

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 6, 1999
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

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

Commissioners Absent: Linda Steinman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Diane Staab, Deputy County Attorney
Dave Johnson, Deputy County Attorney

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, June 29, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Workman seconded approval of the minutes of June 29, 1999. On call Campbell, Hudkins, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 13 additions and deductions to the tax assessment rolls per Exhibit "A".
(19991299) (19991304)

MOTION: Workman moved and Hudkins seconded approval of the additions and deductions. On call Heier, Campbell, Hudkins and Workman voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting and it was reconvened at 2:17 p.m.

- 3) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

Foundation for Educational Funding Inc.

The Chair noted for the record that a representative from the Assessor's Office was present.

Mike Thew, Deputy County Attorney, stated the matter was before the Board as a result of action by the Assessor's Office, pursuant to Section 77-202.03 of the Nebraska Revised Statutes, which authorizes the assessor to ask that the exempt status of any property be reviewed in any year. That action was taken based on published reports that the property located at 13th and "O" Streets (former Penney's site) formerly held by NEBHELP INC. of Nebraska had converted into a for profit corporation. He stated questions were raised about the propriety of the conversion process and the Assessor initiated a review of the exempt status of the property for the 1999 tax year.

Thew requested that a copy of the report compiled by the Attorney General's Office (Exhibit C) and a copy of a "no action" letter sent to the Foundation for Educational Funding, Inc. from the Attorney General's Office (Exhibit B) be made a part of the record. He explained that both documents indicate that the Attorney General's Office is satisfied that the conversion complied in all respects with state and federal law and that there is no indication that the status of the ownership of the property should change in any way as far as its qualification for tax exemption.

On the basis of all the evidence, Thew stated, the County Attorney's office is satisfied that the property continues to be owned by a not for profit corporation and that it's being held, managed and operated for the benefit of three not for profit corporations, two of which have been designated by the State of Nebraska to perform state functions that would otherwise have to be performed by a state agency. He stated, as a result of those facts, it is their opinion that under Section 77-202 and Section 21-1927 the property does continue to qualify for a property tax exemption.

MOTION: Heier moved and Hudkins seconded to continue the exempt status for Foundation for Educational Funding Inc. for the 1999 tax year. On call Workman, Hudkins, Campbell and Heier voted aye. Motion carried.

Campbell requested that a motion ratifying the June 29, 1999 Board of Equalization minutes and the Additions and Deductions be made because there was no representative present from the Assessor's Office at 1:30 p.m.

MOTION: Hudkins moved and Heier seconded to ratify the Board of Equalization minutes dated June 29, 1999 and the Additions and Deductions to the tax assessment rolls. On call Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

4) **ADJOURNMENT:**

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

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The Chair noted for the record that Commissioner Steinman is on her way back to Lincoln after visiting her mother and will be at the staff meeting on Thursday, July 8th.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 29, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

MOTION: Heier moved and Workman seconded approval of the minutes of June 29, 1999. On call Campbell, Hudkins, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, July 6, 1999.**

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

- 3) **SPECIAL PRESENTATIONS:**

A. Appointment of Billy D Williams to the Lancaster County Veterans Service Committee for a five year term, beginning July 1, 1999 and ending June 30, 2004.

Gary Chalupa, Veterans Service Officer, introduced Billy Williams and stated Mr. Williams has retired from the Air Force after 23 years of active duty. He added he is a member of the Disabled American Veterans, Chapter 7, the National Order of Trench Rats, American Legion, Veterans of Foreign Wars, Air Force Sergeants Association and the Vietnam Vets of America.

Chalupa stated all members of posts and chapters within the County were canvassed and bond approval for Williams has been received. Residency requirements have also been met.

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

B. An exceptional circumstance award for Melodie Alexander, an employee in the Register of Deeds Office, in the amount of \$600. (19991323)

C. An exceptional circumstance award for Greg VonBehren, an employee in the Register of Deeds Office, in the amount of \$600. (19991322)

MOTION: Heier moved and Hudkins seconded approval of one time cash awards, in the amount of \$600 each, for Melodie Alexander and Greg VonBehren, employees in the Register of Deeds Office. On call Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

A. County Board of Zoning Appeals, Appeal 108 requested by James Partridge to reduce the sideyard from 60 feet to 20 feet on property located east of Northwest 84th Street, one-half mile north of West Waverly Road in Lancaster County, Nebraska. (19991178) (19991320)

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

J Michael Rierden, attorney representing applicant, appeared and distributed documentation regarding the zoning appeal (Exhibit A) which included the following:

- * Use and area variances
- * Topography
- * Impact on existing property
- * Finding of fact

Rierden noted that he has visited with the Partridge's and they would be willing to agree that the building will go no further to the north property line than 30 feet.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

MOTION: Heier moved and Hudkins seconded approval of Resolution 99-1320 in relation to Board of Zoning Appeals, Appeal 108 requested by James Partridge to reduce the sideyard from 60 feet to 30 feet on property located east of Northwest 84th Street, one-half mile north of West Waverly Road in Lancaster County, Nebraska. On call Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

B. County Final Plat 99021, Timberline Estates 1st Addition located north and west of the corner of Southwest 56th Street and West Denton Road in Lancaster County, Nebraska. Resolution and Subdivision Agreement (19991227) (19991314) (19991313)

The Chair opened the public hearing and asked if anyone wished to testify in favor, opposition or in a neutral position to the final plat.

Mike DeKalb, Planning Department, stated that the Planning Commission unanimously approved Final Plat 99021.

J D Burt, Design Associates, was also present to answer questions from the County Board.

The Chair closed the hearing.

MOTION: Hudkins moved and Heier seconded approval of a Subdivision Agreement and Resolution 99-1314 in relation to County Final Plat 99021, Timberline Estates 1st Addition located north and west of the corner of Southwest 56th Street and West Denton Road in Lancaster County, Nebraska. On call Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

5) **NEW BUSINESS:**

A. A resolution amending the scope of Project Number BRO-7055(98), Waverly Northeast to include replacement of Lancaster County Structure A-172. This is a joint project with the State of Nebraska, Department of Roads that includes matching funds as per the previous agreement. (19991317)

MOTION: Workman moved and Hudkins seconded approval of Resolution 99-1317. On call Campbell, Workman, Heier and Hudkins voted aye. Motion carried.

B. Recommendation from the Purchasing Agent and Lancaster Manor to award a request for proposal to Ambulatory Foot Center for podiatry services, at rates as specified in the proposal. (19991298)

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

- C. A disbursement from the Lancaster County Leasing Corporation Renewal and Replacement Fund to Pegler Sysco Food Services Company, in the amount of \$5,874, for 60 dining tables for Lancaster Manor. (19991279)**

MOTION: Workman moved and Heier seconded approval.

Campbell stated funds to make replacements at Lancaster Manor come from Medicaid reimbursements, not property tax dollars.

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

- D. A disbursement from the Lancaster County Leasing Corporation Renewal and Replacement Fund to Office Depot, in the amount of \$957.87, for a dietary computer system and to Husker Electric Supply Company, in the amount of \$8,898.67, for lighting accessories for Lancaster Manor. (19991300)**

MOTION: Workman moved and Hudkins seconded approval.

Campbell noted the funding is from Medicaid reimbursements.

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

- 6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

- A. Setting of a public hearings for Tuesday, July 13, 1999 at 1:30 p.m. in the Commissioners Hearing Room regarding the following:**

- 1. A Corporate Manager application from Randall C Carlson in connection with a Class E (Beer Off Sale Only) and a Class M (Bottle Club) liquor license for Corporate Golf Marketing Inc dba/HiMark Golf Club located at 9003 Pioneers Boulevard in Lancaster County, Nebraska. (19991285)**
- 2. An addition to licensed premise to include a Morton building in connection with a liquor license for the Nebraska State Board of Agriculture dba/Nebraska State Fair located at 1800 State Fair Park Drive. (19991284)**

B. Maintenance agreements with the following:

- * **Modern Office Services for a folding machine, in the amount of \$424, for the Cooperative Extension Office, beginning July 31, 1999 and ending July 31, 2000. (19991319)**
- * **Eastman Kodak Company for a microfilm processor and camera, in the amount of \$2,190, for Records and Information Management, beginning July 1, 1999 and ending June 30, 2000. (19991318)**

C. Contracts relating to road improvements with the following:

- * **Frank C Kuska, Marvin E Mueller, Jr. and Kathleen L Mueller near South 162nd Street on Saltillo Road. This is a land donation. (19991312)**
- * **Larry A and Kathleen A Burkland on Mill Road near North 14th Street. This is a land donation. (19991311)**
- * **Dale R Bloss Trustee of the Dale R Bloss Trust near North 176th and Holdrege Streets. This is a land donation. (19991310)**
- * **Karen Ramona Norton Cook and L Merrill Cook near North 14th Street and Bluff Road, in the amount of \$50. (19991309)**
- * **Steven L Clare on Pella Road near South 12th Street, in the amount of \$50. (19991308)**
- * **Gerald Behrends on Pella Road near South 12th Street, in the amount of \$10. (19991306)**
- * **Brandt Farms, Inc. near Southwest 29th Street and West Wittstruck Road, in the amount of \$100. (19991307)**

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

7) **ANNOUNCEMENTS:**

Campbell noted the following change regarding budget meetings:

Tuesday, July 13, 1999 instead of Monday, July 12 - 3 p.m. to 6 p.m.; Board proposed budget working session; County-City Building, Room 113

It was also noted that the public hearing regarding the County's budget will be held on Tuesday, August 17, 1999 at 7 p.m.

8) **ADJOURNMENT:**

MOTION: Heier moved and Workman seconded to adjourn the Board of Commissioners meeting. On call Campbell, Heier, Workman and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk