

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 11, 2000
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, April 4, 2000. (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 the Board of Equalization dated April 4, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 17 additions and deductions to the tax assessment rolls per Exhibit "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

City Impact

Christian Heritage Children's Home

Fellowship Baptist Church

Glad Tidings Assembly of God Church

Southeast Nebraska Mobile Diagnostic Services, Inc.

MOTION: Steinman moved and Hudkins seconded approval of motor vehicle tax exemptions for City Impact, Christian Heritage Children's Home, Fellowship Baptist Church, Glad Tidings Assembly of God Church and Southeast Nebraska Mobile Diagnostic Services, Inc. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

The Chair noted one of the vehicles for Glad Tidings should be denied.

AMENDED MOTION: Steinman moved and Hudkins seconded to amend the previous motion and approve the motor vehicle tax exemptions with the exception of the 1986 International Bus belonging to Glad Tidings Assembly of God Church which should be denied because it was untimely filed. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting until 3:31 p.m. when it was reconvened.

4) **DENIAL OF A 451 TAX EXEMPTION ON REAL PROPERTY:**

Saint David's Episcopal Church

Norm Agena, County Assessor, stated Mike Thew, Deputy County Attorney, had supplied him with 200 pages of case law dealing with exemptions. He added that Thew had pointed out the following: "Where a building has acquired a definite character of a nature that entitles it to exemption and it becomes necessary, whether by reason of fire or to increase its facilities, to rebuild the building, and such rebuilding is done with reasonable dispatch, it may not be said that such premises have ceased to have the character which entitles the owner to exemption. Thus, even under statutes which exempt only "regular places of stated worship," exemption of church property is not lost by the fact that such property cannot be used for religious purposes following a fire where the building is promptly reconstructed on the same site and religious services resumed therein."

4) **DENIAL OF A 451 TAX EXEMPTION ON REAL PROPERTY CONTINUED:**

Agena recommended an exemption be approved for tax year 2000, however, if on January 1, 2001 there has been no rebuilding of the structure, the real property and the storage building would be placed back on the tax rolls.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and approve the tax exemption for St. David's Episcopal Church for tax year 2000. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **ADJOURNMENT**

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

Bruce Medcalf
County Clerk

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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 4, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Commissioners dated April 4, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, April 11, 2000.

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

- 3) **SPECIAL PRESENTATIONS:**

A. The Commissioners Award of Excellence was presented to Gus Hitz, an employee with the Sheriff's Department.

3) **SPECIAL PRESENTATIONS CONTINUED:**

B. A resolution proclaiming April 9 through April 15, 2000 as “National County Government Week” and Honoring County Volunteers. (R-00-41)

The Chair read the resolution into the record.

MOTION: Heier moved and Steinman seconded approval of Resolution R-00-41. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

4) **OLD BUSINESS:**

A. A request for deletion to licensed premises from DLH Inc. dba/Coaches Sports Bar & Grill in connection with a Class M (Bottle Club) liquor license.

Duane Hartman, applicant, appeared and stated the far east end of the building is leased by Coaches Sports Bar & Grill, however, the center portion of the building will no longer be leased by them and they will relinquish control over that portion of the building.

He explained that he had hoped to use the center portion of the building for parties, wedding receptions and other events, however, it was unsuccessful and he is now requesting that portion to be deleted.

Hudkins asked about the square footage in relation to Coaches Sports Bar & Grill and also inquired about the square footage which will be leased to the new principal.

Hartman responded there is approximately 2,500 to 3,000 square feet leased by Coaches Sports Bar & Grill and approximately 4,000 which is being deleted from the license.

Workman asked if there is a separate outside entrance for the portion to be deleted.

Hartman stated there are four entrances.

Steinman stated the map shows the bar area, which contains approximately 2,200 square feet, would be deleted and that the lounge area, containing approximately 2,500 square feet, would not be deleted.

4) **OLD BUSINESS CONTINUED:**

Hartman stated the deletion would include the bar and lounge areas. He noted the area of deletion was colored very plainly on the original map.

In response to a question asked by Workman regarding the entrances, Hartman stated it was his understanding that D. T. R. would be using the entrance to the west.

Steinman inquired about the principal in relation to the new lease and what type of business would be established at the location.

Hartman responded the principal's name is Dan Robinson and that it is his understanding Mr. Robinson wants to open a topless bar at that location.

There were no other questions for Mr. Hartman.

Ed Alles, 2301 "D" Street, appeared in opposition and stated he is a retired homebuilder and has built several homes in the general area of the Prospector. He stated he feels the property owners in the neighborhood should not have to suffer the consequences of a wrongful business venture. Alles also stated property valuations would drop if the business is allowed.

Herb Welter, 4140 NW 57th Street, appeared in opposition stating there are, on average, 92 rapes reported in Lincoln every year and there are an average of 400 sexual assaults reported. He added that the establishment is not needed.

Sue Decker, 1227 W Park Avenue, appeared and stated she is opposed because there are a lot of families with children in the area, as well as an elementary school.

William Hergott, 1816 SW 21st Street and president of the West "A" Neighborhood Association, appeared in opposition and stated that the business would be across the street from a daycare and near the Regional Center. He also noted that Roper Elementary School is located approximately one mile from the proposed site and that a new bike trail will be constructed which will give people the opportunity to bicycle past the building and stop at the convenience store. Hergott stated the neighborhood association is not opposed to the business so much as it is opposed to the location. He suggested alternatives such as Keno or a teen dance club.

Hergott also requested letters of opposition from LeAnn Kern and Tracy Thope Lorens be made a part of the record. (Exhibit A)

4) **OLD BUSINESS CONTINUED:**

Wayne Giebelhaus, 4000 Folsom Street and secretary of the Yankee Hill Neighborhood Association, appeared in opposition stating that their neighborhood is a family oriented neighborhood which sits between Wilderness Park and Pioneers Park. Located within the neighborhood is Yankee Hill School, the Lincoln Regional Center, Wright YMCA soccer and ball fields and the Optimists Sport Complex. He stated the proposed business is not a good fit and it would disrupt the tranquility and quality of the Yankee Hill neighborhood.

Paula Randall, 1301 W Park Avenue, appeared in opposition and stated she is very concerned about the proposed business being in the neighborhood.

Reverend Merv Goodrich, 1515 W South Street, appeared in opposition stating the proposed business is near his church, Fellowship Baptist Church, a mobile home park, the Regional Center and Roper Elementary School. He stressed there are many young families with children living nearby.

Dan Navratil, principal at Roper Elementary and Yankee Hill Schools, appeared to oppose the issue and stated there has been a great amount of growth and development in the area. He added that the area has a lot of young families with children and that the proposed business is not appropriate for the area. Navratil stated the issue must be approached from the standpoint of what's good for the community and the proposed business will not add to the total development of a good community.

Sam Kaplan, attorney for the State of Nebraska, Health and Human Services (Lincoln Regional Center), appeared in opposition stating they are concerned about the therapeutic needs of clients on the campus. He stated it is felt that the location of the proposed business could present problems in keeping clients at the Regional Center out of the bar. He stated the Community Transition Program at the Regional Center has approximately 40 individuals enrolled. Twenty-five percent of those individuals have drug and alcohol related issues, many others have impulse control issues and almost all of the individuals have poor decision making issues.

Cindy Williams, 1924 SW 22nd Street, appeared to oppose the issue and asked those individuals who live in her neighborhood and who are not going to present information to stand.

Approximately ten to twelve individuals stood.

4) **OLD BUSINESS CONTINUED:**

Williams stated there are 26 children on their street with 75 percent being in the sixth grade or younger. She stated she would like to focus on the location of the proposed business which is across the street from the Regional Center, a daycare center and a small residential area. The new bicycle trail, she said, will go by right by the proposed business and will be on the direct route to Wright Field and the Optimists Sports Complex. Williams stated many college students utilize the sand volleyball courts on Friday and Saturday nights and it concerns her that they may drive through her neighborhood after patronizing Coaches Sports Bar & Grill and possibly a topless bar. She asked the County Board to either delay or deny the item so the issues can be reviewed and so that the neighbors have time to investigate all the necessary data.

Pat Double, 4142 NW 49th Street, appeared in opposition stating that if the Board approves the request they are sending a message that the business is a satisfactory, acceptable establishment for young ladies to work.

Lori Molzer, 1711 W South Street, appeared to state on record that she is opposed to a topless bar. She stated topless bars are degrading to women and they do nothing for the men who patronize them.

Robin Robinson, 2940 SW 6th Street, appeared in opposition and stated she is concerned about children's exposure to the proposed business. Traffic is another concern.

Scott Bailey, 2925 SW 6th Street, appeared to oppose the issue and noted there are a great number of children in his neighborhood who frequent the convenience store. He stated he felt it was not a morally correct business for the area.

No one else appeared.

The Chair stated that the County Board is doing their best to determine the ramifications of any of their actions and suggested that the item be continued for another week in an attempt to hear all of the pertinent information related to the issue. She noted that the public hearing regarding the liquor license at the same location would be held next Tuesday (April 18). She invited those individuals who testified to return next Tuesday to testify at the public hearing. The Chair stated she was asking for the deferral because there is a commonality between the liquor license and the request for deletion from licensed premises and because they want to be very clear regarding the action necessary on the deletion and the action necessary on the liquor license.

4) **OLD BUSINESS CONTINUED:**

Workman concurred with the Chair.

MOTION: Heier moved and Hudkins seconded to defer the request for deletion from licensed premises until Tuesday, April 18, 2000. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

B. Appointments and reappointment of the following to the Lincoln-Lancaster County Board of Health:

<u>Name of Individual</u>	<u>Expiration of Term</u>
Betsy Palmer (reappointment)	April 15, 2003
Randy Ross (new appointment)	April 15, 2003
Ed Schneider (new appointment)	April 15, 2003

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

5) **NEW BUSINESS:**

A. An application for a Special Designated License from Hillcrest Country Club to hold golfing events at 8901 "O" Street on June 4 and June 11, July 9 and July 16 and August 6 and August 20, 2000.

The Clerk announced that the applicant requested that the application be held for one week.

B. An interlocal agreement between Johnson County and Lancaster County to house juveniles at the Jennie B. Harrel Attention Center for Youth, at a cost of \$190 per day. The agreement is subject to modification in September. (C-00-161)

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

5) **NEW BUSINESS CONTINUED:**

C. A contract between the Lancaster County Community Mental Health Center and Chris Eiel, doing business as Recovery Management Consultants, to increase staff knowledge of accreditation standards set out by the rehabilitation accreditation commission. The contract begins March 16, 2000 and ends May 30, 2000. The County will pay \$40 per hour, for a maximum of 59 hours. (C-00-163)

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

D. An agreement with the Child Guidance Center to provide an internal case manager and supervisor to act as liaison to outside information sources that are involved with the juvenile justice system to ensure that the goals of the Families First and Foremost program are successful. The contract term is February 1, 2000 through September 30, 2000 and the County will pay \$31,903. (C-00-164)

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

E. A resolution amending the 2000 through 2005 Fiscal One and Six Year Road and Bridge Improvement Program to include in the One Year Plan the paving of Arbor Road beginning one-quarter mile west of U.S. Highway 77 and ending at U.S. Highway 77 (Project C55-G-408(1)) in Lancaster County, Nebraska. (R-00-37)

MOTION: Workman moved and Steinman seconded approval of Resolution 00-37.

Workman noted that the adjoining landowners requested that the section of road be paved and that they will be paying for the improvement.

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

5) **NEW BUSINESS CONTINUED:**

F. A resolution authorizing the installation of the following traffic control signs in Lancaster County, Nebraska: (R-00-38)

- < Install a “Stop Ahead” sign on Panama Road east of Highway 43 for westbound traffic
- < Install a “Yield” sign at the intersection of Southwest 84th Street and Kolbrook Road for southbound traffic
- < Install a “Double Arrow” sign at the intersection of Southwest 91st Street and West Old Cheney Road for northbound traffic

MOTION: Workman moved and Steinman seconded approval of Resolution 00-38. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

G. Recommendation from the Purchasing Agent and the County Engineer to award a bid for corrugated culvert pipe to Contech Construction Products, Inc., in the amount of \$27,582.92. (B-00-21)

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

H. Recommendation from the Purchasing Agent and the County Engineer to award a bid for asphaltic concrete resurfacing and paving to S.P. Olson Enterprises, Inc., in the amount of \$1,085,449.56. Locations are as follows: (B-00-20)

Asphaltic Concrete Paving:

- < Arbor Road from North 56th Street east to North 70th Street
- < Old Cheney Road from South 98th Street east to South 112th Street
- < Pine Lake Road from Prairie Rim Road east to South 112th Street
- < North 14th Street and Raymond Road intersection
- < South 68th Street and Princeton Road intersection

Asphaltic Concrete Resurfacing:

- < Pioneers Boulevard from Highway 77 east to Lincoln city limits
- < West Denton Road from Southwest 40th Street east to Southwest 12th Street
- < Southwest 12th Street from West Rokeby Road north to West Denton Road
- < Roca Road from South 54th Street east to South 68th Street
- < South 68th Street from Hickman Road north to Roca Road

5) **NEW BUSINESS CONTINUED:**

MOTION: Heier moved and Steinman seconded approval.

Workman stated three bids were received. On a lineal basis the bids were approximately ten percent higher than the previous year which are considered to be very acceptable.

He also noted that all of the roads are on the One Year Program with the exception of Amberly Road north to 134th and the overlay of Amberly Road, which are addressed in an interlocal agreement with the City of Waverly.

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

I. Authorization for National Bank of Commerce, as Trustee, to disburse \$14,521 from the juvenile detention center bond proceeds to Cheever Construction Company for payment request Number 002 for the Juvenile Detention Facility. (M-00-27)

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

J. Appointment of Cori Beattie to the County Commissioners Award of Excellence Committee for a two year term commencing from the date of January 1, 2000. (No documentation.)

MOTION: Heier moved and Hudkins seconded approval. Heier, Campbell, Steinman, Hudkins and Workman 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. Receive and Place on File:

- 1. County Clerk's Monthly Report for March, 2000**
- 2. County Engineer - GIS Division Monthly Reports for January, February and March, 2000**
- 3. County Engineer's Monthly Reports for January, February and March, 2000**
- 4. Noxious Weed Control Authority's Monthly Report for March, 2000**

B. A resolution denying County Board of Zoning Appeals, Appeal 110, requested by Britt J. Ehlers, on behalf of Todd Lewis, for a variance of the minimum lot area from 20 acres to 13.09 acres, on property generally located at 20750 U.S. Highway 77 in Lancaster County, Nebraska. (R-00-40)

C. A resolution denying County Board of Zoning Appeals, Appeal 111, requested by Britt J. Ehlers, on behalf of Todd Lewis, for a variance of the minimum lot area from 20 acres to 9.25 acres, a variance of the average lot width from 550 feet to 478.85 feet and a variance of the minimum frontage from 550 feet to 478.85 feet, on property generally located at 20900 U.S. Highway 77 in Lancaster County, Nebraska. (R-00-39)

D. An agreement with Ballew, Schneider & Covalt, Attorneys at Law, for remote access to Lancaster County records, at a rate of 1.4 cents per transaction. (C-00-160)

E. A right-of-way contract (temporary easement) between the County Engineer and Paul W. Oneth for road improvement on West Fletcher Avenue from Northwest 128th to Northwest 112th Streets, in the amount of \$16.20. (C-00-165)

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

7) **OTHER BUSINESS:**

Dan Noble, spine surgeon and president of the Lancaster County Medical Society, stated he feels there is a serious threat to the EMS system in terms of quality care. Documentation was disseminated (Exhibit B) and a brief overview of the following was given:

- < Proposed resolution
- < Proposal for Independent Medical Oversight for Pre-hospital Emergency Medical Care

He said a proposal has been prepared for independent medical oversight and is endorsed by the following:

- < BryanLGH Medical Center
- < St. Elizabeth Regional Medical Center
- < Tabitha Health Care Services
- < Madonna Rehabilitation Hospital
- < Lincoln Journal Star

Noble stated the independent medical oversight would consist of a board of directors. Two members would be nominated by the Mayor and approved by the City Council, one member would be approved by the County Board, one representative would be approved by BryanLGH Medical Center and one representative would be approved by St. Elizabeth Regional Medical Center and there would be two representatives from the community.

Noble stated he felt it was a very large issue and that the Medical Society has been misrepresented. He said he felt they have to look at the issue from a healthcare standpoint as well as from an economics standpoint.

Steinman stated they are very concerned in the County and explained what is envisioned is that rural firefighters will be the first responders and will provide advanced life support in the County.

David Hunter, State Title Company, appeared and stated he was a member of the EMS Task Force. He added that discussion took place regarding the issue that the County should not be neglected in the process.

Hunter stated the proposal was divided into two parts. One part relates with emergency service and the other relates to non-emergency (transport).

7) **OTHER BUSINESS CONTINUED:**

It was suggested by Hunter that all parties wait until the proposals are received and reviewed before making any decisions.

Mike Morosin, past president of the Malone Neighborhood Association, appeared and stated he has video tapes available of the EMS Task Force meeting(s) for the County Board's review.

Campbell stated that the County Board has received a considerable amount of information in relation to the EMS system which they will begin reviewing.

8) **ADJOURNMENT:**

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

Bruce Medcalf
County Clerk