

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, FEBRUARY 19, 2009
8:30 A.M.**

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

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

The Chair opened the meeting at 8:37 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY,
FEBRUARY 5, 2009**

MOTION: Stevens moved and Workman seconded approval of the February 5, 2009 Staff Meeting minutes. Hudkins, Workman, Schorr and Stevens voted aye. Heier abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Waverly Floodplain Study Funding Request
- B. Waverly Quiet Zone Request
- C. District Court Courtroom Technology Request (Exhibit A)
- D. Lancaster Manor Microcomputer Request (Exhibit B)
- E. Letter from Robin Eschliman, City Council Chair, Regarding Joint Receptionist Position (Exhibit C)
- F. Lancaster Manor License Renewal

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

3 LEGISLATIVE UPDATE - Gordon Kissel and Joe Kohout, Kissel/E&S Associates (Legislative Consultants)

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

Workman reported on a request from Douglas County for support of Legislative Bill (LB) 475 (Eliminate the position of county comptroller).

MOTION: Hudkins moved and Workman seconded to support Legislative Bill (LB) 475. Hudkins, Workman, Schorr, Heier and Stevens voted aye. Motion carried.

The Board reviewed a request from Becky Bruckner, Judicial Administrator for County Court, for support of LB 608 (Appropriate funds to the Supreme Court for a salary increase for county court employees) (see agenda packet).

MOTION: Schorr moved and Stevens seconded to support Legislative Bill (LB) 608. Stevens, Heier, Schorr, Workman and Hudkins voted aye. Motion carried.

ADDITIONS TO THE AGENDA

A. Waverly Floodplain Study Funding Request

Workman said the City of Waverly would like to conduct a floodplain study, in cooperation with the Lower Platte South Natural Resources District (NRD). The cost is estimated to be \$300,000 and the NRD has agreed to pay half. He said Waverly plans to submit a letter to the Board asking the County to fund one fourth of the cost. Waverly will fund the other fourth. Workman suggested the Keno Fund as a funding source.

Hudkins said he believes it would be more appropriate for the NRD to fund the entire cost of the study.

MOTION: Workman moved and Hudkins seconded to send a letter to the Lower Platte South Natural Resources District (NRD) asking it to fund the full cost of the study. Hudkins, Workman, Schorr, Heier and Stevens voted aye. Motion carried.

B. Waverly Quiet Zone Request

Workman said Waverly is seeking a "quiet zone" (a railroad grade crossing at which trains are prohibited from sounding their horns in order to decrease the noise level for nearby residential communities) for two intersections within the community and plans to submit a request to the County Board and Railroad Transportation Safety District (RTSD).

C. District Court Courtroom Technology Request (Exhibit A)

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

ACTION ITEMS

A. Microcomputer Requests:

3. C#52356, \$1,261.83 from Lancaster Manor Budget for One (1) New Computer and Software (See Exhibit E for Revised Amount)

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

ADDITIONS TO THE AGENDA

D. Lancaster Manor Microcomputer Request (Exhibit B)

Gwen Thorpe, Interim Lancaster Manor Administrator, asked that the item be held.

- E. Letter from Robin Eschliman, City Council Chair, Regarding Joint Receptionist Position (Exhibit C)

Board consensus was to forward the item to the City-County Common.

4 A) BOARD OF CORRECTIONS QUARTERLY MEETING; AND B) CORRECTIONAL SPECIALIST I POSITION - Mike Thurber, Corrections Department

A) Board of Corrections Quarterly Meeting

Separate minutes.

B) Correctional Specialist I Position

The item was addressed during the Board of Corrections Quarterly Meeting.

5 COUNTY CHANGE OF ZONE NO. 08071, TEXT AMENDMENT, EXCAVATING AND STONE MILLING - Mike DeKalb, Planner

Mike DeKalb, Planner, gave an overview of County Change of Zone No. 08071, a text amendment to the Lancaster County Zoning Resolution relating to excavation and stone milling (Exhibit F). He said Planning staff and the Planning Commission have recommended approval.

Board members indicated interest in having the ability to extend the term of the special permit without going through a reapplication process.

Heier noted language in Subsection (14)(a)(6) which states: *Where a pond or lake is proposed, the groundwater report shall also demonstrate that adequate water will be supplied via runoff and/or wells to maintain the pond or lake as a functioning and attractive year-round water feature* and said he believes it is inappropriate to pump well water into a pond, given the concern for water.

DeKalb said the reasoning was that if there is a representation it is a usable pond, the applicant should present supporting information.

6 A) CAPACITY OF "K" STREET RECORDS CENTER; AND B) ADDITIONAL FEE FOR EXCEEDING RETENTION GUIDELINES - Brian Pillard, Records & Information Manager; Don Killeen, County Property Manager

A) Capacity of "K" Street Records Center

Brian Pillard, Records & Information Manager, presented information regarding County Records Center holdings (Exhibit G). He also discussed the retention schedule and explained how departments are charged for records storage.

Don Killeen, County Property Manager, said there is room to accommodate the growth of the Records Center for several years.

B) Additional Fee for Exceeding Retention Guidelines

Brief discussion took place regarding whether to charge an additional fee for exceeding retention guidelines, with general consensus to not institute the fee at this time.

7 A) ALVO ROAD BIDS; AND B) STIMULUS UPDATE - Don Thomas,
County Engineer

A) Alvo Road Bids

Don Thomas, County Engineer, said the bid for paving came in at \$439,000. The total cost of the project is \$1,100,000, with a target completion date of November 1st.

B) Stimulus Update

Thomas said it appears the Metropolitan Planning Organization (MPO) for Lincoln and Lancaster County will receive \$9,900,000 in stimulus funding. He said the City has tentatively agreed to an overlay on Saltillo Road, from Highway 77 to 70th Street (4.4 miles) as a part of that funding. Another potential project is Southwest 14th Street (three quarters of a mile). Thomas said if the stimulus funding goes through it will free up approximately \$480,000 in his budget. He added he intends to apply for the funds that are available to counties, but said it is unlikely he will be successful.

Workman asked whether improvements to Alvo Road or Amberly Road would qualify.

Thomas said no, the roads would have to be on the Federal Aid System.

In response to a question from Schorr, Thomas said there will be a backlash of work as the State lets projects. He said contractors will be tied up and said he expects prices to increase significantly.

8 LITTLE SALT CREEK WATERSHED PLAN - Nicole Fleck-Tooze, Special Projects Administrator, Public Works/Utilities; Ed Kouma, Associate Engineer, Public Works/Utilities; and Paul Zillig, Assistant Manager, Lower Platte South Natural Resources District (NRD); Milan Wall, Co-Director, Heartland Center for Leadership Development

Paul Zillig, Assistant Manager, Lower Platte South Natural Resources District (NRD), and Ed Kouma, Associate Engineer, Public Works/Utilities, gave an overview of Little Salt Creek Watershed Master Plan (Exhibit H):

- * Watershed Master Planning
- * Little Salt Creek Watershed Master Plan Goals & Objectives
- * Watershed Characteristics
- * Natural Resources
- * Stream Stability
- * Water Quality
- * Watershed Master Plan Recommendations

- * Capital Improvement Projects
- * Bridge and Culvert Projects

In response to a question from Hudkins, Doug Pillard, Design Division Head, County Engineering, appeared and said his office is in the process of designing Bridge F-88, on North 14th Street (see Exhibit H, Page 5, Site 2) and Bridge C-91 on Raymond Road, west of North 1st Street (see Exhibit H, Page 5, Site 5).

- * Floodplain Mapping
- * Update Drainage Criteria
- * Riparian Corridor Enhancement
- * Natural Resource Opportunities
- * Public Involvement
- * Little Salt Creek Watershed Master Plan Project Timeline

Nicole Fleck-Tooze, Special Projects Administrator, Public Works/Utilities, noted the City of Lincoln has adopted an ordinance that enables updated floodplain or floodprone information to be adopted and used locally as the best available information, as there is often a lengthy delay between the time the information is made available and when Federal Emergency Management Agency (FEMA) Floodplain Maps are updated. She said there is a large portion of the floodplain that is outside Lincoln's three-mile extraterritorial jurisdiction and suggested the County might want to take similar action.

In response to a question from Workman, Fleck-Tooze said the City and Lower Platte South NRD equally shared in the cost of the study. She said some reimbursement is anticipated from FEMA for the floodplain mapping, which will allow more work to be done.

The following documents were also presented (Exhibits I-M): Little Salt Creek Future Land Use Map; Little Salt Creek Capital Improvement Project Location Map; Little Salt Creek Floodplain and Floodway Map; Little Salt Creek Watershed Map; and the February, 2009 edition of Watershed News (a publication sponsored by the City of Lincoln and the Lower Platte South NRD).

9 SUBMIT CONTINUATION DRUG FREE COMMUNITIES GRANT (\$100,000) - Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, gave an overview of the grant application (Exhibit N).

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

10 POTENTIAL AND PENDING LITIGATION - Tom Fox, Deputy County Attorney; Sue Eckley, County Risk Manager

MOTION: Schorr moved and Stevens seconded to enter Executive Session at 11:09 a.m. for discussion of potential and pending litigation

Heier and Hudkins indicated the motion should also reflect the reason for the Executive Session is taxpayer protection.

The maker of the motion and the seconder agreed to add the language to their motion.

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

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 11:22 a.m. Hudkins, Workman, Schorr, Heier and Stevens voted aye. Motion carried.

ACTION ITEMS

A. Microcomputer Requests:

1. C#51962, \$986.56 from Emergency Management Budget for a Projector

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

2. C#52056, \$1,237.27 for Three (3) Microsoft Office 2007 PRO Licenses for The Heather (Region V Funding)

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

B. Pay Check Insert for March 5, 2009 (People's Choice Federal Credit Union)

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

C. Application for Credit - Downtown Holiday Inn

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

ADMINISTRATIVE OFFICER REPORT

A. Prudential Visit (March 19, 2009 Staff Meeting) and Transition Update

Kerry Eagan, Chief Administrative Officer, said Prudential representatives will be here on March 19th to follow up on transition issues. He said a problem involving vesting for 90 participants has been corrected and an issue involving participants who received a double payment in December, 2008, rather than a late payment in January, 2009, is being resolved.

Eagan also reported that Nationwide Retirement Solutions (NRS) owes the County for the remaining revenue sharing (\$20,000).

B. Withdrawal of American Federation of State, County & Municipal Employees (AFSCME) Request (Correctional Specialist I)

The Board directed Eagan to send a letter to AFSCME's legal counsel indicating the County Board considers the request withdrawn.

C. Nebraska Association of County Officials (NACO) Southeast District Meeting (March 23, 2009)

Informational only.

ADDITIONS TO THE AGENDA

F. Lancaster Manor License Renewal

Gwen Thorpe, Lancaster Manor Interim Director, indicated the license renewal is due March 31, 2009. The cost is \$1,950.

11 LANCASTER MANOR UPDATE - Gwen Thorpe, Lancaster Manor Interim Director

Gwen Thorpe, Lancaster Manor Interim Director, said a \$1,000,000 deposit on February 11th included the Medicaid payment for January (\$889,000). She said the remainder was catch-up for the first six months of 2008 and said the Manor could receive \$200,000 to \$250,000 for the remainder of 2008.

In response to a question from Hudkins, Dennis Meyer, Budget and Fiscal Officer, appeared and said whether an infusion of County funds is needed this month is dependent on expenditures and what other revenues are received.

Hudkins said he was informed by Rosemary Stubbendeck, Nebraska Department of Health and Human Services (HHS), that there are could be up to \$500,000 in unprocessed bills for the last six months that are just being generated.

Thorpe confirmed that staff is working on back billing. She said she does not have a total at this time.

Thorpe also reported the following:

- * All of the workers' compensation is being moved to the County Risk Management Department
- * The Care Plan Team is working to streamline assessments
- * Information is being gathered for the Request for Qualifications (RFQ) process

Hudkins asked Thorpe if progress is being made on the cost of service billing (co-pays).

Thorpe said staff is working on it but the lack of an electronic records system makes it difficult.

Schorr said she has been asked, as the Board's Lancaster Manor Advisory Committee representative, to meet with American Federation of State, County & Municipal Employees (AFSCME) representatives and their legal counsel to discuss the recent news article on Lancaster Manor. She said she plans to ask Kristy Bauer, Deputy County Attorney to accompany her.

Hudkins urged the Board to get fiscal management services in place and employ an experienced administrator, or a management service, as quickly as possible.

12 ACTION ITEMS

- A. Microcomputer Requests:
 - 1. C#51962, \$986.56 from Emergency Management Budget for a Projector
 - 2. C#52056, \$1,237.27 for Three (3) Microsoft Office 2007 PRO Licenses for The Heather (Region V Funding)
 - 3. (No Number), \$1,261.83 from Lancaster Manor Budget for One (1) New Computer and Software
- B. Pay Check Insert for March 5, 2009 (People's Choice Federal Credit Union)
- C. Application for Credit - Downtown Holiday Inn

Items A, B and C were moved forward on the agenda.

13 CONSENT ITEMS

There were no consent items.

14 ADMINISTRATIVE OFFICER REPORT

- A. Prudential Visit (March 19, 2009 Staff Meeting) and Transition Update
- B. Withdrawal of American Federation of State, County & Municipal Employees (AFSCME) Request (Correctional Specialist I)
- C. Nebraska Association of County Officials (NACO) Southeast District Meeting (March 23, 2009)

Items A, B and C were moved forward on the agenda.

- D. Letter to Nebraska Senators and Representatives Regarding Stimulus Funding

The Board reviewed the letter draft (Exhibit O).

Board consensus was to also send the letter to Nebraska's Congressmen.

Eagan suggested that the last sentence be revised to read, "*Thank you for your service to our community and the State of Nebraska.*"

MOTION: Stevens moved and Hudkins seconded approval of the letter, with those revisions. Hudkins, Workman, Schorr, Heier and Stevens voted aye. Motion carried.

- E. Counter Offer from Segal Advisors (Pension Consultant)

Eagan said additional services were added to the initial request for services, including monitoring of Prudential's financial stability and an analysis of the Fixed Account. He said he believes the counter offer is fair.

Board consensus was to proceed, on those terms.

- F. Memo from Dean Settle, Community Mental Health Center Director, Regarding Monitoring of Region V Providers' Software Vendor

There was no interest in having Information Services (IS) participate in the selection process for the Region V Behavioral Health Providers software vendor.

G. Microsoft Access Class for Brian Pillard, Records & Information Manager (\$129.70)

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

H. Claim for Review - Payment Voucher #76992 for \$2,240 from County Extension

MOTION: Schorr moved and Stevens seconded to handle the claim through the regular claims process at the February 24, 2009 County Board of Commissioners Meeting. Hudkins, Workman, Schorr, Heier and Stevens voted aye. Motion carried.

15 PENDING

There were no pending items.

16 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lancaster County Correctional Facility Joint Public Agency (JPA) - Heier, Stevens

Stevens said the bylaws were adopted.

B. Monthly Meeting Between Chair, Vice Chair and Mayor - Heier, Stevens

Stevens said he discussed the bridge on Southwest 40th Street and the need to get the road paved.

Heier said the Mayor would like to hire someone who would be in charge of energy, sustainability and environmental issues, operating out of his office. He said he asked the Mayor to provide ambulance service records, from the date of the original contract.

C. Monthly Meeting Between Public Building Commission (PBC) Chair, Vice Chair and Mayor - Hudkins

Hudkins said the Mayor's proposal for a Development Services Center, a "one-stop shop" for the review, permitting and inspection of development projects, was discussed.

D. Public Building Commission (PBC) - Hudkins

Hudkins said additional discussion took place regarding the Development Services Center. He said City Councilman Jon Camp removed himself from the discussion, due to a possible conflict of interest. City Councilman Jonathan Cook indicated the City Council has not discussed the matter in detail and was not ready to proceed.

Workman said the PBC also approved a letter of support for the Nebraska Capitol Environs Commission's proposal to regulate the air space west of the Capitol.

E. General Assistance (GA) Monitoring Committee - Stevens, Schorr

Schorr and Stevens reported the following: 1) Drug assistance funds are holding at \$25,000 to \$30,000 per month; 2) Efforts are being made to monitor clients' emergency room visits; 3) GA Guidelines will be revised to specify that vision care is not provided unless medically necessary and to reflect new burial rates; and 4) A behavioral health specialist will be located at the Peoples' Health Center.

F. Board of Health - Schorr

Schorr said there was a briefing on the Annual Report.

G. Nebraska Association of County Officials (NACO) 2009 County Board Workshop - Hudkins, Heier

Hudkins said he and Heier attended a workshop related to decreasing exemptions. He also reported it was stressed at the workshop that specific language must be included in the motion when the Board enters Executive Session and suggested it would be beneficial to have a briefing by Dale Comer, Assistant Attorney General.

H. Information Services (IS) Policy Committee - Stevens

Stevens said there were questions regarding the contract with Gable Consulting for an assessment of the current provision of information services to Lancaster County and a recommendation regarding a County I/S Coordinator position.

I. Parks & Recreations Advisory Board - Stevens

Stevens said the criteria for naming rights for park facilities was discussed.

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

Stevens said there was additional discussion of whether certain Lincoln Housing Authority properties should be on the tax rolls.

15 ADJOURNMENT

MOTION: Schorr moved and Workman seconded to adjourn the meeting at 12:15 p.m. Stevens, Heier, Schorr, Workman and Hudkins voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk