

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 9, 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, June 2, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, June 9, 2009.**

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

- 3) **SPECIAL PRESENTATIONS:**

- A. **A one-time cash award, in the amount of \$500, for Connie Lofgren-Osborn, for being selected as the Department of Corrections "2008 Employee of the Year".**

Mike Thurber, Director of Corrections, introduced Connie Lofgren-Osborn and presented her with a plaque. Lofgren-Osborn accepted the plaque and expressed her appreciation.

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

3) **SPECIAL PRESENTATIONS CONTINUED:**

B. **Proclamation declaring National Management Week.**

The Clerk read the proclamation declaring June 7-13, 2009, as National Management Week.

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

C. **Lancaster Manor Request for Qualifications Review Committee Report.**

John McHenry, Chair of the Request for Qualifications Review Committee, appeared.

McHenry introduced the other members of the Committee: Christine Harris, Dan Marvin, Bob Chitwood, June Pederson, Lloyd Hinkley and Frank Hilsabeck.

McHenry reviewed the finances and presented five charts: a summary of the Revenues and Operating Expenses by month for the fiscal year, July 1, 2007, through June 30, 2008; a summary of the Revenues and Operating Expenses by month for the fiscal year, July 1, 2008, through April 30, 2009; a summary of the Renewal and Replacement Fund for the fiscal year, July 1, 2007, through June 30, 2008; a summary of the Renewal and Replacement Fund for the fiscal year, July 1, 2008, through April 30, 2009; and the proposed operating budget for the fiscal year, July 1, 2009, through June 30, 2010.

McHenry discussed revenue/income and expenditures before delivering the recommendation, which was for "structured sale" of the Manor.

McHenry officially submitted the RFQ Committee Report to the County Board (Exhibit A).

Heier thanked McHenry for his service and accepted the Committee's report.

Schorr said the report would be available on the City-County web site today at 11:00 a.m.

Workman inquired about the need for Medicaid beds in the future and Medicaid reimbursement.

Stevens thanked the Committee for their service.

Hudkins commented on the following issues:

- The financial information for the last 11 months showed six months of positive returns. He stressed the importance of knowing when the financial data is assembled.
- Hudkins asked if the Committee was aware that bonds were paid out early at the direction of the County Board over the objections of the former director, which reduced Medicaid reimbursement and deleted the Renewal and Replacement Fund. McHenry said the Committee knew the Board approved the payout, but did not realize there was an objection. Hudkins said this was done to save the County interest.

3) **SPECIAL PRESENTATIONS CONTINUED:**

- Hudkins asked if the Committee was aware of the County Attorney's opinion that selling the Manor for a profit would result in pay back of depreciation. McHenry said yes.
- Hudkins expressed his appreciation of the Committee's goals to maintain quality and provide enough qualified beds. He questioned if these objectives could be met by employing a fully licensed administrator. McHenry said management changes will not solve the problem without infusing large amounts of taxpayer dollars.
- Hudkins questioned if there were any violations of any of the requirements. McHenry said no violation was mentioned, but operating expenses were reviewed. Hudkins questioned if the large amount of dollars would be needed for operation.
- Hudkins asked if an independent State audit would be prudent. Hilsabeck did not think the quality of the audit would be significantly improved by doing so.

MOTION: Hudkins moved and Workman seconded acceptance of the report.

The Board agreed to establish a timeline for moving forward at the next Staff Meeting.

ROLL CALL: Stevens, Workman, Schorr, Hudkins, and Heier voted aye. Motion carried.

4) **PUBLIC HEARING:**

- A. **County Special Permit No 09011, requested by Gipson Properties, LLC, for authority to allow a garden center on approximately 20 acres of a 78.70 acre parcel of land generally located at South 148th Street and Pine Lake Road, Lancaster County, Nebraska.**

Heier opened the public hearing.

Blake Gipson, Gipson Properties, LLC, explained that he was applying for a special permit to put in a landscape nursery.

Mike DeKalb, County Planner, said the County Engineer asked for relocation of the property's drive. DeKalb showed the original plan and the revised plan.

The option of changing the drive location upon extension of Pine Lake Road was discussed as a possible amendment to the resolution.

Heier asked that a provision be put in on junk vehicles.

Heier closed the public hearing.

5) **NEW BUSINESS:**

- A. **A resolution in the matter of County Special Permit No 09011, requested by Gipson Properties, LLC, for authority to allow a garden center on approximately 20 acres of a 78.70 acre parcel of land generally located at South 148th Street and Pine Lake Road, Lancaster County, Nebraska. (R-09-0029)**

MOTION: Workman moved and Hudkins seconded approval to adopt the plan with the east-west entrance 250 feet from the intersection with the condition that the drive be moved to north-south access 650 feet from the intersection if Pine Lake Road is extended.

Stevens said the current resolution is not appropriate, and the County Engineer should be involved in further discussion at the next staff meeting on Thursday, June 11, 2009. Workman modified his motion to update the resolution after speaking with the County Engineer. Hudkins seconded.

ROLL CALL: Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

- B. **A resolution allowing participants or non-spousal beneficiaries of the Lancaster County 401(a) Retirement Plan to distribute their benefit. (R-09-0031)**

Kerry Eagan explained the resolution allows partial distributions by the retiree and non-spousal beneficiaries.

MOTION: Workman moved and Stevens seconded approval of the resolution.

Hudkins asked about the ability of a minor to move the money if they are a beneficiary. Eagan says it depends on how they are set up as a beneficiary.

ROLL CALL: Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

- C. **Applications for Special Designated Licenses from Kerry's Restaurant and Catering, Inc., to provide liquor beverage service at 10005 West Davey Road, Raymond, Lancaster County, Nebraska, from 8:00 a.m. to 1:00 a.m. on the following dates: Thursday, June 18, 2009, to Sunday, June 21, 2009; Thursday, June 25, 2009, to Sunday, June 28, 2009; and Wednesday, July 1, 2009, to Sunday, July 5, 2009.**

MOTION: Hudkins moved and Workman seconded approval of the Special Designated Licenses.

Schorr inquired if these were being used while Kerry's was in the process of applying for a liquor license, and it was confirmed their application was in process.

ROLL CALL: Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

- D. **A political subdivision tort claim filed against the Lancaster County Sheriff by State Farm Insurance Companies for damaged property in the amount of \$968.64.**

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

- E. **A renewal application for adult day services license with the Nebraska Department of Health and Human Services for the Midtown Center in connection with the Community Mental Health center (CMHC). The County will pay \$300 for the renewal license. (C-09-0270)**

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

- F. **A mini-grant contract application and award in the amount of \$2,500 from the Nebraska Office of Highway Safety to help pay the cost of printing and seminar presenters for the "Power of Prevention from Within 2009" conference hosted by the Lancaster County Substance Abuse Action Coalition and to be held November 13, 2009. All funds used for printing and seminar presenters for the conference will be reimbursed to the County by the Nebraska Office of Highway Safety within 60 days of completion of the conference. (C-09-0269)**

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

- G. **Adoption of 2009 Lancaster County Board of Equalization Policies and Procedures for Property Valuation Protests.**

MOTION: Hudkins moved and Stevens seconded approval of the policies and procedures.

Hudkins commented that the procedures are needed, and these are well done.

ROLL CALL: Stevens, Workman, Schorr, Hudkins, and Heier voted aye. Motion carried.

- H. **An agreement with Great Plains Appraisal, Inc. to provide referees to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations. Great Plains Appraisal will provide the services of Richard Keith, Wayne Kubert, Cay Lacey, Thomas Kubert, Mickey Tuttle, Cody Gerdes, Shana Sprackling, Lori Johnson, Kevin James, Mona Kubert and Cathy Briley. The County will pay from \$60 to \$85 per hour for referee service, \$30 per hour for clerical support and \$35 per hour for security service. (C-09-0228)**

5) **NEW BUSINESS CONTINUED:**

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

- I. **Referee agreements with the following individuals to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations:**

<u>Individual</u>	<u>Hourly Rate</u>
Robert W. Anderson (C-09-0229)	\$75
Fred W. Briggs (C-09-0230)	\$70
Wayne L. Cole d/b/a Linsali, Inc. (C-09-0231)	\$70
Dan L. Cuda (C-09-0232)	\$75
Jeffrey S. Danek (C-09-0233)	\$75
Richard J. Danek (C-09-0234)	\$75
Kathy J. Everman (C-09-0235)	\$75
Ty D. Fleck (C-09-0236)	\$60
Stephen J. Folmer (C-09-0237)	\$75
Jon Charles Fritz (C-09-0238)	\$70
John J. Haney (C-09-0239)	\$80
Stephen R. Hanks (C-09-0240)	\$85
Jane Hermsmeyer (C-09-0241)	\$30
Barbara Hoffman (C-09-0242)	\$65
Benjamin J. Hynek (C-09-0243)	\$75
William Lange (C-09-0244)	\$60
John R. Layman (C-09-0245)	\$85
Daniel D. McKenzie (C-09-0246)	\$65
John E. McVay (C-09-0247)	\$65
Jan Moore (C-09-0248)	\$60
Ryan J. Omel (C-09-0249)	\$60
Barbara J. Ramm (C-09-0250)	\$70
John Sullivan (C-09-0251)	\$90
Larry G. Swanson (C-09-0252)	\$85
Marilyn Tabor (C-09-0253)	\$70
Joel Walker d/b/a A Plus Appraisal (C-09-0254)	\$50
Sally A. Webster (C-09-0255)	\$70
Gregory A. Weinert (C-09-0256)	\$50
Randall Wilcox (C-09-0257)	\$75
Aaron Wilson (C-09-0258)	\$85
Joe Wilson (C-09-0259)	\$100
Lance Wolfe (C-09-0260)	\$80
Larry K. Wrasse (C-09-0261)	\$65
Marc Wullschleger (C-09-0262)	\$65

MOTION: Schorr moved and Workman seconded approval of the referee agreements.

5) **NEW BUSINESS CONTINUED:**

Hudkins noted the expertise of the appraisers involved.

ROLL CALL: Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

- J. **A contract between Lancaster County and Constructors, Inc., in the amount of \$275,048.60, to pave SW 14th Street between Saltillo Road and Bennet Road. The contract will be effective upon execution by both parties, with work to commence on or before July 1, 2009, and is to be completed on or before October 16, 2009. (C-09-0263)**

Stevens said he would like time to review this with the County Engineer and visit with some of the concerned residents.

Workman felt the project should go forward, but he would also like to discuss it with the County Engineer.

MOTION: Workman moved to accept the contract. Heier seconded the motion.

Stevens said he would like to review this more before voting on the contract.

Workman withdrew his motion. The Board agreed to hold the contract for further review with the County Engineer.

- K. **An agreement between Lancaster County and Southeast Community College to present a diversity training workshop for the Lancaster County Community Mental Health Center on June 4, 2009. The County will pay up to \$1,575 for the services. (C-09-0264)**

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

- L. **An agreement with Dustin Bartley to provide substance abuse treatment intervention classes to participants in the pretrial release program. The County shall pay up to \$32,500 for the services. Term of the agreement is June 22, 2009, through June 30, 2010, and includes a 30-day termination provision. (C-09-0265)**

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

5) **NEW BUSINESS CONTINUED:**

- M. **An interlocal agreement between Lancaster County and the State of Nebraska, Administrative Office of the Courts, for administration of the Adult Drug Court for the District Court of Lancaster County through the provision of one Drug Court Coordinator, two Drug Treatment Court Caseworkers, one Clerk and one Drug Tech. Term of the agreement is July 1, 2009, through June 30, 2010. The Administrative Office of the Courts will pay the County \$183,839 for the services. (C-09-0266)**

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

- N. **A lease agreement between Lancaster County and Healthy Families Project for approximately 832.5 square feet of office space in Trabert Hall, located at 2202 S. 11th Street, Lincoln, Nebraska. Term of the agreement is July 1, 2009, through June 30, 2010. Health Families Project will pay the County \$676.41 per month for the leased space. (C-09-0267)**

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

- O. **A contract between Lancaster County and NMC for annual requirements for grader/snow plow blades and curb guards using cooperative purchasing with the City of Lincoln. Pricing for the products will be pursuant to the City contract and Attachment 1 of the contract. Term of the contract is from January 1, 2009, to December 31, 2009. (C-09-0268)**

MOTION: Stevens moved and Hudkins seconded approval of the agreement. Stevens, Workman, Schorr, Hudkins, 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. **County Clerk's Monthly Report for May, 2009**
2. **Clerk of the District Court's Monthly Report for May, 2009**

6) **CONSENT ITEMS CONTINUED:**

B. **Right-of-way contracts for road projects between the Lancaster County Engineering Department and the following individuals:**

1. **Betty Peterson, et al, located at Branched Oak Road, 425' W of N 70th Street; Project No CP-B-309, Tract 1. Cost is \$163. (C-09-0271)**
2. **Bonnie Fox Trustee, located at NE 20-9-8, Pine Lake Road (S 112th Street to S 148th Street); Project No C55-Q-409(1), Tract 27. Cost is \$2,455. (C-09-0272)**
3. **Kimberly Brown, located at 12801 Pine Lake Road; Project No C55-Q-409(1), Tract 27. Cost is \$5,491. (C-09-0273)**
4. **Daniel Sills Jr. and Carrie Arehart, located at 6805 S. 148th Street; Project No C55-Q-409(1), Tract 19. Cost is \$6445. (C-09-0274)**
5. **Alan and Laurel Baade, located at SE 27-8-7, S. 82nd Street (Hickman Road to Roca Road); Project No C55-S-404(3), Tract 1. Cost is \$235. (C-09-0275)**
6. **Paul and Patty Hoffmeyer, located at 14400 Pine Lake Road; Project No C55-Q-409(1), Track 17. Cost is \$6997.50. (C-09-00276, C-09-0277) (two contracts)**

MOTION: Stevens moved and Workman seconded approval of the consent items. Workman, Schorr, Hudkins, Stevens 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:**

Kim Kaspar, President of American Federation of State, County & Municipal Employees (AFSCME), appeared and invited Schorr to attend an open meeting for the Lancaster Manor employees and resident families. Kaspar expressed her concerns in regards to the Lancaster Manor report and how that would affect the employees and residents.

Melvin Moore appeared and discussed the need for Lancaster Manor. He expressed his concerns about the Manor being sold to a private entity.

Gil Burley appeared in support of Lancaster Manor. Burley encouraged finding a way to cut costs and use money more effectively.

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

Mary Howard, Lancaster Manor employee, appeared to address the Manor report. She asked the Board to consider all the ramifications of the Manor being sold, including the effect on Medicaid beds. She asked for the opportunity to discuss all the options.

Schorr brought up McHenry's comment during the Manor report about no guarantee of Medicaid beds. She clarified this was in reference to the proposals they reviewed as part of the RFQ process.

Workman commented that closing Lancaster Manor is not an option.

9) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, June 11, 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.**

10) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded approval to adjourn the County Board of Commissioners meeting at 11:39 a.m. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JUNE 9, 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
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 11:39 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, June 2, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 36 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

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

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

**First Free Methodist Church Lincoln, d/b/a Living Faith Free Methodist Church
Saint Paul United Methodist Church
Seventh Day Adventist Schools of Lincoln, Nebraska
Food Bank of Lincoln Inc
Holy Family Sisters of the Needy
Cornhusker Place of Lincoln**

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

MOTION: Workman moved and Stevens seconded approval of the tax 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 11:41 a.m. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk