office is limited to six characters.)
- ▶ Review of models by program developer.
- ▶ Significant expansion of commercial models.

Workman asked Hendricksen how many total dollars would be spent.

Hendricksen stated the Assessor's office would spend approximately \$5,000 in relation to the review of the models by the program developer, approximately \$3,000 in relation to the commercial models and approximately \$2,000 for the cross-reference tables.

MOTION: Workman moved and Heier seconded approval. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

C. A grant contract on behalf of the Community Mental Health Center for case management services to frail older adults, beginning July 1, 2001 and ending June 30, 2002. The County will receive \$132,919. (C-01-326)

MOTION: Heier moved and Hudkins seconded approval.

Stevens asked if the monies to pay the collaborators (Centerpointe and Lincoln Area Agency on Aging) came from the grant awarded to the County.

Campbell stated the County would pay the collaborators.

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

6) **NEW BUSINESS CONTINUED:**

D. A referee agreement with Tim S. Lentz to be used as necessary to hear valuation protests and transmit information to the Board of Equalization, at a rate of \$60 per hour. (C-01-340)

MOTION: Workman moved and Heier seconded approval. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

E. An interlocal agreement with the State of Nebraska Probation Administration for the electronic monitoring of County preadjudicated and/or predisposition juvenile offenders on home arrest or detention, beginning July 1, 2001 and ending June 30, 2002. The State will provide equipment to monitor up to 20 juveniles and also provide the services of two probation officers to supervise the juveniles. The County will pay a total of \$72,620 for the supervision services and \$28,404 for computer monitoring. (C-01-339)

Workman noted that the contract specifies that 28 juveniles would be monitored, instead of 20.

MOTION: Heier moved and Workman seconded approval. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

F. A lease agreement between the Lancaster County Agricultural Society and the Cooperative Extension office for 540 square feet of office space at the Lancaster Event Center, located at 4100 North 84th Street, beginning July 1, 2001 and ending June 30, 2002. The County shall pay \$4,536 (\$8.40 per square foot) for the year. The County will pay \$840 for the year for telephone and computer lines. (C-01-338)

MOTION: Hudkins moved and Workman seconded approval. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

G. An agreement with Nebraska Machinery Company for the purchase of two Caterpillar Model 140H motor graders. The cost to the County, after trade-in of two County machines, is \$278,881. Included in the price is the provision of maintenance above \$2,400 per machine for the first 8,500 hours or seven years. (C-01-335)

Mike Thew, Deputy County Attorney, recommended the contract be deferred for further review.

6) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Stevens seconded deferral of the agreement. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

H. A juvenile detention services contract with the State of Nebraska for the provision of detention services to youth committed to, or placed with the Office of Juvenile Services, beginning June 1, 2001 and ending June 30, 2002. The County will receive \$160 per day, per youth placed at the Juvenile Detention Center, plus other incidental costs. (C-01-336)

MOTION: Heier moved and Hudkins seconded approval. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

I. An agreement with Saint Elizabeth Regional Medical Center Physical Therapy/Occupational Therapy West and Company Care for pre-confirmation physical examinations and screenings of potential employees of the Juvenile Detention Center. The County will pay at the rates provided in Exhibit 1. The agreement will be for one year. (C-01-345)

MOTION: Hudkins moved and Workman seconded approval. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

J. An agreement between Quest Diagnostics and Lancaster Manor for clinical laboratory services as requested, beginning April 16, 2001 and ending April 15, 2002. Quest will bill County patients and Medicare for the services. Fees are provided in Exhibit A. (C-01-346)

MOTION: Heier moved and Workman seconded approval. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

K. An amendment to the agreement between Omnicare of Nebraska, formerly Unidose LTC, and the Lancaster County Juvenile Detention Center to reflect a commencement date of September 15, 2001 to September 14, 2002 and to include termination after giving 60 days written notice. (C-01-337)

MOTION: Heier moved and Workman seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

L. A resolution in the matter of fixing the date, time and place for a public hearing regarding a request to vacate a portion of a County road located on North 11th Street between Fletcher Avenue and Interstate 80, in Lincoln, Lancaster County, Nebraska. (R-01-56)

Campbell stated the suggested date for the public hearing is Tuesday, August 7, 2001 at 1:30 p.m.

MOTION: Workman moved and Heier seconded approval of Resolution 01-56. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

**M. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska in conjunction with the City of Lincoln's Bison Trail Project, which connects to Coddington Avenue south of West Van Dorn Street at the east entrance into Pioneers Park:
(R-01-53)**

- ▶ **Two bicycle warning signs with supplemental distance plaques modified to read 300 feet. One sign will be located 300 feet south of the trail crossing for northbound traffic, with the second sign to be located 300 feet north of the trail crossing for southbound traffic.**

MOTION: Workman moved and Stevens seconded approval of Resolution 01-53. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

**N. Recommendation from the Purchasing Agent to award a bid from the Federal Government's General Services Administration (GSA) schedule for corrections specific furniture for the new Juvenile Detention Center to Moduform, in the amount of \$61,806.30.
(B-01-31)**

MOTION: Heier moved and Workman seconded approval.

In response to a question asked by Workman, Kathy Smith, Assistant Purchasing Agent, stated the money would come from the bond funds until the proceeds are at zero.

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

6) **NEW BUSINESS CONTINUED:**

O. Recommendation from the Purchasing Agent to award a bid to H.P. Smith, in the amount of \$19,877, for the purchase of one new 2001 4x4 compact pick-up for the County Assessor's office. (B-01-30)

Heier asked if Husker Auto submitted a bid for a 4x4 pick-up.

Kathy Smith, Assistant Purchasing Agent, stated the bids were for vehicles which were located on the dealers' lot. She said when the Assessor reviewed the bids he indicated the five speed would better fit their needs.

MOTION: Heier moved and Stevens seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

P. Authorization of the Lancaster County Sheriff to submit an application to the Nebraska Office of Highway Safety for "The Get Connected" Youth Traffic Safety Program, effective June 29, 2001. The total funding request is \$161,159. (C-01-334)

Terry Wagner, County Sheriff, gave a brief explanation of the grant and "The Get Connected" Youth Traffic Safety Program.

MOTION: Hudkins moved and Heier seconded authorization of the Lancaster County Sheriff to submit an application to the Nebraska Office of Highway Safety for "The Get Connected" Youth Traffic Safety Program. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

Q. Authorization of Wells Fargo Bank, as Trustee, to disburse \$452,675 from the juvenile detention center bond proceeds to Cheever Construction Company for payment application number 17 as general contractor for the new Juvenile Detention Center. (M-01-80)

MOTION: Heier moved and Workman seconded approval. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

R. A claim from Kelly Moore Guenzel Handlos, Clerk of the District Court, regarding reimbursement of attorney's fees.

Vince Valentino, attorney representing Kelly Moore Guenzel Handlos, distributed documentation (Exhibit D) and addressed the following contained in Exhibit D:

- ▶ Exhibit 11 - Appointment of a special prosecutor
- ▶ Exhibit 6 - Payment voucher, in the amount of \$18,453.89
- ▶ Exhibit 12 - Lancaster County policy regarding employee reimbursement for meal expenses
- ▶ Exhibit 7 - Payment voucher for office supplies and food for staff in connection with move on December 18, 1999
- ▶ Exhibit 3 - Neb. Rev. Stat. § 23-109 (Claims; audit; settlement; imprest system of accounting)
- ▶ Exhibit 2 - Neb. Rev. Stat. § 13-1801 (Officers and employees; action against; defense; payment of judgment; liability insurance)
- ▶ Exhibit 4 - Neb. Rev. Stat. § 23-1201, Section (2) (County attorney; duties; services performed at request of Attorney General; additional compensation; reports)
- ▶ Exhibit 14 - Application and Voucher for Refund of Postage, Fees and Services
- ▶ Exhibit 10 - Judgement of the County Court of Lancaster County
- ▶ Exhibit 8 - City of Lincoln Resolution A-77356
- ▶ Exhibit 9 - Amended complaint in the County Court of Lancaster County

Also submitted into the record by Valentino was the following documentation (Exhibit A):

- ▶ Letter to Kelly Guenzel Handlos from Steven L. Hull, CPA dated May 17, 2001
- ▶ Statement from Angle, Murphy, Valentino & Campbell, P.C. dated December 21, 2000
- ▶ Statement from Angle, Murphy, Valentino & Campbell, P.C. dated January 9, 2001

William Austin, attorney with Erickson & Sederstrom, P.C., appeared on behalf of Lancaster County and offered certified copies of an Amended Complaint for Misuse of Public Property or Funds and Official Misconduct from the County Court of Lancaster County in the State of Nebraska vs Kelly Moore Guenzel-Handlos (Exhibit B) and a judgment from the County Court of Lancaster County in the State of Nebraska vs. Kelly Moore Guenzel-Handlos (Exhibit C).

Austin stated he felt the County Board has no duty or authority to provide reimbursement of the claim.

6) **NEW BUSINESS CONTINUED:**

MOTION: Workman moved and Heier seconded denial of a claim filed by Kelly Moore Guenzel Handlos, Clerk of the District Court, regarding reimbursement of attorney's fees based upon Neb. Rev. Stat. § 13-1801 and 23-1201 and based upon counsel's opinion and recommendation. Stevens, Campbell, Heier and Workman voted aye. Hudkins voted no. Motion carried.

S. A request from Pamela S. March-Martison for a refund of real estate taxes for 1999, in the approximate amount of \$25.20 and a credit for 2000 taxes, in the approximate amount of \$25.04. (M-01-79)

T. A request from Elaine L. Hunacek for a refund of real estate taxes for 1999, in the approximate amount of \$169.72 and a credit for 2000 taxes, in the approximate amount of \$169.18. (M-01-78)

New Business Items 6S and 6T were heard together.

MOTION: Workman moved and Heier seconded approval of New Business Items 6S and 6T. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

U. Appointment of James L. Haszard to the Lancaster County Personnel Policy Board to fulfill the unexpired term of Ray Stevens ending June 30, 2005.

Stevens introduced James Haszard to the County Board and stated he felt Mr. Haszard was well qualified to serve on the Personnel Policy Board.

MOTION: Stevens moved and Hudkins seconded approval. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

V. Appointment of Maria Medrano-Nehls to the Lincoln-Lancaster Women's Commission to fulfill the unexpired term of Doug Boyd through March 1, 2001.

The Clerk noted that the unexpired term of Doug Boyd was through March 1, 2002.

MOTION: Heier moved and Workman seconded approval. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine and 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 Clerk's Monthly Report for June, 2001.**
 - 2. **Lancaster Manor's Monthly Report.**

 - B. **Setting of a public hearing for Tuesday, July 17, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding a request from the Nebraska State Board of Agriculture for an addition to licensed premises in connection with a Class C (Retail) liquor license. The addition is for a 36 foot by 60 foot metal Morton building located in State Fair Park in the block southeast of the Administration Building and east of the Food Plaza.**

 - C. **Setting of a public hearing for Tuesday, July 24, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding changes to the Lincoln-Lancaster County Air Pollution Program Regulations and Standards to amend parts of Sections 1, 5, 7, 8, 17, 20, 21, 28 and 34 to correct typographical errors and inconsistencies in the existing text, provide needed clarifications, adopt existing federal regulations pertaining to the compliance assurance monitoring program and Maximum Available Control Technology (MACT) standards, and update currently adopted MACT standards to reflect the most recent versions available.**

 - D. **A resolution in the matter of a Corporate Manager liquor license application for Jolene J. Baney, in connection with a Class E (Beer Off Sale Only) and a Class K (Wine Off Sale Only) liquor license for Whitehead Inc. d/b/a U-Stop Convenience Shop located at 6600 North 84th Street in Lancaster County, Nebraska. (R-01-52)**

7) CONSENT ITEMS CONTINUED:

- E. A resolution approving Comprehensive Plan Amendment 94-61, requested by the Director of Planning, to amend the 1994 Lincoln/Lancaster County Comprehensive Plan to designate land near Northwest 27th Street and West Fletcher Avenue as inside the "Future Service Limit" and to include West Fletcher Avenue from Northwest 12th to Northwest 31st Streets and a new interchange at Northwest 27th Street and Highway 34 in the Future Road Network and Transportation Plans. (R-01-51)
- F. A request from Jenny DeBuhr, an employee in the Lancaster County Assessor's office, to voluntarily participate in the County's Retirement Plan.
- G. A contract for appraisal services between the Lancaster County Engineering Department and Johnson Appraisal, LLC., in the amount of \$7,800, in connection with Project C55-X-402(5), South 82nd Street and Firth Road. (C-01-341)
- H. A leasehold contract relating to culvert construction between the Lancaster County Engineering Department and Bruce Tiedeman, in the amount of \$10, .06 of a mile west of the intersection of South 25th Street and Olive Creek Road. (C-01-331)
- I. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:
- ▶ Brad and Donita From, in the total amount of \$9,060, at 15800 South 68th Street; Project STPE-3265(6). (2 contracts) (C-01-332 and C-01-333)
 - ▶ William Kubes and Alvia Troutt, one-half mile west of the intersection at Southwest 9th Street and Kolbrook Road; Project C.P.-N-5. This is a donation. (C-01-328)
 - ▶ Clay and Joan M. Keller, in the amount of \$262.68, .13 of a mile north of the intersection at West Raymond Road and North 1st Street; Project C.P.-C-319. (C-01-329)
 - ▶ William Ball and Dana Gregory, in the amount of \$256.27, approximately .32 of a mile south of the intersection at Northwest 112th Street and Little Salt Road; Project C.P.D-111. (C-01-344)

7) CONSENT ITEMS CONTINUED:

- ▶ Michael and Cheryl Kane, in the amount of \$51.42, approximately .42 of a mile south of the intersection at Rock Creek Road and Northwest 40th Street; Project C.P.C-147. (C-01-343)
- ▶ David and Faye Berry, in the amount of \$118.45, north of the intersection at North 176th Street and Havelock Road; Project C.P.J-194. (C-01-342)

J. A lease agreement between the Lancaster County Engineering Department and Ronald D. and Douglas Liesveld, Trustees, in the amount of \$500, for the stockpiling of rock and/or gravel at the intersection of South 68th Street and Olive Creek Road. (C-01-330)

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

8) ADJOURNMENT

MOTION: Heier moved and Hudkins seconded adjournment of the Board of Commissioners meeting. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk