

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, JANUARY 8, 2009
8:30 A.M.**

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

Commissioners Absent: Bernie Heier, Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
and Interim Lancaster Manor Administrator
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

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

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY,
DECEMBER 18, 2008**

The Vice Chair noted that item 2A has been corrected to reflect the year of 2008, rather than 2007.

MOTION: Workman moved and Hudkins seconded approval of the minutes, as corrected. Workman, Schorr and Hudkins voted aye. Stevens abstained from voting. Motion carried.

2 ADDITIONS TO AGENDA

A. Access to Prudential Plan Sponsor Website

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

3 LEGISLATIVE UPDATE - Gordon Kissel, Kristin Crawford and Joe Kohout, Kissel/E&S Associates

Gordon Kissel, Kissel/E&S Associates, presented a list of Legislative Committees and Chairs (Exhibit A). He said five issues facing the Legislature this session are immigration, children in crisis, budget, taxes and lethal injection. Kissel noted Lancaster County's list of legislative priorities (see October 23, 2008 Staff Meeting minutes) and said Senator Fulton has agreed to introduce legislation related to Transfer of Development Rights (TDR) and Senator Gay is working on legislation to allow reuse of bubble packs by jails.

Kissel asked whether the County is still seeking legislation to authorize a fee for Community Corrections.

Kim Etherton, Community Corrections Director, appeared and said the County Attorney's Office has indicated legislation is not necessary as long as language is included in either the commitment order or bond. She added that efforts will be made to collect a fee, when possible.

Kissel said Larry Dix, Nebraska Association of County Officials (NACO) Executive Director, has met with Senators Cornett and Heidemann to discuss a county aid package. He said jail reimbursement will not be a line item.

Schorr said the City of Lincoln is seeking legislation to eliminate the requirement for written minutes of City Council meetings and suggested the County consider similar legislation.

Kerry Eagan, Chief Administrative Officer, stressed the importance of a written record.

Hudkins concurred and said he would oppose the change.

4 LANCASTER MANOR UPDATE - Gwen Thorpe, Interim Lancaster Manor Administrator

Gwen Thorpe, Interim Lancaster Manor Administrator, said there is a trend for more extensive care needs and said they intend to group nursing stations according to care needs and to staff them consistently.

Thorpe said the previous administration contracted with an Internet Yellow Page service. She questioned the value of the service and said she would like to cancel the agreement.

MOTION: Workman moved and Hudkins seconded to direct Gwen Thorpe, Interim Lancaster Manor Administrator, to work with the County Attorney's Office to cancel the agreement. Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

Workman suggested that consideration be given to advertising on Craigslist (free, on-line classified advertisements).

Thorpe said the Manor receives more referrals than it can accept, noting many have needs the Manor is not staffed nor equipped to handle. She added that the denial of payment for Medicare/Medicaid or Veterans Administration (VA) admissions has been removed, effective December 2, 2008.

Thorpe requested authorization to hire Dave Kroeker, former Lancaster County Budget and Fiscal Officer, and his wife Carolyn, to work in the business office, on a temporary basis.

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

In response to a question from Schorr, Thorpe said she should have a handle on the financial situation by the Mid-Year Budget Retreat (February 11, 2009).

Schorr asked Thorpe to email population figures to the Board, on a daily basis.

Thorpe also stated she is working with the Purchasing Department to purchase two new patient lifts and to secure office chairs for the facility (a mix of new and surplus).

Schorr exited the meeting at 9:23 a.m.

ADMINISTRATIVE OFFICER REPORT

I. Lancaster Manor Electrical Service Risk Assessment

The Board reviewed a proposal from T. J. Schirmer, The Clark Enersen Partners, for a risk assessment of Lancaster Manor's electrical service (see agenda packet). The projected cost is \$3,200, plus reimbursable expenses, and will be paid out the Manor's budget.

