

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, OCTOBER 20, 2015
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 16, 2015.

Commissioners present: Roma Amundson, Chair; Larry Hudkins, Vice Chair; Bill Avery, Deb Schorr and Todd Wiltgen

Others present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 9:00 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

1) MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 13, 2015.

MOTION: Hudkins moved and Avery seconded approval of the minutes. Avery, Hudkins, Schorr and Amundson voted aye. Wiltgen abstained. Motion carried 4-0 with one abstention.

2) CLAIMS: Approval of all claims process through October 20, 2015.

MOTION: Schorr moved and Wiltgen seconded approval of the claims. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

3) PUBLIC HEARINGS:

A. Appointment and reappointment of certain members of the Board of Trustees of the Hospital Authority No. 1 of Lancaster County, Nebraska. (See correlating item 5A)

The Chair opened the public hearing.

Colleen Duncan, Gilmore & Bell, was administered the oath. She informed the first matter before the Board is reappointment and appointment of four of the trustees of the Hospital Authority. Duncan said three candidates are existing members of the Board and one new candidate, Lauren Wismer, will join the Board of Trustees.

Hudkins expressed appreciation to the members for serving on the Hospital Authority Board of Trustees.

B. Issuance by the Hospital Authority No. 1 of Lancaster County, Nebraska of its Revenue Refunding Bonds (Eastmont Towers Project), Series 2015, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. (See correlating item 5B)

Wiltgen asked Colleen Duncan, Gilmore & Bell, to provide a brief explanation of the type of financing that is involved.

Duncan explained that Hospital Authority No. 1 will be refunding two series of bonds that were issued in 2011. She said that interim bank loans that were obtained by Eastmont Towers are being converted from taxable to tax exempt to gain economic advantage. Duncan stated a portion of the funds gained from refinancing will be used for architect, engineer and planning fees associated with a new project being planned in the area of 47th and Yankee Hill Road.

Carol Ernst, Executive Director Eastmont Towers, was administered the oath. She told the Board the new project will include approximately 104 independent living units, 32 assisted living units, 16 memory assisted living units, and 24 skilled nursing facility that includes both short term and long-term care.

The Chair closed the public hearing.

4) OLD BUSINESS:

- A. Amendment to County Contract C-12-0177 with Allan Enterprises for the annual supply of microfilming supplies. The amendment reflects a price decrease of approximately \$518.00 over the remainder of the contract term, which runs through April 16, 2016. (C-15-0550)**

MOTION: Hudkins moved and Avery seconded approval of the amendment. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

5) NEW BUSINESS:

- A. Resolution regarding the appointment and reappointment of certain members of the Board of Trustees of the Hospital Authority No. 1 of Lancaster County, Nebraska. (R-15-0057)**

Schorr stated for the record the names of the reappointed Hospital Authority Trustees: James Mastera, Marilyn Borchardt and James Linderholm.

MOTION: Hudkins moved and Wiltgen seconded approval of the resolution. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- B. Resolution regarding the issuance by the Hospital Authority No. 1 of Lancaster County, Nebraska of its Revenue Refunding Bonds (Eastmont Towers Project), Series 2015, solely for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. (R-15-0058)**

MOTION: Wiltgen moved and Schorr seconded approval of the resolution. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.

- C. Recommendation from the Purchasing Department to award a contract for the annual supply of exam gloves to MMS – A Medical Supply Company and McKesson Medical – Surgical Minnesota Supply, Inc. The total amount of all orders will be \$20,000.00. (B-15-0042)**

MOTION: Avery moved and Hudkins seconded approval of the recommendation. Schorr, Hudkins, Avery, Wiltgen and Amundson voted aye. Motion carried 5-0.

- D. Recommendation from Purchasing Department and the County Engineer to award a contract for motor grader snow removal services for Lancaster County to K2 Construction, Pershing Excavating, and Gana Trucking and Excavating. The total amount of all contracts will be \$45,000.00. (B-15-0043)**

Pam Dingman, County Engineer, said this contract allows for additional motor graders in the event of extreme winter weather. She stated the Engineer Department will also be short staffed due to recent retirements and this will help augment the needs of the department.

Bob Walla, Assistant Purchasing Agent, clarified that this is not a set fee, but an estimate not to exceed that amount.

Avery asked if this item is included in the budget.

Dingman said that it is not in the budget, but she has budgeted for staff and some overtime for snow removal. She added because of being short staffed that should offset the cost of the contract.

MOTION: Hudkins moved and Wiltgen seconded approval of the recommendation. Hudkins, Avery, Wiltgen, Schorr and Amundson voted aye. Motion carried 5-0.

- E. Agreement between the Nebraska State Patrol and Lancaster County, on behalf of the Lancaster County Sheriff, for use of the County Firearms Range for training and qualification testing. Term of the agreement is one year from the date of execution. (C-15-0554)**

MOTION: Wiltgen moved and Schorr seconded approval of the agreement. Avery, Wiltgen, Schorr, Hudkins and Amundson voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- F. Agreement with ACS Medical to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. (C-15-0555)**

MOTION: Schorr moved and Avery seconded approval of the agreement. Wiltgen, Hudkins, Avery, Schorr and Amundson voted aye. Motion carried 5-0.

Sara Hoyle, Human Services Director, gave an overview of items G – J.

- G. Grant contract with the Indian Center, Inc. in the amount of \$5,000.00 for the Indian Center Four Directions Youth Program. Term of the agreement is July 1, 2015 to October 30, 2015. (C-15-0556)**

MOTION: Schorr moved and Avery seconded approval of the contract. Avery, Schorr, Hudkins, Wiltgen and Amundson voted aye. Motion carried 5-0.

- H. Grant contract with Hub Central Access Point For Young Adults, Inc. to provide funding in the amount of \$3,800.00 for the Project HIRE program. Term of the contract is July 1, 2015 to June 30, 2016. (C-15-0557)**

MOTION: Avery moved and Hudkins seconded approval of the contract. Hudkins, Wiltgen, Schorr, Avery and Amundson voted aye. Motion carried 5-0.

- I. Grant contract with Christian Heritage to provide funding in the amount of \$9,398.00 for relationship workshops for youths detained at the Youth Services Center. Term of the contract is July 1, 2015 to June 30, 2016. (C-15-0558)**

MOTION: Hudkins moved and Wiltgen seconded approval of the contract. Schorr, Avery, Wiltgen, Hudkins and Amundson voted aye. Motion carried 5-0.

- J. Grant contract with CEDARS Youth Services to provide funding in the amount of \$9,225.00 for the Community Policing program. Term of the contract is July 1, 2015 to June 30, 2016. (C-15-0559)**

MOTION: Schorr moved and Wiltgen seconded approval of the contract. Avery, Hudkins, Schorr, Wiltgen and Amundson voted aye. Motion carried 5-0.

- K. Agreement with Great Plains Appraisal, Inc. for services of qualified professional appraisers to assist the County Assessor's Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2015 tax year. The contract also authorizes Great Plains Appraisal, Inc. to process the TERC appeals for the 2014 tax year and any other TERC cases between the 2003 and 2014 tax years that have not been completed. The total compensation for services will not exceed \$200,000.00. (C-15-0560)**

NEW BUSINESS CONTINUED:

Tom Kubert, Great Plains Appraisal, stated there are approximately 500 pending TERC (Tax Equalization and Review Commission) cases, although that number decreases to 168 pending cases if you eliminate vacant land parcels involved in litigation dating back to 2012. He said they are working with Ryan Mick, Deputy County Attorney, to resolve many of the pending cases. Kubert noted that many of the reductions presented to the Board are not necessarily cases that have gone through TERC but cases where they received additional data that led to a different conclusion and recommendation. He told the Board this avoids the costly expense of a full hearing.

Kubert said during the protest process in the summer they are limited to information that the owners present. He stated TERC is more of a legal process that allows specific questions to be asked regarding appraisal and expenses associated with property which results in a better analysis.

Avery asked if Great Plains Appraisal went through a competitive bid process for this agreement.

Kubert answered it is an annual renewable agreement dating back to 1994.

Schorr noted that for professional services the County is not required to issue a request for proposal on an annual basis. She inquired about 350 land cases why it is so high and handled differently.

Kubert explained that there has been discussion in previous years whether there should be a tax discount for vacant land and be treated as a separate property class. He said as the cases have gone through the TERC process they found that the discount did not apply as it was not found in statute to offer a discount to developers. Kubert stated as of 2015 legislature has developed a discounting process if land developers complete the proper paperwork.

Wiltgen asked how much of a discount is given.

Kubert said for the developers that complete the proper paper work the discount is 25% of market value for residential and 50% for commercial property.

Hudkins questioned if Kubert had any suggestions for improving the protest process and information provided to the taxpayers who wish to protest their property value. He asked if the referees address all of the protesters questions.

Kubert stated that Lancaster County does a great job in providing information and explaining the process to the taxpayers. He said the referees at the formal hearing process do their best to answer questions but it is not their job to explain the assessor's process. Kubert added that if taxpayers file an informal protest by February 1 they have an opportunity to have a face-to-face discussion with the Assessor's Office where they can get their questions answered.

Hudkins asked if Lancaster County has a Greenbelt for agricultural properties affected by the proximity to Lincoln.

Kubert said there has been discussion between Lancaster County and the State Department of Revenue over which sales should be looked at when establishing those values. He noted development land values remained steady while agricultural land values have increased.

NEW BUSINESS CONTINUED:

Avery stated that he has no issues with the performance of Great Plains Appraisal but expressed concerns that the agreement has been in place for many years without investigating if the same quality services could be obtained at a lower price.

Wiltgen requested that other options for future agreements be considered to see if the service could be obtained at a lower cost to the County.

MOTION: Schorr moved and Wiltgen seconded approval of the agreement. Hudkins, Schorr, Wiltgen and Amundson voted aye. Avery abstained. Motion carried 4-0 with one abstention.

- L. Authorization to proceed to engage [Kapish North America Services, Inc.](#) to deliver services to upgrade HP TRIM 7.1.0.1150 to HP Records Manager 8.2 for the pricing estimate of \$19,380.00 as outlined in the upgrade proposal.**

Amundson questioned if the amount included travel expenses.

Gwen Thorpe, Deputy Chief Administrative Officer, stated that it did not include travel and that it would be a separate contract. She said the cost of travel is dependent on the number of onsite visits. Thorpe stated the upgrade would require at least one visit.

MOTION: Wiltgen moved and Avery seconded approval of the authorization. Schorr, Wiltgen, Avery and Hudkins voted aye. Amundson abstained. Motion carried 4-0 with one abstention.

- M. Amendment to County Contract C-15-0202 with Gana Trucking & Excavating for annual requirements of excavating and dozing services. The amendment deems the contract to be a unit price contract and sets the total amount of the payment and performance bonds at \$25,000.00. ([C-15-0561](#))**

MOTION: Schorr moved and Hudkins seconded approval of the amendment. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

- N. Amendment to unit price agreement, County Contract C-14-0451, between The Overhead Door Company of Lincoln, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for overhead door, accessory repair and replacement. Amended term of the contract is October 9, 2015 through October 8, 2016. ([C-15-0562](#))**

MOTION: Wiltgen moved and Hudkins seconded approval of the amendment. Avery, Hudkins, Schorr, Wiltgen and Amundson voted aye. Motion carried 5-0.

- O. Amendment to unit price agreement, County Contract C-14-0450, between Pioneer Overhead Door, Inc., Lancaster County, the City of Lincoln and the Lincoln-Lancaster County Public Building Commission for overhead door, accessory repair and replacement. Amended term of the contract is October 9, 2015 through October 8, 2016. ([C-15-0563](#))**

NEW BUSINESS CONTINUED:

MOTION: Schorr moved and Hudkins seconded approval of the amendment. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

- P. Liability insurance coverage with [National Legal Aid and Defender Association \(NLADA\)](#) Service Corporation for the Lancaster County Public Defender's Office, in the amount of \$6,283.00. The policy begins on November 1, 2015 for a period of 12 months.**

Hudkins inquired why the extra liability insurance is necessary.

David Derbin, Deputy County Attorney, stated the policy has been in place for several years and reflects a small increase in the premium but is unsure as to the necessity of the additional coverage.

Hudkins requested that the item be held until information from the Public Defender's Office can be provided.

MOTION: Hudkins moved and Avery seconded to place the item on hold until further information can be obtained. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

- Q. Appointment of Lori Kinnison to the Lancaster County Pension Review Committee, representing FOP 77.**

MOTION: Schorr moved and Avery seconded approval of the appointment. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

- R. Statement of Intent to Negotiate with [Zachary and Sarie Whitson](#), owners of land legally described as Lot 28 of irregular tracts located in the Northwest Quarter of Section 20, Township 9 North, Range 8 East of the 6th Principal Meridian, Lancaster County, Nebraska, to be filed with David Cary, Lincoln-Lancaster County Planning Department Interim Director, in accordance with the provisions of Neb. Rev. Stat. §§ 39-1311 through 39-1311.05 (Reissue 2008).**

Pam Dingman, County Engineer, told the Board this ground is located in the East Beltway Corridor and was notified that a building permit had been filed on this piece of land. She stated that there is a separate fund set aside for East Beltway Corridor purchases with \$100,000 in the fund. Dingman said base calculations on the 13 miles of right-of way that will need to be acquired per Interlocal agreement in cooperation with the City of Lincoln the land could cost, at \$30,000 per acre, as much as \$4.5 million dollars. She urged the Commissioners to start sitting aside money for future purchases.

MOTION: Hudkins moved and Wiltgen seconded approval of the Statement of Intent. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.

6) **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. **Receive and place on the file the following reports:**

1. **County Attorney's Office** quarterly report for July-September, 2015.
2. **County Engineer** quarterly reports for October-December, 2014, January-March, 2015, April-June, 2015 and July-September, 2015.

MOTION: Hudkins moved and Avery seconded approval of the consent items. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

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

Tim Hrouza, Director of Policy and Research and Coby Mach, President and Chief Executive Officer, of Lincoln Independent Business Association (LIBA) appeared and commented on the TRIM records management system. Mach read a statement on behalf LIBA's Board of Directors. He stated LIBA has concerns with the management of the TRIM contract. Mach said based on conversation with County officials it appears the County is paying unnecessarily for unused software licenses. He urged the Board to investigate other ongoing contracts to ensure proper management of tax dollars.

Schorr said that the County has been using TRIM and Kapish for some time and is advocating for a request for proposal. She invited LIBA members to set on a committee that will review electronic management systems.

Hudkins stated he appreciated the comments and the decision to approve the upgrade was a necessity to keep the current system updated.

Wiltgen noted that the County was able to renegotiate the cost of the maintenance on the licenses.

Hrouza said that LIBA is not taking a position on the selected electronic management system. He stated that it is important to pay attention to these issues and keep the taxpayers informed.

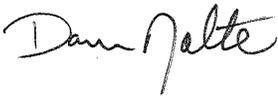
8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, October 20, 2015, at 4:30 p.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding the Commercial Wind Energy Text Amendment.**
- B. **The Lancaster County Board of Commissioners will not hold a staff meeting on Thursday, October 22, 2015 due to the Board's attendance at the Southeast District NACO (Nebraska Association of County Officials) meeting at Mahoney State Park, Ashland, Nebraska at 9:00 a.m.**

- C. The Lancaster County Board of Commissioners will hold their next regular meeting on October 27, 2015 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.
- D. The Lancaster County Board of Commissioners will hold a public hearing on Thursday, October 29, 2015, at 6:30 p.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding the One and Six-Year Road and Bridge Improvement Program.
- F. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- G. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

9) **ADJOURNMENT**

MOTION: Schorr moved and Wiltgen seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:53 a.m. Hudkins, Avery, Wiltgen, Schorr and Amundson voted aye. Motion carried 5-0.



Dan Nolte, County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, OCTOBER 20, 2015
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on October 16, 2015.

Commissioners present: Roma Amundson, Chair; Larry Hudkins, Vice Chair; Bill Avery, Deb Schorr and Todd Wiltgen

Others present: Scott Gaines, County Assessor/Register of Deeds Office; Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 9:53 a.m., and the location of the Nebraska Open Meetings Act was announced.

1) **MINUTES**: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 13, 2015.

MOTION: Hudkins moved and Schorr seconded approval of the minutes. Avery, Hudkins, Schorr and Amundson voted aye. Wiltgen abstained. Motion carried 4-0 with one abstention.

2) **ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS**: (See attached additions and deductions)

MOTION: Schorr moved and Wiltgen seconded approval of the additions and deductions. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

3) **PUBLIC HEARING**:

A. **Motor Vehicle Tax Exemption Applications**

Catholic Social Services
Connecting Pointe Church of the Nazarene
Indian Center, Inc.

The Chair opened the public hearing.

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

The Chair closed the public hearing.

PUBLIC HEARING CONTINUED:

MOTION: Wiltgen moved and Hudkins seconded approval of the exemptions. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

4) **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.

5) **ADJOURNMENT**

MOTION: Schorr moved and Wiltgen seconded to adjourn the Lancaster County Board of Equalization meeting at 9:58 a.m. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte, County Clerk

