

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, SEPTEMBER 10, 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
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:36 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY
SEPTEMBER 3, 2009**

MOTION: Stevens moved and Schorr seconded approval of the September 3, 2009 Staff Meeting minutes. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 JAIL CONSTRUCTION UPDATE - Chuck Richter, Sampson Construction Company, Inc.; Greg Newport, The Clark Enersen Partners; Don Killeen, County Property Manager; Mike Thurber, Corrections Director

Chuck Richter, Sampson Construction Company, Inc., said the pre-cast cells are under construction and indicated plans to visit the plant to make sure the cells meet specifications.

An entrance plan for the new jail (Exhibit A) was disseminated. Greg Newport, The Clark Enersen Partners, said the legal agreement is still being worked out and Don Killeen, County Property Manager, said easements are close to being finalized.

Heier said he was contacted by a constituent who questioned whether televisions and computer connections would be provided in every cell.

Mike Thurber, Corrections Director, said he spoke to the gentleman and assured him that is not the case. He also offered to show him plans for the facility.

4 BOARD OF CORRECTIONS QUARTERLY MEETING - Mike Thurber, Corrections Director

Separate minutes.

ADMINISTRATIVE OFFICER REPORT

C. Community Mental Health Center (CMHC) Project Evaluator Contract (McLawson Contract)

Dean Settle, Community Mental Health Center (CMHC) Director, appeared and said the contractor does not have professional liability insurance. He said she is a graduate student who is developing a protocol for a specific population (Iraqi women) with funding through a small grant from Region V. Settle recommended waiver of the insurance requirement. **NOTE:** The Board will take action on the contract at a regular County Board of Commissioners Meeting.

5 SOUTHEAST NEBRASKA BEHAVIORAL HEALTH INFORMATION NETWORK (SNBHIN) - Dean Settle, Community Mental Health Center (CMHC) Director; Travis Parker, CMHC Deputy Director; Wende Baker, SNBHIN Executive Director

Dean Settle, Community Mental Health Center (CMHC) Director, and Wende Baker, Southeast Nebraska Behavioral Health Information Network (SNBHIN) Executive Director, gave an overview of SNBHIN, noting the primary focus is the development and implementation of a behavioral health integrated information and data management system (Exhibit B). Settle said CMHC, Bryan/LGH Health System and Blue Valley Mental Health Center will serve as beta sites. Baker said the technology allows for information sharing between treatment settings but records will not be released outside the current treatment setting without patient consent. She said it will have the capability to "lock down" the record to an individual access. There will also be "break the glass" capability in an emergency. Other advantages include billing, coding, fiscal reports and electronic prescriptions and lab reports.

Information from one of the technology vendors was presented (Exhibit C).

Settle noted that all of the vendors that responded to a Request for Proposals (RFP) can interface with TRIM, the County's electronic record keeping system.

Schorr inquired about funding.

Settle indicated there will probably not be a significant impact to the budget this year. He said vendor selection, software licenses and scanning expenses will likely occur in the fourth quarter of 2010 and estimated those expenses at less than \$50,000. Settle said he will have some of those dollars and may be able to find additional monies to pay those expenses.

Hudkins asked about future expenses.

Baker said there will be costs for maintenance, software licensing and hardware. A grant that SNBHIN received will help provide funds for the hardware. She said efforts will be made to have providers pool purchases.

Settle said the providers currently spend monies for maintenance and said perhaps those funds could be shifted to help offset the cost of the new system. He said Region V has already made a significant contribution to the project and some of that funding will continue. There is also some grant funding in place and plans to apply for stimulus funding.

Schorr asked whether law enforcement will have access to the system.

Baker said not at this point, due to confidentiality issues.

Stevens noted that St. Elizabeth Regional Medical Center was not included.

Settle said St. E's does not have a mental health department and said the focus was behavioral health programs.

Baker said they could be included in the network at a later point.

Heier noted that the Board approved the budget on Tuesday and said he is disappointed the funding request was not brought forward earlier. He said he would expect Settle to find the funds within his budget.

Hudkins said he believes it should be a state responsibility.

Kerry Eagan, Chief Administrative Officer, suggested it be included in the County's legislative list.

**6 ENFORCEMENT OF SOIL MINING SPECIAL PERMITS AND
GENERAL ZONING ENFORCEMENT DISCUSSION** - Fred Hoke,
Building and Safety Director; Mel Goddard, Chief Building Inspector; Mike
DeKalb, Planner

Fred Hoke, Building and Safety Director, said he has reviewed the file reports and anecdotal information on all of the soil mining permits in effect in the County and said the most frequent complaints relate to the Muhlback operation on North 56th Street/Highway 77 and Raymond Road. He noted five property owners near Muhlback's operation sent letters in support of his application. Three letters in opposition were submitted, one was unsigned but claimed to represent eleven neighbors to the north. The complaints relate to:

- Excessive dirt
- Dirt on the highway
- Gate not secured after operating hours
- Lack of maintenance to the access
- Loaded trucks leaving the property during restricted morning and afternoon hours when school buses are on the road
- Noise
- Cars having to stop quickly when trucks pull out onto the road
- Lack of adequate signage
- Inadequate top soil stockpiled
- Signage covered by weeds

Hoke said Building and Safety has the primary responsibility for zoning enforcement, the County Health Department has jurisdiction for dust issues, the Nebraska Department of Roads (NDOR) and the Lower Platte South Natural Resources District (NRD) have jurisdiction for dirt and mud on the road and the County Sheriff has jurisdiction over traffic issues on the highway. He said when his department receives a complaint they contact the owner, relay the complaint and request immediate attention. They also contact the other agencies with jurisdiction and inform the complainant of the correct jurisdictional body to contact. Hoke said he has sent an inspector to the Muhlback site six times to investigate complaints (signage, inadequate top soil stockpiled for reclamation, open gate after hours and ceasing work after the expiration of his previous permit). A cease operations citation was issued twice for infractions, which were cleared up. He said there are a number of subjective conditions in Muhlback's permit which makes enforcement difficult.

Hoke said his department will improve its methodology for enforcing the provisions of soil mining permits. He said he will serve as the collection point for all complaints related to soil mining operations and said a spread sheet is being developed for each soil mining operation which will include special permit requirements, pre-operation inspections, and coordination with the other jurisdictional bodies. A shared computer file with complaint information, responses from Building and Safety investigations, enforcement activities and the current status of each entry is also being developed. Hoke said his department will communicate actions back to complainants and will compile the complaints, actions and enforcements in a quarterly report to the Board and Planning Commission on the status of all soil mining operations. The quarterly reports will be attached to the Annual Report to the Board and Planning Commission on these operations.

In response to a question from Schorr, Hoke said the complaints regarding the Muhlback operation are from the same complainants. He added that they do not reside in the area.

Schorr suggested it may be helpful to utilize the database for other complaint-based situations.

Hudkins inquired about sites within the City's three-mile zoning jurisdictions.

Mel Goddard, Chief Building Inspector, said he can only recall a problem with one. He said the process is the same.

Workman expressed concern regarding "overzealous complaining" and the strain it places on resources.

7 EXECUTIVE SESSION (SALE OF REAL PROPERTY, POTENTIAL LITIGATION & PERSONNEL ISSUE) - Mike Thew, Chief Deputy County Attorney; Gwen Thorpe, Interim Lancaster Manor Administrator

MOTION: Hudkins moved and Schorr seconded to enter Executive Session at 10:21 a.m. to discuss the sale of real property, potential litigation and a personnel issue. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

MOTION: Stevens moved and Workman seconded to exit Executive Session at 11:20 a.m. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried.

8 LANCASTER MANOR UPDATE - Gwen Thorpe, Interim Lancaster Manor Administrator
A) PUBLIC RECORDS REQUESTS FROM MARK VASINA RECEIVED SEPTEMBER 3, 2009 AND SEPTEMBER 8, 2009

Lancaster Manor Update

Gwen Thorpe, Interim Lancaster Manor Administrator, reported the following:

- Lancaster Manor has reimbursed Medicaid \$27,971.19 for an error in billing (Medicaid was billed for Medicare patients)
- Encore Rehabilitation Services will reimburse the Manor \$20,428.34 for a billing error
- Representatives of Extended Care Clinical Services, which runs nursing homes for Hunter Management (the likely buyer of Lancaster Manor), met with residents and answered questions
- Census is currently 227

Thorpe said there have been a number of resignations but layoffs may still be required.

Pat Kant, Personnel Coordinator, appeared and discussed the process for a reduction in force.

Thorpe said she would like to explore what can be done to assist employees. She will meet with Kant and Tom Fox, Deputy County Attorney, and will bring back specifics.

Hudkins asked Thorpe whether she has made a decision on whether to close the employees café.

Thorpe said she has not, but said it is a logical step and will not impact resident care. She added that family members will still be able to order a meal from the kitchen.

Hudkins suggested she give consideration to raising prices to cover the County's costs.

Thorpe said she has received an offer from the natural gas company to participate in a customer choice program. She said she contacted Don Killeen, County Property Manager, and he indicated the County typically declines participation.

MOTION: Schorr moved and Hudkins seconded to authorize the Chair to sign a form indicating the County declines participation in the program. Hudkins, Stevens, Workman, Schorr and Heier voted aye. Motion carried.

A) Public Records Requests from Mark Vasina Received September 3, 2009 and September 8, 2009

Eagan said he has drafted a letter of response indicating the County will make the records available through Dennis Meyer, Budget and Fiscal Officer.

9 PERSONNEL POLICY BOARD RECOMMENDATIONS REGARDING USE OF PERSONAL HOLIDAYS & SICK LEAVE PAY-OUT - Tom Fox, Deputy County Attorney; Mark Koller, Personnel Director; Pat Kant, Personnel Coordinator

Tom Fox, Deputy County Attorney, said the Employees Advisory Team (EAT) submitted requests to the Personnel Policy Board related to use of personal holidays and sick leave pay-out. He said the first asked that employees be allowed to take their personal holidays in two hour increments, rather than eight hour blocks. The Personnel Policy Board recommended approval.

Pat Kant, Personnel Coordinator, said the rationale was that probationary employees would be able to get paid time off for an medical appointment without having to take off a whole day.

Bill Jarrett, Chief Deputy Sheriff, appeared and said his office would prefer the decision be left up to the department head.

Eagan suggested it would be an appropriate item for discussion at a Management Team meeting.

Kant said EAT has also requested an increase in sick leave pay-out. An increase from 55% to 60% upon retirement and an increase from 55% to 100% upon death into the employee's Post Employment Health Plan (PEHP) is proposed. She said the Personnel Policy Board declined the request.

Fox said the request has financial implications and said the Personnel Policy Board indicated they lacked authority to vote on that type of matter.

Karen Eurich, Personnel Operations Specialist, appeared and clarified that the request was tabled until the next meeting because of the financial issues.

Board members indicated they are not interested in increasing the sick leave pay-out.

10 ACTION ITEMS

There were no action items.

11 CONSENT ITEMS

There were no consent items.

12 ADMINISTRATIVE OFFICER REPORT

A. Review of County Board Meeting Guidelines

The Board reviewed two versions of the County Board Meeting Guidelines (see agenda packet and Exhibit D).

The Chair asked Board members whether they want to allow the public to speak at Staff Meetings under Emergency Items and Other Business and if so, what type of time limit would they like to see imposed.

Eagan said the Nebraska Open Meetings Act states the public has right to come to meetings, participate and speak, but not at every meeting.

There was general consensus to: 1) Remove the Emergency Items and Other Business item from the Staff Meeting agenda; 2) Rename it Public Comment on the Regular County Board of Commissioners Meeting agenda. No decision was reached on duration.

B. Holiday Schedule

No action was taken.

C. Community Mental Health Center (CMHC) Project Evaluator Contract (McLawson Contract)

Item was moved forward on the agenda.

D. Nebraska Association of County Officials (NACO) Legislative Conference (October 8, 2009 in Kearney, Nebraska)

Hudkins and Heier indicated plans to attend. Workman and Stevens indicated they will be out of town, so the Staff Meeting scheduled for that date was cancelled.

13 PENDING

There were no pending items.

14 DISCUSSION OF BOARD MEMBER MEETINGS

A. Public Building Commission (PBC) - Hudkins, Workman

Hudkins said it will cost \$156,000 to add a third elevation in the County-City Building. He said plans to finish space in the 9th & J Street Building for Community Corrections and secure storage space on the third floor of the County-City Building were also discussed.

B. Board of Health - Schorr

Schorr said they met at the Dental College and toured the facility. She said H1N1 Influenza A was also discussed.

C. United Way Kick-Off - Stevens

Stevens reported on plans to have a joint City-County campaign in October.

15 EMERGENCY ITEMS AND OTHER BUSINESS

October 22nd and 29th were suggested as possible dates for the Fall Management Team Retreat.

16 ADJOURNMENT

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

Dan Nolte
Lancaster County Clerk