

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, OCTOBER 4, 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  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 9:02 a.m.

**AGENDA ITEM**

**1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, SEPTEMBER 27, 2007**

**MOTION:** Heier moved and Stevens seconded approval of the Staff Meeting minutes dated September 27, 2007. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Safety Checkpoint Grant Application (Exhibit A)
- B. InterLinc Acting with Citizens To Improve Our Neighborhoods (ACTION) Center
- C. Employment of Ron Fetters, Lancaster Manor Interim Administrator

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

**3 MENTAL HEALTH JAIL DIVERSION UPDATE** - Travis Parker,  
Behavioral Health Jail Diversion Program of Lancaster County Director

Travis Parker, Behavioral Health Jail Diversion Program of Lancaster County Director, presented Lancaster County Behavioral Health Jail Diversion Program Evaluation Findings (Exhibit B):

- \* Methodology
- \* Those Who Re-Offend Commit Most of the Crimes
- \* Recidivists Differentiated by Mental Illness
- \* Divertees Recidivate Less than Others with Mental Illness in Corrections
- \* Dimensions of Recidivism
- \* Successful Divertees
- \* Successful Divertees Reduction in Jail Bed Nights
- \* Unsuccessful Divertees
- \* Length of Stay Facts
- \* Length of Stay Comparison
- \* Reduction in Most Costly Care
- \* Divertees' Symptoms Improve
- \* Improvement Statistics
- \* Employment
- \* Implications of the Data

Parker said he has been asked to give a presentation on the program at a national conference in Pittsburgh, Pennsylvania (Exhibit C). He also reported that an article on the program will be published in American Jails Magazine.

Heier asked whether there are similarities in jail population throughout the State.

Parker said particularly in the Tri-City Area, noting a similarity in population base and availability of services. He said the percentage of individuals with mental health and substance abuse that are entering jails is similar throughout the State and attributed an increase in the numbers to 2004 Legislative Bill 1083 (Nebraska Behavioral Health Services Act).

In response to a question from Workman, Parker said the program is at capacity most days of the week.

Schorr suggested that the Board discuss funding an additional case manager at mid-year.

- 4     **A) LANCASTER MANOR REQUEST FOR INFORMATION (RFI); B) ESTATE OF ARLEY HENKE; AND C) MEDICARE BILLING** - Ron Feters, Lancaster Manor Interim Administrator; Vince Mejer, Purchasing Agent; Bob Walla, Assistant Purchasing Agent; Tom Fox, Deputy County Attorney

**A) Lancaster Manor Request for Information (RFI)**

Ron Feters, Lancaster Manor Interim Administrator, said he has not completed the compilation of data and asked whether the Board is still interested in receiving the information. He also questioned the relevance of some of the information that is requested.

Hudkins noted there are staff shortages in the administration and personnel services areas at Lancaster Manor and said Feters would probably have to hire someone to assist in compiling the data. He said if the Board decides to proceed with the RFI and explore contracting with a management service or sale of the facility, he would like to have input from Pat Snyder, Executive Director of Nebraska Health Care Association, Inc.

Stevens said he is interested in pursuing the RFI to see what alternatives are available and suggested that Feters and Vince Mejer, Purchasing Agent, work together to refine what is necessary for that process.

It was noted that Feters' six month commitment will be up at the end of the month. Board members expressed confidence in Feters and asked whether he would consider a more permanent appointment.

Feters indicated that he would like to continue his employment.

**MOTION:** Hudkins moved and Schorr seconded to postpone the request for a Request for Information (RFI). Heier, Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

**B) Estate of Arley Henke**

Tom Fox, Deputy County Attorney, reported receipt of a letter from the personal representative and attorney for the estate of Arly Henke offering settlement in the amount of \$670.46 for a claim from Lancaster Manor in the amount of \$1,207.46 (Exhibit D). The total value of the estate is \$33,206.79 and only \$2,468.25 is available for medical and hospital expenses, which total \$4,445.15. He recommended that the Board accept the offer.

**MOTION:** Hudkins moved and Heier seconded to accept the offer, based on the recommendation from the County Attorney's Office. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

### **C) Medicare Billing**

Fettters said Lancaster Manor received Medicare certification on August 1<sup>st</sup> but has not done any billing, due to the Business Office Manager vacancy. He expressed concern regarding the lengthy hiring process.

Schorr asked whether it would be beneficial to have someone from the Personnel Department housed at Lancaster Manor.

Fettters said the hiring process is the problem and said he would like to hire a company to do the billing, on an emergency basis, until the position is filled. He said the cost would be \$7.50, per patient day, and said the total cost should be less than \$10,000.

Fox indicated that it would not meet the criteria for professional services and said it can't be considered emergency in nature since the County has 12 months to submit the billings.

Bob Walla, Assistant Purchasing Agent, said he should be able to solicit and get informal quotes back within a week.

Board consensus was to proceed with informal bids.

### **ADDITIONS TO THE AGENDA**

C. Employment of Ron Fettters, Lancaster Manor Interim Administrator

See Item 4A.

### **ADMINISTRATIVE OFFICER REPORT**

A. Leave Adjustment for Ron Fettters, Lancaster Manor Interim Administrator

Discussion of the leave adjustment request took place with Ron Fettters, Lancaster Manor Interim Administrator, and Don Taute, Personnel Director. There was general consensus that Fettters' absence on August 31<sup>st</sup> should be coded as a working day (travel time related to a conference) and September 4<sup>th</sup> should be coded as vacation leave.

**5) FLEXIBLE SPENDING AND VOLUNTARY BENEFITS REQUEST FOR PROPOSALS (RFP)** - Bill Kostner, City Risk Manager; Vince Mejer, Purchasing Agent; Dennis Meyer, Budget and Fiscal Officer; Don Taute, Personnel Director; Bill Thoreson, Benefits Specialist; Paula Stutheit, Assistant Benefits Specialist

Bill Kostner, City Risk Manager, said six proposals were received in response to the Request for Proposals (RFP) for flexible spending and voluntary benefits. He said the Review Committee recommended selection of PayFlex and American Family Life Assurance Company of Columbus (AFLAC). It was noted that both are returning providers.

Kostner said Aetna Life Insurance Company, the County's voluntary long-term care insurance provider, has given notification that it is getting out of that area of coverage. An RFP was sent out and three proposals were received. The Review Committee has recommended that the County contract with Prudential Financial. He said there will be staged enrollment and employees who are currently enrolled in the plan will be offered an opportunity to transition to Prudential or have coverage through a trust.

Schorr exited the meeting at 10:32 a.m.

**ADMINISTRATIVE OFFICER REPORT**

E. Dr. Bohart Salary Update

Don Taute, Personnel Director, said an hourly rate of \$78, with benefits, has been determined to be the "break even" amount (see September 27, 2007 Staff Meeting minutes).

There was general consensus was to proceed with that rate.

**6) RECORDS RETENTION REQUEST FROM THE PLANNING DEPARTMENT** - Brian Pillard, Records & Information Manager

Brian Pillard, Records & Information Manager, said the Planning Department has asked that retention of one box of records be extended, as documents in the box have reference value.

**MOTION:** Stevens moved and Hudkins seconded to extend retention of the box for three (3) years. Hudkins, Stevens, Workman and Heier voted aye. Schorr was absent from voting. Motion carried.

**7) ELECTRONIC MONITORING UNITS** - Kim Etherton, Community Corrections Director; Dennis Meyer, Budget and Fiscal Officer

Kim Etherton, Community Corrections Director, said the County Court Judges have decided that any offenders with a 30-day or less sentence are eligible to apply for house arrest. She said it is a positive step but will have an impact on her department's budget (see Exhibit E for proposed budget adjustments).

In response to a question from Workman, Etherton estimated that it will keep 60 to 65 individuals out of the jail every day.

Dennis Meyer, Budget and Fiscal Officer, said funding would need to come from the Contingency Fund unless other areas of reduction are identified.

Schorr returned to the meeting at 11:45 a.m.

**MOTION:** Hudkins moved and Heier seconded to authorize Kim Etherton, Community Corrections Director, to proceed as outlined with funding in the amount of \$92,023. Heier, Hudkins, Stevens, Schorr and Workman voted aye. Motion carried.

**8) A) JUVENILE DETENTION CONTRACT WITH THE STATE; B) HEALTH AND HUMAN SERVICES COMMITTEE TOUR OF THE YOUTH DETENTION FACILITY (FRIDAY, OCTOBER 5, 2007 AT 1:15 P.M.)** - Michelle Schindler, Youth Services Center Director; Tom Fox, Deputy County Attorney; Mike Merwick, Building & Safety Director

**A) Juvenile Detention Contract with the State**

Michelle Schindler, Youth Services Center Director, said the Office of Juvenile Services (OJS) has asked the County to consider continuing the State's contract for boarding youth at the Youth Services Center for two months at the current rate of \$238.00 per day. **NOTE:** The contract expired on September 30, 2007.

Tom Fox, Deputy County Attorney, said the past practice has been to make the contract retroactive to October 1<sup>st</sup>, once terms are agreed upon. He said the State does not want to do that this year.

