

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 28, 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, March 21, 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 March 21, 2000. Campbell, Hudkins, Heier and Workman voted aye. Steinman abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 31 additions and deductions to the tax assessment rolls per Exhibit "A".

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

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Catholic Social Services
Developmental Services of Nebraska, Inc.
First Baptist Church**

MOTION: Steinman moved and Hudkins seconded approval of motor vehicle tax exemptions for Catholic Social Services and Developmental Services of Nebraska, Inc. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

MOTION: Steinman moved and Heier seconded denial of a motor vehicle tax exemption for First Baptist Church because it was not timely filed. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

The Chair recessed the Board of Equalization meeting.

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

Saint David's Episcopal Church

The Assessor recommended that the storage building be exempt, however, the land would be taxed at \$71,535.

MOTION: Steinman moved and Heier seconded to accept the Assessor's recommendation and approve a partial exemption on real property for Saint David's Episcopal Church. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **ADJOURNMENT**

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

RETURNING TO ITEM 4:

(Gene Woodhead and Jim Shadley entered the Chambers.)

Gene Woodhead, Saint David's Episcopal Church, appeared and gave a brief overview of the following events taking place at 8800 Holdrege Street (Exhibit A):

- < Approved a resolution at a vestry meeting to rebuild at 8800 Holdrege
- < Hold open air evening prayer services every Thursday at 5:45 p.m. A picture was shown of the prayer service being held last Thursday (March 23, 2000) in the rain.

- < A processional service be held on April 16, 2000
- < Hold outdoor activities for their youth groups and the parish during the spring and summer months
- < Inventoried and insured religious, office and Sunday schools items, as well as grounds maintenance equipment located in their storage building
- < Future placement of a new sign
- < Serious effort to have an architect, contractor and building permit by August 1, 2000

MOTION: Hudkins moved and Workman seconded to reconsider their motion in relation to a partial exemption on real property for Saint David's Episcopal Church. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

Jim Shadley, Chair of the planning committee for St. David's Episcopal Church, gave a brief explanation regarding the mission goals for the rebuilding of the church.

Hudkins asked Shadley if he was one of the individuals who attended the prayer service last Thursday.

Shadley responded yes.

Steinman asked the Assessor if the testimony given regarding the use of the property would change his recommendation.

Norm Agena, County Assessor, stated no.

Workman stated it was his opinion that the property is being used for religious purposes.

In response to a question asked by Heier, Woodhead stated the property consists of 5.02 acres.

Hudkins stated he concurred with Commissioner Workman that the property is being used for religious purposes.

Heier stated he would like to request a legal opinion from the County Attorney's Office.

Hudkins concurred.

MOTION: Hudkins moved and Heier seconded to defer action for one week or until the County Attorney's Office has had sufficient time to review the 451 exemption application for Saint David's Episcopal Church and to request an opinion from the County Attorney's Office regarding the definition of religious use.

Campbell asked that it be made very clear that Saint David's has a service at 8800 Holdrege every Thursday evening at 5:45 p.m.

Woodhead stated that was correct and invited the Board to attend.

Campbell also asked if that was the church's use of the property other than the building for storage.

Shadley stated that was correct.

Hudkins requested that the picture of the prayer service and the sketch of the sign be made a part of the record (Exhibit B and Exhibit C).

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

The Chair adjourned the Board of Equalization meeting.

Bruce Medcalf
County Clerk

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- 2) **CLAIMS:** Approval of all claims processed through Tuesday, March 28, 2000.

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

- 3) **SPECIAL PRESENTATIONS:**

Dave Myers and Educational Service Unit 18 were recognized for services provided as Lancaster County Superintendent of Schools.

4) **PUBLIC HEARINGS:**

A. County Special Permit 176, requested by Monsignor T. J. Thorburn for Carmel of Jesus, Mary and Joseph, for authority to construct and operate a monastery for cloistered nuns, on property generally located at the northeast corner of Northwest 98th Street and West Agnew Road in Lancaster County, Nebraska.

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

The Clerk administered the oath to Monsignor Thorburn.

Monsignor Timothy J. Thorburn, Lincoln, Nebraska, appeared and thanked the various officials of the County for their assistance. He stated that from a faith perspective the nuns will be an asset to the church, the County and the State.

The Chair asked if anyone wished to speak in opposition or in a neutral position.

No one appeared and the hearing was closed.

MOTION: Steinman moved and Hudkins seconded approval of County Special Permit 176. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

B. Vacation of a County road located on Liberty Lane between Cromwell Drive and Dawn Avenue in Lancaster County, Nebraska.

The Chair noted for the record that no action would be taken on the vacation at the close of the hearing. Action will be taken on Tuesday, April 4, 2000.

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

The Clerk administered the oath to Brian Carstens.

4) **PUBLIC HEARINGS CONTINUED:**

Brian Carstens, applicant, appeared and stated the request is to not construct the previously dedicated road. He explained the original platting of the Highlands had shown one-half of Liberty Lane to be dedicated with the future Liberty Lane being dedicated when the ground to the north developed. Carstens stated the ground to the north was developed in the late 1990's with preliminary and final plats which required the north half of Liberty Lane to be improved. An outlot was created so that street improvements would not have to be made due to objections from neighbors. Carstens noted there are several lots which have been built on and that the road is in place.

