

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, NOVEMBER 16, 1999  
COUNTY COMMISSIONERS CHAMBERS  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

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

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 9, 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 Board of Equalization minutes dated November 9, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 69 additions and deductions to the tax assessment rolls per Exhibit "A". (19992268) (19992265)**

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

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

**Developmental Services of Nebraska, Inc.  
Lincoln Lancaster County Child Guidance Center  
Tabitha Health Care Services**

**MOTION:** Steinman moved and Hudkins seconded approval of motor vehicle tax exemptions for Developmental Services of Nebraska, Inc., Lincoln Lancaster County Child Guidance Center and Tabitha Health Care Services. On call Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting until 2:30 p.m. when it was reconvened.

4) **REMOVAL OF A TAX EXEMPTION FOR WYUKA CEMETERIES:**

Mike Thew, Deputy County Attorney, explained that the Assessor's Office placed the item on the agenda in reliance of a 1997 legal opinion from his office, however, after doing some research he feels that the 1997 legal opinion wasn't completely accurate. On that basis, he advised the County Assessor he should not remove the exemption.

At the request of the County Attorney's Office, Item 4 was removed from the agenda.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR THE FOLLOWING:**

**Charlotte Hotovy  
Scott & Jodie Jantz  
Victor & Fern Lind**

The Assessor recommended public hearings be set for Tuesday, November 30, 1999 at 2:30 p.m.

By direction of the Chair, public hearings were set for Tuesday, November 30, 1999 at 2:30 p.m.

6) **APPEAL FILED ON PENALTY ON PERSONAL PROPERTY FOR THE FOLLOWING:**

**James D Free, DDS (19992232)**

The Assessor recommended a ten percent penalty.

**Industrial Services, Inc. (19992201)**

The Assessor recommended a ten percent penalty.

**MOTION:** Steinman moved and Heier seconded to accept the Assessor's recommendation and assess a ten percent penalty on personal property for James D Free, DDS and Industrial Services, Inc. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **ADJOURNMENT:**

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

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Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Linda Steinman  
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Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 9, 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 Board of Commissioners minutes dated November 9, 1999. On call Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

**Approval of the minutes of the One and Six-Year Road and Bridge Improvement Program for Fiscal Years beginning July 1, 1999 through June 30, 2005. (The public hearing was held on Wednesday, November 3, 1999.)**

**MOTION:** Workman moved and Steinman seconded approval of the minutes of the One and Six-Year Road and Bridge Improvement Program for Fiscal Years beginning July 1, 1999 through June 30, 2005. On call Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, November 16, 1999.**

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

**SPECIAL PRESENTATIONS:**

**Brian Seaton, Corrections Department, was recognized for receiving the 1999 Footprint Award. (19992290)**

3) **PUBLIC HEARINGS:**

- A. County Special Permit 170, Hilltop Estates Community Unit Plan, requested by Brian Carstens on behalf of Bill Carlson, for eight dwelling units, on property located at South 82<sup>nd</sup> Street and Pella Road in Lancaster County, Nebraska. (19992148)**
- B. County Preliminary Plat 99018, Hilltop Estates, requested by Brian Carstens on behalf of Bill Carlson, for eight lots and one outlot, on property located at South 82<sup>nd</sup> Street and Pella Road in Lancaster County, Nebraska. (19992149)**

The Chair reconvened the public hearings and requested that a letter from James L. Kearney, geologist, be made a part of the record (Exhibit A). She stated the letter indicated that because of the compaction dirt the water problems Mr. TeSelle has could have an impact.

Brian Carstens, representing Bill Carlson, appeared and stated he visited with Vince Dreeszen, groundwater consultant, regarding the letter submitted by Mr. Kearney. He noted that Mr. Dreeszen disputed some of the findings in the letter from Mr. Kearney.

Campbell stated she felt she had been provided sufficient information to proceed with a decision.

She added that she is not convinced that the project would greatly impact Mr. TeSelle's property to the point that they would not proceed.

Steinman commented that it cannot be definitively stated where the additional water is coming from in connection with Mr. TeSelle's property.

The Chair asked if anyone else wished to testify.

No one appeared and the public hearings were closed.

**MOTION:** Steinman moved and Heier seconded approval of Resolution 99-2318 in connection with County Special Permit 170, Hilltop Estates Community Unit Plan, requested by Brian Carstens on behalf of Bill Carlson, for eight dwelling units, on property located at South 82<sup>nd</sup> Street and Pella Road in Lancaster County, Nebraska.

Workman stated that the project is a good example that fits the Comprehensive Plan because it's close to a township, close to an existing development and it allows clustering for density.

He also stated that after reading a report from James Kearney he feels that Mr. TeSelle's basement problem was created because of the land fill done by the railroad, however, he is not totally convinced that any further development would change the scenario.

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

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 99-2317 in connection with County Preliminary Plat 99018, Hilltop Estates, requested by Brian Carstens on behalf of Bill Carlson, for eight lots and one outlot, on property located at South 82<sup>nd</sup> Street and Pella Road in Lancaster County, Nebraska. On call Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

**C. County Change of Zone 191 and County Miscellaneous 99002, requested by the Interim Director of Planning, to amend the text of the Lancaster County Zoning Resolution and the Lancaster County Land Subdivision Resolution to increase the filing fees for zoning and subdivision applications. (19992179)**

The Chair opened the public hearing.

John Bradley and Mike DeKalb, Planning Department, appeared.

Bradley stated the City of Lincoln adopted new filing fees in September of 1999 and it was found that the County's fees had not been updated in 20 years. He added that the County fees parallel the City's with the exception of the Board of Zoning Appeal filing fee, which will remain \$50, and the elimination of the \$30 Notification Fee.

DeKalb submitted documentation regarding filing fees collected for Fiscal Year 1998-1999 for the City and the County (Exhibit B).

**MOTION:** Heier moved and Steinman seconded approval of Resolution 99-2319 regarding County Change of Zone 191 and County Miscellaneous 99002. On call Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

**D. County Special Permit 173, requested by Nextel Communications, Inc., for authority to construct and operate a 300 foot wireless communications broadcast tower on property generally located at Southwest 2<sup>nd</sup> Street and West Wittstruck Road in Lancaster County, Nebraska. (19992181)**

The Chair opened the public hearing and the Clerk administered the oath to Ken Weber.

Ken Weber, appearing for Nextel Communications, Inc., appeared and stated he has been working on a segment from Atlantic, Iowa to Seward, Nebraska. He noted that the site being discussed is part of their corridor project to Beatrice.

In response to a question asked by Hudkins, Weber stated they must follow Federal Aeronautics Administration (FAA) standards. He added that the white strobe light, which was to be used during the day, was modified to a red flashing light for both day and night use. Weber stated painting of the tower will be the decision of the FAA.

Workman asked if painting the tower poses a maintenance problem for the company.

Weber responded that the requirement for maintenance of the paint, which lasts eight to ten years, comes from the FAA and must be followed in order for the tower to retain its certifications and licensing.

In response to a question asked by Workman, Weber explained that Nextel is bringing a wireless option into the market for voice and paging.

Workman asked if the contract contained co-use and abandonment clauses.

Mike DeKalb, Planning Department, appeared and responded that there is a co-use provision in the Special Permit, however, the provision for abandonment is not included. He noted that the abandonment clause will be included in the next application which will be coming to the County Board. DeKalb stated if the Board chooses to include the abandonment clause, Planning would have no objections.

Weber had no objections to including an abandonment clause.

The Chair asked if anyone else wished to testify.

No one appeared and the public hearing was closed.

**MOTION:** Steinman moved and Heier seconded approval of Resolution 99-2320, subject to the inclusion of an abandonment clause, in connection with County Special Permit 173, requested by Nextel Communications, Inc., for authority to construct and operate a 300 foot wireless communications broadcast tower on property generally located at Southwest 2<sup>nd</sup> Street and West Wittstruck Road in Lancaster County, Nebraska. On call Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

4) **NEW BUSINESS:**

- A. A contract with LeGrande Excavating, Inc. , in the amount of \$39,000, for demolition of County owned property for the County Property Management Department. (19992264)**

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

- B. A contract with B. A. B. Inc for seeding on West Davey Road, East Fletcher Avenue, East Holdrege Street and East Van Dorn Street, in the amount of \$23,279. The term of the contract is November 1, 1999 until May 26, 2000. (19992278)**

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

- C. An agreement with the Optimist Youth Sports Complex to reimburse the County for the cost of installing a traffic light at the intersection of U.S. Highway 77 and Old Cheney Road, in the amount of \$35,000. (19992282)**

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

Dave Johnson, Deputy County Attorney, explained that the County will contract with the State to have a traffic control device built. An escrow agreement will be attached to the contract with the Optimist Youth Sports Complex for reimbursement.

Kerry Eagan, Chief Administrative Officer, explained that the County is involved because the State will only contract with a political subdivision or a city.

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

- D. A resolution and agreement with the State of Nebraska to fund the installation of a traffic control device at the intersection of U.S. Highway 77 and Old Cheney Road, at a cost of \$35,000. (Project ELEC-77-2(1045)) (19992283) (19992284)**

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

- E. Authorization for the installation/removal of the following traffic signs in Lancaster County, Nebraska due to the completion of construction on West Davey Road between Northwest 12<sup>th</sup> Street and Northwest 40<sup>th</sup> Street: (19992276)**

- \* **Remove the "Gravel Ends" sign with 3/4 mile plate located east of Northwest 40<sup>th</sup> Street for eastbound traffic**
- \* **Removal of "Reverse Curve" sign located east of Northwest 40<sup>th</sup> Street for eastbound traffic**
- \* **Removal of the "Gravel Ends" sign located east of Northwest 40<sup>th</sup> Street for eastbound traffic**
- \* **Removal of "Low Water Crossing" sign located east of Northwest 40<sup>th</sup> Street for eastbound traffic**
- \* **Removal of the "Left Turn" sign located east of Northwest 40<sup>th</sup> Street for eastbound traffic**
- \* **Removal of the left arrow sign located east of Northwest 40<sup>th</sup> Street for eastbound traffic**
- \* **Removal of the "Gravel Ends" sign with 1/2 mile plate located west of Northwest 12<sup>th</sup> Street for westbound traffic**
- \* **Removal of the "Dirt Road Impassable When Wet" sign located west of Northwest 12<sup>th</sup> Street for westbound traffic**
- \* **Removal of the "Low Water Crossing" sign located west of Northwest 12<sup>th</sup> Street for westbound traffic**

- \* **Removal of the "Left Turn" sign located west of Northwest 12<sup>th</sup> Street for westbound traffic**
- \* **Removal of the left arrow sign located west of Northwest 12<sup>th</sup> Street for westbound traffic**
- \* **Installation of a "Winding Road" sign with a "35 Mile Per Hour" warning plate located east of Northwest 40<sup>th</sup> Street for eastbound traffic**
- \* **Installation of a "Winding Road" sign with a "35 Mile Per Hour" warning plate located west of Northwest 12<sup>th</sup> Street for westbound traffic**
- \* **Installation of chevron alignment signs on curves for both directions of travel**

**Due to the reconstruction of the curve on West Raymond Road at Northwest 98<sup>th</sup> Street the following sign changes are needed:**

- \* **Replace the "35 Mile Per Hour" speed advisory plates located below the curve warning signs with "45 Mile Per Hour" speed advisory plates for both directions of traffic**

**MOTION:** Heier moved and Workman seconded approval of Resolution 99-2276. On call Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

- F. Recommendation from the Purchasing Agent to award a bid to Wagey Drug to provide pharmacy and related services for the Lancaster County General Assistance Program. The term of the contract will be for a one year period with one year renewal options possible up to a total of six years. All prescriptions will be billed at the Medicaid rate. (19992288)**

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

- G. Policy and procedures for payroll deductions and distribution of information with paychecks. (19992277)**

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

- H. Setting of salary for Timothy M Eppler, Deputy Public Defender, at \$42,600 annually, effective November 29, 1999. (19992266)**

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



- 5) **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 hearing for Tuesday, November 30, 1999 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for a manager application for Dawn M Nielsen in connection with a Class E (Beer Off Sale Only) and a Class K (Wine Off Sale Only) liquor license for Whitehead Inc dba/U-Stop Convenience located at 6600 North 84<sup>th</sup> Street in Lancaster County, Nebraska. (19992281)**
  - B. **A user's agreement with Rich Butler for remote access to Lancaster County records. Allows OASIS access and Register of Deeds access at a rate of 1.4 cents per transaction through the year 2000. (19992270)**
  - C. **Contracts between the County Engineer and the following relating road improvements:**
    - \* **Wayne L and Judith A Phillips on Southwest 40<sup>th</sup> Street, Van Dorn to "A" Streets, in the total amount of \$2,436.25. (19992271) (19992272)**
    - \* **Grace Barnes and Mary and Ann Harker on Southwest 40<sup>th</sup> Street, Van Dorn to "A" Streets, in the amount of \$1,651. (19992273)**
    - \* **Alice M Spath on Bluff Road between 70<sup>th</sup> and 84<sup>th</sup> Streets, in the amount of \$409.45. (19992274)**
    - \* **Ronald and Lucille Hinrichs on Bluff Road between 70<sup>th</sup> and 84<sup>th</sup> Streets, in the amount of \$650.45. (19992275)**

**MOTION:** Steinman moved and Hudkins seconded approval of the Consent Items.

Heier raised a question regarding Consent Item C in relation to density issues.

Steinman amended the motion to approve the Consent Items with the exception of 5C.

In response to a question asked by Heier, Dave Johnson, Deputy County Attorney, stated because the County Engineer's Office negotiates right-of-way contracts they don't want the right-of-way manager put in a position where they're giving out legal advice.

Hudkins stated he is concerned that some individuals may not understand the right-of-way contract(s) and that everyone should be given the same opportunity. He suggested a policy be developed.

Campbell suggested Mike DeKalb, Planning Department, Dave Johnson, Deputy County Attorney and Don Thomas, County Engineer attend a staff meeting to discuss density issues in relation to right-of-way contracts. It was also suggested that the County Engineering Department hold all right-of-way contracts until the issue is solved.

The Chair indicated they would place Consent Item C on pending and the motion before the Board would deal only with Items A and B.

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

Campbell stated she would call Don Thomas, County Engineer, regarding right-of-way contracts.

6) **ADJOURNMENT:**

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

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Bruce Medcalf  
County Clerk