

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, NOVEMBER 30, 2000
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins, Vice Chair
Linda Steinman
Bernie Heier

Commissioners Absent: Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY,
NOVEMBER 21, 2000**

MOTION: Heier moved and Hudkins seconded approval of the Staff Meeting minutes of November 21, 2000. Hudkins, Heier and Campbell voted aye. Steinman was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Six Month Performance Review for Gina Dunning, Lincoln Area Agency on Aging Administrator
- B. Monthly Meeting with the Mayor
- C. Appointment to the Ecological Advisory Committee
- D. Sign for Lancaster County Agricultural Society's Event Center
- E. Plan for Merging the Offices of the County Assessor and Register of Deeds
- F. Letter from the Region V Governing Board Requesting a Meeting on Wraparound Services (Exhibit A)
- G. Memorandum from Planning Department Regarding Application for Environmental Protection Agency (EPA) Wetland Protection Grant for Wetland and Riparian Habitat Mapping Project (Exhibit B)
- H. Nebraska Liquor Control Commission's Hearing on a New Application for License for DLH Inc. d/b/a Coaches Sports Bar and Grill at 640 West Prospector Court

MOTION: Heier moved and Hudkins seconded approval of the additions to the agenda. Heier, Hudkins, Steinman and Campbell voted aye. Motion carried.

3 PENDING LITIGATION

MOTION: Hudkins moved and Heier seconded to enter Executive Session at 8:23 a.m. for discussion of pending litigation. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

MOTION: Steinman moved and Hudkins seconded to exit Executive Session at 8:40 a.m. Steinman, Hudkins, Heier and Campbell voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- A. Six Month Performance Review for Gina Dunning, Lincoln Area Agency on Aging Administrator

Board members will forward their comments to the Chair.

- B. Monthly Meeting with the Mayor

Commissioner Steinman will take the Vice Chair's place at the meeting. She and the Chair plan to raise the issue of non-emergency ambulance service.

- C. Appointment to the Ecological Advisory Committee

The names of Darlene Schroeder and Marge Wetenkamp were suggested.

- D. Sign for Lancaster County Agricultural Society's Event Center

Campbell said the Lancaster County Agricultural Society would like to erect a 50 foot high, 150 square foot, sign for the Event Center. The Building and Safety Department refused to issue a permit for the sign as it exceeds the 70 square foot ground signs that are allowed in the Agriculture (AG) District. She said it has been suggested that the Ag Society seek Public (P) District designation to eliminate the need for conformance. Campbell questioned whether this is advisable, as signage is a sensitive issue in the community.

Heier said if the City decides to restrict development in the adjacent floodplain a sign this tall will not be necessary, as there will be no sight obstructions.

Campbell said she believes there may be more latitude for the signage under the City's zoning, as the property is scheduled to be annexed. She suggested that Commissioners Heier and Workman discuss the issue in further detail with Mike DeKalb, Planning Department, and representatives of the Ag Society. The Mayor and City Attorney should also be consulted on the matter.

Board members suggested that consideration also be given to providing direction to the Event Center with billboards along the interstate and signage on the state roads.

4 COUNTY CLERK'S RECORDS MANAGEMENT SYSTEM - Bruce Medcalf, County Clerk; Gwen Thorpe, Deputy County Clerk; Brian Pillard, Records & Information Manager

Gwen Thorpe, Deputy County Clerk, said the Records Management Committee has reviewed the responses to the Request for Proposals (RFP) for a records management system for the County Clerk's Office, but has had difficulty selecting the best proposal. The committee has sought advice from experts in records management and imaging and was advised that the two issues were confused in the RFP. She said the committee recommends contracting with Julie Gabel, Gabel Consulting, for an assessment of the County's records management needs and assistance in writing and evaluating the RFP. It is estimated that this will take a maximum of 20 days, at a cost of \$1,000 per day.

Bruce Medcalf, County Clerk, said other County departments have expressed interest in the project.

Thorpe asked whether the County Board would be interested in expanding the records management system to other departments, with a phased-in approach.

Eagan asked how Lotus Notes will fit in.

Brian Pillard, Records & Information Manager, said Lotus Notes has a lot of capabilities but does not manage records.

