

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 19, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING**

Commissioners Present: Bernie Heier, Chair
Bob Workman
Larry Hudkins
Deb Schorr

Commissioners Absent: Ray Stevens, Vice Chair

Others Present: Scott Gaines, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:07 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, May 12, 2009.**

MOTION: Hudkins moved and Workman seconded approval of the minutes. Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of nine additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Schorr moved and Workman seconded approval of the additions/deductions. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Glad Tidings Assembly of God
Sheridan Lutheran Church
Southeast Nebraska Mobile Diagnostic Services, Inc.
St. Peter's Catholic Church of Lincoln (two applications)**

MOTION: Workman moved and Hudkins seconded approval of the tax exemption applications. Workman, Schorr, Hudkins, and Heier voted aye. Motion carried.

4) **APPROVAL OF 2009 451 TAX EXEMPTIONS ON REAL AND PERSONAL PROPERTY PER ATTACHMENT "C":**

MOTION: Hudkins moved and Workman seconded approval of the tax exemption applications per Attachment "C". Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

5) **APPROVAL OF 2009 PARTIAL 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY PER ATTACHMENT "C":**

Scott Gaines said the Berean Church has a privately run daycare using a few rooms within the church and excess land subject to tax. The recommendation is to exempt the church except for the rooms occupied by the private daycare and the excess land.

Gaines said the Catholic Bishop of Lincoln is using the Old Cheney school and has a few buildings on the east end of the property with no use for the church. Recommendation is for exemption of only the church-used buildings.

MOTION: Schorr moved and Workman seconded approval of the partial tax exemptions per Attachment "C". Workman, Schorr, Hudkins, and Heier voted aye. Motion carried.

6) **DENIAL OF 2009 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY AND PERSONAL PER ATTACHMENT "C":**

Gaines said Capital Humane Society has bare ground at 70th and Hwy 2 that has been acquired for a future site but presently is not used for anything. Typically, the policy has been once there is a building permit, it is considered in use for the intended purpose.

Bob Downing and Jeanelle Lust, Capital Humane Society, appeared. Downing brought architectural plans, explaining they hope to break ground in 2010. He said possession was taken of the property on September 1, 2008, and taxes were paid at that time. Downing added they have done preliminary work, including ground samples, survey work, land plotting, and a floor plan, and they have spent around \$535,000, including the land. Downing also stated that the land has not been used for any other purpose.

6) **DENIAL OF 2009 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY AND PERSONAL PER ATTACHMENT "C" CONTINUED:**

Workman and Hudkins discussed what constitutes construction. Gaines said once the building permit is issued, it is considered under construction, and as long as the land sits vacant, there is no exclusive use for the charitable purpose.

MOTION: Hudkins and Workman moved to approve Capital Humane Society as a tax exempt property.

Schorr asked if all the cases could be reviewed before voting. Hudkins agreed to hold his motion until all cases were heard.

Carrie Klein, attorney for Charlie M. Wilson Replacement Home, Inc., appeared. Klein said they are providing service to four disabled individuals living there, and it is non-profit. Gaines said this home was previously disapproved because it was for a limited number of individuals rather than for the public or a large number of people. Recommendation by the Assessor's Office for 2009 would be for denial unless TERC reverses that decision in an upcoming hearing.

Gaines said Lincoln Family Church has a private residence that should be excluded since it is privately owned.

Gaines said Nebraska Family Council applied as an educational group but it is primarily an advocacy for family values and a lobbying organization. It does not meet the definition of an educational group.

Dick LeBlanc, Pastor of North Point Church, and Rick Geiler, the church's architect, appeared. LeBlanc said they closed on land at 2224 Fletcher on September 8, 2008, paid taxes, received loan approval from Union Bank, have done borings, and paid for a share of street construction. Geiler said they are about 90% complete with construction documents and have one final review with the city. Gaines said if tax exemption was denied, they could reapply in August. Gaines read from the regulations, stating use of the property includes ongoing construction of a building or improvement that when complete will be used exclusively for exempt purposes. For ongoing construction to be sufficient to render the property exempt from tax, such construction must prevent other non-exempt uses of the property. Hudkins said construction does not mean a completed building, and the money would not be spent on land boring if someone were not serious about building. Workman agreed the intent is there.

Gaines said the Slavic Church of Evangelical Faith Christians had a house on the property used as their church but are now using another location. The house has been demolished and they are prepping the ground for a new building. Hudkins asked if anything has been done for construction. Gaines was not sure but he thought they had.

6) **DENIAL OF 2009 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY AND PERSONAL PER ATTACHMENT "C" CONTINUED:**

Gaines said University of Nebraska-Lincoln applied for exemption on leased equipment, and taxes are paid on leased equipment. Hudkins asked about the nature of the equipment. Gaines said it is a postage machine.

Gaines said the Covenant Presbyterian Church has property on 9th Street which has been sold and will close soon.

Kenneth Brobiak, Pastor of St. Michael's Parish in Cheney, appeared on behalf of Catholic Bishop of Lincoln. He said the property in question is adjacent to the church property and is being used for religious and educational purposes. He said they have a playground area and a few portables they are not using for religious purposes. (Note: Action was already taken on this in Item 5.)

Capital Humane Society

ROLL CALL: Workman and Hudkins voted aye. Schorr and Heier voted no. Motion failed.

Charlie M. Wilson Replacement Home, Inc.

MOTION: Schorr moved and Workman seconded denial of tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Lincoln Family Church

MOTION: Schorr moved and Workman seconded denial of tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Nebraska Family Council

MOTION: Schorr moved denial of tax exemption based upon the fact that the facility is owned by a lobbying agency. Workman seconded with the provision that there are no educational activities taking place. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

North Point Church

MOTION: Hudkins moved to approve tax exemption. Workman seconded based on the fact that significant funds have been spent. Workman and Hudkins voted aye. Schorr and Heier voted no. Motion failed.

6) **DENIAL OF 2009 451 TAX EXEMPTION APPLICATIONS ON REAL PROPERTY AND PERSONAL PER ATTACHMENT "C" CONTINUED:**

Slavic Church of Evangelical Faith Christians

MOTION: Workman moved and Schorr seconded denial of tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

University of Nebraska-Lincoln

MOTION: Schorr moved and Workman seconded denial for tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

Covenant Presbyterian Church

MOTION: Hudkins moved and Schorr seconded denial for tax exemption. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

7) **REVIEW OF 2009 451A TAX EXEMPTION APPLICATIONS ON REAL AND PERSONAL PROPERTY PER ATTACHMENT "C":**

Full Exemptions

Gaines recommends full exemption for Union College. The college previously leased the property to a private entity but are now using it for college business instead of leasing it.

MOTION: Hudkins and Schorr seconded full exemption for Union College. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

Partial Exemptions

Gaines listed the following under partial exemptions:

- BryanLGH had a partial exemption, with the hospital being exempt and the privately leased property being taxed.
- Good News Broadcasting is leasing a smaller portion of their property which recalibrates what is taxable.
- Horizon Church has had some reconfiguration from development of land. The excess land is subject to tax.
- Lakeview Care Center reconfigured how the parcel is laid out. The care center is exempt while the buildings are leased.

MOTION: Workman moved and Hudkins seconded approval of the partial exemptions for BryanLGH, Good News Broadcasting, Horizon Church, and Lakeview Care Center. Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

7) **REVIEW OF 2009 451A TAX EXEMPTION APPLICATIONS ON REAL AND PERSONAL PROPERTY PER ATTACHMENT "C" CONTINUED:**

Taxable Status

Gaines said the following groups had a change in circumstance:

- St. Vincent DePaul Warehouse & Stores have been sold and are now privately owned.
- Southview Baptist Church tore down the house on the property, and there is now a lot with no religious purpose.

MOTION: Schorr moved and Workman seconded approval of changing St. Vincent DePaul Warehouse & Stores and Southview Baptist Church to taxable status. Workman, Schorr, Hudkins, and Heier voted aye. Motion carried.

Transfer Status

Gaines said the transfer cases remove exemption from the previous owner to the new owner for the following:

- Houses of Hope sold to Reach Out Christian Church, which was granted exemption in Item 4.
- Nebraska Synod Evangelical Lutheran property was transferred to Lincoln Family Church, which was granted exemption in Item 4.

MOTION: Hudkins moved and Workman seconded approval of the transfers. Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded to adjourn the Board of Equalization meeting at 11:05 a.m. Hudkins, Schorr, Workman and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk