

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 22, 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 9:30 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Commissioners meeting held on Tuesday, September 15, 2009.**

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

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 22, 2009.**

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

- 3) **PUBLIC HEARING:**

- A. **Issuance of a Class C liquor license for Ron's Pub and a Corporate Manager Liquor License to Penterman Management Group, Inc., located at 13940 O Street, Lincoln, Lancaster County, Nebraska.**

The Chair opened the public hearing and asked if anyone wished to testify. No one came forward, and the Chair announced the hearing would be held open for one week.

4) **OLD BUSINESS:**

- A. **An amendment to an agreement with Justice Works, LLC, to develop, provide and present a customized version of the prosecutorData case management software system for the County Attorney's office found at County Contract No. C-09-0168. The amendment extends the project completion date to October 1, 2009, and increases the amount which the County will reimburse Justice Works for travel expenses to Lincoln, from \$3,500 to \$5,500. (C-09-0502)**

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

5) **NEW BUSINESS:**

- A. **A resolution in the matter of proclaiming Monday, September 28, 2009, as Family Day – A Day to Eat Dinner with Your Children. (R-09-0074)**

MOTION: Schorr moved and Hudkins seconded approval of the resolution.

The Clerk read the proclamation into the record.

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

- B. **A recommendation by the Purchasing Agent and the County Engineer to award a bid for gravel hauling to Hiskey Trucking, Gana Trucking and Madlock Trucking. Total cost of the project is \$604,001.20. (B-09-0073)**

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

- C. **A recommendation by the Purchasing Agent and Community Corrections to purchase a 2005 Ford Escape from LES Surplus Property at a cost of \$4500. (B-09-0074)**

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

- D. **An agreement with SouthPointe Dermatology, 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 SouthPointe Dermatology, 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-09-0504)**

5) **NEW BUSINESS CONTINUED:**

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

- E. **A contract between Lancaster County, on behalf of the Community Mental Health Center, and Julia McLawsen to conduct the necessary evaluations and examination of clinical measures regarding their cultural appropriateness for Iraqi refugees. The contractor will be paid \$1000 for the services. The term of the contract is from July 1, 2009, to May 15, 2010. (C-09-0505)**

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

- F. **A grant contract with the Clyde Malone Community Center, Inc., to provide funding for the Talented Tenth Scholar's Program in the amount of \$5,000. Term of the grant contract is July 1, 2009, through June 30, 2010. (C-09-0509)**

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

- G. **A grant contract with the Lincoln Council on Alcoholism and Drugs, Inc., to provide implementation funding for the Lancaster Alcohol and Abuse Partnership in the amount of \$156,800. Term of the grant contract is from July 1, 2009, through June 1, 2010. (C-09-0510)**

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

- H. **An agreement between the City of Lincoln and Lancaster County for the provision of medical services to the Youth Services Center through the Lincoln-Lancaster County Health Department for the period from July 1, 2009, through June 30, 2010. (C-09-0511)**

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

- I. **Setting of the salary for Nicholas E. Freeman, Deputy County Attorney, in the amount of \$56,000 per year, effective September 28, 2009.**

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

- J. **Amendment of Guidelines for Public Participation at Meetings of the Lancaster County Board of Commissioners, Exhibit A of Resolution No. 5465, effective September 24, 2009.**

5) **NEW BUSINESS CONTINUED:**

Kerry Eagan, Chief Administrative Officer, explained the changes in the guidelines. He said there would be no public comment, unless allowed by the Chair, at the Thursday Staff Meeting. Eagan stated the regular Tuesday Board Meeting would have public comment allowed for one hour instead of 30 minutes with five minutes per speaker unless extended by the Chair. This portion of the meeting, which is currently titled "Emergency Items and Other Business", would be called "Public Comment".

Hudkins said he preferred all of the Commissioners have the discretion to allow a member of the public to speak during the Thursday Staff Meeting.

Eagan stated the amended guidelines follow the open meeting rules, which say the public should be allowed to speak at some meetings, but not necessarily all meetings.

MOTION: Workman moved and Schorr seconded approval of the amendment.

AMENDMENT: Stevens moved that public comment for items not on the agenda (Item A1, 3rd paragraph) be amended from one hour to 30 minutes. Motion failed for lack of a second.

ROLL CALL ON ORIGINAL MOTION: Workman, Schorr, Stevens and Heier voted aye. Hudkins voted nay. Motion carried 4-1.

- K. **Acceptance and approval of the recommendations from the Lincoln/Lancaster County Prevention Fund Advisory Board for grants totaling \$49,300 from the Keno Human Services Prevention Fund to the following agencies: Asian Community & Cultural Center, \$5,000; Bright Lights, \$3,700; BryanLGH Foundation, \$1,875; Fresh Start Home, \$3,700; Friendship Home, \$1,875; Good Neighbor Community Center, \$3,750; Indian Center, \$4,250; Lincoln Action Program, \$3,750; Lincoln Council on Alcoholism & Drugs, \$3,500; Lincoln/Lancaster Boys & Girls Club, \$4,400; Milk Works, \$1,250; St. Marks United Methodist Church, \$3,750; St. Monica's Behavioral Health Services for Women, \$3,500; and Volunteer Partners, Inc., \$5,000.**

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

- L. **A 2005 grant adjustment notice for Lancaster County from the Nebraska Emergency Management Agency, Award No. 05-SR 8732-16. The adjustment increases the grant amount by \$19,232.42, for a grant total of \$711,448.63.**

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

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 County Sheriff's monthly report for August, 2009.**
- B. **Leasehold contracts between the County Engineer and the following:**
 - 1. **Russell Anderson, in the amount of \$10 each, located at N. 56th Street and Arbor Road and at N. 70th Street and Arbor Road. (C-09-0506) (C-09-0507)**
 - 2. **AgQuest, in the amount of \$10, located at N. 56th Street & Arbor Road. (C-09-0508)**

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

PENDING:

- C. **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.)**

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

Patrick J. Henry distributed a letter on Lancaster Manor he had previously submitted to the Board (Exhibit A). He discussed various questions from the letter with the Board, including financial numbers, performance audit, bonds, and capital improvements. Dennis Meyer, Budget and Fiscal Officer, appeared to help address budget items. Schorr stated she had previously spoken to Mr. Henry, and she agreed to meet with him to discuss his questions.

Melvin Moore clarified he had not made negative comments about the Rothner Family in relation to the sale of Lancaster Manor. He also discussed the future ability to financially support Manor residents, noting the County could use tax dollars whereas a private facility would not have that option.

Kim Kaspar, President of American Federation of State, County and Municipal Employees (AFSCME), discussed cutting Lancaster Manor staff and its effect on the budget. She questioned whether two openings in the business office were ever posted on the web site. Gwen Thorpe said the positions were filled according to the rules of Lancaster County and AFSCME; the jobs were not posted on the County web site because they were filled as temporary positions.

RETURNING TO ITEM 3A

Captain Gary Juilfs and Investigator Mike Peschong, County Sheriff's Office, were administered the oath.

Juilfs stated a background check was done on all applicants on the liquor license application, which turned up some unlisted convictions, including a felony conviction. Juilfs noted the application says a stockholder with less than 25% of the shares does not need to sign the application, so he questioned whether the felony conviction should be considered since that applicant has less than 25% of the shares.

Peschong said the attorney for Penterman, Inc., sent an amended document showing the applicant with the felony conviction as owning less than 25% of the shares.

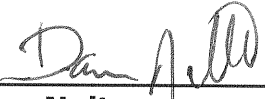
The Chair announced the public hearing would be held open for the following week.

8) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, September 24, 2009, beginning at 8:30 a.m., in Room 113 on the first floor of the County City Building.**
- B. Public hearings will be held Tuesday, September 29, 2009, at 9:30 a.m., in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**
 - 1. County Change of Zone No. 09018 to amend the Lancaster County Zoning Resolution to change provisions to allow expanded home occupation.**
 - 2. Automatic renewal of Class C liquor licenses issued in Lancaster County and outside the corporate limits of any city for which the County Clerk has received no protests.**
 - 3. Setting of the final tax request at a different amount than the prior year tax request for Lancaster County and the Rural Library for Lancaster County.**
 - 4. County Special Permit No. 07024A, requested by Gregory and Heidi Rettele, for authority to locate and occupy a mobile home while building a permanent residence on property generally located at SW 14th Street and West Olive Creek Road.**
- 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. Click on 5 City-TV Video On Demand.**

9) **ADJOURNMENT**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners Meeting at 10:31 a.m. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 22, 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 10:31 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, September 15, 2009.**

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

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 12 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

MOTION: Stevens moved and Schorr 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
Christian Church (Disciples of Christ) in Nebraska
Congregation of Benedictine Srs.
Sacred Heart Church
Southeast Nebraska Mobile Diagnostic Services, Inc.
Tabitha, Inc.
Vital Services, Inc.
Women in Community Service, Inc.

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

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

4) **NOTICE OF ASSESSED VALUATION CHANGE:**

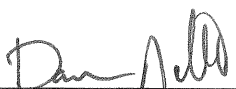
Falgers, Inc.

Scott Gaines, Deputy County Assessor/Register of Deeds, recommended the notice be sent. He stated square footage on the property was miscalculated, and this would serve as notice of the correction.

MOTION: Stevens moved and Hudkins seconded approval to send the notice. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

5) **ADJOURNMENT**

MOTION: Schorr moved and Stevens seconded to adjourn the Board of Equalization Meeting at 10:33 a.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



Commissioner Deb Schorr
City-County Building
555 South 10th Street, Room110
Lincoln, NE 68508

Mr. John McHenry
McHenry, Haszard, Hansen
121 South 13th, Suite 702
Lincoln, NE 68508

June 14, 2009

Re: Lancaster Manor

The RFQ Committee Report was well presented, but to me as an interested taxpayer and one who has visited Lancaster Manor on a weekly basis for several years , it left open a number of points and raised others which I believe need to be addressed. The Report states that much of the financial information presented to the public "...is incorrect or has been distorted." Yet the report states the charts (financial tables) are from the Lancaster County Budget and Accounting Office, the very office which many believe has skewed the numbers. Can you tell us why the Committee believes these numbers to be correct now?

Many of the Commissioners have said an annual audit of the Manor has been conducted for a number of years. Could you tell us how we can see and review the audits for the past two or three years, including footnotes, management statements, and auditors, opinion? I would also like to know which firm conducted the audits, and if it is a firm that specializes in audits of cities, counties, and other entities that rely on property taxes for their revenues. If so, does it also conduct audits of revenue producing for profit organizations, such as the Manor should be.

Has a performance audit been done of the Manor operations in the past five years? Such an audit would examine the completeness of billing procedures, including efficiency, use of proper procedures, technology, training, etc. I do not worry about resident care, as it seems to be fine, but other aspects of the operation could be reviewed by firms which specialize in such audits of nursing homes, to the benefit of the residents of the Manor and the taxpayers of Lancaster County.

Lancaster Manor bonds were called (prepaid) a few years ago because the Commissioners saw that interest expense could be saved. The Board apparently was warned by the Administrator at the time doing so would have a negative impact on the income statement going forward. If this early call had not taken place, what would the subsequent income statements have looked like?

The Revenue/Income section does point out a problem that has been creeping up for a number of years. From 1985 to 2000, as I recall, the discrepancy between total compensation of public employees and those in the private sector narrowed, and in some cases reversed, to the benefit of public employees. I have seen nothing on this recently, but do believe the trend has continued. Some of you have access to more resources than I to check if it has continued. Lancaster Manor must not be providing wages and benefits that are in excess of the local competition if it is to be viable. This must be addressed by all parties involved.

The physical therapy facilities probably were state of the art when the Manor was constructed, but it appears nothing has been done to improve them since that time. With the advent of many new procedures to improve the mobility and agility of the aging population, allowing them to be less reliant on nursing home facilities, the residents of the Manor have not been served well by this oversight. The report did mention the need for improvement here, but did not hit the point as hard as it could have. I hear complaints from Manor residents that not enough therapy is available, whereas in other facilities I hear complaints of too much therapy. Work does need to be done in this area soon.

The paragraph on Medicare beds reflects the lack of due diligence that went into preparing for this program. We previously learned of the lack of preparation for the billings involved, as well as the lack of knowledge regarding the inconsistent timing of payments from Medicare, and the information on the lack of electrical outlets sufficient to handle the needs of some of the Medicare resident's further points how poor the planning process for this program was. Should all of this lack of thorough due diligence investigation be placed on the shoulders of the newly appointed administrator, or are there others at the Manor and within the City/County Building who could carry some of the responsibility?

During the public meeting the evening of Wednesday, June 10, it was pointed out by an employee who appeared to be creditable, that the number of employees at the Manor has been somewhat inflated for some time. It was her contention that some employees have learned how to abuse "the system". She said there are some people in the count that she has not seen for a year or more, and she cannot remove them from her population. Management and the union should have been working on this problem and put it in the past prior to this time if this allegation is true. And if true, why has it not been brought to the attention of the Board of Commissioners prior to this time?

The turmoil that has existed in regarding the future of the Manor has had to have had a detrimental impact on the occupancy. Very few would want to go through the distress of placing a loved one in a nursing home more than once, and if there is a question of stability one would tend to look else where. One resident has asked me to look at another home for her, but I did ask that her son do the ground work for her. I have been told the Manor cannot advertise. I do not know why this is, but it would seem some public relations efforts might offset some of this negative perception.

In regard to the possible structured sale, have there been any inquiries? If so, have any of these been from the Lancaster County area, from elsewhere in Nebraska, or further away? Would any member of the RFQ Committee be involved with such a transaction as a principle, a sales agent, or broker, or in any other way? If this idea came from someone with a part in finding a solution, the process should be opened for any interested party, regardless of the time it takes, and anyone with even the appearance of a conflict of interest should be eliminated from the consideration.

Finally, I believe the consideration of anything less than 200 Medicaid beds would be a disservice to the community. The current occupancy is at a low level, and still exceeds the 200 number. It is true that as a percentage, fewer elderly are entering nursing homes due largely to home and community based services and in Nebraska, we still have more progress to make in this area. But that does not mean that these people will never enter a nursing home; to a large extent these services delay the entry by several

years. The population of Nebraskans over age 65 is growing, and even though the percentage of them living in nursing home will continue to decline, the absolute number of them will probably start rising in the not to distant future.

Thank you for your consideration.

Patrick J. Henry

1460 Buckingham Dr.

Lincoln, NE 68506

402-488-8098

Copies will be e-mailed to County Commissioners and to June Pederson on Monday, June 15th.