Carstens submitted documentation in relation to a change in the legal description (Exhibits A and B).

In response to a question asked by Steinman, Carstens responded that Outlot A to the south would become a buildable lot and Outlot A to the north would be divided into two lots.

Steinman asked if they would have access to Cromwell Road.

Carstens responded yes. He also said they have been working on the outlot for the Athey property which accesses Liberty Lane on the cul-de-sac.

Campbell asked when the Athey's built the barn.

Carstens explained that the barn was there when Mr. Athey purchased the property.

Workman inquired about ownership of the portion of Liberty Lane which is currently being used.

Carstens stated it is a County road, however, the adjacent property owners paid to have the roadway paved. He added that it is his understanding they (adjacent property owners) maintain the road also.

The Clerk administered the oath to Marlin Schwartz, 10445 Dawn Avenue.

Schwartz appeared in favor of the vacation and indicated he has lived on Liberty Lane since 1961 and was one of the three developers who developed the Highlands. He stated he would appreciate the Board's consideration regarding the vacation.

4) **PUBLIC HEARINGS CONTINUED:**

Campbell noted that she received a telephone call from a property owner on Ramona Circle who favored the vacation.

The Chair asked if anyone wished to testify in opposition or in a neutral position.

No one appeared and the hearing was closed.

5) **NEW BUSINESS:**

A. An application for a Special Events Permit from the University of Nebraska Cycling Team to hold a collegiate cycling road race on Saturday, April 8, 2000 from 10 a.m. to 3 p.m. at the Branched Oak State Recreation Area.

MOTION: Heier moved and Hudkins seconded approval subject to the conditions as outlined by the County Engineer and the County Sheriff. Steinman, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

B. A contract with Malone Construction, Inc. for channel work at Northwest 70th Street and West Agnew Road, in the amount of \$25,689.20, beginning March 27, 2000 with completion by July 7, 2000; Project 00-32. (C-00-138)

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

C. An interlocal agreement with the City of Lincoln regarding the use of wastewater residuals on crop land. The County will provide administrative support and education and the City will provide for transport and disposal of biosolids and financial support. The agreement may be terminated by either party by giving six months notice. (C-00-137)

Dave Johnson, Deputy County Attorney, requested that the item be removed from the agenda because additional items need to be included in the agreement.

By direction of the Chair, Item C was dropped from the agenda.

5) **NEW BUSINESS CONTINUED:**

D. A resolution amending the Lancaster County Commissioners Award of Excellence Program. (R-00-32)

MOTION: Steinman moved and Heier seconded approval of Resolution 00-32. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

E. Recommendation from the Purchasing Agent and the Noxious Weed Control Superintendent to award a bid for weed control services, at rates as indicated on the bidding schedule provided by each bidder, to the following:

- < **A. A. Peterson Company**
- < **Best Kept Lawn Care**
- < **Eden Lawn Care & Tree Service**
- < **Jacox Grounds Management**
- < **TruGreen-ChemLawn**

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

F. Recommendation from the Purchasing Agent to award a bid for one Chevy S-10 four-wheel drive pickup from a State of Nebraska contract for the County Assessor's Office to Park Place Chevrolet, in the amount of \$16,621.14. (B-00-19)

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

5) **NEW BUSINESS CONTINUED:**

G. Recommendation from the Purchasing Agent and the County Engineer to award a bid for production and hauling of gravel surface coarse material to various County locations to the following:

Project 00-37H - Waverly

Western Sand & Gravel (Hauler & Producer) in the total amount of \$71,852

Project 00-38H - Raymond

Western Sand & Gravel (Hauler & Producer) in the total amount of \$40,348

Project 00-39H - Emerald

Western Sand & Gravel (Hauler & Producer) in the total amount of \$32,706.30

Project 00-40H - Hallam

Western Sand & Gravel (Hauler & Producer) in the total amount of \$39,616.50

Project 00-41H - SW 98th Street & West Saltillo Road

Western Sand & Gravel (Hauler & Producer) in the total amount of \$43,160.70

Project 00-42H - Roca

Western Sand & Gravel (Hauler & Producer) in the total amount of \$46,475

Project 00-43H - South 68th Street (Olive Creek & Princeton Road)

Western Sand & Gravel (Hauler & Producer) in the total amount of \$42,900

Project 00-44H - Walton

Western Sand & Gravel (Hauler & Producer) in the total amount of \$25,041.50

Don Thomas, County Engineer, stated in comparison to the previous year production has increased 5.2 percent and hauling increased 15.7 percent. He noted that overall costs have increased 8.7 percent when compared to last spring.

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

5) **NEW BUSINESS CONTINUED:**

H. A political subdivision tort claim filed against the Corrections Department by Marcus Harris for lost property, in the amount of \$5.

MOTION: Steinman moved and Heier seconded to accept the Director's recommendation and deny the tort claim filed by Marcus Harris. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

I. Reappointment of Dennis Heckman to the Lancaster County Board of Zoning Appeals for a five year term, commencing April 1, 2000.

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

6) **ADJOURNMENT**

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

Bruce Medcalf
County Clerk