

**MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 1, 2009  
COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
9:30 A.M.**

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

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 9:35 a.m.

1) **MINUTES: Approval of the Minutes of the Board of Commissioners meeting held on Tuesday, August 25, 2009.**

**MOTION:** Hudkins moved and Schorr seconded approval of the minutes. Hudkins, Stevens, Schorr and Heier voted aye. Workman abstained. Motion carried 4-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, September 1, 2009.**

**MOTION:** Stevens moved and Hudkins seconded approval of the claims. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

3) **SPECIAL PRESENTATION:**

A. **Fiscal Year 2009-10 Budget Update - Dennis Meyer, Budget and Fiscal Director**

Dennis Meyer noted a \$376,224 reduction in taxes due to a decrease in property valuations. In an attempt to make up this difference per County Board direction, Meyer said Corrections cut \$100,000, and he pro-rated the rest between the ten largest budgets in the general fund: Government - \$60,000; County Sheriff - \$46,600; County Attorney - \$34,200; Youth Service Center - \$33,200; Health and Human Services - \$23,400; Assessor/Register of Deeds - \$20,000; Public Defender - \$16,800; County Treasurer - \$16,600; County Engineer - \$16,200; and Justice System - \$12,100. He said the budget must be submitted to the State Auditor by September 20, so he planned to have the budget adopted at the next Board meeting on September 8.

4) **NEW BUSINESS:**

- A. **Applications for Special Designated Licenses from the Lancaster County Agricultural Society, to provide liquor beverage service at the Lancaster Event Center, located at 4100 N. 84<sup>th</sup> Street, Lincoln, for a Figure 8 Race on Saturday, September 26, 2009, from 6:00 a.m. to 1:00 a.m., and for a Mud Drag on Saturday, October 17, 2009, from 6:00 a.m. to 1:00 a.m.**

Workman and Stevens questioned the hours of the application. Heier said they would check with the Agricultural Society on the hours of alcohol service, so the agenda item would be held until later in the meeting.

- B. **Applications for Special Designated Licenses from Meier's Cork 'N Bottle, to provide liquor beverage service at Country Pines, 6305 W. Adams, Lincoln, for a reception on Friday, September 18, 2009, from 4:00 p.m. to 1:00 a.m., and for a reception on Saturday, September 26, 2009, from 3:00 p.m. to 12:00 a.m.**

**MOTION:** Stevens moved and Workman seconded approval of the Special Designated License applications. Stevens, Workman Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- C. **A resolution authorizing the installation of a stop ahead sign (W3-1a) on N. 1<sup>st</sup> Street approximately 500 feet north of Alvo Road for southbound traffic. The sign will be installed by the City of Lincoln. (R-09-0066)**

**MOTION:** Hudkins moved and Workman seconded approval of the resolution. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

Schorr said the stop sign was stolen again at the intersection where the Norris bus accident occurred.

- D. **A contract for blood chemistry profiles with Nebraska Occupational Health. The cost of the service will vary based on the number of participants and will be according to the pricing listed in the contractor's proposal. (C-09-0476)**

**MOTION:** Hudkins moved and Stevens seconded approval of the contract. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- E. **An agreement with Stuart Westberg, M.D., to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Stuart Westberg, M.D., will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-09-0477)**

4) **NEW BUSINESS CONTINUED:**

**MOTION:** Stevens moved and Workman seconded approval of the agreement. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- F. **An information exchange agreement and a computer matching and privacy protection act agreement between the Social Security Administration and Lancaster County on behalf of Lancaster County General Assistance. The agreement provides the Lancaster County General Assistance Office with electronic access to Social Security Administration (SSA) information, records and data through the Nebraska Health and Human Services system. The agreements are effective from January 1, 2010, to June 30, 2011. There will be no cost to the County. (C-09-0478)**

**MOTION:** Stevens moved and Schorr seconded approval of the agreements. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- G. **A grant contract between the Lincoln Children's Zoo (Grantee) and Lancaster County (Grantor). The County will provide a grant in the amount of \$10,000 from the County Visitors Improvement to the Grantee for the purpose of improving the website for the Lincoln Children's Zoo. The period of the grant contract is from June 1, 2009, to June 1, 2010. (C-09-0479)**

**MOTION:** Hudkins moved and Stevens seconded approval of the grant contract. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- H. **An update letter to the residents of Lancaster Manor.**

Kerry Eagan, Chief Administrative Officer, distributed the letter (Exhibit A). Heier suggested the entire Board sign the letter if they chose to do so.

**MOTION:** Schorr moved and Stevens seconded to send the letter with signatures of the Commissioners. Workman, Schorr, Stevens and Heier voted aye. Hudkins voted no. Motion carried 4-1.

- I. **Recommendation from the Purchasing Agent to award a contract for armored car services to Rochester Armored Car at an estimated cost of \$9,610. (B-09-0069)**

**MOTION:** Stevens moved and Hudkins seconded approval of the recommendation. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- J. **Recommendation from the Purchasing Agent to award a contract for vending services to First Choice Vending. There is no cost to the County for this service. (B-09-0070)**

4) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Workman seconded approval of the recommendation. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- K. **A request from The Tax Group, on behalf of Cabinets, Inc., for a refund of 2008 personal property tax.**

Scott Gaines, Deputy County Assessor/Register of Deeds, said his office recommended approval of the request. He stated taxes were paid on equipment by both the leaser and lessee, so a refund would be issued to the lessee.

**MOTION:** Stevens moved and Workman seconded approval of the refund. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- L. **A political subdivision tort claim filed against Lancaster County Corrections by Kevin J. Moore for lost property in an amount over \$25.**

**MOTION:** Stevens moved and Hudkins seconded denial of the tort claim based upon the director's recommendation. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- 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 the County Sheriff's monthly report for July, 2009.**
- B. **Right-of-way contracts between the County Engineer and the following:**
1. **Edward Conklin, in the amount of \$9,465, located at Pine Lake Road between S. 112<sup>th</sup> Street and S. 148<sup>th</sup> Street; Project No. C55-Q-409(1) (C-09-0465, C-09-0466)**
  2. **Gary Genereux and Patricia Krondak, in the amount of \$17,865, located at Pine Lake Road between S. 112<sup>th</sup> Street and S. 148<sup>th</sup> Street; Project No. C55-Q-409(1) (C-09-0467, C-09-0468)**
  3. **Monte and Lisa Froehlich, in the amount of \$4,505, located at Arbor Road between N. 56<sup>th</sup> Street and N. 70<sup>th</sup> Street; Project No. C55-Q-408(3) (C-09-0469, C-09-0470, C-09-0471)**
  4. **Jack and Marie Herbert, in the amount of \$4,285, located at Arbor Road between N. 56<sup>th</sup> Street and N. 70<sup>th</sup> Street; Project No. C55-G-408(3) (C-09-0472, C-09-0473)**
  5. **Donald and Esther Pester, in the amount of \$135, located at W. Superior Street 1030 feet east of NW 98<sup>th</sup> Street; Project No. CP-M-88 (C-09-0474, C-09-0475)**

5) **CONSENT ITEMS CONTINUED:**

- C. **Setting of a public hearing for Tuesday, September 15, 2009, at 9:30 a.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding Comprehensive Plan Amendment No. 09006 (Little Salt Creek Watershed Master Plan), County Change of Zone No. 09017 (text amendment to Lancaster County Zoning Resolution), County Miscellaneous No. 09006 (text amendment to Lancaster County Land Subdivision Resolution), and a resolution to recognize the Little Salt Creek 100-year Floodprone Area and Floodway as best available information.**

**MOTION:** Stevens moved and Hudkins seconded approval of the consent items. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

6) **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.)**

**RETURNING TO ITEM 4A**

Kerry Eagan said the Agricultural Society was contacted; their office said alcohol would be served from 1:00 p.m. to 1:00 a.m.

Stevens noted the Sheriff's letter indicated that attendees should have wristbands, and four off-duty Deputy Sheriffs would be present.

**MOTION:** Stevens moved and Schorr seconded approval of the Special Designated License applications incorporating the Sheriff's recommendations and hours of alcohol service from 1:00 p.m. to 1:00 a.m.

Schorr inquired about altering the application to include set-up time and actual serving time. It was noted the form was not a County form and therefore could not be altered.

Stevens said the recommendations state the Deputy Sheriffs would stay an hour after the event closes.

Terry Wagner said these events had been held in the past, and there have not been problems.

**ROLL CALL:** Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

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

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, September 3, 2009, beginning at 8:30 a.m., in Room 113 on the first floor of the County City Building.**
- B. **A public hearing will be held on Tuesday, September 8, 2009, at 9:30 a.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building, regarding County Special Permit No. 09019, requested by Harry Muhlbach, to allow the excavation of soil, sand and gravel on property generally located at N. 56<sup>th</sup> Street/Highway 77 and Raymond Road (14605 N. 56<sup>th</sup> Street).**
- 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 [www.lancaster.ne.gov](http://www.lancaster.ne.gov). Click on 5 City-TV Video On Demand.**

9) **ADJOURNMENT**

**MOTION:** Stevens moved and Hudkins seconded to adjourn the Board of Commissioners Meeting at 10:02 a.m. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

  
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**Dan Nolte**  
**Lancaster County Clerk**



**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, SEPTEMBER 1, 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  
Deb Schorr  
Larry Hudkins  
Bob Workman

Others present: Scott Gaines, Deputy 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 10:02 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, August 25, 2009.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes. Hudkins, Stevens, Schorr and Heier voted aye. Workman abstained. Motion carried 4-0.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 17 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

**MOTION:** Schorr moved and Hudkins seconded approval of the additions and deductions. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

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

**BryanLGH Medical Center**  
**Gentle Shepherd Baptist Church**  
**Heartland Bible Church**  
**Lincoln Christian School**

**People's City Mission**  
**Priestly Fraternity of St. Peter**  
**St. Peter's Catholic Church of Lincoln**  
**Union College**

**MOTION:** Stevens moved and Schorr seconded approval of the motor vehicle tax exemptions. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

4) **NOTICE OF TAXABLE STATUS:**

City of Lincoln & Assurity Life Insurance Company  
Joint Antelope Valley Authority

Scott Gaines explained there was cross ownership by the City and Assurity Life on two lots. The notices indicate this is still taxable property.

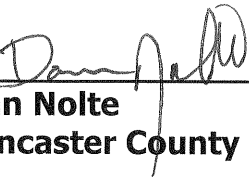
**MOTION:** Schorr moved and Workman seconded approval to send notices to City of Lincoln & Assurity Life Insurance Company. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

Gaines said the Joint Antelope Valley also has cross ownership with the City. He explained as long as private ownership was involved, the lots need to be taxed in their entirety.

**MOTION:** Schorr moved and Stevens seconded approval to send notices to Joint Antelope Valley. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the Board of Equalization Meeting at 10:07 a.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

  
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**Dan Nolte**  
**Lancaster County Clerk**





September 1, 2009

Lancaster Manor Residents  
1001 South Street  
Lincoln, NE 68502

Dear Lancaster Manor Residents:

On August 27, 2009, the Lancaster County Board of Commissioners took another step toward the possible sale of Lancaster Manor when it decided to continue negotiations with Hunter Management. This action was not taken lightly. Many hours have been spent investigating the concerns which have been expressed to the County Board about this company. After a careful review of all available information, the Board is confident Hunter Management is uniquely qualified to improve the financial stability of the Manor and provide sustainable quality care to you.

As we proceed with negotiations with Hunter Management, the following terms and conditions have been clearly established:

- All residents shall be given the opportunity to remain at the Manor under existing financial arrangements, so long as your medical needs can be met
- Lancaster Manor shall continue to serve a high percentage of Medicaid patients
- As many existing employees as possible will continue to provide the same quality care to which you are entitled

In addition, other conditions set forth quality and performance standards and guarantee the Lancaster Manor property will always be used to operate a nursing home.

Hunter Management has already announced many exciting plans for facility improvements, including an expansion of rehabilitation services to better meet your medical needs and a new computer system to monitor your treatment and care. In the near future Hunter representatives will be visiting the Manor. You will have the opportunity to meet them and ask questions.

The County Board strongly believes these changes are in the best interests of you, the residents of Lancaster Manor, and we thank you for your patience and understanding.

Sincerely,

Bernie Heier, Chairman

cc: Lancaster Manor Employees