Extensive discussion followed.

**MOTION:** Stevens moved and Schorr seconded to: 1) Offer to extend the existing contract for sixty (60) days at the current per diem rate of \$238.00, with the assumption that contract language will be worked out within that time and that the Office of Juvenile Services (OJS) will sign a new agreement at a per diem rate of \$260.08 with a contract term of either ten (10) or twelve (12) months, the term to be decided by the State; and 2) Offer to add a provision to the contract to provide the State with a credit at the end of the contract period, if the actual costs are determined to be less than the contracted rate.

**FRIENDLY AMENDMENT:** Heier offered a friendly amendment to change the contract extension period to thirty (30) days.

The maker of the motion rejected the friendly amendment.

**AMENDMENT:** Hudkins moved and Heier seconded to amend the motion to change the contract extension period to thirty (30) days.

It was noted that the amendment will change the contract term to either eleven (11) months or twelve (12) months, the term to be determined by the State.

**ROLL CALL ON THE AMENDMENT:** Hudkins, Heier and Workman voted aye. Schorr and Stevens voted no. Motion carried.

**ROLL CALL ON THE ORIGINAL MOTION AS AMENDED:** Hudkins, Schorr, Stevens and Workman voted aye. Heier voted no. Motion carried.

## **B) Health and Human Services Committee Tour of the Youth Detention Facility**

Schindler invited Board members to attend the tour.

- 9) UPDATE ON COUNTY SPECIAL PERMIT NO. 07033, SOIL EXTRACTION AT NORTH 56<sup>TH</sup> STREET AND HIGHWAY 77 BETWEEN BRANCHED OAK AND DAVEY ROADS** - Tom Fox, Deputy County Attorney; Mark Hunzeker, Attorney for the Applicant

Tom Fox, Deputy County Attorney, said he has reviewed the special permit section of the zoning regulations and has determined that the Board can amend the resolution with regard to the hours of operation (see the October 2, 2007 County Board of Commissioners Meeting minutes).

Mark Hunzeker, attorney for the applicant, circulated a copy of the bid specifications for the Interstate 80 project (the County Clerk's Office did not receive a copy). He said it provides that materials need to be brought in during off-peak hours, which are generally night time hours. Hunzeker said his client has a contract pending with LeGrande Excavating for the dirt, subject to a change in the permitted requirements.

Extensive discussion took place on what restrictions to place on the hours of operation.

Hunzeker said there will be other contracts let for Interstate projects and suggested that there be a general reference to contracts with governmental entities for projects which require delivery other than during daylight hours.

It was suggested that work related to the widening of I-80 be permitted during night time hours, seven days a week.

Hunzeker asked whether the applicant would need to come back to the Board if he is offered any other type of government contract.

Hudkins said he would be willing to apply the extended hours of operation to any governmental project, noting there is a possibility that the County could get excess dirt from a widening project west of Lincoln for fill on the new jail site.

Fox said the Planning Director can administratively approve amendments to a special permit.

There was general consensus to direct the County Attorney's Office to prepare the resolution to permit any soil extraction during daylight hours, Monday through Friday, with the exception of one half hour after sunrise and one half hour before sunset, and to permit nighttime hours, seven days a week, for governmental projects.

## **ADDITIONS TO THE AGENDA**

### **B. InterLinc Acting with Citizens To Improve Our Neighborhoods (ACTION) Center**

Workman said a constituent contacted him and said it is difficult to know who to contact if someone wants to file a complaint on dirt hauling. He suggested that the County "piggyback" on the City's Acting with Citizens To Improve Our Neighborhoods (ACTION) Center (citizens' service request system that is located on the InterLinc website).

Gwen Thorpe, Deputy Chief Administrative Officer, said the system needs work and said she believes there may be a better way to handle complaints.



Hudkins said complaints on dirt hauling should be directed to Building and Safety which is already set up to receive complaints through the ACTION Center.

Thorpe suggested that it might be beneficial to add a contact list on the County Board's webpage.

Karen Kurbis, 17500 North 84<sup>th</sup> Street, appeared and relayed difficulties experienced in trying to file complaints regarding problems at the Muhlbach dirt hauling site (North 56<sup>th</sup> Street/Highway 77 and Raymond Road).

Board consensus was to ask Lin Quenzer, City Ombudsman, and representatives of Information Services (IS) and the Building and Safety Department to provide the Board with an overview of the program and the complaint tracking system.

## **10 POTENTIAL LITIGATION - Tom Fox, Deputy County Attorney**

**MOTION:** Hudkins moved and Schorr seconded to enter Executive Session at 12:01 p.m. for discussion of potential litigation. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

**MOTION:** Stevens moved and Heier seconded to exit Executive Session at 12:05 p.m. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

## **11 ACTION ITEMS**

- A. Agreement with Schemmer Associates, Inc. for Engineering Services Regarding Alvo Road from North 1<sup>st</sup> Street to North 14<sup>th</sup> Streets (C# 07-0374)

Heier said he wasn't aware there are plans to do a portion of North 7<sup>th</sup> Street. He also expressed concern regarding the lack of a commitment to open the other end of Alvo Road.

**MOTION:** Stevens moved and Schorr seconded approval of the agreement.

**MOTION:** Heier moved to table the agreement until the Board hears from the Planning Department.

The motion died for the lack of a second.

**ROLL CALL ON THE ORIGINAL MOTION:** Workman, Stevens, Schorr and Hudkins voted aye. Heier voted no. Motion carried.

**12 ADMINISTRATIVE OFFICER REPORT**

- A. Leave Adjustment for Ron Fetters, Lancaster Manor Interim Administrator

Item was moved forward on the agenda.

- B. Letter from the Nebraska Department of Economic Development Regarding (Community Development Block Grant (CDBG) 02ED011) Lancaster County Contract Termination

Dennis Meyer, Budget and Fiscal Officer, appeared and said he spoke with Troy Gagner, Economic Development Coordinator, regarding this matter. Gagner said he believes it relates to the Archer Daniels Midland (ADM) Company project and said he will follow up with the Nebraska Department of Economic Development.

- C. Probation Reporting Center Tour (October 18 or 25, 2007)

Board consensus was to schedule the tour on October 18<sup>th</sup>, at 12:00 p.m.

- D. Blood Chemistry Profile Update

Informational only.

- E. Dr. Bohart Salary Update

Item was moved forward on the agenda.

- F. Proposal for Phase I Environmental Site Assessment (ESA) from Geotechnical Services, Inc. (GSI) (Southwest 40<sup>th</sup> and "O" Streets)

Eagan said Don Killeen, County Property Manager, does not believe the assessment is necessary.

**MOTION:** Hudkins moved and Stevens seconded to proceed with the Environmental Site Assessment (ESA) at a cost of \$1,950.00 and the chain-of-title and environmental lien search for an additional \$350.00. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- G. Proposed Date for Meeting with Douglas and Sarpy Counties

(Thursday, November 8, 2007)

There was no objection to the proposed date.

H. Update on Waverly School District #145 Annexation and Property Valuation Issue

Eagan said Waverly School District #145 prevailed on this issue.

Hudkins said it affects the Raymond Central School District as well.

I. E-Discovery Seminar (November 28, 2007)

**MOTION:** Hudkins moved and Stevens seconded to approve attendance by Kerry Eagan, Chief Administrative Officer, and Gwen Thorpe, Deputy Chief Administrative Officer. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

J. Lancaster County Fairgrounds Joint Public Agency Meeting on October 18, 2007 (Alternate for Commissioner Workman)

It was noted that Commissioner Hudkins is the alternate and will attend the meeting in place of Commissioner Workman.

K. Commissioner Heier's Attendance at Nebraska Association of County Officials (NACO) Legislative Conference

Hudkins said Larry Dix, Nebraska Association of County Officials (NACO) Executive Director, has agreed to present Lancaster County's list of legislative priorities at the legislative conference, so Commissioner Heier's attendance will not be required.

L. Management Retreat Agenda (October 11, 2007)

The Board reviewed the proposed agenda (Exhibit F).

**ADDITIONS TO THE AGENDA**

A. Safety Checkpoint Grant Application (Exhibit A)

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

### **13 DISCUSSION OF BOARD MEMBER MEETINGS**

#### **A. Lancaster Manor Advisory Board Meeting - Hudkins**

Hudkins said the Advisory Board urged the County Board to keep working on a smoking policy, in coordination with other health care entities in the community.

#### **B. Juvenile Justice Review Committee Meeting - Heier**

Heier said there was a review of juvenile services.

#### **C. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier**

Heier reported on efforts to establish new habitat for the Salt Creek Tiger Beetle.

#### **D. Chamber Coffee - Hudkins, Stevens**

Stevens said the jail and Alvo Road projects were discussed. He also reported that the Lincoln Public School (LPS) Board of Education is looking at the concept of mandatory, universal pre-school.

### **14 ADJOURNMENT**

**MOTION:** Heier moved and Hudkins seconded to adjourn the meeting at 12:24 p.m. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

---

Dan Nolte  
Lancaster County Clerk