

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, FEBRUARY 17, 2009**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

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

Others Present: Gwen Thorpe, Deputy Chief Administrator Officer  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Sue Glynn, County Clerk's Office  
Tom Fox, Deputy County Attorney

The location announce of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 10, 2009.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 10, 2009. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, February 17, 2009.**

**MOTION:** Schorr moved and Stevens seconded approval of all claims processed through Tuesday, February 17, 2009. Schorr, Hudkins, Workman, Stevens, and Heier voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

**A. County Change of Zone No. 08065, requested by the Director of Planning, to amend the provisions for wind energy conversion systems (WECS) in the Lancaster County Zoning Resolution to provide for WECS (also known as wind turbines and windmills) over the district height as a conditional use in the AG and AGR zoning districts.**

3) **PUBLIC HEARINGS CONTINUED:**

The Chair opened the public hearing and asked if anyone wished to testify. The oath was administered to Mike DeKalb, Planning Department. DeKalb noted the amendment is necessary to correct an error. The language "over the district height" was omitted.

No further testimony was offered. Per direction of the Chair, the public hearing was closed.

4) **NEW BUSINESS:**

**A. A resolution authorizing the installation of traffic signs at the following locations in Lancaster County: (R-09-0007)**

- \* **At the intersection of S.W. 86<sup>th</sup> Street and W. Bennet Road**
- \* **On W. Saltillo Road 50 feet west of S.W. 84<sup>th</sup> Street**
- \* **At the intersection of S.W. 86<sup>th</sup> Street and W. Saltillo Road**

**MOTION:** Stevens moved and Workman seconded approval of the resolution authorizing the installation of traffic signs at the above locations in Lancaster County. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

**B. A program resolution between the Lancaster County Engineering Department and the Nebraska Department of Roads for surface work on S.W. 14th Street from Highway 33 to W. Saltillo Road, in an amount not to exceed \$200,000. (R-09-0009)**

**MOTION:** Stevens moved and Schorr seconded approval of the program resolution. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

**C. An agreement between Lancaster County and Gable Consulting for professional consulting services regarding the assessment of the current provision of information services to Lancaster County and recommendation regarding a County I/S Coordinator position. Services shall commence on February 23, 2009, and be completed by June 1, 2009. The County shall pay up to \$46,000 for the services, plus up to \$4,000 for reasonable travel expenses for two consultants. (C-09-0080)**

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

**D. An agreement with Intelistaf Healthcare Inc d/b/a Medical Staffing Network, Inc, for health care staffing services at Lancaster Manor. Term of the agreement begins January 20, 2009 and ends January 19, 2010. The contract may be terminated at anytime by giving thirty (30) days notice. The County will pay for services pursuant to the rates in Attachment A, ranging from \$22 to \$48 per hour. (C-09-0081)**

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

- E. An amendment to an agreement between Sapp Bros Petroleum Inc., and Lancaster County and the City of Lincoln, under County Contract No. C-08-0290, for annual requirements of fuel. The amendment includes the Lancaster County Engineering Department's maintenance stations as delivery sites under the original agreement. (C-09-0082)**

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

- F. An agreement with Joyce Schmeeckle PhD, d/b/a Schmeeckle Research, for program evaluation services for the Drug Communities Support Program. Term of the agreement is from October 1, 2008 through September 29, 2009. The County shall pay \$12,000 for the services. (C-09-0083)**

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

- G. An agreement with Joyce Schmeeckle PhD, d/b/a Schmeeckle Research, for program evaluation services for the Behavioral Health Services Prevention Block Grant. Term of the agreement is October 1, 2008 through June 30, 2009. The County shall pay \$5,000 for the services. (C-09-0084)**

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

- H. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to Theisen Construction Inc., in the amount of \$54,990, for bridge wingwall repair. (B-09-0009)**

**MOTION:** Stevens moved and Hudkins seconded approval of the bid based on the recommendation from the Purchasing Agent and Lancaster County Engineer. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried.

- I. Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to Theisen Construction Inc., in the amount of \$19,342, for repair of County Bridge No. R-184. (B-09-0010)**

**MOTION:** Hudkins moved and Stevens seconded approval of the bid based on the recommendation from the Purchasing Agent and Lancaster County Engineer. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion Carried.

**J. Request from J. Herzog & Sons, Inc., on behalf of Nebraska Dining, L.L.C., for a refund of 2007 personal property taxes, in the approximate amount of \$3,586 for Account No. P053553-01, and in the approximate amount of \$2,909 for Account No. P053552-01.**

Scott Gaines, Deputy County Assessor/Register of Deeds, appeared and clarified that a refund has been requested for 2007 and an adjustment for 2008 as those taxes have not yet been paid. He added this was an overstatement of their assessed value when they filed their returns. The Assessor's Office recommended approval of the request.

**MOTION:** Hudkins moved and Stevens seconded approval of request based on the recommendation from the County Assessor/Register of Deeds. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried.

**K. Salary increase for Dr. Sanat Roy from \$197,600 to \$200,070, effective December 18, 2008.**

**MOTION:** Workman moved and Stevens seconded approval of the salary increase. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried.

**L. A political subdivision tort claim filed by Justin J. Cook, on behalf of Michael J. Diekmann, for damages in the total amount of \$175,000.**

**MOTION:** Stevens moved and Hudkins seconded to deny the tort claim filed by Justin J. Cook, on behalf of Michael J. Diekmann. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

**M. A political subdivision tort claim filed against the Lancaster County Corrections Department by Michael L. Jones for lost and damaged property, in the amount of \$3,520.**

**MOTION:** Schorr moved and Stevens seconded to deny the tort claim filed by Michael L. Jones based on the recommendation of the Corrections Director. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

**N. A political subdivision tort claim filed against the Lancaster County Corrections Department by Walter Smith for lost property in an unspecified amount.**

**MOTION:** Schorr moved and Workman seconded to deny the tort claim filed by Walter Smith based on the recommendation of the Corrections Director. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

**O. 2009 Committee assignments for the Lancaster County Board of Commissioners, effective February 17, 2009.**

**MOTION:** Schorr moved and Workman seconded approval of the 2009 Committee assignments for the Lancaster County Board of Commissioners.

**MOTION:** Hudkins moved and Stevens seconded to amend the 2009 Committee Assignments allowing Hudkins to serve six months as Lancaster Manor co-liaison with Commissioner Schorr.

Hudkins voiced his desire to continue as co-liaison to the Manor for another six months as the County proceeds with a transition plan. He noted \$1,086,451.96 was received on Friday (January 13, 2009) so the financial situation may not be as dire as outlined last week.

Workman said it has been customary for one Board member to be assigned to each department. He felt the Board should continue to follow that precedent.

In response to Heier's inquiry, Dennis Meyer, County Budget Director, thought the \$1,086,451.96 was the regular monthly Medicaid payment, although, he did not have time to research its origin.

Heier asked whether there would still be a monthly deficit of \$300,000-\$400,000 at the Manor if the County receives \$1,000,000 in Medicaid payments every month. Meyer said receiving this money will not necessarily change the projected deficit. He added if additional income is received, from such things as payment for back services, it could help cash flow but he will need to do more follow up on the issue.

Workman explained that the County Board has asked for a Request for Qualifications (RFQ). He added in the best interest of the residents and staff, the County needs to know if anyone could better manage the Manor.

Hudkins urged the Board to take immediate action to acquire a licensed, fully accredited, experienced administrator or administrative services for Lancaster Manor. He felt a comptroller is also needed. He added Gwen Thorpe is doing an excellent job of trying to run the facility but needs help.

Thorpe appeared and stated she has not had time to research the \$1,086,451.96 payment. She added the RFQ is in draft stages and will be presented to the Board a week from Thursday.

**ROLL CALL VOTE ON THE AMENDMENT:** Hudkins voted aye. Schorr, Workman, Stevens and Heier voted nay. Motion failed.

**ROLL CALL VOTE ON THE ORIGINAL MOTION:** Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

5) **CONSENT ITEMS:** *These are items of business that are routine 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. Records and Information Management's Monthly Report for January, 2009.
2. Sheriff's Report of Fees for January, 2009
3. Management's Discussion and Analysis Financial Statements and Supplementary Information for the Village of Roca for the year ended September 30, 2008.

**B. Setting of a public hearing for Tuesday, March 3, 2009 at 9:30 a.m. in the County Commissioners Hearing Room, Room 113, on the first floor of the County-City Building regarding County Change of Zone No. 08071, requested by the Director of Planning, to amend the Lancaster County Zoning Resolution to allow excavation and stone milling to be approved by special permit in the AG Agricultural and AGR Agricultural Residential zoning districts; to provide conditions governing said use; and to add a section relating to enforcement and revocation of special permits.**

**C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:**

- \* Dale A. Farabee, in the amount of \$500, located at 21000 S. 68th Street; Project No BR-3270(4). (C-09-0085)
- \* Daniel H. and Cynthia A. Post, in the amount of \$500, located at the N.W. corner of S. 82<sup>nd</sup> Street and Panama Road; Project No. BR-3270(4). (C-09-0086)

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

6) **PENDING:**

**A. resolution in the matter of County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (R-08-0093) (Item placed on pending on November 4, 2008.)**

No action taken.

7) **EMERGENCY ITEMS AND OTHER BUSINESS:**

No emergency items or other business were brought before the County Board.

8) **ANNOUNCEMENTS:**

A. The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, February 19, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.

B. The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m. on Tuesdays and rebroadcast at 1:30 p.m. and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the Internet 24 hours a day at <http://www.lancaster.ne.gov>. Click on 5 City-TV Video On Demand.

No action taken.

9) **ADJOURNMENT:**

**MOTION:** Stevens moved and Hudkins seconded adjournment of the Lancaster County Board of Commissioners meeting at 10:03 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

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Dan Nolte  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, FEBRUARY 17, 2009  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners present: Bernie Heier, Chair  
Ray Stevens, Vice Chair  
Larry Hudkins  
Deb Schorr  
Bob Workman

Others present: Gwen Thorpe, Deputy Chief Administrative Officer  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Tom Fox, Deputy County Attorney  
Norm Agena, County Assessor/Register of Deeds  
Sue Glynn, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:03 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 10, 2009.**

**MOTION:** Hudkins moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on Tuesday February 10, 2009. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 7 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

**MOTION:** Stevens moved and Schorr seconded approval of the 7 additions and deductions to the tax assessment rolls. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

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

**Christ's Place  
Developmental Services of Nebraska, Inc.  
Family Service Association of Lincoln  
Madonna Rehabilitation Hospital  
Women in Community Service, Inc.  
Zion Church PCA**

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

4) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded adjournment of the Board of Equalization Meeting at 10:06 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

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Dan Nolte  
County Clerk