

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, DECEMBER 20, 2007
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Melissa Koci, County Clerk's Office

The Chair opened the meeting at 8:33 a.m.

AGENDA ITEM

2 ADDITIONS TO THE AGENDA

- a. Pension Participation Requests (Exhibits A & B)
- b. Miscellaneous Expenditures Resolution
- c. Management Team Meeting on January 10, 2008

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

1 APPROVAL OF STAFF MEETING MINUTES FROM THURSDAY, DECEMBER 6, 2007

MOTION: Stevens moved and Hudkins seconded approval of the staff meeting minutes of December 6, 2007. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

3 (A) UNCLASSIFIED EMPLOYEE SALARIES AND (B) BENEFITS FOR PART-TIME BAILIFFS - Don Taute, Personnel Director; John Cripe, Classification and Benefits Manager

Eagan distributed documentation regarding the Public Defender's Salary Recommendations (Exhibit C).

John Cripe, Classification and Benefits Manager, indicated they did market matches on the appointed officials and noted salaries for the following positions were all under market: Juvenile Detention Director (12%); Chief Administrative Officer (29%); Deputy Chief Administrative Officer (52%); Budget Director (9%); and Corrections Administrator (9.5%). A few positions were above the market and some were right in line. He noted the comparisons of Attorney I's are 2.6% and 2.36% at the market pay.

The Board requested Cripe to compile a table showing a 3% increase up to a 4½% increase, going by 1/4's.

Schorr suggested reviewing at the Youth Services Center Director's salary because of her additional responsibilities. Hudkins also suggested reviewing the salaries for the Veteran's Service Officer and the Corrections Director.

With regard to other positions, Cripe indicated a 3/4 time employee for the County was already receiving health care, retirement and PEHP but not vacation. He said the part-time bailiffs were originally appointed out of convenience because an appointment can be made to the unclassified service without it being a career position. He suggested creating a new position in the classified service for the work release coordinator.

Eagan noted the District Court Judges' preference was to leave the bailiffs in the unclassified service as they need no supervision.

Judge Jodi Nelson appeared and said the District Court Bailiffs are paid about 8.8% less than those employees doing comparable work. She said bailiffs were paid higher than paralegals, but because the latter receive merit and cost-of-living increases, the bailiffs are now behind. Nelson added it is difficult to do a comparable study because the bailiffs do more than those in other jurisdictions. She requested a \$5,985 increase for each District Court bailiff and there are 7 of them.

Taute indicated some of the counties have a Court Administrator who oversee the bailiffs, courts and judges. He said maybe Lancaster County should look at that option now that they are hiring a Juvenile Court Administrator.

Nelson also noted the bailiffs are currently doing the payroll, the budget, computer set-up and personnel items, which should really be done by a Court Administrator.

Gary Lacey, County Attorney, appeared and said the Board should look at getting the employees moved underneath the State. They are the only employees left in the whole court system that are County employees.

Nelson said she understood the budget impact these pay increase would have and suggested they be phased in over a couple of years.

Stevens suggested not increasing the Paralegal II's wages and to work toward moving the bailiffs to the State.

Nelson also recommended the District Court Referee receive the same cost-of-living increase as the other agency directors.

Thorpe distributed copies of *Resolution Number R-07-0003, Annual Salary Increases for Directors, Assistant Directors, Psychiatrists, Sheriff Captains, Bailiffs, the Child Support Referee and Attorneys* (Exhibit D).

Cripe distributed documentation regarding the *Appointed Officials Salary Survey 2007* (Exhibit E).

Lacey indicated his overall increases are 4.13%.

Cripe noted the Public Defender is asking for a 4.01% increase.

Terry Wagner, County Sheriff, indicated he has not had time to work on salary recommendations for the Deputy Sheriff's salaries.

4 CONSTRUCTION MANAGER (COUNTY EMPLOYEE) - Don Taute, Personnel Director; John Cripe, Classification and Benefits Manager

Cripe indicated there is a provision in the Statute for hiring professional services whereby the employee would be unclassified with no benefits. He added the construction manager position would be a temporary hire for a specific duration and a specific salary.

13 JAIL ARCHITECT RFP - Vince Mejer, Purchasing Agent

Vince Mejer, Purchasing Agent, distributed documentation regarding the *RFP Architectural Design/Engineering Services for New Adult Detention Facility (Jail)* (Exhibit F). Mejer reported the committee selected Clark Enersen Partners as the Jail Architect. He said they had the best presentation and they have a diversified team including Karen Chinn and Al Provandra. He added Clark Enersen's sub partner, PSA-Dewberry (Phillips Swager Associates), has built 50 to 100 jails across the United States.

Mejer sought approval to enter into negotiations with Clark Enersen. He also noted if no agreement is reached with Clark Enersen, negotiations will commence with the number two firm.

Heier suggested the Board visit a few jail sites.

MOTION: Stevens moved and Hudkins seconded to authorize the team to move forward and negotiate with Clark Enersen and their partners.

Stevens indicated he is leaning away from the CMR and going more towards a Project Manager. He doesn't know how to go about hiring a person in the unclassified position who would be Lancaster County's employee and could do many of the same things the Construction Manager at Risk does.

Mejer said if the intent is not to hire a CMR, he suggested pulling the specification that is on the street before the construction companies spend a lot of time and effort preparing for it.

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

Heier indicated he would like to add the CMR as an addition to the agenda.

MOTION: Hudkins moved and Stevens seconded to add the addition to the agenda. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

Eagan distributed documentation from the Lincoln Independent Business Association (LIBA) requesting an update regarding the contract process for a contract manager at risk (Exhibit G).

5 MOTOCROSS UPDATE (ABBOTT FIELDS) - Glenn Johnson, Lower Platte South Natural Resources District General Manager; Arianna Kennedy, Lower Platte South NRD; Dr. David Samani

Arianna Kennedy, Lower Platte South NRD, distributed an update on the *Motocross/ATV Facility Project* (Exhibit H). She briefly outlined the exhibits and the funding status of the project noting that the total match money required is \$176,300 and the match money on hand is \$104,500 for a total amount needed of \$71,800 which they have a couple of years to get.

Workman asked Dr. David Samani when the first rider would be riding.

Dr. Samani is hoping by this spring after the public meeting has been done and the track is up and running. He said they will be donating a lot of the labor and equipment in order to get it going. Samani reported the Lincoln Sports Foundation has requested the motocross road to the north be the access into the facility because they don't want the construction equipment going through the Abbott Complex. He indicated he has spoke with Kawasaki for some funding who indicated they would help out as long as the County and City supported it, which they do.

Hudkins suggested talking with the County Engineer about the road access.

Schorr asked about the appraisal and the value of the easement.

Kennedy indicated she and Johnson originally estimated \$218,000 for the market value of the easements, but it came in extremely lower at \$54,000.

Samani said it would be September before they have the design or permits.

Heier asked if the City has contributed any money to the project.

Johnson said they have not.

- 6 PENDING LITIGATION** - Tom Fox, Deputy County Attorney; Don Taute, Personnel Director; John Cripe, Classification and Benefits Manager; Ron Fetters, Lancaster Manor Administrator

MOTION: Heier moved and Hudkins seconded to enter into Executive Session at 10:02 a.m. for the purpose of discussing pending litigation. Heier, Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 10:36 a.m. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

- 7 CRISIS CENTER MEDICAL BILLINGS** - Mike Thew, Chief Deputy County Attorney; Scott Etherton, Crisis Center Manager; Cori Beattie, Deputy County Clerk; Judy Tannahill, Community Mental Health Center Administrative Services Officer

Mike Thew, Chief Deputy County Attorney, reported after the BryanLGH agreement was signed he received a call from the County Clerk's Office who has been receiving claims from other medical providers besides BryanLGH. He said the claims involve Emergency Protective Custody (EPC) clients who had been at BryanLGH and were referred to an outside provider, so they are not covered by the agreement. Thew said Corrections has a policy whereby claims for inmates are sent to General Assistance for Medicaid pricing.

Heier suggested handling the EPC claims the same way as Corrections.

16 ADMINISTRATIVE OFFICER REPORT

- e. Claim for Review, PV #147529 Dated December 6, 2007, \$2,050 for DVD Production from Community Mental Health Center

Eagan said the claim exceeded the \$1,500 amount that is required to do a formal bid.

MOTION: Schorr moved and Hudkins seconded to pay the bill as a regular claim. Stevens, Workman, Schorr, Heier and Hudkins voted aye. Motion carried.

- 8 EAST BYPASS UPDATE** - Don Thomas, County Engineer; Roger Figard, City Engineer

Roger Figard, City Engineer, reported they entered into an agreement with a consultant in March of 2007 and the preliminary corridor protection in June of 2007 and the rest of the time the consultant continued to work on engineering refinements, working with FHWA, looking at other conflicts and adjustments that might need to be made. He said they are about 2 months behind with the contract because there were some changes made in leadership and they are hoping that final corridor protection would be filed by the end of February. Figard said they are also working on an interlocal agreement between the City and County that would further layout the continued cooperation of ensuring how the right-of-way might be acquired when a permit is filed for construction in corridor protection. He said the City and County would share equally in the costs and that any and all federal funds would be used first.

There was extensive discussion on the delay and the limits of construction.

Don Thomas, County Engineer, noted there was a system interchange for Interstate 80 and the East Beltway that was unexpected also.

Stevens asked when the federal funding was actually going to get into the construction phase.

Figard indicated he met with the City's lobbyist and they talked about finishing up next year's highway bill. He said the year after that with the new highway bill, the goal will be to continue to ask for \$2 to \$2.5 million a year to buy right-of-way when needed. He said they haven't even started looking at the construction phase.

9 MAINTENANCE ON GAGE COUNTY LINE ABUTTING GOLDEN POND ESTATES - Jennifer Schurman, Resident; Don Thomas, County Engineer

Schorr reported several years ago the County Board authorized the Golden Pond housing development with access onto Gage Road. She said there is an agreement with surrounding counties for joint maintenance either by section line, mile road or 2 miles.

Jennifer Schurman reported there are 24 homes in the Golden Pond Estates which is in Lancaster County. Lancaster County is maintaining 96th Street and 110th Street, but they are picking up their blade on the mile stretch on Gage Road before Golden Pond and after Golden Pond because Gage County is supposed to maintain Gage Road. She also noted the Golden Pond Estates Circle Drive is being plowed by Lancaster County and they have been maintaining their part of the agreement. She said there are 190 trips that travel Gage Road on a daily basis, along with 4 school buses. Sixty-three cars travel east and 126 travel west and the road is in poor condition. There is supposed to be joint maintenance of the road, however Gage County will not have anything to do with maintaining the road or removing snow because there is only one person on the Gage County side, within the Golden Pond Estates. She said something needs to be done to make sure the road is maintained because the first snow storm they had this year they didn't even get scooped out. She said the cost to bring the road up to standard is \$4,500 and \$1,800 a year to maintain it.

Thomas recommended maintaining and upgrading the west ½ mile and have Gage County maintain the east. He said there are 2 culverts in the east ½ mile that need to be fixed and because of the split their costs would be cut in half.

Hudkins wants to ask Gage County if they would trade miles.

Thomas indicated he does not want to trade, he would rather make it Lancaster County's responsibility.

Stevens said when the houses were built and the plan was to use Gage Road as an access road, the residents should have been aware that it was not Lancaster County's responsibility to maintain the road. He recommended asking Gage County for the \$4,500 if Lancaster County will maintain the road.

Schorr suggested asking the residents for \$100 each then take \$2,000 out of keno and request Thomas to continue the maintenance of Gage Road.

Schurman said not everyone is in favor of what she is purposing and there is no way for her to collect all of the money.

MOTION: Schorr moved and Hudkins seconded to allocate \$2,500 from keno for the west half, begin negotiations with legal counsel to draw up an agreement, send a letter to Gage County expressing Lancaster County's interest in beginning maintenance on the west half, request Gage County to provide funding for the east half, pick up the long term maintenance in the entire section if Gage County agrees to the funding and tell Gage County that Lancaster County has agreed to upgrade the west half. Hudkins, Heier, Workman and Schorr voted aye. Stevens voted no. Motion carried.

10 SUMMER 2008 GRADING WORK - Don Thomas, County Engineer

Thomas reported two miles on South 82nd Street and Superior Street (Wiese Road) were delayed last year and will be a top priority this spring. He also said they will be paving South 98th Street's first mile between Pioneers and Old Cheney, which will be the new RUTS road. Thomas said Bluff Road was going to be graded next summer, but it will be delayed, however it does free up \$290,000 in his budget. He said he thought about paving Saltillo, which would cost around \$310,000.

Hudkins suggested Thomas keep the Bluff Road grading as scheduled.

Thomas said he could let all the paving projects in March, including Bluff Road and Saltillo Road.

Workman asked Thomas about Arbor Road and the need for Dr. Samani to get the construction equipment into the Abbott Sports Complex by September 1, 2008.

Thomas said if the road is extended it will be on private property.

Schorr said the Lincoln Sports Foundation doesn't want the heavy construction trucks going through the parking lot while the kids are heading to their soccer games.

Thomas said they need to find out where the road ends and whose property is at the end of the road.

Hudkins said the property probably needs to be acquired.

Workman asked Thomas to speak with Glenn Johnson about getting a temporary easement.

11 LIST OF PROJECTS (INCREASED FUNDING) - Dennis Meyer, Budget and Fiscal Officer

Meyer distributed documentation regarding *Lancaster County's Funding Requests* (Exhibit I) and briefly outlined the requests that were approved by the Board with the funds being taken out of the contingency, totaling \$309,159. He said the BryanLGH settlement is \$637,877 and with the amounts coming out of the contingency fund already approved, there is a remaining balance of \$1,554,369.

Workman asked if it would be bad to spend all of the contingency.

Meyer said it would kill the fund balance because any money that is left in the contingency would be carried over to that fund balance.

Gary Lacey, County Attorney, appeared and indicated he needs another Deputy County Attorney and if he does not receive approval today he is going to take an attorney out of the federal system which means there won't be as many drug cases and he would lose \$80,000 of federal money. He said he is going to stop prosecuting all bad checks and is also considering getting rid of the misdemeanor theft cases so that he can cover the Juvenile Court.

Hudkins asked Lacey if he really believed getting rid of those programs is the best alternative.

Lacey agreed.

Hudkins disagreed.

There was extensive discussion about juveniles and the diversion program in Lancaster County.

Schorr questioned the \$120,000 salary.

Lacey said the Attorney would start at \$55,000 with benefits.

Workman said at the 25% benefit rate, the total would be around \$80,000. He suggested getting rid of the shooting range because they will only need \$40,000 for the new attorney for half of the fiscal year.

The Board agreed the kids are top priority.

MOTION: Stevens moved and Hudkins seconded to authorize the County Attorney to hire another juvenile attorney. Schorr, Workman, Heier, Hudkins and Stevens voted aye. Motion carried.

12 PENDING LITIGATION - Bill Peters, Attorney for Lancaster County Board of Equalization

MOTION: Heier moved and Hudkins seconded to enter into Executive Session at 11:47 a.m. for the purpose of discussing pending litigation. Schorr, Heier, Hudkins, Workman and Stevens voted aye. Motion carried.

MOTION: Stevens moved and Heier seconded to exit Executive Session at 12:11 p.m. Heier, Workman and Stevens voted aye. Schorr and Hudkins were absent from voting. Motion carried.

18 DISCUSSION OF BOARD MEMBER MEETINGS

a. **Parks and Rec Advisory Board Meeting - Stevens**

Stevens did not attend the meeting.

b. **Alternatives to Incarceration and Jail Overcrowding Meeting - Hudkins, Workman, Heier**

Heier reported they met with the Judges and Community Corrections about the monies set aside for alternatives to incarceration and they also discussed video arraignments.

Schorr and Hudkins entered at 12:14 p.m.

c. **Railroad Transportation Safety District Meeting - Schorr, Stevens, Workman**

Schorr reported the main issue was about the design and costs of the bridge over SW 40th Street.

Stevens said the County has allocated \$350,000 for the project and the RTSD has also made a commitment of money over time, however the costs of the City's portion of the project keep escalating. He noted the road was originally going to be closed for 4 years and now it is up to a 6-year road closure.

d. **Public Building Commission Meeting** - Hudkins, Workman

Hudkins reported a plan was presented and the County Attorney said he would be willing to move to the 3rd floor without security.

Workman said the plan is to move the County Attorney from the 4th floor to the 3rd floor, put a new Juvenile courtroom on the 4th floor and the City Attorney will move into the County Attorney's space which will leave room for another District Court and County Court. He said the cost is roughly \$2.4 million.

h. **Meeting with Governor Heineman** - Schorr, Stevens

Schorr reported they talked a great deal about Lancaster County's views on the use of the County's facilities to hold wards of the State. She said the State is concerned about the costs and are looking at other options around the State at a lower daily rate.

Stevens said the State indicated they could maintain the health, welfare and safety of the youth somewhere else at a lower cost than what they get from Lancaster County. He said there is not a contract in place and therefore Lancaster County has a liability for serving kids without a contract.

Schindler indicated there are 9 wards in the center today who had court orders to be held in the Youth Services Center.

Workman said he will sign the contract at the \$238 per diem rate.

Schindler said the State is currently being billed at the \$260 rate.

Stevens said Lancaster County needs to accept whatever they are willing to pay or they can take the kids somewhere else because they have no intention of paying the County whatever we are billing them.

MOTION: Stevens moved and Hudkins seconded to notify the State of Nebraska, Department of Health and Human Services, that as of 5:00 p.m. on Friday, December 21, 2007, they need to remove all the youth from the Youth Services Center since there is not a contract in place and Lancaster County does not want to assume the liability for State wards.

Schindler said there is not a charge the first 10 days for an evaluation.

ROLL CALL: Stevens and Hudkins voted yes. Workman, Schorr and Heier voted no. Motion failed 3-2.

MOTION: Heier moved and Schorr seconded to allow the Youth Services Center Director to accept children placed at the Youth Services Center when ordered by a Judge. Schorr, Heier, Hudkins and Workman voted aye. Stevens voted no. Motion carried.

2 ADDITIONS TO THE AGENDA

- a. Pension Participation Requests (Exhibits A & B)

MOTION: Hudkins moved and Schorr seconded approval of the pension requests from Connie Roark and Tyler Jacobsen. Stevens, Schorr, Hudkins, Workman and Heier voted aye. Motion carried.

- b. Miscellaneous Expenditure Resolution

Eagan indicated there was a committee that had an 8 hour meeting for selecting the jail architect and one of the Commissioners would like the County to buy them lunch. He said the resolution doesn't provide for anything, however there is a law that says you can do things for volunteers, not an employee, and the expenditure of public funds for non-alcoholic beverages and meals provided for any volunteers during or immediately following their participation in any activity approved by the governing body. Eagan said a volunteer shall mean a person who is not an Elected or Appointed Official or an employee of a local government and who, at the request or with the permission of the local government, engages in activities related to the purposes or functions of the local government or for its general benefit.

MOTION: Schorr moved and Hudkins seconded to approve funding to pay for lunches for the volunteers only that were assisting with the jail architect selection. Schorr, Workman, Stevens and Hudkins voted aye. Heier abstained from voting. Motion carried.

Eagan indicated he would get a payment voucher from the Corrections Director to pay for the lunches.

- c. Management Team Meeting on January 10, 2008

The Board agreed not to have a Management Team meeting in January and the next one will be in February.

- d. Construction Manager at Risk (CMR)

Heier asked how much money it would cost to hire a Project Manager.

Workman indicated a CMR goes beyond the scope of a Project Manager.

Eagan said the original idea for a CMR came from Lincoln Public Schools. They believe this concept is good because a CMR can keep construction moving along, thus, saving money.

Mejer said one of the advantages of having a CMR is because there are items that have long lead times which can be broken up and bid ahead of time while the project is going. He also noted that all 4 firms interviewed thought a CMR is the way Lancaster County should go and one of the four did not like plain construction managers.

MOTION: Stevens moved and Hudkins seconded to cancel the RFP to hire a CMR. Stevens and Hudkins voted yes. Heier, Workman and Schorr voted no. Motion fails 3-2.

16 ADMINISTRATIVE OFFICER REPORT

a. Staff Meeting on January 8, 2008

The Board agreed there will be a regular meeting on January 8, 2008 and not a staff meeting.

b. Purchasing Training Seminar Dates

Gwen Thorpe reported Bob Walla, Purchasing Agent, would like to hold a training session on ordering supplies, the County Purchasing Act and anything else that has to do with bids or purchase orders.

The Board agreed the meeting would be at 8:30 a.m. on January 29, 2008 before the Board of Commissioners meeting.

c. Election of County Board Officers

The Board agreed the election of County Board Officers will take place on January 15, 2008.

d. Correspondence from Mayor Beutler Regarding Shooting Range

Eagan reported the Mayor does not want any civilians at a government shooting range.

Stevens said the Police Department would also like to be involved and a letter should be sent to the Mayor telling him that a government shooting range is okay but no civilians should be able to shoot there.

f. Chief Deputy Elected Official Salaries

Eagan reported the Chief Deputy salaries are usually 95% of the Director's salaries.

MOTION: Hudkins moved and Workman seconded to forward the Chief Deputy Elected Official Salaries to the next Tuesday Board meeting. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

g. SW 40th Farming Operation

Heier reported Dean Peterson is currently farming the land where the new jail is going to be built and he has not been notified that he can no longer farm the land, which they should have done in September. He said he can either farm the land or the County can pay him for the damages.

The Board agreed to send a letter to the farmer.

h. Dates for Jail Tours

Heier reported he would like to take a couple days and visit the jail in Florida and Des Moines in late January, early February and he recommended the other Commissioners join him.

i. Upgrade of Room 113 (January 17, 2008)

Eagan reported they are doing an upgrade to Room 113 on January 17, 2008 so they will either need to meet in the Chambers or the Mayor's Conference Room.

j. Records Disposal Notice to Clerk of the District Court

Eagan reported there were 182 boxes of juvenile records that were destroyed because they met the retention schedule. He noted the Clerk of the District Court does not want to destroy 229 boxes of regular criminal files because they get into them occasionally and they are easier to use than microfilm.

MOTION: Stevens moved and Hudkins seconded to retain the records for another 2 years with another review at that time. Stevens, Workman, Schorr, Heier and Hudkins voted aye. Motion carried.

18 DISCUSSION OF BOARD MEMBER MEETINGS

e. **Air Pollution Advisory Board Meeting** - Hudkins

Hudkins did not attend the meeting.

f. **Board of Health Meeting** - Schorr

Schorr reported they talked about food inspections and the website upgrade.

g. **Information Services Policy Committee Meeting** - Stevens

Stevens reported Information Services is talking about going from Lotus Notes to a Microsoft type product that will be bigger, better and faster.

i. **LIBA Monthly Meeting** - Workman, Heier

Workman reported there was not a meeting.

j. **NACO Board Meeting** - Heier

Heier reported there are 5 separate districts in the State of Nebraska and inside those divisions are separate associations and some collect dues, some pay taxes, some don't have tax i.d.'s and some don't pay taxes and they wondered whether NACO should take over the whole process. He also noted the drug discount card has been very effective and they are looking at a drug discount card for hospitals.

19 ADJOURNMENT

MOTION: Stevens moved and Heier seconded to adjourn the staff meeting at 1:14 p.m. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk