

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

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

Commissioners Absent: Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

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

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY, APRIL 23, 2009

MOTION: Stevens moved and Hudkins seconded approval of the April 23, 2009 Staff Meeting minutes. Workman, Heier, Stevens and Hudkins voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Request to Release County Attorney's Opinion on Procedures for the Sale or Lease of Lancaster Manor
- B. Lincoln-Lancaster County Ecological Advisory Committee (EAC)
- C. Driving While Impaired/Intoxicated (DWI) Meeting

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

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

Gordon Kissel, Legislative Consultant, presented a legislative update and a report on legislative bills of interest (Exhibits A and B).

Heier reported that the Nebraska Association of County Officials (NACO) Board voted to work to repeal last year's Legislative Bill (LB 846) (Change motor fuel taxes) and to get LB 264 (Change motor fuel tax calculations) passed.

ADDITIONS TO THE AGENDA

A. Request to Release County Attorney's Opinion on Procedures for the Sale or Lease of Lancaster Manor

Kerry Eagan, Chief Administrative Officer, said Vince Mejer, Purchasing Agent, would like to make a legal opinion available to the Request for Qualifications (RFQ) Committee that is related to the procedures the Board would need to follow if it decides to sell or lease Lancaster Manor.

Hudkins said he believes the Board should also release a legal opinion to the RFQ Committee on whether the County would need to pay back depreciation if Lancaster Manor is sold.

MOTION: Hudkins moved and Stevens seconded to authorize the release of both legal opinions to the Request for Qualifications (RFQ) Committee. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

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

Eagan said Terry Genrich, Parks & Recreation Natural Resources Manager, has asked whether there are any issues the Board would like the Lincoln-Lancaster County Ecological Advisory Committee (EAC) to work on.

Workman suggested the issue of whether it is safe to apply sludge (the residual semi-solid material left from industrial or wastewater treatment processes) to fields.

C. Driving While Impaired/Intoxicated (DWI) Meeting

Workman said the meeting was held to discuss the possibility of a Driving While Impaired/Intoxicated (DWI) courtroom, similar to those of the Drug Courts.

Stevens said one problem is that some of the cases are remanded to County Court and others to District Court and said it appears the District Court Judges are more receptive to the idea than the County Court Judges.

ACTION ITEMS

A. Region V Systems Budget (Exhibit C)

MOTION: Workman moved and Stevens seconded to authorize the Chair to sign a document allowing the Community Mental Health Center (CMHC) to submit its budget to Region V Systems for funding. Hudkins, Stevens, Workman and Heier voted aye. Motion carried.

B. City-County Common Agenda Items (May 5, 2009)

Discussion of the proposal for a tobacco-free campus was suggested.

ADMINISTRATIVE OFFICER REPORT

A. Master Licensure Renewal

Discussion took place regarding how to address the issue of a master contractor in the County who did not re-register by the deadline (see information in agenda packet).

MOTION: Hudkins moved to send a letter to the master contractor stating that, in light of the fact that he missed the deadline to re-register his license and a reminder from the Building and Safety Department, he will be placed on probation for this year and his license will be revoked next year if he does not re-register on time.

FRIENDLY AMENDMENT: Workman seconded the motion and offered a friendly amendment to state that rather than revocation, his license may be in jeopardy next year if he does not re-register in time.

The maker of the motion accepted the friendly amendment.

Eagan said the Board would have to establish a process for probation first.

The maker of the motion and the seconder withdrew their motion.

MOTION: Workman moved and Hudkins seconded to send a letter to the master contractor stating the Board will allow the variance in issuing his license this year and indicating it will be scrutinized closely next year. Workman, Stevens, Hudkins and Heier voted aye. Motion carried.

4 NEW JAIL CONTRACT ISSUES - John Sampson, Sampson Construction Company, Inc. (Construction Manager at-Risk for the Project)

Heier said the Board was informed that plans for the new jail are 98% complete. He noted, under terms of his contract, John Sampson, the Construction Manager at-Risk for the project, was to provide the Board with the Guarantee Maximum Price (GMP) when the plans were 60% complete, adding the Board relaxed that requirement because of the uncertainty in the materials market.

Sampson said there were significant changes to the mental health component which had an effect on the schedule and said information he hoped to have at the 60% completion point was just received. He said there has been a great collaboration on this project and said everyone is striving to get the best dollar value. Sampson went on to explain that the GMP would have been higher at 60% and said it is to everyone's benefit to have the additional information. He said there will be no bids at the time the GMP is presented and said the burden is still on his company to bring the project in on budget.

Workman asked Sampson whether he believes the County needs an additional person to provide oversight on the project.

Sampson said no, explaining that Don Killeen, County Property Manager, has been involved in the process.

Workman said Vince Mejer, Purchasing Agent, has said he believes the Board needs someone to "run the numbers".

Sampson said he will provide the Board with a total breakdown on the GMP.

Stevens said he views the GMP as a "feel good" number. He said the County is paying Sampson a substantial amount to assume the risk of providing the GMP and questioned whether that cost is still justified since the risk has been lowered.

Sampson said the risk is the same and said the contingencies in the estimate would have been higher if there had been more unknowns. He said the fees are based more on the scope of the work and demands on his company, i.e., the commitment of key staff to the project.

Bob Walla, Assistant Purchasing Agent, appeared and said Sampson's contract will need to be amended because it specifically states the GMP will be provided at 60% completion of plans. He said it also provides for a 45-day review period by the Board and said the bids cannot be accepted until the Board accepts the GMP.

Tom Fox, Deputy County Attorney, appeared and said Mejer had Sampson sign an addendum to provide a deadline of May 22, 2009 for the GMP. He said he did not schedule it for action because Mejer numbered the addendum incorrectly. Fox also indicated the Board must approve the plans.

Walla noted the plans are scheduled to go to the printer on Tuesday, May 5th and said the project is scheduled to go out for bid next Friday, May 8th.

Stevens said he still believes the County needs to hire a project manager to oversee the project.

Hudkins disagreed, stating Killeen and his staff are monitoring the project, as well as Corrections staff who have been intricately involved.

MOTION: Stevens moved to pursue hiring a project manager for the jail project.

Following further discussion, the maker of the motion withdrew his motion.

Board consensus was to have the County Attorney's Office review Sampson's contract.

ADMINISTRATIVE OFFICER REPORT

B. Administrative Aide to County Board

Eagan noted Minette Genuchi has served, on a temporary basis, as the County Board's Administrative Aide, for the past six months and he suggested that the Board move forward with a permanent position.

MOTION: Hudkins moved and Workman seconded to direct Kerry Eagan, Chief Administrative Officer, to advertise the administrative aide position. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

ADDITIONAL APPROPRIATIONS LETTER - Dennis Meyer, Budget and Fiscal Officer

The Board reviewed the proposed additional appropriations letter (see agenda packet).

In response to a question from Hudkins, Dennis Meyer, Budget and Fiscal Officer, said the County Assessor has filed real estate abstracts with the State and said they reflect a decrease of 0.02 to 0.03 percent.

Hudkins suggested inclusion of the following statement: *In light of the abstracts that have been filed with the State, the Board is anticipating lower valuations in the County this year.*

No action was taken to amend the letter.

DISCUSSION OF BOARD MEMBER MEETINGS

A. Mayor's Blue Ribbon Task Force on Health Care Safety Net - Stevens

Stevens said the group discussed what tasks it should accomplish.

B. Lincoln Independent Business Association (LIBA) Monthly Meeting - Stevens, Schorr

Stevens said he and Deb Schorr discussed the jail and Lancaster Manor. He noted LIBA has proposed the County adopt a hiring freeze. He said Schorr asked what LIBA would think if the Board proposed an increase in property taxes, in light of the budget situation, and said the LIBA members in attendance indicated they are adamantly opposed to any increase in property tax.

C. Downtown Lincoln Association (DLA) - Heier

Heier reported the following : 1) DLA has agreed to support expansion of the downtown mall project, with a cap of \$2,200,000; 2) DLA is studying downtown parking and parking fees; and 3) There are plans to re-tree the downtown area.

D. General Assistance (GA) Committee - Workman, Stevens

Workman said there was a presentation on the SOAR (Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI) Outreach Access and Recovery) Program.

5 COMPREHENSIVE PLAN ANNUAL REVIEW - Marvin Krout, Planning Director; David Cary and Mike DeKalb, Planners

Marvin Krout, Planning Director, gave an overview of the Comprehensive Plan annual review process.

Mike DeKalb, Planner, discussed proposed amendments to the Comprehensive Plan (Exhibit D):

1. Comprehensive Plan Amendment (CPA) No. 09001, to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adopt text changes to the Community Facilities chapter as related to the Public Safety - Law Enforcement
2. Comprehensive Plan Amendment (CPA) No. 09003, to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adopt text changes to the Community Vision Chapter to add the general topic of sustainability
3. Comprehensive Plan Amendment (CPA) No. 09004, to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adjust the text in the Residential Chapter regarding Rural Area/Acreage Policy
4. Comprehensive Plan Amendment (CPA) No. 09005, to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to adopt text and diagram changes to the Parks, Recreation & Open Space Chapter to add Union Plaza as a Regional Park and to allow Community Parks to serve as Neighborhood Parks

DeKalb also presented a clarification of acreage policy (Exhibit E).

Hudkins disagreed with the following statement in CPA No. 09004 (see Exhibit D, Page 14) and suggested further review:

Furthermore, the future demand for acreages is likely to be dampened by the increasing cost of energy and an aging population.

Brief discussion took place regarding water quality and quantity issues.

The Chair requested that further discussion of the amendments be scheduled on the May 7, 2009 Staff Meeting agenda.

DeKalb noted the Planning Commission has indicated that if the language on acreage policy is adopted, it would like to follow up and “sweeten” the bonus for clustered subdivisions.

Heier suggested providing an incentive for subdivisions to pave their roads.

David Cary, Planner, reviewed the Schedule for the 2009 Comprehensive Plan Annual Review (Exhibit F).

The 2009 Lincoln/Lancaster Community Indicators Report was also presented (Exhibit G).

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

Gary Chalupa, Veterans Service Officer/General Assistance Director, said the term of one of the members of the Veterans Service Committee is expiring and said one of the veterans organizations has asked that the deadline for application be extended.

There was no objection to extending the deadline.

7 ADDITIONAL APPROPRIATIONS LETTER - Dennis Meyer, Budget and
Fiscal Officer

Item was moved forward on the agenda.

8 ACTION ITEMS

- A. Region V Systems Budget
- B. City-County Common Agenda Items (May 5, 2009)

Items A and B were moved forward on the agenda.

9 CONSENT ITEMS

There were no consent items.

10 ADMINISTRATIVE OFFICER REPORT

- A. Master Licensure Renewal
- B. Administrative Aide to County Board

Items A and B were moved forward on the agenda.

11 PENDING

There were no pending items.

12 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Mayor's Blue Ribbon Task Force on Health Care Safety Net - Stevens
- B. Lincoln Independent Business Association (LIBA) Monthly Meeting -
Stevens, Schorr
- C. Downtown Lincoln Association (DLA) - Heier

D. General Assistance (GA) Committee - Workman, Stevens

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

13 ADJOURNMENT

MOTION: Stevens moved and Hudkins seconded to adjourn the meeting at 10:46 a.m. Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk