

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 25, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.**

Commissioners present: Deb Schorr
Larry Hudkins
Bob Workman

Commissioners absent: Bernie Heier, Chair
Ray Stevens, Vice Chair

Others present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Ann Taylor, 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, May 18, 2010.**

MOTION: Workman moved and Hudkins seconded approval of the minutes. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, May 25, 2010.**

MOTION: Hudkins moved and Workman seconded approval of the claims. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

3) **SPECIAL PRESENTATIONS:**

- A. **Recommendation for the appointment of Ron Snover to the Lancaster County Visitors Promotion Committee (VPC) and reappointment of Julie Lattimer and Lisa Tupper to the VPC. (See Item 5A.)**

Steve Hilton, Visitors Promotion Committee (VPC) Chair, appeared and introduced Ron Snover and Julie Lattimer to the Board.

3) **SPECIAL PRESENTATIONS CONTINUED:**

- B. **Recommendation to authorize the use of 25% of the 2% hotel tax paid to the Visitors Improvement Fund from July through December of 2009 for visitor promotion – Jeff Maul, Lincoln Convention & Visitors Bureau Executive Director and Steve Hilton – Visitors Promotion Committee Chair. (See Item 5B.)**

Steve Hilton, Visitors Promotion Committee (VPC) Chair, said the VPC has recommended that .25% of the 2% hotel tax proceeds (\$127,094.08) be transferred to the Convention and Visitors Bureau (CVB) for event support, having found that tourism facilities in the County are adequate.

Jeff Maul, CVB Executive Director, thanked the Board for their support.

4) **PUBLIC HEARINGS:**

- A. **Application for a Class C liquor license from Bluestem Tree Farms, L.L.C., d/b/a Bluestem Landscaping and Vineyard, located at 5895 W. Sprague Road, Lancaster County, Nebraska. (See Item 5C.)**

Commissioner Schorr, Acting Chair, continued the public hearing from the previous week and noted a portion of the application has been amended. No one appeared to testify. Schorr closed the public hearing.

5) **NEW BUSINESS:**

- A. **Appointment of Ron Snover and reappointment of Julie Lattimer and Lisa Tupper to the Lancaster County Visitors Promotion Committee for terms commencing July 1, 2010, and ending June 30, 2014.**

MOTION: Workman moved and Hudkins seconded approval of the appointment and reappointments. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

- B. **A resolution in the matter of authorizing use of County Visitors Improvement Fund for visitor promotion. (R-10-0037)**

MOTION: Workman moved and Hudkins seconded approval of the resolution. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

- C. **A resolution for a Class C (beer, wine, and distilled spirits, on and off sale) liquor license for Bluestem Landscaping and Vineyard, and a Corporate Manager liquor license in connection with the Class C liquor license for Bluestem Landscaping and Vineyard, located at 5895 W. Sprague Road, Lancaster County, Nebraska. (R-10-0038)**

MOTION: Workman moved and Hudkins seconded approval of the resolution. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

5) **NEW BUSINESS CONTINUED:**

- D. **A special designated license application submitted by WunderRosa Winery, L.L.C., to provide liquor beverage service for an event at 2361 Wittstruck Road, Roca, Lancaster County, Nebraska on Friday, June 25, 2010.**

MOTION: Hudkins moved and Workman seconded approval of the special designated license application. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

- E. **A request from Land & Sky Manufacturing for a refund of 2009 personal property taxes.**

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and recommended approval of the request, explaining that leased equipment was inadvertently reported by both the lessor and lessee.

MOTION: Workman moved and Hudkins seconded approval of the refund request. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

- F. **A grant contract with Community Action Partnership of Lancaster and Saunders Counties to provide employment related service to refugee men and women and assist them in assimilating into the community through the Targeted Assistance Discretionary Grant program. The grant amount is \$12,420. Term of the grant contract is October 1, 2009, to September 30, 2010. (C-10-0216)**

MOTION: Workman moved and Hudkins seconded approval of the contract. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

- G. **An agreement with Olsson Associates, Inc., in the amount of \$6,441.02, for wetland delineation on W. Denton Road from SW 26th Street to SW 12th Street. (C-10-0219)**

Schorr noted the item should reflect a location of SW 56th Street, rather than SW 26th Street.

MOTION: Hudkins moved and Workman seconded approval of the agreement. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

- H. **A road maintenance agreement between Lancaster County and Constructors, Inc. Lancaster County Planning Staff will approve Administrative Special Permit ASP100001 provided that Constructors, Inc., maintains portions of N. 112th Street and Alvo Road at no cost to the County. The agreement is effective upon execution and will remain in effect until the ASP has expired, been revoked or denied. (C-10-0220)**

MOTION: Hudkins moved and Workman seconded approval of the agreement. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

5) **NEW BUSINESS CONTINUED:**

- I. **Consideration of amendment to the asset purchase agreement between Lancaster County, Nebraska, Lancaster Manor Real Estate, L.L.C., and Lancaster Manor Rehabilitation Center, L.L.C., found at County Contract No. C-09-0629, for the purchase and transfer of real property, assets, and personal property of the skilled nursing home located at 1001 South Street, Lincoln, Nebraska, commonly known as Lancaster Manor.**
- J. **Consideration of amendment to the lease agreement between Lancaster County, Nebraska and Lancaster Manor Real Estate, L.L.C., found at County Contract No. C-09-0631, to lease the property of the skilled nursing home located at 1001 South Street, Lincoln, Nebraska, commonly known as Lancaster Manor.**
- K. **Consideration of amendment to the operations transfer agreement between Lancaster County, Nebraska and Lancaster Manor Rehabilitation Center, L.L.C., found at County Contract No. C-09-0630, for the transfer of operations of the skilled nursing home located at 1001 South Street, Lincoln, Nebraska, commonly known as Lancaster Manor.**

The Clerk stated that Items I, J and K are being held at the request of the County Attorney's Office.

L. Executive Session (sale of County property and labor negotiations).

The item was held until later in the meeting.

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 Sheriff monthly report for April, 2010.**
 - 2. **Nebraska Great Plains Resource Conservation and Development Council Area Plan 2010-2014.**
- B. **A leasehold contract between the County Engineer and Tom Vanderbeek, in the amount of \$10, located at S. 190th Street and Panama Road; Project No. CP-Y-244. (C-10-0221)**
- C. **Setting of a public hearing for Tuesday, June 8, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding a request for an addition to licensed premise from Prime Country Winery, L.L.C., located at 12120 SW 142nd Street, Denton, Lancaster County, Nebraska.**

6) **CONSENT ITEMS CONTINUED:**

- D. **Setting of a public hearing for Tuesday, June 22, 2010, at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding the proposed sale of surplus Lancaster County property located at 2331 S. 47th Street, Lincoln, Nebraska, legally described as Seymour addition, Lot 36 except E 134.90 feet.**

MOTION: Workman moved and Hudkins seconded approval of the consent items. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

7) **PUBLIC COMMENT:**

John Austin appeared and expressed concerns regarding the condition of sidewalks surrounding the County-City Building. Hudkins said the Public Building Commission has hired a contractor to correct the problem. Austin expressed support for the Lancaster Event Center and asked whether the County is involved in the Haymarket Arena Project. Schorr said the County provided some funding through the Visitors Promotion Committee (VPC) for early studies with regards to the site.

Kim Kaspar, American Federation of State, County & Municipal Employees (AFSCME) President, appeared and read a prepared statement into the record regarding the sale of Lancaster Manor (nursing home facility) (Exhibit A). She also disseminated copies of an article related to the closing of the Northlake Nursing and Rehabilitation Center in Merrillville, Indiana (Exhibit B). The article indicates the facility is owned by Eric Rothner. The County has turned operation of Lancaster Manor over to a private company that is owned by the Rothner family and is in the process of selling the Manor property to the new operators.

Melvin Moore appeared and said he believes new information related to the issue Kaspar was discussing will come forward in the next few weeks.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, May 27, 2010, 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 www.lancaster.ne.gov. Click on 5 City-TV Video on Demand.**

Commissioner Schorr recessed the meeting at 10:00 a.m. to proceed with the Board of Equalization meeting.

Commissioner Schorr reconvened the meeting at 10:02 a.m.

RETURNING TO ITEM 5L:

MOTION: Workman moved and Hudkins seconded to enter Executive Session at 10:02 a.m. for the purpose of protecting the public interest with regards to the sale of County property and labor negotiations. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

MOTION: Workman moved and Hudkins seconded to exit Executive Session at 10:22 a.m. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

9) **ADJOURNMENT:**

MOTION: Workman moved and Hudkins seconded to adjourn the Board of Commissioners Meeting at 10:22 a.m. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

Dan Nolte
Lancaster County Clerk

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 25, 2010
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Commissioners present: Deb Schorr
Larry Hudkins
Bob Workman

Commissioners absent: Bernie Heier, Chair
Ray Stevens, Vice Chair

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Ann Taylor, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:00 a.m.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, May 18, 2010.**

MOTION: Workman moved and Hudkins seconded approval of the minutes. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 42 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

MOTION: Workman moved and Hudkins seconded approval of the additions and deductions. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

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

Cristo Rey Catholic Church
Second Baptist Church
Priestly Fraternity of St. Peter, Inc., d/b/a Our Lady of Guadalupe Seminary

MOTION: Workman moved and Hudkins seconded approval of the motor vehicle tax exemption applications. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

3) **APPEAL OF LATE FILING PENALTY FOR PERSONAL PROPERTY TAX:**

Heiser's, L.L.C.

Toddrose Decorative Concrete, Inc.

Scott Gaines, Deputy County Assessor/Register of Deeds, appeared and recommended denial of the appeals. He said the taxpayers did not file 2009 returns and said the late filing penalty is mandatory.

MOTION: Workman moved and Hudkins seconded denial of the appeals based on the County Assessor's recommendation. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

4) **ADJOURNMENT**

MOTION: Workman moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:02 a.m. Workman, Hudkins and Schorr voted aye. Motion carried 3-0.

Dan Nolte
Lancaster County Clerk