

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 14, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Others present: 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 9:30 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Commissioners meeting held on Tuesday, April 7, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, April 14, 2009.**

MOTION: Workman moved and Stevens seconded approval of all claims. Schorr, Workman, Stevens and Heier voted aye. Hudkins was absent. Motion carried.

- 3) **SPECIAL PRESENTATION:**

- A. **Presentation of the Commissioners Award of Excellence for March 2009 to Mike Blakely, Maintenance Repair Worker II, Lancaster Manor.**

Mike Blakely, along with Gwen Thorpe, Interim Lancaster Manor Administrator, and Jerry Allen, Lancaster Manor Maintenance Director, came forward for the presentation. Schorr presented the award to Mike Blakely and thanked him for his service to the County. The nomination was read into the record by the County Clerk.

Larry Hudkins arrived.

4) **PUBLIC HEARING:**

- A. **Issuance of Revenue Bonds by Hospital Authority No. 1 of Lancaster County, Nebraska (Tabitha, Inc. Project) Series 2009A, in an amount not to exceed \$4,600,000, and Series 2009B, in an amount not to exceed \$3,300,000. (See New Business Item 5A for correlating documentation.)**

Lauren Wismer of Gilmore & Bell PC, Blaine Spady of Smith Hayes Financial Service Corporation and Dave Jackson of Tabitha, Inc., appeared. Wismer stated Tabitha will be doing some work on their facility and the bonds for this will be acted upon by the Hospital Authority at a meeting on Friday, April 17, 2009. Jackson said the project is approximately \$30,000,000 with the total bond issue around \$8,000,000. The south entrance project is the first phase, which expands the south entrance area of the main building to support administrative and admission functions and provide adequate meeting room for visitors. Additional parking will be constructed along 48th Street to accommodate the expansion of the main campus. Another \$24,000,000 in projects will be reviewed soon, along with financial alternatives.

Workman questioned the difference between Series A and Series B. Jackson said Series A would fund the current project and Series B would refund the existing outstanding bonds in September.

Stevens questioned the difference in interest rates with refinancing. Jackson said refinancing will result in at least a 1% decrease in what would have been paid.

Hudkins asked if the proceeds would be used for remodeling or additional facilities and if it would be for nursing care. Jackson said it will not be directly for nursing care, but for support spaces for the provision of nursing care. It will be an actual expansion of the building itself.

5) **NEW BUSINESS:**

- A. **A resolution approving the issuance, sale and delivery by Hospital Authority No. 1 of Lancaster County, Nebraska, of not to exceed (A) \$4,600,000 principal amount of its healthcare revenue bonds (Tabitha, Inc. Project), Series 2009A and (B) \$3,300,000 principal amount of its healthcare revenue refunding bonds (Tabitha, Inc. Project), Series 2009B, solely for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended, and related matters. (R-09-0017)**

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

5) **NEW BUSINESS CONTINUED:**

- B. **A resolution in the matter of directing the County Representatives on the Board of the Lancaster County Fairgrounds Joint Public Agency to vote on the proposed encumbrance and transfer of property held by the Lancaster County Agricultural Society. (R-09-0018)**

The County Attorney requested this item be held.

- C. **An application for a Special Designated License from La Paz, Inc., to provide liquor beverage service for a fund raiser on May 2, 2009, from 5:00 p.m. to 10:00 p.m., located at Country Pines, 6305 W. Adams, Lincoln, Lancaster County, Nebraska.**

Stevens questioned whether this was a fund raiser or a wedding reception since the agenda lists it as a fund raiser and the Sheriff's letter lists it as a wedding reception. Sheriff Terry Wagner appeared and said Country Pines is a facility on West Adams Street which contracts with local liquor licensees to provide services for various functions. There have not been any problems for a long time, so there is no reason to recommend denial. Workman said there was something in the newspaper about La Paz being involved in a fund raiser, so he would guess this is a fund raiser. Note: The application listed the event as a fund raiser.

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

- D. **A grant contract with Catholic Social Services to provide employment related services to refugee men and women and assist them in assimilating into the community, as party of the Targeted Assistance Discretionary (TAG) Grant program, in the amount of \$22,500. Term of the grant contract is October 1, 2008 to September 30, 2009. (C-09-0165)**

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

- E. **A grant contract with Family Violence Council to provide funding for the coordinated community response to Latina, African American, and refugee women who have been experiencing domestic violence, dating violence, sexual assault or stalking, and to provide assistance with such victims in immigration matters, in the amount of \$64,535. The term of the grant contract is February 1, 2009 to December 31, 2010. (C-09-0166)**

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

5) **NEW BUSINESS CONTINUED:**

- F. **An interlocal agreement with the Village of Hallam for one Sheriff's deputy to provide law enforcement services within the corporate limits of the Village of Hallam. The term of the agreement is May 1, 2009 through April 30, 2010. The County shall be reimbursed at the overtime rate of pay for the deputy assigned to duty. The County shall be paid .55 cents per mile for the Sheriff's vehicle used in the provision of these services. (C-09-0167)**

Sheriff Terry Wagner appeared and said this is an annual contract renewal that has been in place with Hallam for many years. Hallam coordinates with one or two deputies when they feel the service is needed and it is usually in conjunction with the deputies' duty shifts. He added this has worked very well in the past, as the same type of contract has also been used with Denton and Bennett.

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

- G. **An agreement with Justice Works, L.L.C., to develop, provide and present a customized version of the prosecutorData case management software system for the County Attorney's Office. The agreement is effective upon execution and expires upon completion of the project which is estimated to be on July 1, 2009. The County will pay up to \$40,000 for the services which will be billed on a monthly basis as the work is completed. The County will reimburse Justice Works for travel expenses to Lincoln, in an amount not to exceed \$3,500. (C-09-0168)**

Tom Fox, Deputy County Attorney, appeared. He said there was previous discussion about paying half the price up front and half upon completion, but it should be rearranged so services are paid on a monthly basis. He added this is the same contract the Public Defender signed with Defender Data, which is now Justice Works, so it has the same issues.

Heier asked if the information was already in today's contract for approval. Fox said yes.

Schorr questioned if this included interest. Fox said there was no interest. This system has been developed free for several months and the cost to finish it is \$40,000.

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

5) **NEW BUSINESS CONTINUED:**

- H. **A space rental agreement between the Lancaster County Event Center and Lancaster County, on behalf of the Lancaster County Clerk, for meeting space within the Event Center to be used for property valuation protest hearings between June 8 and July 31, 2009. (C-09-0169)**

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

- I. **A survey agreement with the Commission on Accreditation of Rehabilitation Facilities (CARF) International for conducting an accreditation survey of the Lancaster County Community Mental Health Center and rendering an accreditation outcome. The agreement includes a business associate addendum which covers the responsibilities for the parties as it relates to the health Insurance Portability and Accountability Act (HIPAA) of 1996. (C-09-0170)**

The County Attorney requested this item be held.

- J. **A Memorandum of Understanding between the Lincoln Area Agency on Aging and Lancaster County on behalf of the Lancaster County Community Mental Health Center to allow volunteers with the Senior Companion Program to serve as volunteer companions to clients of the Mental Health Center. (C-09-0171)**

Tom Fox appeared and said this was discussed two weeks ago. He restated that this does potentially carry liability if a volunteer is injured during their services.

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

- K. **A political subdivision tort claim filed against Lancaster County Corrections by William Cosgrove for lost property with no amount given other than being listed as priceless.**

MOTION: Schorr moved and Hudkins seconded denial of the claim based on the recommendation of the Corrections Department Director. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- L. **A political subdivision tort claim filed against Lancaster County Corrections by Jennifer Williams for damaged property in the amount of \$200.**

5) **NEW BUSINESS CONTINUED:**

MOTION: Schorr moved and Stevens seconded denial of the claim based on the recommendation of the Corrections Department Director. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

6) **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 the following:**
 - 1. **Assessor/Register of Deed's monthly report for March, 2009.**

- B. **Setting of a public hearing for Tuesday, May 5, 2009, at 9:30 a.m. in County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding a resolution prohibiting and making unlawful trapping in and along Lancaster County road right-of-way and, pursuant to Neb. Rev. Stat. §37-248, making such trapping punishable as a Class III misdemeanor and a mandatory fine of at least \$50 upon conviction.**

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

7) **PENDING:**

- A. **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.)**

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

Melvin Moore appeared and expressed his appreciation to Hudkins for attending last evening's town hall meeting regarding Lancaster Manor.

Dick Patterson, a volunteer at Lancaster Manor, appeared and discussed his concerns over the status of Lancaster Manor. He said Lancaster Manor was one of the better places he has volunteered and would like to see a long range plan implemented.

8) **EMERGENCY ITEMS AND OTHER BUSINESS CONTINUED:**

Cynthia Griffin, an employee of Lancaster Manor, appeared and raised concerns about the County Board not appointing a new director; Commissioner Schorr not attending the town hall meeting; and the County providing \$2,000,000 to Houses of Hope. Schorr indicated she did not attend the town hall meeting because she was not invited. Hudkins said he could not verify the financial information on Houses of Hope without researching it. With regard to appointing a new administrator, Workman stated, to date, no such proposals have been rejected by the County Board.

Loretta Dietz appeared and stated the following concerns regarding Lancaster Manor: the timeline for hiring an administrator, funding issues, potential resident displacement and computer software. In response to Dietz's inquiry, Schorr said the County Board voted 4-1 in favor of her being designated as Manor liaison. Dietz also felt Schorr, as Manor liaison, should have attended the town hall meeting.

Stevens said there is a lot of misinformation going around with regard to the Manor. He reiterated the fact that the Board has not rejected the possibility of hiring an administrator as all options are still being explored.

Workman said it is unfortunate that so many rumors have been floating around about the Manor, including one about it closing. He said the Board is not intent on closing Lancaster Manor but, rather to make it better, more viable and longer lasting. While it is not clear whether the Manor is operating at a profit, Workman said the Board does know the Manor is operating at a negative cash flow. In the last year, the renewal and replacement fund (money set aside for capital improvements) has been used to cover operational costs likely due to the Manor's high vacancy rate. Additionally, he believes the Board has never denied a capital improvement expenditure, nor a software request, for the Manor. He encouraged everyone to stop the rumors and to realize the County Board is working to make the Manor a better place.

Kim Kaspar, President of the American Federation of State, County & Municipal Employees (AFSCME), appeared and thanked Commissioner Hudkins for attending the town hall meeting. She also commented on the Manor's finances and the need for correct information to be shared by all parties. She encouraged the Board to consider naming Hudkins as a co-liaison.

With regard to the Manor's current financial status, Hudkins verified that it is not bankrupt and as of Monday, April 13, 2009, the cash balance was \$1,100,000. During this time, he added he has not had any complaints about the quality of care at the facility and staff, including Gwen Thorpe, is doing their best to address any problems. Hudkins agreed that the rumors need to stop. He also has faith that the Request for Qualifications (RFQ) Committee will come up with a good recommendation.

Schorr said there is no evidence that Lancaster County gave Houses of Hope \$2,000,000. She also had documentation that showed their facilities were currently at 102% capacity.

8) **EMERGENCY ITEMS AND OTHER BUSINESS CONTINUED:**

Workman stated he may have erred in not encouraging Schorr to attend the town hall meeting as he was under the impression it was a union meeting, not a public meeting. He asked that everyone have patience with the process and that if an unsubstantiated comment is heard, to not repeat it.

Stevens referred to the newspaper article about the town hall meeting whereby Gary Young, representative for the coalition, indicated Lancaster Manor is about \$490,000 in the black. He asked to see that information. Kaspar said these numbers were provided by Dennis Meyer, County Budget and Fiscal Officer. Stevens also noted that Kaspar said the financial crisis at the Manor was over. He asked to see the financial information she used to make this conclusion. Kaspar said she would meet with Gary Young to get this information.

Hudkins asked if the slide presentation from the town hall meeting could be made available to the County Board as it shows a different set of figures over a different time frame.

Dennis Meyer appeared and said he has heard many different financial numbers quoted. In looking at cash flow for the last fiscal year, he noted the Manor is not \$490,000 in the black. He said March numbers will be presented to the County Board on Thursday, April 16, 2009. Heier asked AFSCME to get their figures to Meyer before Thursday so he can review them.

Scotty Caufman, whose wife is a resident of Lancaster Manor, appeared and said his wife had a stroke and he was told that if she went to the hospital she could not go back to Lancaster Manor. Heier, Workman and Hudkins all confirmed that this was not true. Heier asked Mr. Caufman to forward the name of the person who provided this misinformation to Gwen Thorpe or the County Board. Schorr expressed her apologies to Mr. Caufman for all the worry and concern this misinformation must have caused.

9) **ANNOUNCEMENTS:**

- A. **A joint public hearing will be held by the Lancaster County Board of Commissioners and the Gage County Board of Supervisors on Tuesday, April 14, 2009, at 11:30 a.m. in the conference room of the Hallam Fire Station, 4200 West Pella Road, Hallam, Nebraska, for the purpose of hearing testimony regarding the inclusion of the incorporated area of the Village of Hallam, Lancaster County, Nebraska, in the boundaries of the Hallam Rural Fire Protection District.**
- B. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, April 16, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.**

9) **ANNOUNCEMENTS CONTINUED:**

- C. 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.

10) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 10:37 a.m. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, APRIL 14, 2009
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
Bob Workman
Larry Hudkins
Deb Schorr

Others present: Norm Agena, 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 10:37 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 7, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 4 additions and deductions to the tax assessment rolls per Attachment "A".

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

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

**Alzheimer's Association - Great Plains
Catholic Bishop of Lincoln
Center Pointe, Inc.
Fellowship Baptist Church
Food Bank of Lincoln, Inc.
Lincoln Literacy Council**

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

4) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:39 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

Dan Nolte
County Clerk