

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
THURSDAY, SEPTEMBER 14, 2000 - 8:15 A.M.
COUNTY-CITY BUILDING - CONFERENCE ROOM 113**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk

Commissioners Absent: Linda Steinman

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY,
SEPTEMBER 12, 2000.**

Campbell noted that the minutes were not completed and no action would be taken.

2 ADDITIONS TO AGENDA

- a. Letter from the Mayor regarding the Affirmative Action Officer.
- b. Tour of Community Assessment Center in Topeka, Kansas.
- c. Letter from Gordon Kissel.
- d. Olsson Associates in connection with Radcliffe Road.
- e. Agenda for the meeting with Villages on Thursday, September 21, 2000.

MOTION: Heier moved and Workman seconded approval of the additions to the agenda. Heier, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

3 COMMISSIONER MEETING REPORTS

(See agenda item 14.)

DUST ON UNPAVED COUNTY ROADS - Don Thomas, County Engineer;
Leon Vinci, Health Department Director; Scott Holmes, Environmental
Health Division Chief; Marcia Wilhite, Air Quality Supervisor

Marcia Wilhite, Air Quality Supervisor, stated she is concerned about the increased health risk in connection with road dust and referred to a table entitled *Ambient 24-hour Particulate Matter (PM) 10 Levels Along Unpaved Roads in Lancaster County, NE*. (Commissioners packet). She noted that Sites I and II had substantial levels of PM10. Wilhite explained that the levels were compared to the National Ambient Air Quality Standard for PM10. The Air Quality Standard for PM10 over a 24-hour period is 150 micrograms per meter cubed. She explained that the Health Department used vehicle counts from 1998 data which were provided by the County Engineer. Sites I and II averaged approximately 230 vehicles per day, while the remaining sites had lower vehicle counts.

(Hudkins entered the meeting room.)

In response to a question asked by Campbell, Wilhite stated monitoring was done in an individual's front yard.

Scott Holmes, Environmental Health Division Chief, distributed a map showing gravel roads with an average daily travel of 250 vehicles or greater (Exhibit A).

Heier stated that the dryness of the year would have an affect on the dust on the road. He asked if they had compared that information with prior years.

Wilhite stated there were some reports conducted in the 1970's which dealt with unpaved roads which had no dust suppression, however, there was no information regarding rain.

Hudkins inquired about McKelvie Road from 105th to 112th Streets and also about animal impact.

Wilhite stated they could check veterinarian literature to see if there are similar PM10 levels for animals.

Wilhite stated they would like to discuss the possibility of a dust control program outlining parameters and identifying criteria focusing on the highest impact areas.

She also stated they have collected information regarding different products, other than calcium chloride, which could be used, however, the biggest issue is cost. Wilhite stated she has visited with individuals about the possibility of the County receiving Congestion Management Air Quality (CMAQ) funds to assist in treating roads for dust control. She noted there is approximately \$300,000 of CMAQ funds available for the current fiscal year.

In response to a question asked by Heier, Don Thomas, County Engineer, stated Southwest 40th Street was the last road they had treated with calcium chloride. Cost was approximately \$2,430 for one mile.

Thomas stated most of their experience has been with calcium chloride, however, soybean oil has been applied once. Duration of the oil was approximately two weeks.

Thomas said Scotts Bluff County experimented with magnesium chloride, however, the attempt was not very successful. He added that a tree sap derivative has also been used.

Hudkins asked why the use of used oil was illegal.

Holmes stated it is mostly a runoff issue. He also stated that used oil would contain heavy metals and other products, such as benzene, which are contaminants.

In response to a question asked by Workman regarding the use of chip rock (Armorcoat), Thomas stated it wouldn't hold up.

Campbell suggested they continue to look for alternatives and take all information into consideration.

Hudkins requested Thomas and Wilhite contact the Soybean Association regarding the use of soybean oil and noted that the Soybean Association does have demonstration grant money for use.

Also submitted into the record by Wilhite was a letter from Joan and Jerry Maxson, as well as additional information regarding air pollution (Exhibit C).

5 FIRTH VIADUCT - Don Thomas, County Engineer

Campbell referred to memos from Don Thomas, County Engineer, and David Hobelman, Chairman of the Firth Village Board, (Commissioners packet) and stated that the village board is now in favor of construction of the viaduct.

Thomas said they are prepared to acquire right-of-way and suggested that they look at a budget increase at the beginning of 2001. He noted that the increase would be offset by Railroad Transportation Safety District (RTSD) funds. Thomas also said that the next budget year they would be budgeting for the design of the Hickman viaduct.

Thomas stated he feels the RTSD budget is important and a good funding mechanism for improving railroad crossings.

Workman asked if the County should have a similar mechanism for County roads.

Hudkins concurred with Workman and stated he doesn't feel the County is doing enough paving. He stated he would be in favor of higher taxes to support the County Engineer's budget to pave more road in a shorter amount of time.

Campbell suggested that a letter be sent from the County Board and County Engineer to the Village Board of Firth responding to questions and to also send a separate letter to the Mayor of Hickman and Village Board notifying them that the construction of the Firth viaduct will proceed.

6 SEXUALLY ORIENTED LIVE ENTERTAINMENT, COUNTY CHANGE OF ZONE 202 - Kathleen Sellman, Planning Director; David Johnson, Deputy County Attorney

Kathleen Sellman, Planning Director, briefed the County Board on County Change of Zone 202 noting that the Planning Commission approved the zoning change 7 to 1. She stated there were no modifications by the Planning Commission and it is now ready to be presented to the County Board.

7 VISION RFP - Bill Kostner, City Risk Manager

Bill Kostner, City Risk Manager, indicated the County had received four responses. Of those four companies, two were identified as being competitive in pricing and location and were invited to make a presentation before the selection committee. It was the selection committee's recommendation that EyeMed be awarded the request for proposal.

Kostner distributed documentation regarding EyeMed Vision Care (Exhibit F). He stated they have a large list of providers, discounts on laser surgery and their monthly premiums are 50 percent less than the current vision provider.

Dave Johnson, Deputy County Attorney, stated the award would be on the County Board's agenda for Tuesday, September 19, 2000. He added that a 60 day notice of non-renewal will also need to be given to VSP Insurance Company.

8 LANCASTER MANOR INSURANCE - Sue Eckley, Worker's Compensation and Risk Manager; Larry Van Hunnik, Lancaster Manor Administrator; Mike Herring, UNICO

Mike Herring, UNICO, stated the cost of claims have escalated to such a point that the insurance industry has withdrawn from writing nursing home professional liability policies. Herring stated the insurance industry has a cost per bed, with the exception of Texas and Florida, of \$770. The professional liability for the past year for Lancaster Manor was \$28 per bed. It was noted that the cost in Florida is \$6,282 per bed and in Texas the cost is \$2,458 per bed.

Herring briefly highlighted the following sections included in documentation distributed entitled *Lancaster County d/b/a Lancaster Manor - Nursing Home Professional Liability Discussion* (Exhibit G):

- Lancaster Manor staff
- Lancaster Manor residents
- Correspondence to Risk Management
- Company declines
- Proposals

Herring stated there is a crisis for availability of insurance. As far as offers for coverage, he stated there is one offer through Lloyd's of London, however, it is extremely expensive. He stated he does not like the proposal from Lloyd's from the standpoint of cost and the deductible. Herring also said he doesn't like the fact that it is a claims made policy.

He indicated that they will continue to try to find someone who will write the account for a one year period and hope that the market place settles down. If that cannot be achieved then the Lloyd's of London proposal is the only choice the County will have.

In response to a question asked by Workman regarding self-insuring, Van Hunnik indicated that the County Board should research that issue.

Herring stated he felt that the County should look at other funding mechanisms.

Campbell stated she would like Dave Kroeker, Budget and Fiscal Director, to review all of the information before the County Board makes any decisions.

In response to a question asked by Workman, Eagan stated there are statutory provisions that you cannot levy against county properties.

Workman stated he would be very supportive of self-insuring.

Hudkins concurred.

Campbell suggested that Dave Kroeker, Budget and Fiscal Director and Dave Johnson, Deputy County Attorney, review the information and meet with Sue Eckley, Worker's Compensation and Risk Manager and Mike Herring, UNICO.

9 **PURCHASE OF REAL ESTATE** - Don Killeen, County Property manager;
Dave Shively, Election Commissioner

MOTION: At 10:36 a.m. Hudkins moved and Workman seconded to enter into Executive Session for the purpose of discussing the purchase of real estate. Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

MOTION: At 10:54 a.m. Heier moved and Hudkins seconded to exit Executive Session. Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

10 SPECIAL PURCHASE OF MOTOR VEHICLE - Chief Deputy Sheriff Bill Jarrett; Vince Mejer, City-County Purchasing Officer; Kathy Smith, Assistant Purchasing Agent

Bill Jarrett, Chief Deputy Sheriff, said the Purchasing Department objects to the Sheriff's Office proposal to enter into a special purchase for a transport van.

Vince Mejer, Purchasing Agent, stated he was concerned that the intent of the Purchasing Act was not being followed.

MOTION: Heier moved and Hudkins seconded to proceed with the purchase of a motor vehicle (transport van) for the Sheriff's Office through the Purchasing Department.

Hudkins requested that the Sheriff's Office contact the Purchasing Department when making future purchases.

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

11 ACTION ITEMS
a. Letter to Griffin Grant Writing

Eagan distributed documentation with regard to a contract with Griffin Grant Writing (Exhibit E) indicating they have ten days to correct their defaults. He stated the default is that they have not prepared the final grant and have ceased operations. Eagan stated the contract has a performance bond, however, it says the principal (bonding company) upon breach of the contract by Griffin has the right to assume the contract, assign it and complete it. He stated the County contracted with Griffin Grant Writing and had stated that Griffin could not assign the contract without the County's consent.

He suggested that the Board proceed with giving notice to Griffin Grant Writing that the County is revoking the contract

MOTION: Hudkins moved and Workman seconded to authorize the County Attorney's Office to send letters to Griffin Grant Writing and Randall Funding & Development, LLC with regard to revoking the contract with Griffin Grant Writing. Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- b. Set Date for Joint Meeting with City Council Regarding Long Range Transportation Plan

Kathleen Sellman, Planning Director, suggested a joint public hearing with the City Council on Monday, October 2, 2000.

Campbell suggested that Sellman poll the City Council to see if they could hold the joint public hearing on Tuesday, October 3, 2000 at 1:30 p.m. or 5:30 p.m.

12 CONSENT ITEMS

- a. Request from Dean Settle for Administrative Leave to conduct CARF Survey, September 20-22, 2000.
- b. Vacation Request from Russ Shultz for Wednesday, September 20 through Monday, September 25, 2000.

MOTION: Heier moved and Hudkins seconded approval of the Consent Items. Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

13 ADMINISTRATIVE OFFICER REPORT

- a. Revision to Commissioner's Award of Excellence Bylaws.

Kerry Eagan, Chief Administrative Officer, explained that the Commissioners Award of Excellence Committee requested there be an amendment to the bylaws to consider nominees for four months as opposed to three months.

He suggested that the request be referred to Diane Staab, Deputy County Attorney, for review.

By direction of the Chair, the request for a revision to the Commissioners Award of Excellence Bylaws was referred to Diane Staab, Deputy County Attorney, for review.

- b. Request from Argon National Lab to Test Equipment on County Property located at the corner of Oldfield Road and 141st Street.

Eagan explained that Argon National Lab would like to test well drilling equipment on County property. He stated they are not offering to pay for the use of the property and suggested that the Board decline the request.

MOTION: Hudkins moved and Heier seconded to deny the request from Argon National Lab to test equipment on County property located at the corner of Oldfield Road and 141st Street. Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

- c. Report from Larry Worrell, County Surveyor, Regarding Request to pave Alysheba Lane.

Eagan stated the County had received a request from an individual to pave a section of a subdivision. He said it was the recommendation of the County Engineer to approve the request, subject to conditions as outlined in a memo from Larry Worrell (Commissioners packet).

Eagan suggested a contract be drafted for review by the County Attorney's office with placement of the contract on a future Tuesday County Board agenda.

ADDITIONS TO AGENDA

- a. Letter from the Mayor regarding the Affirmative Action Officer.

Campbell read a letter from the Mayor regarding the Affirmative Action Officer into the record noting that the Mayor would like a citizen panel to interview the top candidates and recommend finalists to him for approval. She stated that the Mayor would also like the County Board to name an individual willing to serve on the panel.

Heier suggested that Lovie Magruder sit on the panel. He stated Ms. Magruder has served on the Planning Commission and is currently in charge of Human Resources at Wells Fargo Bank.

MOTION: Heier moved and Hudkins seconded to appoint Lovie Magruder to the Citizens Panel in connection with the Affirmative Action Officer. Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

- b. Tour of Community Assessment Center in Topeka, Kansas.

Campbell stated Gus Hitz telephoned indicating a group of individuals from Families First and Foremost would be taking a tour of the Community Assessment Center in Topeka, Kansas on Thursday, October 5, 2000 and had asked if any of the Commissioners were interested in going.

Heier and Hudkins expressed interest if they could change the tour date to a Wednesday or Friday later in October.

- c. Letter from Gordon Kissel.

Eagan stated Gordon Kissel, Legislative Consultant, sent a letter indicating his firm is one of three finalists for legislative representation of the Joint Antelope Valley Agency (Exhibit D). He stated he felt it would be a conflict and suggested that the County Board object to Kissel/E & S Associates, L.L.C. representing the Joint Antelope Valley Agency.

Board consensus to object to Kissel/E & S Associates, L.L.C. representing the Joint Antelope Valley Agency.

d. Olsson Associates in connection with Radcliffe Road.

Eagan indicated that Olsson Associates was a subcontractor with Sinclair Hille and Associates. He explained that Olsson's bid the work, however, Purchasing was not made aware of that fact. The concern is whether they complied with the Purchasing Act. Eagan indicated he had spoken with Chad Blaha, Olsson Associates, who reviewed a checklist which he followed and which complied with the Purchasing Act. He stated his investigation indicated that Olsson Associates did comply with the Purchasing Act.

e. Agenda for the meeting with Villages on Thursday, September 21, 2000.

Eagan stated he had the following items for the agenda:

- Comprehensive Plan
- Sexually Oriented Businesses
- Update on Rural Addressing

14 DISCUSSION OF BOARD MEMBER MEETINGS

a. **Railroad Transportation Safety District** - Heier, Workman

Workman reported that they did not approve the 1.5 million dollars for a study in connection with Antelope Valley. He stated they did approve the Railroad Transportation Safety District (RTSD) budget.

Workman also reported that he attended the Parks and Recreation Futures Committee meeting. He announced there will be a retreat on Wednesday, September 27, 2000.

b. **Public Building Commission** - Campbell, Hudkins

Campbell reported that the State Treasurer's office will be using one-quarter to one-half of the space on the first floor of the old police building (233 South 10th Street). Security software for the Hall of Justice continues to be worked on. She also said there was a presentation by Sinclair Hille regarding long range parking, noting that several scenarios are being studied.

Hudkins reported Gary Lacey, County Attorney, had requested that the area between the County-City Building and the Hall of Justice and Law Enforcement Center be landscaped. He said Jim Hille, Sinclair Hille & Associates, suggested that a minimum amount of money be spent in the event that a walkway is built across 9th Street. He also reported that the southwest corner of the Hall of Justice and Law Enforcement Center was designated for placement of benches and tables.

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SCHEDULE OF BOARD MEMBER MEETINGS

- a. **Parks & Recreation Advisory Board** - Thursday, September 14, 2000 at 4 p.m., at the County-City Building, Commissioners Hearing Room - Workman
- b. **City-County Super Common** - Friday, September 15, 2000 at 8:15 a.m. at the Cornhusker Hotel, Yankee Hill III Room - All Commissioners
- c. **JBC/Needs Assessment Executive Committee** - Friday, September 15, 2000 at 10 a.m., Cornhusker Hotel, Yankee Hill III Room - Campbell, Steinman
- d. **Joint Meeting with City Council and School Board** - Monday, September 18, 2000 at 7:30 a.m., at the County-City Building, Room 113 - All Commissioners
- e. **Board of Health** - Tuesday, September 19, 2000 at 6:30 p.m., at 3119 "O" Street - Hudkins

In response to a question asked by Workman, Campbell stated that transportation and land use planning are the two joint issues with regard to Item 15d - Joint Meeting with City Council and School Board.

RETURNING TO AGENDA ITEM 2d - OLSSON ASSOCIATES IN CONNECTION WITH RADCLIFFE ROAD:

Don Killeen, County Property Management, suggested that Olsson Associates speak with Vince Mejer, Purchasing Agent, regarding the bid procedure used.

Mejer stated that as far as he was concerned the bid the County Board received from Olsson Associates was not a legal bid. He stated it may be possible for the County Board to direct him to investigate the bids and Olsson's procedures to see if the purchasing procedures were followed.

It was the consensus of the County Board to request Dave Johnson, Vince Mejer and Don Killeen to review the bids and procedures used by Olsson Associates and bring a recommendation to the Board on Thursday, September 21, 2000.

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EMERGENCY ITEMS AND OTHER BUSINESS

Campbell questioned the number of Staff meetings scheduled for January, 2001.

Hudkins stated they were scheduled as optional meetings and they would be held only if needed.

By direction of the Chair, the staff meeting was adjourned.

Bruce Medcalf
County Clerk