

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 16, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

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

The meeting of the Board of Commissioners was called to order at 9:30 a.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 9, 2007.**

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated January 9, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

2) **CLAIMS: Approval of all claims processed through Tuesday, January 16, 2007.**

MOTION: Heier moved and Schorr seconded approval of all claims processed through January 16, 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **SPECIAL PRESENTATIONS:**

A. Service Awards were presented to the following Lancaster County Sheriff's Deputies:

- ▶ Deputy Sheriff of the Year - Deputy Jeremy Schwarz
- ▶ Life Saving Awards - Deputy Rob Soflin and Deputy Amy Willadsen
- ▶ Civilian Award - Byron Hurder
- ▶ Citizens Awards - Deborah Wedding and Ian Vaske

4) **PUBLIC HEARINGS:**

A. Issuance of bonds by Hospital Authority No. 1 of Lancaster County, Nebraska, in an amount not to exceed \$90,000,000, relating to refunding the Series 2001 bonds for BryanLGH Medical Center and related approval required by the Internal Revenue Code. (See New Business Item 5A for correlating documentation.)

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

The Clerk administered the oath to Lauren Wismer, bond counsel.

Wismer indicated the bonds will refund bonds which were issued in 2001. He explained that BryanLGH has the opportunity to achieve present value savings in excess of \$3,000,000 by refunding the bonds.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

A. A resolution approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska not to exceed \$90,000,000 aggregate principal amount of its hospital revenue refunding bonds (BryanLGH Medical Center Project), Series 2007A (auction rate securities), solely for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, and related matters. (R-07-0005)

MOTION: Hudkins moved and Schorr seconded approval of Resolution 07-0005 approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska not to exceed \$90,000,000 aggregate principal amount of its hospital revenue refunding bonds (BryanLGH Medical Center Project), Series 2007A. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

B. A resolution in the matter of amending the policy governing the expenditure of public funds of actual and necessary expenses incurred by County elected officials, appointed officials, employees and volunteers. (R-07-0004)

5) **NEW BUSINESS CONTINUED:**

Kerry Eagan, Chief Administrative Officer, referred to item two on page four of the resolution explaining that the sentence, "Reimbursement for tips shall not exceed 15% of the cost of the meal" should be deleted.

MOTION: Schorr moved and Stevens seconded approval of Resolution 07-0004 in the matter of amending the policy governing the expenditure of public funds of actual and necessary expenses incurred by County elected officials, appointed officials, employees and volunteers with the deletion as recommended by the Chief Administrative Officer. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

C. An agreement with Joyce Schmeeckle, Ph.D. to evaluate and complete quarterly progress reports for the Drug Free Communities Grant, as part of the Lancaster County Human Services Department. Term of the agreement is September 1, 2006 through August 31, 2007. The County will pay \$10,000 for the services. (C-07-0019)

MOTION: Stevens moved and Heier seconded approval of an agreement with Joyce Schmeeckle, Ph.D. to evaluate and complete quarterly progress reports for the Drug Free Communities Grant, as part of the Lancaster County Human Services Department. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

D. An agreement between Lancaster County and Norris Public Power District, in the amount of \$9,746, for utility relocation to accommodate the grading of South 82nd Street from Panama Road to Hickman Road; Project C55-SX-404(2). (C-07-0020)

MOTION: Schorr moved and Stevens seconded approval of an agreement between Lancaster County and Norris Public Power District, in the amount of \$9,746, for utility relocation to accommodate the grading of South 82nd Street from Panama Road to Hickman Road; Project C55-SX-404(2). Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

E. Recommendation from the Purchasing Agent and Engineering Technologies, Inc. to award a bid to Intelligent Buildings, L.L.C., in the amount of \$18,450, for temperature control upgrades for the Lancaster County Extension Office. (B-07-0007)

MOTION: Heier moved and Stevens seconded approval to award a bid to Intelligent Buildings, L.L.C., in the amount of \$18,450, for temperature control upgrades for the Lancaster County Extension Office. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. Approval of a Benefit Payment Request from BlueCross BlueShield of Nebraska for claims relating to an injury to an employee of Lancaster County.

MOTION: Stevens moved and Heier seconded approval of a Benefit Payment Request from BlueCross BlueShield of Nebraska for claims relating to an injury to an employee of Lancaster County. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

G. Board of Commissioners Committee Assignments for 2007 (List is available in the County Clerk's Office for viewing).

MOTION: Hudkins moved and Heier seconded approval of the Board of Commissioners Committee Assignments for 2007. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

H. A political subdivision tort claim filed against Lancaster County by Jack Breckner for damages to his garage.

MOTION: Heier moved and Stevens seconded to deny a political subdivision tort claim filed against Lancaster County by Jack Breckner for damages to his garage.

The Chair noted that the damage was done by a City motor grader.

ROLL CALL: Schorr, Hudkins, Heier, Stevens 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. County Assessor/Register of Deed's Monthly Report for January, 2007.**
- 2. County Attorney's Quarterly Report for October 1, 2006 through December 31, 2006.**
- 3. Lancaster Manor's Monthly Report.**
- 4. Records and Information Management's Monthly Report for December, 2006.**
- 5. Sheriff's Report of Fees for December, 2006.**

B. Setting of a public hearing for Tuesday, January 30, 2007 at 9:30 a.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding County Special Permit No. 06058, requested by U.S. Cellular Wireless Communications, for authority to construct a 199 foot tower for wireless facilities on property generally located southwest of the intersection of West Alvo Road and Northwest 126th Street, Lancaster County, Nebraska.

C. Request from Amy Willadsen, an employee with the Sheriff's Office, to voluntarily participate in the Lancaster County Retirement Plan having met the requirements.

D. Right-of-way contracts relating to road improvements between Richard A. and Margaret A. Johnson, Charles Borner, Jr. and Sally G. Borner, and Carol Rohrig, in the total amount of \$7,097.25 on Bluff Road from North 148th to North 190th Streets; Project C55-H-402(1). (3 contracts) (C-07-0021 through C-07-0023)

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

7) **OTHER BUSINESS:**

A. Heier stated on January 9, 2007 the Board approved interlocal agreements with Butler, Washington and Saunders counties regarding juveniles at the Youth Services Center. He requested that the Board reconsider their action taken on January 9th because it was determined during the week of January 9th that the cost per day, per youth was \$240 instead of \$244.50.

MOTION: Heier moved and Schorr seconded to reconsider action taken on January 9, 2007 relating to New Business Items 4M, 4N and 4U: Interlocal agreements with Butler, Washington and Saunders counties for the safekeeping, care and sustenance of juveniles while at the Youth Services Center. Hudkins, Schorr and Heier voted aye. Stevens and Workman voted no. Motion carried.

Discussion took place regarding the daily per diem rate.

MOTION: Heier moved and Schorr seconded to amend interlocal agreements with Butler, Washington and Saunders counties, approved on January 9, 2007, to reflect a cost of \$240 per day, per youth. Schorr and Heier voted aye. Hudkins, Stevens and Workman voted no. Motion failed.

B. Hudkins referred to page four of the minutes of the Board of Commissioners meeting dated January 9, 2007, noting the roll call on New Business Item 4H should be corrected to reflect Commissioner Schorr's name instead of Commissioner Hudkins.

8) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 10:15 a.m.. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JANUARY 16, 2007
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Others Present: Kristy Bauer, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Scott Gaines, Deputy County Assessor/Register of Deeds
Dan Nolte, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The meeting of the Board of Equalization was called to order at 10:16 a.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, January 9, 2007.**

MOTION: Schorr moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated January 9, 2007. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 253 additions and deductions to the tax assessment rolls per Attachment "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Cathedral of the Risen Christ
City Impact
Cornhusker Place, Inc.
Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints
Evangelical United Lutheran Church
First Evangelical Covenant Church
Nebraska Annual Conference of the United Methodist Church
Nebraska Wesleyan University
People's City Mission (2 exemption applications)
Pius X High School
St. Joseph Catholic Church & School
Salvation Army Adult Rehabilitation Center
Sesostris Shrine
Sisters of Mary Queen of Mercy
Trinity Lutheran Church & School**

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

4) **APPEAL FILED ON ASSESSED VALUATION CHANGE FOR 2006:**

**Roger and Eldonna Schwisow Trustees
(Parcel I.D. # 18-32-200-005-000)**

Roger Schwisow, property owner, appeared and stated the property immediately surrounding his is valued substantially lower. He stated he would like to be treated equally with surrounding property.

In response to a question asked by Hudkins, Schwisow stated his property is level and buildable as is the neighboring property.

Michelle Slack, Appraisal Supervisor in the County Assessor/Register of Deeds Office, appeared and stated the recapture value was \$64,000 and was based on a clerical error made by the referee during the property valuation protests. She stated the property consists of 61.68 acres of which 18.37 acres is valued at zero because of a Natural Resources District (NRD) conservation easement. After review by the Referee Coordinator, she said, the value was determined to be \$30,000 an acre for the remaining 43.31 acres. Recommendation from the County Assessor/Register of Deeds Office was to leave 18.37 acres at zero and apply a value of \$15,000 per acre on the remaining 43.31 acres for a total value of \$649,650.

MOTION: Schorr moved and Hudkins seconded to accept the recommendation from the County Assessor/Register of Deeds Office and set a new value of \$15,000 per acre on 43.31 acres for a total value of \$649,650 and leave 18.37 acres at zero due to a conservation easement. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **RECONSIDERATION OF 2005 AND 2006 HOMESTEAD EXEMPTION:**

James F. and Kimberly S. McFarland

James McFarland appeared and gave an overview of the circumstances surrounding his request to reconsider the homestead exemption for 2005 and 2006.

Scott Gaines, Deputy County Assessor/Register of Deeds, and Jill Cook, Personal Property/Homestead Exemption Supervisor, appeared. Gaines explained that the statutes do provide for an extension for those individuals who miss the filing deadline of June 30th. To receive the extension, he explained, those individuals must submit a letter to the Board of Equalization, no later than July 20th of each year, indicating they are filing their homestead exemption late, and that they are requesting an extension of the deadline. He added that the completed exemption application must also be submitted with the extension request. Gaines stated the only stipulation to the statute is that individuals cannot request an extension for consecutive years. Because the Assessor's Office never received the paperwork from Mr. McFarland they couldn't forward it to the Board for consideration.

In response to a statement made by Stevens regarding the application dated June 28, 2005, Gaines stated that Cook had visited with Mr. McFarland regarding the necessary steps for requesting an extension deadline, however, their office never received any documentation in the mail.

Cook stated she had also mailed Mr. McFarland an affidavit to be completed and to be enclosed with their documentation, however, it was never received.

MOTION: Heier moved and Schorr seconded to deny the reconsideration of a homestead exemption for James F. and Kimberly S. McFarland for 2005 and 2006. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES:**

Dan and Patricia Kreitman

MOTION: Schorr moved and Hudkins seconded to accept the recommendation of the Deputy County Assessor/Register of Deeds and send notice of assessed valuation change to Dan and Patricia Kreitman. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

7) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the meeting of the Board of Equalization at 11:00 a.m.. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
County Clerk