

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, FEBRUARY 23, 1999**  
**COUNTY COMMISSIONERS CHAMBERS**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Bernie Heier  
Larry Hudkins  
Linda Steinman  
Bob Workman

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Doug Cyr, Deputy County Attorney

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 16, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of February 16, 1999. On call Campbell, Heier, Hudkins and Workman voted aye. Steinman was absent from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 42 additions and deductions to the tax assessment rolls per Exhibit A. (1999296)

**MOTION:** Heier moved and Workman seconded approval. On call Heier, Campbell, Hudkins and Workman voted aye. Steinman was absent from voting. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Calvary Community Church  
Family Service  
First Lutheran Church  
Saint Elizabeth Regional Medical Center  
Southeast Nebraska Mobile Diagnostics  
The Good News Broadcasting Association, Inc.  
Villa Marie School

**MOTION:** Heier moved and Hudkins seconded approval of the motor vehicle tax exemptions. On call Workman, Heier, Campbell and Hudkins voted aye. Steinman was absent from voting. Motion carried.

4) **PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Gerald H and Shirley R Maddox

The Assessor recommended the value be set at \$34,405 for 1998.

**MOTION:** Hudkins moved and Heier seconded to accept the Assessor's recommendation and set the value for 1998 at \$34,405 for Gerald H and Shirley R Maddox. On call Workman, Hudkins, Campbell and Heier voted aye. Steinman was absent from voting. Motion carried.

Steinman entered the chambers.

4) **ADJOURNMENT:**

By direction of the Chair the Board of Equalization meeting was adjourned.

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Bruce Medcalf  
County Clerk

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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 16, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Heier moved and Steinman seconded approval of the minutes of February 16, 1999. On call Hudkins, Heier, Workman and Steinman voted aye. Campbell abstained. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, February 23, 1999.

**MOTION:** Hudkins moved and Workman seconded approval. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **ITEMS OF PUBLIC PARTICIPATION:**

InterLinc Partnership Grant - Terry Lowe, Information Services Systems Project Manager

Terry Lowe, Systems Project Manager at Information Services, distributed documentation regarding the InterLinc Partnership with Information Services and rural high schools (Exhibit A). He noted that the partnership provides 12 rural villages within the County with a web site created and maintained by high school students.

Doug Harris, representative from Aliant Communications, appeared and stated they have been pleased to work with InterLinc. He added that he would also take projects, such as InterLinc, to his new employer, Alltel, to show them what can be done and what they should keep doing in the surrounding communities.

Chris Plock, Web Manager for Information Services, and Lowe also provided a brief demonstration of the new web sites.

4) **PUBLIC HEARINGS:**

- A. County Change of Zone 181, from AG Agricultural to AGR Agricultural Residential, requested by Steven and Carolyn Baily, on property located north and west of the corner of 98<sup>th</sup> Street and Raymond Road in Lancaster County, Nebraska. (1999213) (1999299)

The Chair opened the public hearing and asked if anyone wished to testify in favor of the change of zone.

Bob O'Gara, attorney representing applicants, appeared and stated his clients own 17.67 acres on the northwest corner of 98<sup>th</sup> Street and Raymond Road. The Baily's have entered into a contract to sell seven acres of the property to Mr. and Mrs. Lee Graham who wish to retire there. Entrance to the seven acres, O'Gara stated, would be off of 98<sup>th</sup> Street where there is an existing culvert and no major construction would be needed for a driveway.

He explained there are seven acreages to the west, four have existing dwellings and one acreage has a dwelling under construction. To the east are two dwellings and to the north is one dwelling.

O'Gara noted that he has been told that the addition of one more well would create a water problem. The University of Nebraska Institute of Agriculture and Natural Resources has indicated that a well would not have any affect on the water quantity of other wells in the area. In addition, UNL supplied documentation regarding groundwater level changes in Nebraska. It was also noted that three test wells are being monitored by UNL, one of which was drilled July 6, 1946, and there has been no decrease in the quantity of water being produced in the area.

O'Gara stated he doesn't feel one more well would have any affect on quantity of water.

Workman asked about the location of the test well drilled in 1946.

Lee Graham, 5411 Canterbury, distributed documentation regarding the groundwater level changes in Nebraska (Exhibit B). He commented he does not want to harm any surrounding wells. If they do find that drilling another well is harmful or of insufficient quantities or of poor quality they will cancel the contract which is a contingency of the plan.

In response to the question asked by Workman regarding the location of the well drilled in 1946, Graham stated it's located to the southeast of 98<sup>th</sup> Street and Raymond Road.

Campbell asked if anyone wished to testify in opposition.

Sharon Duis, 15401 North 98<sup>th</sup> Street, appeared in opposition. She stated they have lived at their acreage since 1985 and their home was the only one in the section. There are now five additional homes. She stated there is a five acre lot where a sixth home could be constructed, however, three wells have been drilled and no water has been found.

4) **PUBLIC HEARINGS CONTINUED:**

Mrs. Duis stated they are fearful that if the change of zone is approved the individual who owns the 20 acres to the west will request a zoning change. She noted they are also concerned with the water supply, sewage problems, traffic and drainage. Mrs. Duis believes that it is irresponsible to further develop an area which already has a serious water problem.

It was noted by Mrs. Duis that Kevin Wynegar, 9300 Raymond Road, has a flow rate of eight and has no access to water in his home when filling their horse tank.

Jerry Minchow, 8301 Davey Road, testified in opposition. He stated he farms the section immediately to the northwest of the property. He noted his concerns are water quantity and traffic safety.

He noted that the country is losing farmland at the rate of two acres a minute and urged the County Board to deny the zoning change.

Harold Smith, 9305 Raymond Road, testified in opposition and urged the County Board to follow the 20 acre minimum lot size. He added that a second well has been drilled on his property and feels that the University was not informed of the existing homes in the area. Smith stated that a water study should be conducted if the area is to be developed.

Mike Beeson, 9820 Raymond Road, testified in opposition and stated he is concerned about the water and drainage. He stated he feels the County Board would be setting a precedent if the change of zone is approved because it would encourage others in the area to develop into Agriculture Residential (AGR).

Mick Minchow, 15200 Raymond Road, testified in opposition and stated he is concerned that the development is not very well planned. He stated he also feels there are water and sewage problems as well as traffic problems. It would also open the door for additional acreages.

There was no additional testimony in opposition to the change of zone.

In closing, O'Gara stated that he feels quantity and quality of water would not be an issue, however, if it becomes apparent that there is a problem a provision in the contract allows Mr. Graham to cancel.

O'Gara addressed the concerns regarding traffic by stating that state law requires that roads be built and maintained for speeds of 50 miles per hour. He added he doesn't feel that an additional one or two vehicles will have an adverse impact on the area.

Campbell asked if anyone wished to testify in a neutral position.

No one appeared and the hearing was closed.

4) **PUBLIC HEARINGS CONTINUED:**

**MOTION:** Steinman moved and Hudkins seconded to approve Resolution 99-299 denying County Change of Zone 181. On call Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

- B. County Special Permit 167, requested by R and R Partners, to operate a garden center on property located at South 68<sup>th</sup> Street and Bennet Road in Lancaster County, Nebraska. (1999214) (1999298)

The Chair opened the public hearing and asked if anyone wished to testify in favor of the special permit.

J. Michael Rierden, attorney representing the applicants, appeared and distributed documentation regarding the following (Exhibit C):

- \* Definition of a "garden center"
- \* Implementing a retail sales program
- \* Reasoning for purchase of property at 6700 Bennet Road
- \* Yellow pages advertisement
- \* Letter of support from Ed and Lois Weaver
- \* Outdoor living concepts for residential and commercial

Rierden referred to the mobile home which is located on the property and stated it was a legal use prior to his clients purchasing the property. He explained his clients utilized the trailer as their office when they purchased the property and were unaware of certain conditions placed upon it, however, they have agreed, through a condition set forth in the Planning staff report, that they will remove the mobile home on or before December 31, 1999. Rierden said it is the intent of the applicants to construct a large building which would include a retail center.

Campbell asked if anyone wished to testify in opposition or in a neutral position.

Mike DeKalb, Planning Department, stated that concerns of the Planning Department have been addressed and that the special permit can be accomplished and the conditions applied.

The Chair closed the public hearing.

**MOTION:** Hudkins moved and Workman seconded approval of Resolution 99-298.

Campbell noted for the record that Campbell's Nurseries and Garden Centers, Inc. is also involved in the landscape business and as a garden center they have worked with the firm in the past.

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

5) **OLD BUSINESS:**

- A. A manager application from Russell K LeMunyan in connection with a Class M (Bottle Club) liquor license for Lincoln Izaak Walton League located at 10801 South 134<sup>th</sup> Street in Lancaster County, Nebraska. (1999297)

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 99-297.

Workman noted that Russell LeMunyan has agreed to attend the "Responsible Hospitality" seminar on April 2, 1999 and that the Izaak Walton League has agreed to pay any costs in relation to the seminar.

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

6) **NEW BUSINESS:**

- A. A contract with L J Webb Contractor for concrete box culverts, in the amount of \$154,839.70, at various locations within the County. (1999293)

**MOTION:** Hudkins moved and Steinman seconded approval. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

- B. An agreement with Region V Human Services Program to provide funding for the Community Mental Health Center's mental health and substance abuse program, beginning July 1, 1998 and ending June 30, 1999. (1999305)

**MOTION:** Steinman moved and Workman seconded approval.

The Chair noted that the County Attorney's office requested additional language be added on Page ten, Item "g" allowing the County to be self-insured.

Doug Cyr, Deputy County Attorney, referred to the requirement on Page ten, Item "g" that Lancaster County purchase and maintain adequate insurance coverage. He requested that "or qualify as a self-insurer" be inserted after "agree to purchase and maintain adequate insurance coverage" to allow the County to continue to be self-insured.

The maker of the motion agreed to the additional on Page ten, Item "g".

The seconder also agreed.

In response to a question asked by Heier, Cyr stated the dollar amount for mental health would be \$961,211 and \$111,000 for substance abuse. He noted that the monies are paid through Region V to the County.

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

6) **NEW BUSINESS CONTINUED:**

- C. A settlement agreement and partial assignment of claim assigning \$100,000 of the County's \$250,000 secured claim to Commonwealth in full satisfaction of all claims relating to Weaver's Potato Chip Company Plan of Reorganization. (1999302)

**MOTION:** Steinman moved and Hudkins seconded approval. On call Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

- D. An agreement with Clocktower Dental of Lincoln, Nebraska for dental services for incarcerated individuals at the Corrections Department, at rates as specified in the agreement. (1999300)

**MOTION:** Steinman moved and Heier seconded approval. On call Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- E. An application for eligibility for the Corrections Department to receive Federal surplus property. (1999303)

**MOTION:** Hudkins moved and Steinman seconded approval. On call Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

- F. A resolution increasing the hourly rate of pay for an unclassified part-time Psychiatrist I position from \$75 per hour to \$85 per hour, effective the first day of the pay period following approval by the County Board. (1999307)

**MOTION:** Heier moved and Workman seconded approval of Resolution 99-307. On call Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

- G. A request from Lisa Lewis for a refund of real estate taxes for 1996 and 1997. (19982692)

Norm Agena, County Assessor, stated in 1998 the home was listed with three bathrooms when there was actually one. The error was corrected for 1998 and the market value was rerun for 1996 and 1997, however, the assessed value was less than the market value of the property. Recommendation was denial.

He added that his office values real estate by using market value, not cost approach.

**MOTION:** Hudkins moved and Workman seconded to accept the Assessor's recommendation and deny the request for refund. On call Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

- H. A request from Larry and Shirley Foster for a refund of real estate taxes for 1996 and 1997. (19992776)



6) **NEW BUSINESS CONTINUED:**

Norm Agena, County Assessor, stated the property was listed as having a swimming pool, however, it was removed in 1994. The market value was rerun for 1996 and 1997 and the assessed value was less than the market value of the property. Recommendation was for denial.

**MOTION:** Hudkins moved and Steinman seconded to accept the Assessor's recommendation and deny the request for refund. On call Hudkins, Campbell, Steinman, Heier and Workman voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business before the Lancaster County Board of Commissioners which have been previously supplied to each Commissioner in writing, which are relatively 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. Setting of public hearings for Tuesday, March 9, 1999 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:

1. An application for a Class K (Wine Off Sale Only) and a Class E (Beer Off Sale Only) liquor license for Shoemaker's South Truck Stop located at 1200 Saltillo Road in Lancaster County, Nebraska. (1999304)
2. A project for which financial assistance is being sought from the Federal Transit Administration pursuant to the Federal Transit Act, generally described as the purchase of a 14 passenger van for use in the Lancaster County Rural Transportation Program, for a total cost of \$34,136, with federal funding of 70 percent (\$23,895.20) of the project and County funding of 30 percent (\$10,240.80)

**MOTION:** Steinman moved and Heier seconded approval of the Consent Items. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.]

8) **ADJOURNMENT:**

**MOTION:** Hudkins moved and Heier seconded adjournment. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

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Bruce Medcalf  
County Clerk