MOTION: Hudkins moved and Workman seconded to proceed with the risk assessment, as outlined. Workman, Hudkins and Stevens voted aye. Schorr was absent from voting. Motion carried.

M. Fuel Hedging

Board members declined the offer from the Waverly City Administrator to join the City of Waverly and Waverly School District in locking in fuel prices through hedging.

5 A) JAIL DIVERSION UPDATE; B) NATIONAL ASSOCIATION OF COUNTY OFFICIALS (NACo) GRANT; C) COMMUNITY HEALTH ENDOWMENT GRANT; AND D) STAFF INTRODUCTIONS - Travis Parker, Community Mental Health Center (CMHC) Deputy Director

A) Jail Diversion Update

Travis Parker, Community Mental Health Center (CMHC) Deputy Director, distributed copies of a Letter to the Editor that was published in September-October, 2008 issue of *American Jails Magazine* (Exhibit B). The letter, which discussed the role of forensic intensive case managers in jail diversion programs, was submitted by Renee Felder and Deb VanLent, Forensic Intensive Case Managers in Lancaster County's Behavioral Health Jail Diversion Program.

B) National Association of County Officials (NACo) Grant

Parker presented Behavioral Health Jail Diversion Program of Lancaster County, National Association of County Officials (NACo) Grant Findings (Exhibit C).

C) Community Health Endowment Grant

Parker requested authorization to submit a grant application to the Community Health Endowment to continue evaluation and training efforts for the Behavioral Health Jail Diversion Program. The amount requested is \$10,000.

MOTION: Hudkins moved and Workman seconded to authorize signature by the Vice Chair on the grant application. Hudkins, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

D) Staff Introductions

Parker introduced Kevin Karmazin and Destenie Commuso, Recovery Specialists. He said Karmazin and Commuso work at CMHC but are employed through Lutheran Family Services, with funding through the Community Health Endowment and Region V. Karmazin works with Community Support and Commuso works with Jail Diversion.

Karmazin and Commuso provided brief comments on their personal and professional backgrounds.

6 MILLIMAN USA CONTRACT - Tom Fox, Deputy County Attorney; Bill Kostner, City Risk Manager

Tom Fox, Deputy County Attorney, explained that Milliman USA bid the contract with a discount. He recommended the Board renew the contract. **NOTE:** There is a 20% fee adjustment for first renewal.

MOTION: Workman moved and Hudkins seconded to renew the contract. Workman, Hudkins and Stevens voted aye. Schorr was absent from voting. Motion carried.

NOTE: The Board indicated plans to take formal action on the renewal at the January 13, 2009 Board of Commissioners Meeting.

7 COUNTY CLERK CONTRACT PROCEDURES - Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; Tom Fox, Deputy County Attorney

Cori Beattie, Deputy County Clerk, said the County Clerk's Office is having difficulty getting some contracts signed and returned in a timely manner. She indicated plans to institute a new policy that would require local vendors to come into the office to sign the contracts, whenever feasible.

Dan Nolte, County Clerk, said exceptions would be made for governmental entities.

Tom Fox, Deputy County Attorney, added that in most instances the contractor signs before there is formal action by the Board.

MOTION: Workman moved and Hudkins seconded to endorse the change in procedure. Workman, Hudkins and Stevens voted aye. Schorr was absent from voting. Motion carried.

The change in contract procedures was suggested as a topic for a future Management Team meeting.

ADDITIONS TO AGENDA

A. Access to Prudential Plan Sponsor Website

MOTION: Workman moved and Hudkins seconded to allow the following individuals to have access to the website: Kerry Eagan, Chief Administrative Officer; Tim Genuchi, Accounting Operations Manager, County Clerk's Office; Bill Shuster, Budget and Fiscal Assistant, County Clerk's Office; Bill Thoreson, Benefits Specialist; and Paula Stutheit, Assistant Benefits Specialist. Workman, Hudkins and Stevens voted aye. Schorr was absent from voting. Motion carried.

8 COUNTY SPECIAL PERMIT NO. 07034A, AGRICULTURAL CHEMICAL STORAGE, SOUTHWEST 14TH STREET AND WEST HALLAM ROAD - Mike DeKalb, Planner

Mike DeKalb, Planner, gave an overview of County Special Permit No. 07034A, a request to expand a special permit for an agricultural chemical storage facility (Exhibit D). Planning staff and the Planning Commission have recommended approval.

ADMINISTRATIVE OFFICER REPORT

C. Planning Report on Expanding Home-Based Businesses in Rural Lancaster County (Exhibit E)

Board consensus was to provide a copy of the report to the County's cities and villages and to invite representatives to participate in a discussion of the report at the February 19, 2009 Staff Meeting.

9 A) LANCASTER COUNTY AGRICULTURAL SOCIETY COMMERCIAL USE PLANS FOR 84TH STREET AND HAVELOCK AVENUE; AND B) LANCASTER EVENT CENTER UPDATE - Ron Snover, Lancaster Event Center Managing Director; Alan Wood, Lancaster County Agricultural Society Counsel

A) Lancaster County Agricultural Society Commercial Use Plans for 84th Street and Havelock Avenue

Alan Wood, Lancaster County Agricultural Society Counsel, said the Ag Society has selected Hampton Enterprises as the exclusive commercial listing broker for its 14-acre commercial project at 84th Street and Havelock Avenue, next to the Lancaster Event Center. He said Hampton is soliciting proposals from developers for hotel, restaurant and retail businesses on the site.

Wood also stated the Ag Society will do whatever it can to enhance the Horse Park development north of Havelock Avenue, but is not in a position to contribute financially to the project.

B) Lancaster Event Center Update

Ron Snover, Lancaster Event Center Managing Director, said the Event Center had a good year, noting total concession income was up 30% over the previous year, rental income increased by 23%, total income was up 36%, gross profits increased by 38% and net income was up 68%.

Snover also presented the 2009 Schedule of Events (Exhibit F). He said the Event Center is booked every weekend in 2009 and is retaining 98% of events. Snover relayed plans for this year's County Fair and said the fair may become a 10-day event in 2010.

In response to a question from Hudkins, Snover said the Event Center could use more support from the Lincoln Convention & Visitors Bureau (CVB) and Lincoln Chamber of Commerce.

JAIL FINANCE UPDATE - Scott Keene, Ameritas Investment Corporation; Lauren Wismer, Gilmore & Bell PC (Bond Counsel)

Scott Keene, Ameritas Investment Corporation, said the Lancaster County Correctional Facility Joint Public Agency (JPA) voted to limit the true interest cost of the bonds to 5.75%, per annum, and to seek an interest rate of 5.25%, or less, at the bond sale. He said the 5.75% rate corresponds with the \$5.5 million in annual debt service (the County has allocated \$2 million and the City has allocated \$3.5 million by lending its levy authority). Keene said the bond market continues to rally and estimated if the bond issue were to go to sale today the rate would be at, or below, 5%. He discussed the steps to bring the bond issue to market and proposed posting of the sale notice by next Thursday and a call for sale of the bonds on Thursday, January 22nd, to coincide with the Board's Staff Meeting. Keene said he will communicate the rate in the winning bid to the Board and will ask the Board to officially sign-off on the rate. He said he will provide another update on the bond market at next Thursday's Staff Meeting and would like the Board to set an informal threshold at that time. Keene said he will make a recommendation to the Board the day before the sale on whether to proceed, based on where the bond market is in relation to that threshold.

Hudkins said he believes the Board needs to slow down and not rush to sale.

Keene cautioned that if there is a significant change in the market, the County may not be able to advance the bond issue for a long time.

Discussion took place on the differences between a competitive and negotiated sale.

Lauren Wismer, Gilmore & Bell PC (Bond Counsel), said the assumption from the beginning has been that this would be a competitive sale and said that is typically what the City and County have done with their obligations.

Keene said the JPA has not discussed a negotiated sale and would need to amend their resolution to allow for that method.

Stevens said the City Council might want the opportunity to "weigh in" as well.

Don Herz, City Finance Director, appeared and pointed out there will be an opportunity to refund the bonds, should interest rates decrease over the next few years.

There was general consensus to move forward with a competitive sale, as outlined, and to set an informal threshold at the next Staff Meeting.

Workman said he will be absent next Thursday, but said he supports the 5.75% rate set by the JPA.

SHERIFF'S LEASE AGREEMENT WITH LINCOLN AUTO AUCTION -
Bill Jarrett, Chief Deputy Sheriff

Bill Jarrett, Chief Deputy Sheriff, said the owner of Lincoln Auto Auction has offered to lease a 1999 Chevrolet Suburban to the County, for the benefit of the County Sheriff's Office, for the sum of \$1.00 per year.

The Board scheduled action on the lease agreement on the January 13, 2009 Board of Commissioners Meeting agenda.

CONTRACT FOR WARDS OF THE FEDERAL GOVERNMENT - Michelle Schindler, Youth Services Center (YSC) Director; Tom Fox, Deputy County Attorney

Michelle Schindler, Youth Services Center (YSC) Director, said the United States Marshals Service has asked YSC to house a youth who is a federal inmate.

MOTION: Hudkins moved and Workman seconded to direct the County Attorney's Office to prepare a contract with the United States Marshals Service for the housing of youth in the Youth Services Center, at a daily per diem of \$236. Hudkins, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

10 LEGACY DAIRY UPDATE - Mike Lang, Administrative Assistant to the Mayor, Economic Development; Kristy Bauer, Deputy County Attorney

Mike Lang, Administrative Assistant to the Mayor, Economic Development, said Praireland Dairy is interested in acquiring Legacy Dairy and said he believes it will be a successful venture, over time. He said they have a stable supply of milk and a good relationship with a bottler in Iowa. Lang said he has reviewed their sales projections and they appear realistic.

In response to a question from Hudkins, Lange said four employees (marketing/sales manager, plant manager and two production workers) will be hired initially, with further growth projected.

Lang noted Legacy Dairy received a \$300,000 Community Development Block Grant (CDBG) loan from the County, with the stipulation that \$125,000 was forgivable if there was job creation and retention over a two-year period. He said Legacy Dairy was in business for approximately one year and suggested that Praireland Dairy be required to maintain their level of employment for one year.

Stevens said he would prefer to structure forgiveness of the loan in the following manner:

- After four years, if four employees have been there six months or longer
- After two and a half years, if five employees have been there six months or longer
- After two years, if six employees have been there six months or longer

Kristy Bauer, Deputy County Attorney, said the original agreement with Legacy Dairy stipulated job creation and retention of 16 positions for a two-year period.

Lang added there was a never an audit to make sure that requirement was met.

There was general consensus to forgive the loan after one year if Praireland Dairy retains the four positions.

11 JAIL FINANCE UPDATE - Scott Keene, Ameritas Investment Corporation; Lauren Wismer, Gilmore & Bell PC (Bond Counsel)

12 SHERIFF'S LEASE AGREEMENT WITH LINCOLN AUTO AUCTION - Bill Jarrett, Chief Deputy Sheriff

13 CONTRACT FOR WARDS OF THE FEDERAL GOVERNMENT - Michelle Schindler, Youth Services Center (YSC) Director; Tom Fox, Deputy County Attorney

Items 11, 12 and 13 were moved forward on the agenda.

14 ACTION ITEMS

A. Pay Check Insert for January 22, 2009 (Wellness Newsletter)

MOTION: Workman moved and Hudkins seconded to allow pay check inserts for the Wellness Newsletter, on an ongoing basis. Workman, Hudkins and Stevens voted aye. Schorr was absent from voting. Motion carried.

B. Records Storage Extension Requests:

1. Policy and Fire Pension (Personnel Department)
2. Health Promotion and Outreach
3. Personnel Department
4. Public Works/Utilities
5. Juvenile Court

MOTION: Workman moved and Hudkins seconded to:

- Grant the extension request from Policy and Fire Pension (Personnel Department)
- Grant a one-year extension for Health Promotion and Outreach
- Grant the extension request from the Personnel Department
- Request justification and the proposed period of extension from Public Works/Utilities
- Grant a one-year extension for Juvenile Court.

Hudkins, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

C. Microcomputer Request C#5182, \$2,009.05 for a Laptop Computer for the Community Mental Health Center (CMHC), with Payment from Region V Funding

MOTION: Workman moved and Hudkins seconded approval. Workman, Hudkins and Stevens voted aye. Schorr was absent from voting. Motion carried.

15 ADMINISTRATIVE OFFICER REPORT

- A. Request to Railroad Transportation Safety District (RTSD) for Paving of Southwest 40th Street, South of "O" Street

MOTION: Hudkins moved and Workman seconded to forward a request for paving of Southwest 40th Street, South of "O" Street, to a minimum of County standards to the Railroad Transportation Safety District (RTSD). Workman and Hudkins voted aye. Stevens voted no. Schorr was absent from voting. Motion carried.

- B. Pension Consulting Contract with Segal Advisors

Eagan suggested the need for a formal proposal, outlining services, with review by the Pension Review Committee (PRC).

The Board concurred with the suggestion.

- C. Planning Report on Expanding Home-Based Businesses in Rural Lancaster County

Item was moved forward on the agenda.

- D. Nebraska Association of County Officials (NACO) Institute of Excellence

Informational only.

- E. Keno Prevention Board Appointments
- F. Chief Deputy Elected Officials Salaries

Items E and F were scheduled on the January 13, 2009 County Board of Commissioners Meeting agenda.

- G. Infrastructure Letter to Senators

The Board decided a letter is not necessary.

- H. Mid-Year Budget Retreat Location

Board consensus was to hold the retreat on Wednesday, February 11th at Union Bank, 6801 South 27th Street.

I. Lancaster Manor Electrical Service Risk Assessment

Item was moved forward on the agenda.

J. Letter to Greenbelt Litigants

Eagan said Bill Peters, the Board of Equalization's attorney for greenbelt litigation, is not comfortable with the draft of a letter to greenbelt litigants. **NOTE:** The County Clerk's Office was not provided a copy of the letter.

Board consensus was to schedule discussion with Peters.

K. Correspondence from Hartford Regarding Deferred Compensation Program

Board consensus was to transfer any employee funds invested in the Hartford Deferred Compensation Program to the Fixed Account.

L. Request from Human Services Department for Personal Digital Assistants (PDA's)

Item held.

M. Fuel Hedging

Item was moved forward on the agenda.

N. Abbott Motocross Track Neighborhood Meeting (Thursday, January 8, 2009 at 7:00 p.m., Second Floor of Abbott Tennis Building)

Workman indicated plans to attend the meeting.

O. Claim for Attorney Fee in Case of Moore v. McKenzie, CI06-3324, \$3,274.24 for Sean Brennan, Esq.

Board consensus was to handle the claim as a regular claim at a regular County Board of Commissioners Meeting.

P. Office Furnishings for Temporary County Court Judge

Surplus furniture will be made available.

16 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Independent Business Association (LIBA) Monthly Meeting -
Heier, Workman

Workman said a hiring freeze was suggested and said he suggested a review of salaries might be more appropriate.

17 ADJOURNMENT

MOTION: Workman moved and Hudkins seconded to adjourn the meeting at 1:15 p.m. Workman, Hudkins and Stevens voted aye. Schorr was absent from voting. Motion carried.

Dan Nolte
Lancaster County Clerk