MOTION: Hudkins moved and Heier seconded to authorize a committee comprised of Bruce Medcalf, County Clerk; Gwen Thorpe, Deputy County Clerk; Brian Pillard, Records & Information Manager; Doug Thomas, Information Services Director; Dave Kroeker, Budget & Fiscal Officer; and Kerry Eagan, Chief Administrative Officer, to proceed with development of a contract with Julie Gabel, Gabel Consulting, and to bring it back to the County Board. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

5 OUTPATIENT STAFFING FOR SEX OFFENDER PROGRAM - Dean Settle, Community Mental Health Center Director

Dean Settle, Community Mental Health Center Director, said \$43,600 in additional funding is needed to maintain the current level of services through June 30, 2001 in two critical programs (Exhibit C):

- < An additional \$17,600 for the psychologist contract at the Crisis Center (Contract guaranteed Dr. Leggiandro 25 hours per week, with a provision to increase his hours up to 30 hours per week to meet demand. He actually works 30 hours per week, sometimes more without compensation.)
- < An additional \$26,000 for the contracted psychologist in the Out Patient Services Program (Dr. Paine has assumed many out patient referrals as well as picking up sex offender program participants in group and individual sessions. The current contract is for 20 hours per week, although she currently works and bills for additional hours. The same number of hours are proposed for next year and Dr. Paine has agreed to reduce her hourly rate to \$50.)

Settle reported that the Mental Health Board is now doing uncommitments for individuals that have been on the Crisis Center unit so long that they are no longer in crisis. He said he is concerned with this practice and has asked Mike Thew, Chief Deputy County Attorney, to review it.

Heier questioned whether these individuals should have even been placed in the Crisis Center and asked whether the County Board is allowed to set criteria for people that enter its facility.

Settle explained that approximately half of the individuals that come into the Crisis Center stabilize after receiving medication and being connected back with their families or private therapists. These individuals work through their crisis on their own and do not go through commitment procedures. He said other individuals are so psychotic and pathological that they need structured, institutionalized treatment.

In response to a question from Eagan, Settle said the County Clerk's Office has refused payment of one claim for Dr. Paine because it exceed her contract.

Campbell said the contract should be revised then to ensure Dr. Paine payment for services.

Heier asked whether the psychologists must have Ph.D.'s.

Settle said a certain number of Ph.D.'s are required. He said some of the psychologists on staff hold Masters degrees.

Heier said hiring psychologists with Masters degrees, rather than Ph.D.'s, may help to reduce costs.

Settle said recruitment is difficult, adding he was unable to find a psychologist with a Masters degree with the necessary skills for the Sex Offender Program.

6 EXCESS LIABILITY COVERAGE FOR COMMUNITY MENTAL HEALTH CENTER; CRISIS CENTER LIABILITY INSURANCE - Dean Settle, Community Mental Health Center Director; Sue Eckley, Workers' Compensation & Risk Management Manager; Mike Herring, UNICO

Excess Liability Coverage for Community Mental Health Center

Mike Herring, UNICO, said the current insurance policy provides general and professional liability coverage up to \$1 million per claim and \$3 million aggregate. He said a \$4 million excess liability policy is needed to get to the level at which the Claims Tort Act takes over. He said two quotes for coverage were received, one of which has a number of exclusions.

Sue Eckley, Workers' Compensation & Risk Management Manager, said the County is not fully protected at this time and recommended purchase of an excess liability insurance policy.

Dean Settle, Community Mental Health Center Director, said he encourages the psychologists and therapists on staff to maintain their own private professional liability insurance in addition to that which is provided by the County.

Heier asked whether this could be made a condition of hire.

Eagan said it can be required of the contracted employees.

The Board asked Settle to check with his staff on whether this coverage is in place and asked Eckley to consult Gary Lacey, County Attorney, on the issue of the excess liability coverage.

Crisis Center Liability Insurance

Herring said insurance companies are not going to provide liability coverage if the County is doing something that it is reasonable to expect will lead to litigation, particularly a civil rights violation. He said liability insurance is not the solution to protecting the County against these types of legal actions.

Eagan noted that the County had proposed legislation to hold the County harmless in these cases.

Steinman asked whether the other counties in Region V could carry liability insurance that would cover their clients that are being held in the Crisis Center.

Herring said perhaps some liability exposure would be addressed if Lancaster County were shown as an additional insured on their policies, but added that their policies will run into the same issues.

Campbell suggested that perhaps Region V could purchase liability insurance to cover the counties.

The Board asked Herring, Eckley, Settle and Eagan to meet with Mike Thew, Chief Deputy County Attorney; Dave Johnson, Deputy County Attorney; Jill Rubottom, Region V, and Dave Buntain, attorney representing Region V, to talk through the issues, with a report back to the Board.

7 GOLDEN POND ESTATES - Larry Worrell, County Surveyor; Mike DeKalb, Planning Department

Larry Worrell, County Surveyor, explained that the applicant withdrew portions of the original preliminary plat that were outside the Village of Firth's jurisdiction and ended up with two small areas of proposed public county road that are in the County's jurisdiction. He said the County may accept the road by deed or dedication and said it is his recommendation that the road right-of-way be acquired through approval of the final plat by both the County and Village of Firth.

Mike DeKalb, said these circumstances are unusual and suggested following the same procedure as with a street vacation. The applicant would petition the County to grant the road by the deed and there would be review by the Planning Department and County Engineer.

Worrell said if the County accepts the road through deed it should cover the entire roadway, not two segments.

The Board authorized the Planning Department and County Engineering to proceed, as suggested by DeKalb.

8 WARNING SIREN AT ARCHER DANIELS MIDLAND - Doug Ahlberg, Emergency Management Director

Doug Ahlberg, Emergency Management Director, said Archer Daniels Midland has offered to pay for an outdoor warning siren and installation at their plant, 7800 Thayer Street. He recommended acceptance of the offer as it will provide coverage for the Lancaster County Agricultural Society's Event Center and an area of the City not currently covered.

MOTION: Heier moved and Hudkins seconded to accept Archer Daniels Midland's offer of an outdoor warning siren to be located at their plant and to have Doug Ahlberg, Emergency Management Director, assist in drawing up a contract. Heier, Hudkins, Steinman and Campbell voted aye. Motion carried.

9 ACTION ITEMS

- A. Approval of Special Designated License for Rhino Dynamics, Inc., d.b.a. Duffy's at Country Pines, 6305 West Adams Street, on December 17, 2000

Gwen Thorpe, Deputy County Clerk, said the request for the Special Designated Permit was received by the County Clerk's Office on November 27th, which is less than the 21 days required by the County.

MOTION: Steinman moved and Heier seconded approval. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

- B. Agenda Items for Joint Meeting of the City County, Mayor, Lincoln Board of Education and County Board on Tuesday, December 12, 2000

The Board suggested that the Families First & Foremost (F³) Grant Program and the Assessment Center be scheduled on the agenda.

The Board summoned Norm Agena, County Assessor, and asked him if the Lincoln Board of Education has asked him to speak on LB 271 (tax property leased by the state and local governments to private commercial enterprises).

Agena said no, noting there will be further refinement of the bill.

- C. Request from City of Waverly to Drill Test Hole on 134th Street Between I-80 and Alvo Road

MOTION: Heier moved and Hudkins seconded approval, subject to the County Engineer's review of signage. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

- D. Legislative Priorities for Nebraska Association of County Officials (NACO) Meeting

Board consensus to indicate the following as its legislative priorities:

- < Juvenile Justice Issues
- < Mental Health Issues
- < Expenditure of County Funds for Roads within City Limits
- < Greenbelting

Larry Worrell, County Surveyor, appeared and said the Nebraska Legislature's Public Affairs Committee will hold a hearing tomorrow on LB1301 (change sanitary and improvement district road repair and maintenance provisions) and LB1320 (provide for highway fund distributions to sanitary and improvement districts).

MOTION: Steinman moved and Heier seconded to authorize Larry Worrell, County Surveyor, to provide testimony in opposition to LB1301 and LB 1320. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

RETURNING TO ITEM 2D

Mike DeKalb, Planning Department, appeared and said the zoning district, not City jurisdiction, determines the allowable size. He said the property is currently zoned Agriculture (AG) and will probably remain so after it is annexed. DeKalb said other options include obtaining an County Attorney's opinion that the Ag Society is a governmental entity and not regulated by zoning or to request a Public (P) District designation which has no limitations. A Commercial (C) designation could also be sought, but is not recommended.

Hudkins noted that a commercial nursery is located nearby.

DeKalb said nurseries are allowed by right in the Agriculture (AG) district and Sunwest Farms, which is also nearby, is allowed by Special Permit.

10 CONSENT ITEMS

A. Vacation Requests:

1. Dean Settle, Community Mental Health Center Director, for December 23, 2000 through January 7, 2001
2. Larry Van Hunnik, Lancaster Manor Administrator, for December 25, 2000 through January 1, 2001

MOTION: Hudkins moved and Steinman seconded approval. Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

RETURNING TO ADDITIONS TO THE AGENDA

E. Plan for Merging the Offices of the County Assessor and Register of Deeds

The Chair and Vice Chair will meet with the two officeholders after the first of the year to begin formulating a plan for merger and to address specific concerns.

F. Letter from the Region V Governing Board Requesting a Meeting on Wraparound Services (Exhibit A)

The Board reaffirmed its position that all of the partners in the Families First & Foremost (F³) Grant (County, Region V, State of Nebraska and UPLIFT, the parents organization) need to participate in the proposed discussion on wraparound services.

Campbell and Eagan will draft a response to the Region V Governing Board indicating that the concerns expressed will be shared with the Conveners Group at its next meeting on December 18th. The Region V Governing Board will be asked to attend that meeting or to offer alternative dates to meet with the Conveners Group if the Region V Governing Board is unable to meet on that date.

- G. Memorandum from Planning Department Regarding Application for Environmental Protection Agency (EPA) Wetland Protection Grant for Wetland and Riparian Habitat Mapping Project (Exhibit B)

Eagan said the 25 percent local match will primarily be met with in-kind services, with the Planning Department funding the remaining cash obligation.

- H. Nebraska Liquor Control Commission's Hearing on a New Application for License for DLH Inc. d/b/a Coaches Sports Bar and Grill at 640 West Prospector Court

Dave Johnson, Deputy County Attorney, and Commissioners Steinman and Workman will attend the hearing on December 14, 2000.

11 ADMINISTRATIVE OFFICER REPORT

- A. Legal Opinion Policy

The Board reviewed a draft of *Legal Opinion Policy, Lancaster County Board of Commissioners* (Commissioners' Information Packet).

- B. Update on Health Insurance for James Smice, County/City Property Management

Eagan said retirement seems to be the best solution for Smice and will allow him to continue his health insurance coverage, at his expense.

- C. County Board Appointment to Emergency Medical Services (EMS), Inc. Board

Board consensus to ask Dr. Joseph Gard whether he would accept appointment to the EMS, Inc. Board.

- D. Special Designated Permit Process

Gwen Thorpe, Deputy County Clerk, said County Resolution 3834 (Establishing a Fee for the Approval of Special Designated Permits) and County Resolution 5351 (Procedures and Standards for Adminstrating Liquor License Applications in Lancaster County, Nebraska) need to be updated.

Board consensus to increase the fee from \$25 to \$45 and to increase the County's filing period from 21 days to 21 working days prior to the date of the event.

Thorpe noted that the Nebraska Liquor Control Commission has agreed to revise their application to indicate that it must be submitted to that body 10 working days prior to the event, in addition to whatever time is required by the local jurisdiction.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Meeting with Nebraska Department of Health and Human Services (HHS) Regarding Juvenile Justice - Steinman

Steinman said Douglas and Lancaster were the only counties represented at the meeting and were asked to speak to the problem. She said juvenile justice and juvenile mental health issues were primarily discussed, with a brief discussion of adult mental health issues.

B. General Assistance Monitoring Committee - Campbell, Steinman

Steinman said changes to the percentage of poverty for families seeking housing subsidy and an increase in the amount of value allowed for vehicles from \$1,500 to \$5,000 were recommended. Burials were also discussed.

C. Families First & Foremost (F³) Stakeholders - Campbell, Steinman

No report.

13 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk