

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 30, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

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

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

The Board of Commissioners meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 23, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Campbell seconded approval of the minutes of the Board of Commissioners meeting dated April 23, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

- A. The County-City Volunteer of the Month Award was presented to Charlotte Chace for her services at Lancaster Manor.
- B. Exceptional circumstance awards, in the amount of \$350 each, for Henry Moss and Lori Swanson, employees at Families First and Foremost.

2) **SPECIAL PRESENTATIONS CONTINUED:**

C. Exceptional circumstance awards, in the amount of \$350 each, for Kris Forch, Ed Kortefay, Greg Pettibone, Irene Prince and Michelle Schindler, employees at the Lancaster County Juvenile Detention Center.

Items 2B and 2C were heard together.

Dennis Banks, Director of the Lancaster County Juvenile Detention Center, appeared and stated the individuals receiving the cash awards did an exceptional job in terms of developing policies and procedures for the Youth Services Center. He added because of their excellent work the transition to the new Youth Services Center went very well.

Heier stated he appreciated Banks' leadership, as well as the efforts of the employees.

Stevens stated he felt that Banks had an excellent team and that the individuals deserved the recognition. He added it was also a reflection on Banks' ability to put together a great team and do a good job.

MOTION: Heier moved and Campbell seconded approval of exceptional circumstance awards, in the amount of \$350 each, for Henry Moss and Lori Swanson, employees at Families First and Foremost and for Kris Forch, Ed Kortefay, Greg Pettibone, Irene Prince and Michelle Schindler, employees at the Lancaster County Juvenile Detention Center. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

D. Report on the Rural Transit Budget and Application for Public Transportation - Tim Howell, Rural Transit Coordinator.

Tim Howell, Rural Transit Coordinator, stated that the application for public transportation assistance was in the amount of \$37,784. He also disseminated documentation (Exhibit 1) and gave an overview of the rural transit system, noting that there has been a 27 percent increase in ridership.

2) **SPECIAL PRESENTATIONS CONTINUED:**

MOTION: Hudkins moved and Campbell seconded approval for Aging Services to submit an application for public transportation assistance, in the amount of \$37,784, and to authorize the Chair of the Board of Commissioners to execute the application and any other documentation related to the application. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

E. A proclamation declaring the week of May 5 through May 11, 2002 as "Tourism Week in Lancaster County".

Mark Essman, Director of the Lincoln/Lancaster County Convention and Visitors Bureau, explained that next week was National Tourism Week and spoke about the economic impact which tourism has on Lincoln and Lancaster County, as well as statewide. He stated last year visitors spent over 2.8 billion dollars in the State of Nebraska. Of that 2.8 billion dollars, Lancaster County received 16.1 percent in total travel expenditures.

Essman read the proclamation declaring the week of May 5 through May 11 as "Tourism Week in Lancaster County" into the record.

MOTION: Campbell moved and Heier seconded approval of the proclamation.

Sandi Witkowicz, Marketing and Communication Coordinator for the Lincoln/Lancaster County Convention and Visitors Bureau, discussed activities being held during tourism week.

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

3) **PUBLIC COMMENT:** The public comment period is limited to thirty (30) minutes in duration and each speaker is limited to five (5) minutes. These time limits may be extended at the discretion of the County Board Chair. Comments shall be limited to items on the agenda.

Bob Chitwood, Director of Eastmont Towers, appeared and stated he felt there was no equity regarding non-profit organizations. He said some counties within the State have their retirement homes on the property tax rolls and other counties do not. Chitwood also submitted documentation into the record regarding assisted living facilities (Exhibit 10).

4) **CLAIMS FOR REVIEW:**

A. PV 805-03400, dated April 15, 2002 - Nebraska Health and Human Services has requested payment, totaling \$2,750, for acute intake/evaluation.

Diane Staab, Deputy County Attorney, gave a brief explanation regarding the claim and recommended it be denied because the procedure was not followed as set forth by Neb. Rev. Stat. §29-1823.

MOTION: Campbell moved and Stevens seconded denial of PV 805-03400, dated April 15, 2002 from Nebraska Health and Human Services, in the amount of \$2,750, for acute intake/evaluation. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

5) **CLAIMS:** Approval of all claims processed through Tuesday, April 30, 2002.

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

6) **OLD BUSINESS:**

A. Contracts between the Lancaster County Noxious Weed Control Authority and the following for weed control services, beginning April 1, 2002 and ending December 31, 2002 with an option for renewal of two additional one year periods. Prices are as listed in the bidding schedule.

- "All Care" Grounds Management (C-02-0141)
- Bags O' Grass Lawn Service (C-02-0142)
- Best Kept Lawn Care (C-02-143)

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

7) NEW BUSINESS:

A. Applications for three Special Events Permits submitted by the Cornhusker State Games to hold the following:

1. A cycling road race to be held on Saturday, July 20, 2002, beginning at 5 p.m. The race will begin near Liebers Point on the west side of Branched Oak Lake and proceed west on Branched Oak Road, turning north on Northwest 140th Street circling the lake.
2. A cycle tour to be held on Saturday, July 20, 2002 beginning at 6:30 a.m. The tour will begin at the State Farm parking lot at 84th and "O" Streets, proceeding east on Highway 34 and then turning north on Highway 63 to Alvo. (The tour will return using the same route.)
3. A triathlon competition to be held on Sunday, July 21, 2002 beginning at 7:30 a.m. The competition will start at Liebers Point on the west side of Branched Oak Lake. After the swim, the cycling portion will proceed west on Branched Oak Road, turning on Northwest 140th Street and circling the lake. The running portion follows the completion of the cycling.

Dave Mlnarik, Assistant Executive Director of the Cornhusker State Games, appeared with Scott Ash, Events Coordinator of the Cornhusker State Games.

Mlnarik gave an overview of the games, noting they are offering 53 sports which will take place at 75 different locations.

MOTION: Campbell moved and Stevens seconded approval of three Special Events Permits for a cycling road race, a cycle tour and a triathlon competition. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

B. An application for a Special Designated License submitted by The Eating Establishment Holding Company, Inc., located at 201 North 7th Street, to hold a wedding reception on Friday, May 31, 2002 from 1 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street in Lancaster County, Nebraska.

Michelle Miller, representing The Eating Establishment, appeared.

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

7) **NEW BUSINESS CONTINUED:**

- C. An application for a Special Designated License submitted by ABH Enterprises L.L.C., located at 110 West Fletcher Avenue, to hold a wedding reception on Saturday, May 18, 2002 from 3 p.m. to 1 a.m. at Country Pines, located at 6305 West Adams Street in Lancaster County, Nebraska.**

Robert Struwe, manager of ABH Enterprises L.L.C. d/b/a Hylander Bar & Grill, appeared.

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

- D. A Federal Equitable Sharing agreement with the Federal Government outlining participation in the equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned which are shared with the Lancaster County Attorney's Office. The agreement is valid through September 30, 2005. (C-02-174)**

Diane Staab, Deputy County Attorney, explained that the agreement is for monies received from seizing property and would be used for law enforcement purposes such as training, drug prosecutors and equipment used for the prosecution of criminal behavior relating to drugs.

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

- E. An agreement with WinForce Technologies to provide installation, training, user license and software server license for a case management system for the Lancaster County Public Defender's Office. The County will pay \$2,468 for the service. (C-02-175)**

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

7) NEW BUSINESS CONTINUED:

F. An engineering agreement for hydraulic analysis, bridge design and plan preparation with Mainelli-Wagner Associates for County Project BR-3280(3) on West Sprague Road at its intersection with the tributary Salt Creek, 721 feet east of the southwest corner of Section 27, Township 8 North, Range 6 East of the 6th P.M. The County will pay \$7,950 for the services. (C-02-176)

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

G. An amendment to an agreement with Best Kept Lawn Care, under County Contract C-02-143, for weed control services for the Lancaster County Noxious Weed Control Authority. The amendment includes the contractor's obligation to comply with all Federal, State and local laws regarding environment health and safety. (C-02-177)

H. An amendment to an agreement with "All Care" Grounds Management, under County Contract C-02-141, for weed control services for the Lancaster County Noxious Weed Control Authority. The amendment includes the contractor's obligation to comply with all Federal, State and local laws regarding environment health and safety. (C-02-178)

I. An amendment to an agreement with Bags O' Grass Lawn Service, under County Contract C-02-142, for weed control services for the Lancaster County Noxious Weed Control Authority. The amendment includes the contractor's obligation to comply with all Federal, State and local laws regarding environment health and safety. (C-02-179)

The Chair requested that New Business Items 7G, 7H and 7I be heard together.

MOTION: Heier moved and Stevens seconded approval of New Business Items 7G, 7H and 7I. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

- J. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to Constructors, Inc., in the amount of \$1,550,198.68, for asphaltic concrete resurfacing and paving at various County locations. (B-02-20)**

Jim Plouzek, County Engineering Department, disseminated a County map highlighting the various locations where resurfacing and paving would take place (Exhibit 2). He explained one of the locations was Canongate Road in Waverly. Plouzek stated the County needs written acceptance by the City of Waverly before Section D of the bid can be awarded.

In response to a question asked by Campbell, Staab stated they could award the bid subject to receiving written acceptance regarding Section D by the City of Waverly.

MOTION: Campbell moved and Heier seconded to accept the recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to Constructors, Inc, in the amount of \$1,550,198.68, for asphaltic concrete resurfacing and paving at various County locations subject to receiving written acceptance relating to Section D (Canongate Road) from the City of Waverly. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- K. Approval of a proposal from CMHC Systems and the Lincoln-Lancaster County Department of Health, in the amount of \$3,500 plus travel related expenses, for further consultation to assess integration of General Assistance Systems Requirements with the Lincoln-Lancaster County Health Department Case Management System. (B-02-21)**

Staab explained that CMHC Systems is a computer company which is integrating the Health Department's computer system. She stated the County has one portion of their General Assistance (GA) program through the Health Department and the proposal would ensure that that portion of the GA program was integrated with the remainder of the Health Department's system.

Recommendation was to accept the proposal.

MOTION: Campbell moved and Stevens seconded approval of the proposal. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

L. **Reappointment and new appointments of the following individuals to the Lincoln-Lancaster County Board of Health:**

- ▶ **Reappointment of Rodrigo Cantarero for a three year term to expire April 15, 2005.**
- ▶ **Appointment of Dr. Hena Roy for the remainder of a three year term to expire April 17, 2003. (Replaces Betsy Palmer.)**
- ▶ **Appointment of Tony Messineo for the remainder of a three year term to expire April 15, 2003. (Replaces Randy Ross.)**

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

8) **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 public hearings for Tuesday, May 21, 2002 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 B (Beer Off Sale Only) and a Class K (Wine Off Sale Only) liquor license submitted by Jacox, Inc. d/b/a Emerald Mini Mart located at 8401 West "O" Street in Emerald, Lancaster County, Nebraska.**
2. **An application for a Corporate Manager for John J. Dietrich in connection with a Class E (Beer Off Sale Only) and a Class K (Wine Off Sale Only) liquor license held by K & D Engineering d/b/a Hidden Valley Golf Course located at 10501 Pine Lake Road in Lancaster County, Nebraska.**

B. **Request from Donna O. Cordle, an employee at Lancaster Manor, to voluntarily participate in the County's retirement plan.**

8) CONSENT ITEMS CONTINUED:

C. A subdivision agreement between Lancaster County and Andrew and Tamera Ingwerson for County Final Plat 01036, Prairie Vista, to create six lots on property generally located south of North 176th Street and Fletcher Avenue in Lancaster County, Nebraska. (C-02-173)

D. A resolution in the matter of County Final Plat 01036, Prairie Vista, requested by Lyle Loth of ESP on behalf of Andrew and Tamera Ingwerson, consisting of six lots on property generally located south of North 176th Street and Fletcher Avenue in Lancaster County, Nebraska. (R-02-41)

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

9) ADJOURNMENT:

MOTION: At 2:34 p.m. Campbell moved and Heier seconded adjournment of the Board of Commissioners meeting. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 30, 2002
COUNTY COMMISSIONERS CHAMBERS, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Others Present: Norm Agena, County Assessor
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Trish Owen, Deputy County Clerk
Mike Thew, Deputy County Attorney
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was convened at 2:34 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 23, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated April 23, 2002. Campbell, Hudkins, Heier and Stevens voted aye. Workman abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 124 additions and deductions to the tax assessment rolls per Exhibit A.

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

3) **MOTOR VEHICLE TAX EXEMPTIONS FOR THE FOLLOWING:**

BryanLGH Medical Center
Capitol City Christian Church
Developmental Services of Nebraska, Inc.
First Church of the Nazarene
Lincoln Lancaster County Child Guidance Center

MOTION: Campbell moved and Heier seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **APPROVAL OF 2002 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT "B":**

Norm Agena, County Assessor requested that Exemption Numbers 50AU, 50AV and 605B should be approved with no penalty assessed and that Exemption Numbers 596, 597A, 597B and 597C should be assessed a late filing penalty.

MOTION: Heier moved and Stevens seconded to accept the County Assessor's recommendation and approve the 2002 451 tax exemptions on real and personal property for the Catholic Bishop of Lincoln, Inc. (Exemption Numbers 50AV and 50AU) and Cheney Cemetery Association (Exemption Number 605B). Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

MOTION: Stevens moved and Campbell seconded to accept the County Assessor's recommendation and approve the 2002 451 tax exemptions on real and personal property with a late filing penalty for Lincoln Firefighters Local 644 Reception Hall LLC (Exemption Numbers 597A, 597B and 597C) and for Transfiguration of Our Savior Orthodox Church (Exemption Number 596). Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

6) **APPROVAL OF 2002 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY WITH A LATE FILING PENALTY PER EXHIBIT "B":**

Vietnamese Alliance Church

A representative for the Vietnamese Alliance Church appeared and requested that the penalty be waived because they didn't know there was a deadline for filing for exempt status.

MOTION: Campbell moved and Heier seconded to accept the County Assessor's recommendation and approve the 2002 451A tax exemptions on real and personal property with a late filing penalty per Exhibit B. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

7) **APPROVAL OF 2002 PARTIAL 451A TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER EXHIBIT "C":**

MOTION: Campbell moved and Heier seconded to accept the County Assessor's recommendation and approve the 2002 partial 451A tax exemptions on real and personal property per Exhibit C. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

In response to a question asked by Stevens regarding Mr. Chitwood's concern, Agena stated some assisted living facilities are assessed differently in some counties. He explained that a meeting would be held with the State of Nebraska Property Tax Division next week regarding the issue.

Agena submitted Directive 02-1 issued by the Nebraska Department of Property Assessment and Taxation into the record (Exhibit 3) regarding taxability of public owned property at airports.

8) **APPROVAL OF 2002 TAXABLE STATUS PROTESTS FILED BY THE UNIVERSITY OF NEBRASKA-LINCOLN PER EXHIBIT "D":**

Gene Crump, attorney representing the University of Nebraska-Lincoln, appeared to answer any questions.

MOTION: Campbell moved and Hudkins seconded to accept the County Assessor's recommendation and approve the following 2002 taxable status protests filed by the University of Nebraska-Lincoln: Parcel I.D. 04-01-300-001-000; Parcel I.D. 10-24-313-022-000; Parcel I.D. 17-18-334-001-000 and Parcel I.D. 17-18-334-002-000. Campbell, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

9) **DENIAL OF 2002 TAXABLE STATUS PROTESTS FILED BY THE UNIVERSITY OF NEBRASKA-LINCOLN PER EXHIBIT "D":**

Judy Roots, attorney representing the University of Nebraska-Lincoln, appeared and stated that the County Board heard extensive testimony on the three properties the prior year. The three parcels, she said, were appealed to the Tax Equalization and Review Commission (TERC) and a hearing was held on March 27, 2002, however, no decision has been made. Roots stated the only difference between the hearings this year and last year would be that the Chi Phi Fraternity is no longer an issue because they moved from the property.

Roots offered into the record Exhibits 1 through 32 and 34 which were introduced and accepted at the TERC hearing (Exhibit 9).

Mike Thew, Deputy County Attorney, clarified that the Directive 02-1 (Exhibit 3) submitted previously into the record has no bearing on the University of Nebraska-Lincoln cases.

Agena stated the directive relates to Items 10 through 13 on the Board of Equalization agenda.

MOTION: Stevens moved and Campbell seconded to accept the County Assessor's recommendation and deny the following 2002 taxable status protests for the University of Nebraska-Lincoln: Parcel I.D. 10-24-100-006-000; Parcel I.D. 10-24-100-014-000; Parcel I.D. 10-24-117-007-000. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

10) **APPROVAL OF 2002 TAXABLE STATUS PROTESTS FILED BY THE LINCOLN AIRPORT AUTHORITY PER EXHIBIT "E":**

Agena stated he was recommending approval of units being occupied by the Nebraska State Fire Marshal, Lincoln Airport Authority, five bunkers being used by the Nebraska Department of Revenue, Lincoln-Lancaster County Health Department, Lincoln Fire Prevention Bureau and Duncan Aviation.

Agena added that in addition to the protests filed by the LAA, there were some tenants who filed separate protests.

Agena referred to a listing of 2002 taxable status protests recommended for approval (Exhibit 4) and stated there was an error on a Parcel I.D. Number relating to Building 1134. The Parcel I.D. Number was listed as 11-05-400-001-118; the correct number should be 11-05-400-001-117.

Agena reiterated that some tenants also filed separate protests that are listed on another exhibit (Exhibit 5).

Dana Baker, attorney representing Lincoln Airport Authority (LAA), appeared and indicated he agreed with the recommendation of approval on twelve parcels listed on Page 1 of Exhibit 4.

Thew clarified that approval was recommended for twelve parcels listed on Page 1 of Exhibit 4 and eight parcels listed on Page 1 of Exhibit 5.

MOTION: Stevens moved and Campbell seconded to accept the County Assessor's recommendation and approve 2002 taxable status protests filed by the Lincoln Airport Authority as listed on Page 1 of Exhibit 4. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

11) **DENIAL OF 2002 TAXABLE STATUS PROTESTS FILED BY THE LINCOLN AIRPORT AUTHORITY PER EXHIBIT "E":**

Baker offered documentation into the record entitled *Lincoln Airport Authority Vacant Buildings or Land (Revised April 26, 2002)* (Exhibit 6) and explained that the tax scheme of the Legislation attempts to tax the airport property through the lessees who do not have their own public purpose. He added that it applies to leases that are in existence on January 1 of the tax year. Baker stated that LAA isn't liable for the tax and the Airport Authority is making a payment in lieu of tax, there would be no tax liability. Exhibit 6, he said, was a listing of vacant parcels which are not leased, with the exception of Item 2 (Parcel I.D. # 11-05-400-001-106) which does have tenants.

Baker explained that the Airport Authority entered into an agreement with the City of Lincoln where the airport, as its in lieu of tax payment, leased park land, a rifle range, a recreation center, a swimming pool and a ballpark for one dollar a year in exchange for the services which the City supplies at the airport. He stated because a payment in lieu of taxes is being made, the parcels listed on Exhibit 6 should continue to be tax exempt.

Agena referred to Exhibit 6 and asked if Item 2 (Bays 15 through 17) were vacant or leased. He stated he listed them as being vacant because there were no leases on file in his office.

John Wood, Executive Director of the Lincoln Airport, stated the bays are currently leased, however, they were not as of January 1, 2002.

Baker noted that the first item (Parcel I.D. # 04-01-100-002-116) was previously discussed.

In response to a question asked by Hudkins regarding vacant parcels and whether they should be taxed, Thew referred to Neb. Rev. Stat. §77-202(b) which provides that "unleased property of the State or its governmental subdivisions which is not being used or developed for use for a public purpose, but upon which a payment in lieu of taxes is paid for public safety, rescue, emergency services and road or street construction or maintenance services to all governmental units providing services to the property". He explained that the parcels should not be exempt and that they are subject to in lieu of tax payments. Thew stated it was his understanding that the Airport Authority feels that through the contract with the City of Lincoln they are paying the City in lieu of taxes in the form of providing the City of Lincoln with the use, for a nominal consideration, of all of the recreational facilities. Thew recommended that the County Board not exempt the property, but grant the protests on the basis that the in lieu of tax payments are being made with the proviso that a copy of the agreement between the City of Lincoln and Lincoln Airport Authority be made a part of the record.

MOTION: Hudkins moved and Campbell seconded to accept the Deputy County Attorney's recommendation to grant the protests in relation to Exhibit 6* on the basis that the in lieu of tax payments are being made with the proviso that a copy of the agreement between the City of Lincoln and the Lincoln Airport Authority be made a part of the record.

Agena referred to Item 1 (Parcel I.D. # 04-01-100-002-116) listed on Exhibit 6 and stated it was previously approved as a part of Page 1 of Exhibit 4. He indicated that the Board approved it as being used by the LAA, however, it is not.

Campbell asked Baker if she was correct that Parcel I.D. # 04-01-100-002-116, listed on Page 1 of Exhibit 4, was no longer being used by the LAA.

Baker stated that was correct. He noted that the building has some roofing problems and that Lincoln Airport Authority was contemplating removal of it.

Thew noted that Exhibit 4 refers to the property as Parcel I.D. # 04-01-100-002-116, however, on Exhibit 6 the property was listed as Parcel I.D. # 04-01-100-002-116.

Agena explained that the parcels should be addressed as "I's", not the number one, because they are being treated as improvements on leased land.

NOTE: The following corrections to Parcel Identification Numbers were noted on Exhibit 6: 04-01-100-002-116 was changed to 04-01-100-002-I16
04-01-100-002-117 was changed to 04-01-100-002-I17
04-01-100-002-119 was changed to 04-01-100-002-I19
11-05-400-001-106 was changed to 04-01-100-002-I06
11-05-400-001-120 was changed to 11-05-400-001-I20
11-05-400-001-121 was changed to 11-05-400-001-I21
11-05-400-001-123 was changed to 11-05-400-001-I23
11-06-400-001-101 was changed to 11-06-400-001-I01
11-07-200-001-103 was changed to 11-07-200-001-I03
11-07-400-001-101 was changed to 11-07-400-001-I01
11-07-400-001-102 was changed to 11-07-400-001-I02
11-08-300-001-101 was changed to 11-08-300-001-I01

The maker of the motion and the seconder agreed to the changes on Exhibit 6.

Thew clarified that Item 2 (Parcel I.D. # 11-05-400-001-I06) on Exhibit 6 should be included as vacant.

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

MOTION: Campbell moved and Hudkins seconded to reconsider Parcel I.D. # 04-01-100-002-I16 listed on Page 1 of Exhibit 4. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

MOTION: Campbell moved and Hudkins seconded to delete Parcel I.D. # 04-01-100-002-I16 from Page 1 of Exhibit 4. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

In response to a question asked by Baker, Thew stated that the portion of the agreement between the Lincoln Airport Authority and the City of Lincoln relating to in lieu of taxes could be submitted to County Clerk's Office. He suggested identifying the documentation as Exhibit 7 and instructing the Clerk to mark it as Exhibit 7 for purposes of the hearing.

In regard to the remaining parcels listed on Exhibit 4, Baker commented that they feel the property should be exempt for the same reasons as the County Board determined it was exempt last year. He said removing the properties from exempt status would be an unconstitutional impairment of the contract rights of the existing bond holders of the Airport Authority, pursuant to the United States Constitution, Article 1, Section 10 and the Nebraska Constitution, Article 1, Section 16.

Agena recommended denial on the remaining protests listed on Exhibit 4.

MOTION: Heier moved and Stevens seconded to accept the County Assessor's recommendation and deny the 2002 taxable status protests listed on Pages 2, 3 and 4 of Exhibit 4, excluding Parcel I.D. #'s 04-01-100-002-I16, 04-01-100-002-I17, 04-01-100-002-I19, 11-05-400-001-I06, 11-05-400-001-I20, 11-05-400-001-I21, 11-05-400-001-I23, 11-06-400-001-I01, 11-07-200-001-I03, 11-07-400-001-I01, 11-07-400-001-I02 and 11-08-300-001-I01. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

(Workman exited the Chambers at 4:05 p.m.)

12) **APPROVAL OF 2002 TAXABLE STATUS PROTESTS PER EXHIBIT "F":**

(Workman entered the Chambers at 4:06 p.m.)

MOTION: Campbell moved and Stevens seconded to accept the County Assessor's recommendation and approve the 2002 taxable status protest listed on Page 1 of Exhibit 5. Workman, Heier, Campbell and Stevens voted aye. Hudkins was absent from voting. Motion carried.

13) **DENIAL OF 2002 TAXABLE STATUS PROTESTS PER EXHIBIT "F":**

Jim Titus, attorney representing US Foods, appeared and referred to Neb. Rev. Stat. §77-202 which states public purpose doesn't include the leasing of property to a private property unless the lease is at a fair market value for public purpose. He stated that leasing the property to US Foods at a fair market value was a public purpose.

(Workman exited the Chambers at 4:10 p.m.)

Kevin Siebert, attorney representing Jacob North, appeared and submitted a copy of a lease between Jacob North and the Lincoln Airport Authority (Exhibit 8). He stated their arguments are the same as the Airport Authority's. In terms of public purpose, Siebert said, the Airport Authority Act was very clear that public purpose includes renting property to generate income for the Authority.

MOTION: Campbell moved and Stevens seconded to accept the County Assessor's recommendation and deny the 2002 taxable status protests as listed on Page 2 of Exhibit 5. Campbell, Heier, Stevens and Hudkins voted aye. Workman was absent from voting. Motion carried.

Agena referred to Lincoln Christian Fellowship as listed on Page 2 of Exhibit 5 and stated they lease land from the Airport Authority which is not a public use. In conjunction with that, he stated, Lincoln Fellowship has not filed for an exemption on the building. Agena clarified that the denial was on the lease of the land, not the building.

14) **ADJOURNMENT:**

By direction of the Vice Chair, the Board of Equalization meeting was adjourned at 4:25 p.m.

Bruce Medcalf
County Clerk