

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, NOVEMBER 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

Commissioners Absent: Bob Workman

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
David 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 21, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

**MOTION:** Hudkins moved and Steinman seconded approval of the minutes of the Board of Equalization meeting dated November 21, 2000. Campbell, Hudkins and Steinman voted aye. Heier abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 14 additions and deductions to the tax assessment rolls per Exhibit A.**

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

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

**Developmental Services of Nebraska, Inc.  
University of Nebraska Foundation**

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

4) **SETTING OF A PUBLIC HEARING FOR NOTICE OF VALUATION CHANGE:**

**Setting of a public hearing for Tuesday, December 12, 2000 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for Nate L. and Lisa A. Clark.**

**MOTION:** Heier moved and Steinman seconded to set a public hearing for Tuesday, December 12, 2000 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for Nate L. and Lisa A. Clark. Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

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The Chair recessed the Board of Equalization meeting until 3:16 p.m. when it was reconvened.

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5) **APPEAL ON A HOMESTEAD EXEMPTION:**

**Jerry A. Beeck**

Norm Agena, County Assessor, explained that the exemption was rejected because the assessed value of the home exceeded the maximum value for a property to qualify for a homestead exemption in Lancaster County. A residence can be appraised for a maximum amount of \$191,625 and retain a homestead exemption, however, Mr. Beeck's residence is valued at \$212,900.

**MOTION:** Hudkins moved and Heier seconded to accept the recommendation of the County Assessor and deny the appeal on a homestead exemption filed by Jerry A. Beeck because the assessed value of the residence exceeds the maximum value for a property to qualify for a homestead exemption in Lancaster County. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

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

**Randy & Stacey Overholt**

Norm Agena, County Assessor, explained that Mr. Overholt purchased the lot from the City of Lincoln in July of 2000 for \$1,500. All of the adjoining land is valued at \$1 per square foot for a total value of \$1,700.

**Karen R. Gray**

Norm Agena, County Assessor, explained that the garage was listed on an incorrect account. The new value would be \$13,800.

**MOTION:** Steinman moved and Heier seconded to accept the Assessor's recommendation and set the following values: \$1,700 for Randy and Stacey Overholt and \$13,800 for Karen R. Gray. Heier, Hudkins, Campbell and Steinman voted aye. Motion carried.

7) **ADJOURNMENT**

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

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Bruce Medcalf  
County Clerk

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Others Present: Kerry Eagan, Chief Administrative Officer  
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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 21, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

**MOTION:** Hudkins moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated November 21, 2000. Campbell, Hudkins and Steinman voted aye. Heier abstained. Motion carried.

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

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

- 3) **SPECIAL PRESENTATIONS:**

**A. The County-City Volunteer of the Month Award was presented to Laurie Youkum for her services with Urban Development.**

3) **SPECIAL PRESENTATIONS CONTINUED:**

**B. "Safe Water Through Pollution Prevention Today" Project - Gary Bergman, Lancaster County Extension Agent; Dave Smith, Cooperative Extension; John Chess, Health Department**

Kerry Eagan, Chief Administrative Officer, noted the item should be scheduled on the Board of Commissioners meeting to be held on Tuesday, December 5, 2000.

4) **PUBLIC HEARINGS:**

**A. Continuation of a public hearing regarding Comprehensive Plan Amendment 94-58, requested by the Directors of Planning, Public Works and Utilities and the Parks and Recreation Departments, to amend Chapter IV (Transportation) of the 1994 Lincoln-Lancaster County Comprehensive Plan, to adopt the Boulevard Concept for the Public Way Corridors and to incorporate the Lincoln Fringe Area Primary Public Way Corridor Study by reference.**

The Chair reconvened the public hearing and noted that Nicole Fleck-Tooze, Planning Department, would update the County Board.

Fleck-Tooze indicated she prepared documentation (Exhibit A) reflecting the language of the proposed Comprehensive Plan Amendment as amended and approved by the City Council.

Fleck-Tooze stated that the language which was added references the following:

- < Ordinance and design standard revisions.
- < City and County working together on more specific methods for acquiring right-of-way in advance of development and establishing a good transition from a county section to an urban section as Public Way Corridors move forward.
- < The potential for including additional roads as Public Way Corridors in the future, particularly as the 2001 Comprehensive Plan is examined in the upcoming year.
- < Identification of trails along arterial streets and the allowance of an additional six feet to accommodate the proposed trails as they are designated in the Lincoln Area Current and Future Trails Network.
- < Allow homes to have their front yard along Public Way Corridors when the corridor is not projected to carry heavy traffic volumes.

4) **PUBLIC HEARINGS CONTINUED:**

In response to a question asked by Hudkins regarding trees being planted in the median, Fleck-Tooze stated that the concept describes trees being planted between the sidewalk and curb with groupings of ornamental trees in the median.

Hudkins stated he has concerns regarding the increased costs for the maintenance of the medians. He added he would prefer the medians have no trees.

Fleck-Tooze responded that there are opportunities for flexibility. She stated she didn't know that trees would be planted in every median, but they have identified that where it is appropriate they would include them as a part of the concept. Fleck-Tooze stated they would look at the specific circumstances of each site and each portion of the corridor for the appropriateness of trees.

Campbell asked if existing acreage owners would be assessed for improvements as additional right-of-way is acquired.

Fleck-Tooze stated those details have not been worked out, however, the idea would be for the City and County to purchase the right-of-way as soon as possible.

Hudkins asked if the County would be expected to bring the roads up to standard and do ornamental planting prior to being annexed into the City.

Fleck-Tooze stated the urban standards are anticipated to be the City's responsibility.

In response to a question asked by Heier regarding the One and Six-Year Road and Bridge Improvement Program, Don Thomas, County Engineer, explained nothing would occur within the One Year Program, however, in the future there might be changes, but they would be defined in advance.

Campbell stated she would like to see a Technical Committee between the County and City formalized. She also noted that the County Board has discussed reviewing the set back requirements for the County.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

**MOTION:** Steinman moved and Heier seconded to approve Comprehensive Plan Amendment 94-58 as adopted by the City Council.

4) **PUBLIC HEARINGS CONTINUED:**

Heier stated he would vote in favor of the motion, however, he clarified that he is voting in favor of the width of the streets and not the overall concept of what is taking place within the width.

Hudkins stated he would also be voting in favor of the motion, but that he does have serious concerns regarding the medians and the planting of trees so close to the curb.

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

**B. County Special Permit Number 183, Stevens Creek Ridge Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of five dwelling units, on property generally located at North 134<sup>th</sup> and Holdrege Streets in Lancaster County, Nebraska.**

**C. County Preliminary Plat Number 00025, Stevens Creek Ridge, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of five residential acreage lots, with requests to waive sidewalks, street trees, street lighting, landscape screens and block length, on property generally located at North 134<sup>th</sup> and Holdrege Streets in Lancaster County, Nebraska.**

(Items 4B and 4C were heard together.)

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

Brian Carstens, appearing on behalf of the Krieser's, gave a brief explanation regarding the Special Permit and Preliminary Plat and added that the Planning Commission and City Council approved both proposals.

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

No one appeared and the hearings were closed.

**MOTION:** Heier moved and Hudkins seconded approval of County Special Permit Number 183, Stevens Creek Ridge Community Unit Plan, and County Preliminary Plat Number 00025, Stevens Creek Ridge. Heier, Hudkins, Campbell and Steinman voted aye. Motion carried.

5) **NEW BUSINESS:**

**A. A resolution adopting Comprehensive Plan Conformity Number 00007: Lancaster County Road and Bridge Improvement Program, Fiscal Years 2001 and 2002-2006. (R-00-138)**

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 00-138.

Campbell referred to Northwest 70<sup>th</sup> and Superior Streets and stated that she and Don Thomas, County Engineer, would contact the University of Nebraska-Lincoln regarding an official notice outlining the University's plans for property owned at that location.

Bill Goa, Associate Director at the Office of Campus Recreation, appeared and explained that the University would like to construct an outdoor education/adventure area on property owned in the vicinity of Northwest 70<sup>th</sup> and Superior Streets. It would include a challenge course, ropes, a climbing wall and an area with a lodge and cabins. He stated they would also be enlarging the pond for canoeing and fishing classes. Goa stated it is currently in the developmental stage, however, they do have a Comprehensive Plan.

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

**B. A resolution in the matter of instituting eminent domain proceedings against property generally located on Pioneers Boulevard from 98<sup>th</sup> to 112<sup>th</sup> Streets; Project C55-P-409(2), Tract Numbers 27 and 28. (R-00-139)**

Joan Till, 10455 Pioneers Boulevard, appeared and gave a brief history explaining that she was approached by the County Engineer's office about acquisition of right-of-way on her property. She said the original offer was for a permanent easement of approximately one acre. Till stated she then received a letter from the County Assessor's office regarding the effects of a permanent easement and the effect of a taking by deed on greenbelt status. One month later, she said, she received a registered letter from the County Engineer indicating that they had changed their offer from a permanent easement to a taking by deed. Till noted she received a letter in August of 2000 regarding the County's final and best offer which was a taking by deed and in September, 2000 she received another letter which indicated they were moving forward with eminent domain proceedings.

Till stated the County Engineering Department has never responded to any of her questions or problems, nor have they offered her any compensation other than \$672 which is the difference between the taking of property and the permanent easement. She added they are taking .94 acres of her property.



5) **NEW BUSINESS CONTINUED:**

Brief discussion took place regarding Legislative Bill 1365 which would have authorized the issuance of building permits for farmstead residences.

Heier explained that the Comprehensive Plan was amended so that the density remains the same on a 20 acre parcel or larger regardless of whether the right-of-way is condemned or purchased.

Mike DeKalb, Planning Department, explained that a 20 acre parcel or larger constitutes a farm and no building requirements are enforced. Any parcel under 20 acres is an acreage and requires building permits. He addressed the zoning codes stating that they were amended to include road right-of-way in the calculation for purposes of counting the 20's. DeKalb added that the parcel which Till owns is actually two lots, both of which are buildable and saleable and are protected under the zoning codes.

Ken Sherwood, speaking on behalf of Joan Till and Lancaster County taxpayers, appeared and stated that as the former right-of-way manager for the County Engineering Department he felt that a permanent easement was best way to handle the situation. He explained that with a permanent easement the County could do what was needed to build the project and Till could maintain the 20 acres. Sherwood stated there have been a number of permanent easements entered into throughout the County. He stated fee simple ownership entails a bundle of rights and a permanent easement would be a portion of those rights which are acquired on a permanent, ongoing basis. Sherwood further stated that by acquiring a permanent easement the County would save ten percent of land value in acquiring Mrs. Till's fee interest in the statutory easement. Ten percent would also be saved on the land value in the purchase of new right-of-way.

In response to a question asked by Steinman, David Johnson, Deputy County Attorney, referred to a letter written by Robin Henrichsen, Deputy County Assessor. He stated the letter indicates that if the County takes the property by easement the .94 acres would become disqualified for agricultural status and the value would be raised for the 1999 tax year by approximately \$3,500. Johnson stated the value for tax year 2000 would be lowered because of the taking of land. If the property were taken by warranty deed there would be no recapture of the taxes and the property value would be slightly lower for tax year 2000. He stated one of the reasons to enter into a fee simple agreement would be that the County would not pay the prospective damage with regard to taking the permanent easement.

Steinman asked the County Assessor if there is a problem with assessments when there is a permanent easement as opposed to a fee simple.

Norm Agena, County Assessor, stated it would not make a difference to him.

5) **NEW BUSINESS CONTINUED:**

Hudkins asked Don Thomas, County Engineer, if an alternate solution could be found if the item were deferred for two weeks.

Thomas responded that they have been discussing the issues since last August.

**MOTION:** Steinman moved and Heier seconded approval of Resolution 00-139.

Heier stated if he felt Mrs. Till would lose something which was saleable in the future he would vote no, however, he indicated he doesn't see that taking place. He said he still sees Mrs. Till as having two lots and the greenbelt status remaining in place.

Hudkins stated he would be voting against the resolution because he sees the Till's as having a loss. He said he foresees a four lane road, but the 100 feet would allow for four lanes. Hudkins stated he sees the permanent easement as a savings to the taxpayers and that it would also avoid condemnation.

**ROLL CALL:** Heier, Steinman and Campbell voted aye. Hudkins voted no.  
Motion carried.

**C. A request from the County Engineer to waive the bidding requirements, due to an emergency, under Nebraska Revised Statutes, Section 23-3109(2), to remove and replace the damaged east bridge rail on County Bridge F-44 located on Northwest 48<sup>th</sup> Street one-half mile south of its junction with U.S. Highway 34.**

Don Thomas, County Engineer, stated part of the railing on the bridge was snapped off because of a motor vehicle accident. He explained that the railing should be repaired as soon as possible and that they have negotiated a price with a qualified contractor. Thomas added that the cost for repair will be sent to the insurance company of the vehicle involved for reimbursement.

**MOTION:** Hudkins moved and Steinman seconded to declare the request an emergency. Hudkins, Campbell, Steinman and Heier voted aye.  
Motion carried.

**MOTION:** Steinman moved and Heier seconded approval of the request from the County Engineer to waive the bidding requirements to repair the railing on County Bridge F-44.

5) **NEW BUSINESS CONTINUED:**

Vince Mejer, Purchasing Agent, indicated he had no problems with the request.

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

**D. A request for a refund of real estate taxes for 1999, in the approximate amount of \$65, from Leon and Debora Vinci. (M-00-100)**

**MOTION:** Steinman moved and Heier seconded approval. Campbell, Hudkins, Steinman and Heier 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. Right-of-way contracts between the County Engineer and the following:**

- < Ella Lois Pegram, Trustee, in the total amount of \$4,953.75, on South 54<sup>th</sup> Street from Roca Road to Saltillo Road; Project C55-S-405(1). (C-00-587 through C-00-589)
- < Diane Geistlinger, in the total amount of \$2,643.75, on South 54<sup>th</sup> Street from Roca Road to Saltillo Road; Project C55-S-405(1). (C-00-584 through C-00-586)

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

7) **ADJOURNMENT**

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

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Bruce Medcalf  
County Clerk