

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, AUGUST 9, 2016
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 August 5, 2016.

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

Others present: Kerry Eagan, Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy 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, August 2, 2016.

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) CLAIMS: Approval of all claims process through August 9, 2016.

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

3) SPECIAL PRESENTATION:

A. Recognition of Major General Ed Binder, USA/ARNG, RET., for outstanding volunteer service to Lancaster County.

Amundson, on behalf of Lancaster County, presented Binder with a plaque in appreciation of nineteen years of volunteer service to the County. She also provided an overview of Binder's forty years of military service to the United States.

Binder introduced his family. He expressed his appreciation to all Lancaster County staff for the recognition.

Schorr noted a reception will be held for General Binder on Thursday, August 11, 2016 from 11:00 a.m. to 12:00 p.m. in Room 113 of the County-City Building.

4) PUBLIC HEARINGS:

The Chair opened the public hearings.

Judy Halstead, Health Department Director, was administered the oath. Halstead said there are no policy changes included in the resolution but there are small fee increases. She told the Board the City Council approved all amendments on August 8, 2016.

- A. Amending Section XIII of County Resolution R-13-0062, Procedures for the regulation of On-Site Wastewater Treatment Systems in Lancaster County. (See correlating item 5A)**

Halstead told the Board said this is for new, repaired or expanded wastewater systems with a 3% increase in the fee rate.

- B. Amending Sections VI, XV and XXIX of County Resolution R-13-0063, Regulations for the Operation of Body Art and Piercing Establishments in Lancaster County, Nebraska. (See correlating item 5B)**

Halstead said while there are no establishments currently located in Lancaster County regulations are in place for the County's protection should a proper permit or license not be obtained.

- C. Amending County Resolution R-13-0073, the Lancaster County Air Pollution Control Resolution, to increase the fee for open burning permits. (See correlating item 5C)**

Halstead stated the fee pertains only to industrial and commercial open burning permits. She added there is no fee for a residential burning permit.

- D. Amending County Resolution R-13-0064, Procedures for the Inspection of On-Site Wastewater Supply Systems and On-Site Wastewater Treatment Systems prior to the sale, transfer or conveyance of property in Lancaster County, Nebraska. (See correlating item 5D)**

Halstead noted the correct wording of the resolution should be "on-site water systems" not wastewater supply systems. She said the inspections relate to property transfers.

No one appeared in opposition or in a neutral position.

The Chair closed the public hearings.

5) NEW BUSINESS:

- A. Resolution in the matter of amending Section XIII of County Resolution R-13-0062, Procedures for the Regulation of On-Site Wastewater Treatment Systems in Lancaster County, Nebraska, as provided in Attachment A. (R-16-0046)**

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

- B. Resolution in the matter of amending Sections VI, XV and XXIX of County Resolution R-13-0063, Regulations for the Operation of Body Art and Piercing Establishments in Lancaster County, Nebraska, as provided in Attachment A. (R-16-0047)**

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

- C. Resolution in the matter of amending County Resolution R-13-0073, the Lancaster County Air Pollution Control Resolution, to increase the fee for open burning permits, as provided in Attachment A. (R-16-0048)**

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

- D. Resolution in the matter of amending County Resolution R-13-0064, Procedures for the Inspection of On-Site Wastewater Supply Systems and On-Site Wastewater Treatment Systems Prior to Sale, Transfer or Conveyance of Property in Lancaster County, Nebraska, as provided in Attachment A. (R-16-0049)**

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

- E. Resolution in the matter of the 2016-2017 annual cost of living wage adjustments for unrepresented classified employees and Attorneys I's and II's. All wage adjustments are to be effective August 18, 2016. (R-16-0050)**

Gary Aldridge, 7112 South 45th Street, Lincoln, Nebraska, appeared and commented that the cost of living adjustment as determined by the Bureau of Labor Statistics for federal annuity has been 1.08% over the last eight years. He stated a 2.5% increase is not a cost of living increase but more of a pay raise.

Doug McDaniel, Human Resource Director, stated a survey of surrounding counties was performed and a 2.5% increase is in line with what these counties are awarding their employees. He felt the increase was appropriate.

Hudkins stated the County must ensure they stay within the boundaries set forth by the Nebraska Commission of Industrial Relations (CIR).

McDaniel clarified that the resolution pertains to unrepresented employees but Human Resources uses a similar array of counties for competitive purposes.

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

F. Appointments to the Aging Partners Areawide Advisory Council:

- Catherine (Cathy) Rauch
- John C. Wyvill
- Vern Schulte

Randy Jones, Aging Partners Director, introduced the appointees. He noted they all bring a great deal of experience needed to continue to expand programs in the Aging Partners Department.

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

G. Amusement license renewal application from Josh Kadavy to operate JK's Pumpkin Patch at 757 Bluff Road, Lincoln, Nebraska.

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

H. Agreement with the University of Nebraska Board of Regents and the Lincoln Housing Authority for operation of the Nutrition Education Program to address the nutritional needs of certain limited income persons living in urban housing in Lancaster County. The County will pay up to \$26,552 for the services provided by the University. The Housing Authority will pay \$10,519 for services, combined with \$18,347 from the United States Department of Agriculture (USDA) Supplemental Nutrition Assistance Program. Term of the agreement is September 1, 2016 through August 31, 2017. (C-16-0437)

Jessica Meuleners, Extension Assistant, Nutrition Education Program Administration, said with the support of the program over 950 qualifying adults were reached in the past year resulting in about 77% improvement of food resource management and 85% improvement in nutrition practices.

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

I. Recommendation from the Purchasing Agent and the Clerk of the District Court to award a contract to Midwest Storage Solutions, Inc., for a wheelhouse storage system with floor prep work. The estimated cost is \$41,861.65. (B-16-156)

Troy Hawk, Clerk of the District Court, stated the contract will cover the cost of the new file system, floor prep and construction of new office space but does not account for the office furniture. He noted the office furniture will be less than \$10,000. Hawk said the current system is obsolete and parts are no longer available for repairs.

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

J. Recommendation from the Purchasing Agent and Lancaster County Emergency Management to award and execute a purchase order to Federal Surplus. The total amount of the order is \$36,700. (C-16-0436)

Jim Davidsaver, Emergency Management Director, said funds are available to purchase the vehicles through an Emergency Management Performance Grant. He added the County Shop has inspected them to ensure they are in good working order.

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

K. Acceptance of Quote from Transitworks for the County Engineer's HPRTK Network Subscription. Term of the agreement is from August 1, 2016 through July 31, 2018. Cost to the County is \$9,000. (C-16-0438)

Ken Schroeder, County Surveyor, told the Board this is for a connection to a reference station for global positioning system (GPS) receivers and is budgeted annually.

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

L. Change order supplemental agreement to County Contract C-16-0246 with Yost Excavating for an increase of \$280 for hydromulch and silt check. (C-16-0439)

Pam Dingman, County Engineer, said the bridge repair is part of a Federal Emergency Management Agency (FEMA) project, thus a change requires Board approval.

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

M. Authorize Pam Dingman, Lancaster County Engineer, to notify the Nebraska Department of Roads that Lancaster County intends to accept its Highway Allocation Revenue for fiscal year 2016-2017 to help address local road and bridge maintenance and construction needs.

Dingman stated a state statute implemented last year requires the allocation be requested.

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

N. Authorize Pam Dingman, Lancaster County Engineer, to sign the Annual Certification form for Lancaster County for the period of time from July 1, 2015 to June 30, 2016, in accordance with Section 5 and 6 of the Federal-Aid Transportation Fund Purchase-Sale Agreement between the State of Nebraska Department of Roads and Lancaster County.

Dingman said the County Engineer's Office receives the buyback dollars in two forms, one for bridges and one for roadways. She stated the funds are placed into an account until enough is received to complete a project.

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

- O. Adopt recommendations from the Lancaster County Pension Review Committee to execute the VantageTrust II Multiple Collective Investment Funds Trust Participation Agreement with VantageTrust Company, LLC, on the County's 115 Integral Part Trust with ICMA-RC and obtain services of a third party consultant to review the Lancaster County retirement health savings plan with ICMA-RC and advise the County on how to proceed with the plan in the future.**

Kerry Eagan, Chief Administrative Officer, said the Pension Review Committee did recommend moving to a collective investment trust. He stated there are two agreements, one for biweekly contributions and one for a sick leave bank, which can be used for premiums.

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

Avery exited the meeting at 9:53 a.m.

- P. VantageTrust II Multiple Collective Investment Funds Trust Participation Agreement between VantageTrust Company LLC and Lancaster County on behalf of the Section 115 Integral Part Trust under ICMA-RC Plan Number 803381. (C-16-0440)**

MOTION: Schorr moved and Hudkins seconded approval of the agreement. Schorr, Wiltgen, Hudkins and Amundson voted aye. Avery was absent. Motion carried 4-0.

- Q. VantageTrust II Multiple Collective Investment Funds Trust Participation Agreement between VantageTrust Company LLC and Lancaster County on behalf of the Section 115 Integral Part Trust under ICMA-RC Plan Number 803272. (C-16-0441)**

MOTION: Hudkins moved and Schorr seconded approval of the agreement. Wiltgen, Hudkins, Schorr and Amundson voted aye. Avery was absent. Motion carried 4-0.

- R. Fourth Addendum to the Lancaster County Visitors Improvement Fund Grant Contract C-16-0250 between Lancaster County (Sponsor) and Abbott Sports Complex-Abbott Motocross Park for the purpose of extending the grant term to end September 30, 2016. (C-16-0442)**

Eagan said the addendum will extend the grant contract until October, as opposed to September, in order to allow time for completion of the project.

MOTION: Wiltgen moved and Schorr seconded approval of the addendum. Wiltgen, Schorr, Hudkins and Amundson voted aye. Avery was absent. Motion carried 4-0.

- S. Agreement between Lancaster County, Region V Systems and The Bridge Behavioral Health for The Bridge to assist the County and Region V by including in the services it presently provides the detention of individuals who are in Emergency Protective Custody (EPC). Term of the agreement is July 1, 2016 through June 30, 2017. (C-16-0443)**

MOTION: Hudkins moved and Wiltgen seconded approval of the agreement. Schorr, Hudkins, Wiltgen and Amundson voted aye. Avery was absent. Motion carried 4-0.

- T. Subgrant agreement between the Nebraska Department of Health and Human Services, Division of Children and Family Services Child Support Enforcement and Lancaster County, on behalf of the Clerk of the District Court, for the Child Support Enforcement Title IV-D State Program. Term of the agreement is October 1, 2016 through September 30, 2017. The County shall be reimbursed an estimated amount of \$392,504. (C-16-0444)**

MOTION: Schorr moved and Hudkins seconded approval of the agreement. Hudkins, Schorr and Amundson voted aye. Wiltgen abstained. Avery was absent. Motion carried 3-0 with one abstention.

- U. Subgrant agreement with the State of Nebraska Department of Health and Human Services for child support enforcement services provided by the Lancaster County Attorney's Office for the period of October 1, 2016 through September 30, 2017. The County shall be reimbursed an estimated amount of \$1,432,570 for the services. (C-16-0445)**

MOTION: Hudkins moved and Schorr seconded approval of the agreement. Schorr, Hudkins and Amundson voted aye. Wiltgen abstained. Avery was absent. Motion carried 3-0 with one abstention.

Avery returned to the meeting at 9:56 a.m.

- V. Subgrant agreement with the State of Nebraska Department of Health and Human Services for child support enforcement services provided by the Lancaster County Child Support Referee for a period of October 1, 2016 through September 30, 2017. The County shall be reimbursed an estimated amount of \$205,920 for the services. (C-16-0446)**

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

- W. Amendment to County Contract C-14-0401 with Murphy Tractor & Equipment Company, Inc. for the annual requirements of construction and landfill equipment repair. The amendment renews the contract from August 12, 2016 through August 11, 2017. The estimated cost to the County is not to exceed \$24,000. (C-16-0431)**

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

- X. Amendment to County Contract C-14-0398 with NMC, Inc., for the annual requirements of construction and landfill equipment repair. The amendment renews the contract from August 12, 2016 through August 11, 2017. The estimated cost to the County is not to exceed \$53,000. (C-16-0432)**

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

Avery exited the meeting at 10:00 a.m.

- Y. Amendment to County Contract C-15-0002 with RDO Truck Centers for the annual requirements of construction and landfill equipment repair. The amendment renews the contract from August 12, 2016 through August 11, 2017. The estimated cost to the County is not to exceed \$1,000. (C-16-0433)**

In response to Hudkins' inquiry about repairs exceeding \$1000, Bob Walla, Purchasing Agent, responded the repairs would be completed and an amendment to the contract would be needed.

MOTION: Hudkins moved and Schorr seconded approval of the amendment. Schorr, Wiltgen, Hudkins and Amundson voted aye. Avery was absent. Motion carried 4-0.

- Z. Amendment to County Contract C-14-0400 with Titan Machinery, Inc. for the annual requirements of construction and landfill equipment repair. The amendment renews the contract from August 12, 2016 through August 11, 2017. The estimated cost to the County is not to exceed \$4,000. (C-16-0434)**

MOTION: Schorr moved and Hudkins seconded approval of the amendment. Hudkins, Schorr, Wiltgen and Amundson voted aye. Avery was absent. Motion carried 4-0.

- AA. Amendment to County Contract C-14-0399 with Truck Center Companies for the annual requirements of construction and landfill equipment repair. The amendment renews the contract from August 12, 2016 through August 11, 2017. The estimated cost to the County is not to exceed \$2,000. (C-16-0435)**

MOTION: Schorr moved and Wiltgen seconded approval of the amendment. Hudkins, Schorr, Wiltgen and Amundson voted aye. Avery was absent. Motion carried 4-0.

Avery returned to the meeting at 10:04 a.m.

Sara Hoyle, Human Services Director, provided an overview of items BB thru GG.

- BB. Grant contract with CenterPointe, Inc., to provide funding in the amount of \$323,930 for the following behavioral programs: Outpatient Counseling (\$82,500), Day Rehabilitation (\$41,250), Mediation Management (\$52,250) and Community Support (\$147,930). Term of the grant contract is July 1, 2016 through June 30, 2017. (C-16-0448)**

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

- CC. Grant contract with the League of Human Dignity, Inc., to provide funding in the amount of \$50,000 for the Center of Independent Living program (\$32,000) and the Barrier Removal program (\$18,000). Term of the grant contract is July 1, 2016 through June 30, 2017. (C-16-0449)**

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

- DD. Grant contract with Family Services Association in the amount of \$30,000 to provide funding for therapy and family support services to children (and their families). Term of the grant contract is July 1, 2016 through June 30, 2017. (C-16-0450)**

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

- EE. Grant contract with Family Services Association of Lincoln in the amount of \$21,000 to provide funding for behavioral health services within high school and middle school settings. Term of the grant contract is July 1, 2016 through June 30, 2017. (C-16-0451)**

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

- FF. Grant contract with Family Violence Council to provide funding in the amount of \$12,000 for the project coordinator for the "A Coordinated Response to Reducing Violence Against Women in Lancaster County" program. Term of the grant contract is June 1, 2016 through May 31, 2017. (C-16-0452)**

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

- GG. Grant contract with the City of Lincoln and the Lincoln Police Department in the amount of \$47,079 to provide funding for the domestic violence specialist as part of the Violence Against Women Act program, "A Coordinated Response to Reducing Domestic Violence". The City will contribute \$17,460 in matching funds. Term of the grant contract is June 1, 2016 through May 31, 2017. (C-16-0453)**

Steve Wherry, Lincoln Police Department Domestic Violence Coordinator, told the Board as the coordinator he works closely with local agencies to help individuals escape the cycle of domestic violence. He said from January 1 to July 31, 2016, 871 reports of domestic assault, 730 cases of domestic disturbances and 152 protection order violations have been investigated.

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

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 file the following reports for July, 2016:

1. Assessor/Register of Deeds
2. Clerk of the District Court
3. County Clerk
4. Records and Information Management

B. Setting a public hearing Tuesday, August 16, 2016 at 9:00 a.m. in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) for the following:

1. Class CK liquor license for County Line Bar & Grill, LLC, 242 North 134th Street, Suite 500, Lincoln, Nebraska.
2. Manager application for Derek Broman in connection with a Class CK liquor license for County Line Bar & Grill, LLC, 242 North 134th Street, Suite 500, Lincoln, Nebraska.

MOTION: Wiltgen moved and Hudkins seconded approval of the consent items. Wiltgen, Schorr, Hudkins, Avery 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.

Gary Aldridge, 7112 South 45th Street, Lincoln, Nebraska, appeared and commented that exercising the right to vote is an essential part of citizenship. He stated that unopposed candidates on the ballot is unhealthy for a democracy.

Hudkins requested the upcoming sale of County property located at 2201 South 17th Street, Lincoln, Nebraska, be added to next week's announcements.

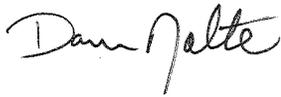
8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, August 11, 2016 at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).**

- B. The Lancaster County Board of Commissioners will hold their next regular meeting on Tuesday, August 16, 2016 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.
- C. The County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- D. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesdays (1:30 p.m. and 7:00 p.m.), Wednesdays (12:00 a.m. midnight) and Saturdays (3:30 p.m.) 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: Hudkins moved and Wiltgen seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:19 a.m. Hudkins, Wiltgen, Schorr, Avery and Amundson voted aye. Motion carried 5-0.



Dan Nolte, County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, AUGUST 9, 2016
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 August 5, 2016.

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

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

The Chair called the meeting to order at 10:19 a.m., and the location of the Nebraska Open Meetings Act was announced.

Wiltgen exited the meeting at 10:20 a.m.

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, August 2, 2016.

MOTION: Schorr moved and Hudkins seconded approval of the minutes. Avery, Hudkins, Schorr and Amundson voted aye. Wiltgen was absent. Motion carried 4-0.

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

MOTION: Hudkins moved and Schorr seconded approval of the additions and deductions. Hudkins, Schorr, Avery and Amundson voted aye. Wiltgen was absent. Motion carried 4-0.

3) PUBLIC HEARING:

A. Motor Vehicle Tax Exemption Applications (See correlating item 4)

**Benedictine Sisters
Catholic Social Services
Community Action Partnership of Lancaster and Saunders Counties
Eastridge Presbyterian Church
First Presbyterian Church
Lancaster County Child Guidance Center
People's City Mission
Religious Sisters of Mercy**

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.

Wiltgen returned to the meeting at 10:22 a.m.

4) ACTION ON MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:

MOTION: Schorr moved and Hudkins seconded approval of the motor vehicle tax exemption applications. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

5) 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.

Melvin Deinert, 1851 Northwest 98th Street, Lincoln, Nebraska, appeared to discuss his property valuation. He stated his property was valued higher than the average value of surrounding properties' sales. Deinert said he filed a property valuation protest and did not receive any reduction.

Hudkins inquired if there has been any flooding in recent years. Deinert answered in 2015 there was flooding on some of his properties.

In response to Avery's question regarding whether there has been a recent appraisal, Deinert stated that he did not have one performed.

Burdette Piening, 11720 West A Street, Lincoln, Nebraska, appeared and commented that he provided additional information for his property valuation protest. He stated two parcels were increased 4.8 to 4.9 times from last year. Piening said the property is in the Grassland Reserve Program (GRP), which has certain restrictions that does not allow for crops or development.

Avery asked if Piening had any thoughts as to why there was such an increase. Piening stated last year's value was reduced but it increased this year. He said he believes his property is compared to property that could be developed for housing but, due to government restrictions on GRP land, that is not allowed. Piening added because of that he feels the value should be lowered 40-50%.

Schorr noted that she will need to leave at 11:00 a.m. for an emergency Railroad Transportation Safety District (RTSD) meeting.

6) FINAL ACTION ON REAL PROPERTY VALUATION PROTESTS FOR 2016

Tom Kubert, Referee Coordinator, Great Plains Appraisal, provided an overview of the 2016 Board of Equalization (BOE) process. He said this was the fourth smallest year with 784 protest (less than 1% of all parcels in the County).

Kubert thanked the County Clerk's Office, County Assessor's Office, County Sheriff's Office and the Lancaster Event Center for their assistance throughout the process.

Kubert said 20 referees were utilized this year. He noted that finding qualified appraisers to serve as referees is becoming increasingly difficult as there are fewer appraisers in the market. Kubert explained that protests are screened by the referee coordinator and assigned to a referee based on

their experience with that property type. Once the referee makes a determination of value, the protest is reviewed again by the coordinator for consistency and accuracy.

Kubert stated approximately 35% of the protests were agricultural, 43% residential and 22% commercial. He noted 309 people chose to waive their referee hearing. Kubert said the online protest filing process works well but feels there is room for improvement, which could result in a cost savings to the County.

Kubert stated there has been a significant decrease in the number of pending Tax Equalization and Review Commission (TERC) cases with approximately 300 properties awaiting decisions.

Kubert provided an overview of those protests which appealed additional information to the Board of Equalization.

Kubert recommended a change to protest **16-61 (Svetlana Yashirin)** from \$195,100 to \$176,600.

Kubert recommended no change to the Referee Recommended Value for the following: **16-78 (Thomas & Tessa McCarty); 16-97 (Donald & Elaine Rutt Life Estate); 16-98 (Donald & Elaine Rutt Life Estate); 16-99 (Donald & Elaine Rutt Life Estate); 16-100 (Donald & Elaine Rutt Life Estate); and 16-104 (Mildred Schuster Living Trust).**

Kubert recommended a change to protest **16-109 (F5 Ranch Trust)** from \$129,400 to \$71,700.

Kubert recommended no change to the Referee Recommended Value for the following: **16-153 (Jason Gropp); 16-167 (Eldonna & Roger Schwisow Revocable Trust); 16-168 (Harvey & Kimberley Kaufman); 16-180 (Daniel & Rebecca Smith); 16-181 (Brad & Mary Moser); 16-182 (Brad & Mary Moser); 16-183 (Brad & Mary Moser); 16-184 (Brad & Mary Moser); 16-185 (Brad & Mary Moser); 16-186 (Brad & Mary Moser); 16-187 (Naomi Moser-Trustee); 16-188 (Naomi Moser-Trustee); 16-189 (Brad & Mary Moser); and 16-190 (Brad & Mary Moser).**

Kubert recommended a change to protest **16-197 (Hometown Handyman, Inc)** from \$16,300 to \$6,600.

Schorr exited the meeting at 11:00 a.m.

Kubert recommended no change to the Referee Recommended Value for the following: **16-198 (Mark & Shelby Krings); 16-223 (Melinda Clark); 16-239 (James & Juelle Holz); 16-254 (Eldonna & Roger Schwisow Revocable Trust); 16-327 (Linda Deboer); 16-328 (Linda Deboer Trustee); 16-334 (Larry & Linda Deboer); 16-343 (Cornhusker Motor Club); 16-368 (Virginia Mae Piening Trustee); 16-370 (Burdette & Virginia Piening Trustee); 16-375 (Burdette & Virginia Piening Trustee); 16-420 (Sigma Nu Building Association); 16-443 (Michael & Wendy Beinlich); 16-529 (Arlen Fass); 16-534 (Melvin & Linda Deinert Living Trust); 16-535 (MLSD, LLC); 16-536 (MLSD, LLC); 16-537 (MLSD, LLC); 16-650 (Fairfield Housing, LLC); 16-652 (Clinton Fass); 16-669 (Kasten Properties, LLC); and 16-676 (Neighborhoods Inc d/b/a Neighborworks Lincoln).**

Kubert recommended a change to protest **16-687 (Kent & Jennifer Londre)** from \$803,200 to \$525,000.

Kubert recommended no change to the Referee Recommended Value for the following: **16-721(J C Penney) and 16-741(Elmer & Myra Kubicek Irrevocable Trust).**

Kubert recommended a change to protest **16-754 (Tracy Brester)** from \$246,000 to \$126,100.

Kubert recommended no change to the Referee Recommended Value for the following: **16-756 (Boothe & Pryor, LLC); 16-778 (Husker Dealership Property, LLC); 16-782 (Husker Dealership Property, LLC); and 16-783 (Janet Guenzel Revocable Trust).**

Schorr returned to the meeting at 11:40 a.m.

MOTION: Hudkins moved to reduce the value on protests 16-370 and 16-375 by 40%. Avery seconded for discussion.

Cori Beattie, Deputy County Clerk, noted that Piening had also provided documentation this morning to include protest 16-368.

Hudkins corrected his motion to include protest 16-368. The seconder agreed.

Amundson inquired as to how Hudkins arrived at a 40% decrease. Hudkins said the property owner testified that the economic value warranted a 40-50% reduction. He added he does not believe the property can be compared to other grassland in the County due to the current restrictions.

Kubert said all agricultural land is statutorily reduced below market value and felt reducing it further may not be equalized.

Scott Gaines, Deputy Assessor/Register of Deeds, said the restrictions in the Grassland Reserve Program (GRP) enable the property owner to use it as grassland and it is valued the same as any other grassland in the County. He felt a reduction, i.e., treating it differently than the other grassland, would be problematic.

Hudkins said GRP property has additional use restrictions than other grassland - it has to remain native prairie and cannot be replanted, tilled, etc.

Gaines stated an appraisal would help quantify the value of this land versus some arbitrary percentage.

Wiltgen questioned if state law allows the Board of Equalization (BOE) to make this determination. Gaines said the BOE can equalize properties with appropriate evidence.

Schorr and Wiltgen agreed that this appears to be a TERC issue. Schorr added if the value is lowered, the issue may not go to TERC as the property owner would be less inclined to file an appeal. Gaines said it could still go to TERC as the Assessor's Office would have concerns with the precedent. Avery said he would support TERC involvement. Hudkins said he would also like to see a TERC appeal filed by the property owner or the Assessor's Office so the State is aware of the County's concerns and further analysis could then be done.

Dave Derbin, Deputy County Attorney, said if the County Assessor's Office would file a TERC appeal it would cost the County as the County Attorney's Office would not be able to mediate the dispute. He

reiterated that there is not currently enough evidence to make a decision on the percent of reduction, if any.

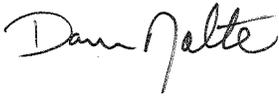
ROLL CALL: Hudkins voted yes. Avery, Schorr, Wiltgen and Amundson voted no. Motion failed 1-4.

MOTION: Wiltgen moved and Schorr seconded to accept the recommendations of the referee coordinator for 2016 real property valuations as established by the record except where the Board of Equalization determined a revised value was warranted during the appeal process. Wiltgen, Schorr, Avery and Amundson voted aye. Hudkins voted no. Motion carried 4-1.

MOTION: Hudkins moved and Avery seconded to close the Board of Equalization acting upon individual real property valuation protests for 2016. Schorr, Hudkins, Avery, Wiltgen and Amundson voted aye. Motion carried 5-0.

7) ADJOURNMENT

MOTION: Wiltgen moved and Schorr seconded to adjourn the Board of Equalization meeting at 11:59 a.m. Avery, Wiltgen, Schorr, Hudkins and Amundson voted aye. Motion carried 5-0.



Dan Nolte, County Clerk

