

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MAY 3, 2007
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
John Glynn, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, APRIL 26, 2007

Stevens said the minutes should reflect that he exited the meeting at 10:51 a.m., not 11:51 a.m.

MOTION: Stevens moved and Heier seconded approval of the Staff Meeting minutes dated April 26, 2007, with the noted correction. Hudkins, Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Transcripts for Greenbelt Disqualification Protests
- B. Juvenile Court Child Support Enforcement
- C. Microcomputer Request from Youth Services Center (Exhibit A)

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

Schorr arrived at 8:32 a.m.

ADDITIONS TO THE AGENDA

A. Transcripts for Greenbelt Disqualification Protests

Discussion took place with Dan Nolte, County Clerk, and John Glynn, Deputy County Clerk, regarding transcripts for greenbelt disqualification protest hearings. **NOTE:** The County Assessor has requested transcripts of the protests that were approved, with the exception of those in which the County Assessor's Office recommended approval after further review. Glynn suggested that the County contract with his former secretary for transcription services, stating her rate is considerably less than that of a court reporter.

Kerry Eagan, Chief Administrative Officer, said the Board of Equalization Budget is an appropriate funding source.

MOTION: Hudkins moved and Heier seconded to authorize the County Clerk to proceed with preparation of transcripts which have been requested by the County Assessor.

The Board asked Glynn to work with the County Attorney's Office in drafting a contract.

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

3 **LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant; Kristin Crawford, Vice President of Legislative Services for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit B).

Hudkins asked Kissel to check on amendments to LB 334 (Merge the Department of Property Assessment and Taxation with the Department of Revenue).

It was noted that LB 133 (Provide for the transfer of development rights as prescribed) did not make it out of the Legislature's Government, Military and Veterans Affairs Committee.

4 **INVESTIGATION UPDATE (EXECUTIVE SESSION)** - Terry Wagner, Lancaster County Sheriff

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 8:42 a.m. for an investigation update. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

MOTION: Hudkins moved and Stevens seconded to exit Executive Session at 8:56 a.m. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

5 LANCASTER MANOR REQUEST FOR INFORMATION (RFI) - Vince Mejer, Purchasing Agent; Bob Walla, Assistant Purchasing Agent; Ron Feters, Lancaster Manor Interim Administrator

Bob Walla, Assistant Purchasing Agent, reported that he is filing a complaint against the sales representative with regards to the recent purchase of a water heater for Lancaster Manor (see May 1, 2007 County Board of Commissioners Meeting minutes). Hudkins suggested the need for a redundancy plan.

Discussion took place regarding the Lancaster Manor Request for Information (RFI). Mejer suggested an evaluation period of 30 days. Board members indicated that they would like input from Ron Feters, Lancaster Manor Interim Administrator, and Feters said he would like 60-90 days to become more familiar with the facility before making any recommendations. Board consensus was to provide a 45 day response time. The review process was also discussed. It was noted that the RFI needs to indicate that Lancaster Manor is in the process of becoming a Medicare facility and a footprint of the facility will need to be attached. It was also suggested that Item 6.1 under Goals (see agenda packet) be reworded as follows: *To explore the possibility of selling or leasing Lancaster Manor or partnering with interested parties regarding the operation of the Manor.*

Brief discussion also took place regarding phone calls and correspondence received expressing concern that the facility will be sold or closed. Feters reported that meetings were held with department heads and staff to address their concerns.

6 VETERANS SERVICE COMMITTEE APPOINTMENT - Gary Chalupa, Veterans Service Officer/General Assistance Director

Gary Chalupa, Veterans Service Officer/General Assistance Director, said five applications were received for a vacancy on the Veterans Service Committee. All five met statutory requirements. The Veterans Service Committee reviewed the applications and identified the top candidates. He said Carl G. Marks was ranked the top candidate.

MOTION: Hudkins moved and Stevens seconded to direct Gary Chalupa, Veterans Service Officer/General Assistance Director, to proceed with Carl G. Marks as the Veterans Service Committee replacement and to secure the necessary bond. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

NOTE: The Board will take formal action on the appointment at a regular Board of Commissioners Meeting.

ACTION ITEMS

- A. Appointment of Trish Owen to the Budget Monitoring Committee (Replacing Bruce Bohrer)

MOTION: Hudkins moved and Schorr seconded approval. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

ADMINISTRATIVE OFFICER REPORT

- A. Correspondence from Lincoln Chamber of Commerce Regarding Lincoln Partnership for Economic Development (LPED) (See Agenda Packet)

MOTION: Stevens moved and Schorr seconded to continue the \$10,000 contribution to the Lincoln Partnership for Economic Development (LPED) at this time. Schorr, Heier and Stevens voted yes. Hudkins and Workman voted no. Motion carried.

- B. K-Mart Bankruptcy Update

Eagan said the County Attorney's Office has negotiated a settlement with K-Mart and said K-Mart will pay \$40,000 in back taxes within 60 days.

ADDITIONS TO THE AGENDA

- C. Microcomputer Request from Youth Services Center (Exhibit A)

Eagan said funding will be through the agency budget.

MOTION: Stevens moved and Hudkins seconded approval. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

No report.

- B. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Heier said Cecil Steward, Joslyn Castle Institute for Sustainable Communities, gave a report on sustainability.

- C. Lincoln Partnership for Economic Development (LPED) Investors - Workman

Gwen Thorpe, Deputy Chief Administrative Officer, said she attended the meeting and said Tax Incremental Financing (TIF) was discussed.

D. Lincoln Chamber of Commerce Coffee - Stevens, Schorr

Schorr said she reported on the greenbelt disqualification process and changes in the state law. Dan Marvin, Lincoln City Council, outlined four proposals that he would like to work with the County Board on in the coming year: 1) Funding for the Rural to Urban Transportation System (RUTS) Program; 2) Keno allocation; 3) Jail; and 4) A study of government consolidation on the local level.

7 LABOR NEGOTIATIONS - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; Kristy Bauer, Deputy County Attorney; Don Thomas, County Engineer

MOTION: Schorr moved and Hudkins seconded to enter Executive Session at 9:47 a.m. for labor negotiations. Hudkins, Schorr, Stevens, Heier and Workman voted aye. Motion carried.

Schorr exited the meeting.

MOTION: Heier moved and Stevens seconded to exit Executive Session at 10:27 a.m. Stevens, Workman, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

ADDITIONS TO THE AGENDA

B. Juvenile Court Child Support Enforcement

Dennis Keefe, Public Defender, appeared and said he recently learned that the representatives of the Nebraska Department of Health and Human Services (HHS), County Attorney's Office and Juvenile Court have been meeting to discuss a request from the County Attorney to establish child support in abuse and neglect cases in Juvenile Court. He said the impact to the contracts for legal representation in abuse and neglect cases in Juvenile Court was not considered.

Schorr returned to the meeting at 10:29 a.m.

Keefe said the contractors he spoke with are not interested in the additional work and certainly will not do it without additional compensation. He said he will meet with the Lancaster County Indigent Defense Advisory Committee and bring back a recommendation on how to handle the cases. Keefe noted that the first hearing is set for June 1, 2007.

MOTION: Schorr moved and Hudkins seconded to send a letter to Governor Heineman, with copies to Christine Peterson, Nebraska Department of Health and Human Services (HHS) Chief Executive Officer, Juvenile Court Judge Roger Heideman and the Nebraska Association of County Officials (NACO), expressing concern about the new policy, with signature by all of the County Commissioners.

Keefe was asked to work with Eagan in drafting the letter.

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

Schorr asked that this also be added to the list of legislative priorities.

- 8 PURCHASE OF EIGHT (8) MONITORS** - Sue Kirkland, Clerk of the District Court; Linda Sanchez-Masi, Chief Deputy Clerk of the District Court

Item was dropped from the agenda.

- 9 COUNTY PAVING PROGRAM AND OMAHA PUBLIC POWER DISTRICT (OPPD) UTILITY PERMITS** - Don Thomas, County Engineer; Doug Pillard, County Engineering

Omaha Public Power District (OPPD) Utility Permits

Doug Pillard, County Engineering, indicated plans by the Omaha Public Power District (OPPD) to build a 345KV transmission line from Nebraska City to a new substation that Lincoln Electric System (LES) is building at 103rd and Rokeby Road (Exhibit D). The route crosses five county roads and OPPD has submitted permit applications for the five road crossings. Each crossing will have a large pole in close proximity to the existing right-of-way line, with the exception of 176th Street. He said he sent OPPD a letter asking that the poles not be located closer than 60 feet from section line, with the exception of Breagan Road which needs to be 87 feet, to allow for future right-of-ways. OPPD indicated that it is not willing to change the design for the locations that are closer than 60 feet.

Don Thomas, County Engineer, indicated a willingness to pay right-of-way costs to have OPPD to locate the poles further out.

Pillard recommended denial of the utility permits and suggested that the Board ask OPPD to reconsider its design.

The utility permits will be scheduled for action on the May 8, 2007 Board of Commissioners Meeting agenda.

MOTION: Schorr moved and Hudkins seconded to send a letter to the Omaha Public Power District (OPPD) requesting reconsideration of the design, pending action at the May 8, 2007 County Board of Commissioners Meeting.

Brief discussion followed and the maker of the motion and the seconder withdrew their motion.

Heier asked the County Engineer to check whether the County has right-of-way on 190th Street on the county line with Otoe County.

County Paving Program

Don Thomas, County Engineer, discussed asphalt prices and recommended adjustments to the paving program. He said Yankee Hill Road will be re-bid as an offset Rural to Urban Transportation System (RUTS) Program road (\$300,000 is allocated in the Keno Fund for the project). Thomas recommended going ahead with the overlay work. The total cost is \$903,374.04, which will leave \$300,000 for new paving. There are four new paving projects: 1) Saltillo Road, from 84th Street to 98th Street (\$259,818); 2) West Bluff Road, ¼ mile west from Northwest 112th Street (\$65,508); 3) Waverly Road and 148th Street, ¼ mile north on 148th, then ½ mile west on Waverly Road, an interlocal agreement with the City of Waverly (\$186,739 - the City of Waverly has agreed to pay the extra cost above the initial estimate of \$153,000); and 4) Old Cheney Road, between 134th Street and 148th Street (\$297,669). He said of the Saltillo Road and Old Cheney Road projects, he would prioritize paving of Saltillo Road because it is being used as a south bypass.

Thomas said the grading of 98th Street to RUTS standards (estimated cost of \$600,000) will be part of his budget. He also stated that the County will need to buy a 17 acre parcel for the East Beltway (estimated cost of \$600,000) and said he plans to ask for another \$300,000 for the beltway project.

The Board asked Dennis Meyer, Budget and Fiscal Officer, to see if there are sufficient funds in the Keno Fund to fund the West Bluff Road project. **NOTE:** There are also funds set aside in the Keno Fund for the Waverly Road project.

There was general consensus to prioritize the Old Cheney Road project.

10 LOCAL OUTREACH TO SUICIDE SURVIVORS GRANT - Travis Parker, Mental Health Jail Diversion Project Director

Travis Parker, Mental Health Jail Diversion Project Director, appeared and requested authorization to submit the grant application (Exhibit E).

MOTION: Heier moved and Hudkins seconded to authorize the Chair to sign the grant application. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

**11 ADDITIONAL APPROPRIATIONS FOR ELECTION COMMISSIONER;
SIGNATURE ON REPRESENTATION LETTER FOR AUDIT - Dennis Meyer, Budget and Fiscal Officer**

Additional Appropriations for Election Commissioner

Dennis Meyer, Budget and Fiscal Officer, discussed the need for additional appropriations for the Election Commissioner (\$131,000).

MOTION: Hudkins moved and Stevens seconded to direct that a resolution transferring funds from the General Government Budget to the Election Commissioner's Budget be prepared for action at a County Board of Commissioner Meeting. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

Signature on Representation Letter for Audit

Meyer said he has received a draft copy of the audit report and said the Chair will need to sign the management representation letter.

MOTION: Hudkins moved and Stevens seconded to authorize signature by the Chair. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

12 ACTION ITEMS

- A. Appointment of Trish Owen to the Budget Monitoring Committee (Replacing Bruce Bohrer)

Item was moved forward on the agenda.

13 ADMINISTRATIVE OFFICER REPORT

- A. Correspondence from Lincoln Chamber of Commerce Regarding Lincoln Partnership for Economic Development (LPED) (See Agenda Packet)
- B. K-Mart Bankruptcy Update

Items A and B were moved forward on the agenda.

14 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens
- B. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier
- C. Lincoln Partnership for Economic Development (LPED) Investors - Workman
- D. Lincoln Chamber of Commerce Coffee - Stevens

Items A-D were moved forward on the agenda.

15 ADJOURNMENT

MOTION: Heier moved and Stevens seconded to adjourn the meeting at 11:27 a.m. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk