

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, SEPTEMBER 24, 2009
8:30 A.M.**

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

Commissioners Absent: Larry Hudkins

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 8:30 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY
SEPTEMBER 17, 2009**

MOTION: Stevens moved and Workman seconded approval of the September 17, 2009 Staff Meeting minutes. Schorr, Workman, Stevens and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Letter Regarding the Process and Timetable for Public Review and Discussion of the Sale Agreement for Lancaster Manor (Exhibit A)

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

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

Chuck Richter, Sampson Construction Company, Inc., said major earthwork and pilings have been completed. Work on the footings will begin next week.

In response to a question from Workman, Richter said grading for the District Energy Corporation (DEC) power plant will be done whenever they need it.

4 REQUEST FOR CONVEYANCE OF VACATED ALLEY IN SPRAGUE - Ken Schroeder, County Surveyor

Ken Schroeder, County Surveyor, discussed a request from Daryl F. Meyer for conveyance of a vacated alley in Sprague (Exhibit B). Meyer has a metal building and a concrete slab that encroaches on the vacated alley. The County has a shop and maintenance yard on adjoining property. He said his department has no use for that portion of the vacated alley, estimating the market value at approximately \$40.00. Schroeder indicated it could be deeded to Meyer through a quit claim deed.

In response to a question from Stevens, Schroeder said Meyer has also encroached on the County's lot by three and a half feet. He said his department would not want to deed him that portion but said a permanent easement would be acceptable, with a stipulation as to use.

Stevens suggested a temporary easement instead, that would run indefinitely.

Kerry Eagan, Chief Administrative Officer, explained that Meyer is selling his property to his son and needs to resolve the issue before they can close.

MOTION: Schorr moved and Stevens seconded to direct the County Surveyor to prepare a quit claim deed for one half of the vacated alley, with a value of \$40.00, and an additional amount to be determined by the County Surveyor for the concrete slab encroachment. Stevens, Schorr, Workman and Heier voted aye. Motion carried.

ADMINISTRATIVE OFFICER REPORT

A. Management Team Retreat (October 22, 2009)

Eagan said invitations will be extended to the Lancaster County Senate Delegation and Larry Dix, Nebraska Association of County Officials (NACO) Executive Director.

B. Abbott Motocross Track Update

Eagan said the project is moving ahead and bids for the motocross track will be let at the end of the year. He said right-of-way acquisition for the County's road is nearly complete and gravel work will likely begin in the spring. Eagan said the Corp of Engineers has made them remove a portion of the berm that is parallel to the floodplain from the design, due to flooding concerns. Del Lienemann, Jr., Lincoln Sports Foundation President, would like a fence installed in its place to contain noise from the track.

C. Legislative Proposals

Eagan presented a draft of legislative proposals (Exhibit C).

D. Mid-Year Budget Retreat (February 10, 2010)

Board consensus was to change the date to February 11th.

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

A) RESIDENT ACCOUNTS (EXECUTIVE SESSION)

Gwen Thorpe, Interim Lancaster Manor Administrator, said Denise Schachenmeyer, Food Service Director, has expressed concerns about closing the employee cafeteria. Thorpe said she does not feel the expense of keeping the cafeteria open is justified and recommended that it be closed.

MOTION: Schorr moved and seconded to close the employee cafeteria at Lancaster Manor, based on the Interim Administrator's recommendation and financial considerations.

Heier noted that this issue was previously discussed when Commissioner Hudkins was present.

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

Thorpe also reported the following:

- Census and revenues are down.
- The State Auditor's staff have completed their work at the Manor.
- Two residents were burned by coffee and a State team conducted an investigation. A plan of correction will be put in place based on their report.

- Sick leave usage continues to be a problem. Thorpe is looking at enforcing mandatory overtime and re-enacting a policy which requires employees who are calling in sick to come in and be seen by a nurse.
- Changes in Medicaid reimbursements to nursing home facilities are anticipated.
- Thorpe has asked staff to contact her when a resident's move to another nursing home facility is initiated by the family so she can visit with the family and see if there are concerns that need to be addressed.

ADDITIONS TO THE AGENDA

- A. Letter Regarding the Process and Timetable for Public Review and Discussion of the Sale Agreement for Lancaster Manor (Exhibit A)

Brief discussion took place regarding how to respond to the letter with consensus to wait until Commissioner Hudkins returns.

RETURNING TO ITEM 5

A) Resident Accounts

MOTION: Workman moved and Schorr seconded to enter Executive Session at 9:29 a.m. for discussion of resident accounts. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

Workman exited the meeting.

MOTION: Schorr moved and Heier seconded to exit Executive Session at 9:40 a.m. Stevens, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

Workman returned to the meeting at 9:41 a.m.

- 6 VISITORS PROMOTION COMMITTEE (VPC) RECOMMENDATION REGARDING NEBRASKA HORSE PARK FUNDING REQUEST FROM VISITORS IMPROVEMENT FUND** - Steve Hilton, Visitors Promotion Committee (VPC) Chair; Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director; JoAnne Kissel, Representing the 2015 Vision Group

Steve Hilton, Visitors Promotion Committee (VPC) Chair, presented a recommendation from the VPC that the County release \$50,000 from the Visitors Improvement Fund for a Phase II Feasibility Study related to a proposed horse track north of the Lancaster Event Center at 84th Street and Havelock Avenue (see Exhibit D for funding request).

Schorr noted concerns have been expressed in the newspaper and in correspondence the Board has received that these are property tax dollars.

Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, clarified that funds are from lodging tax proceeds and must be used for specific purposes. He said the fund has been used in the past to support studies related to the West Haymarket Project and the Lancaster Event Center.

Workman asked whether there is any truth to concerns the project could involve a casino.

Hilton said there was no mention of gambling or a casino in the presentation representatives of the 2015 Vision Group gave to the VPC.

Workman noted there are also concerns a legislative bill the Nebraska Horsemen's Benevolent and Protective Association has sponsored would permit a casino.

JoAnne Kissel, representing the 2015 Vision Group, said a casino is not part of the plan and said the Horsemen's Association has indicated that is not their intention. She said the proposed Nebraska Horse Park will not rely strictly on horse racing but will accommodate many different kinds of equestrian related activities.

Heier remarked that the County has a stake in the project because it involves moving a county road.

Kerry Eagan, Chief Administrative Officer, said a provision in Nebraska Revised Statute §81-1255 may prohibit the County from using the Visitors Improvement Fund in this manner (see Exhibit E):

The proceeds of the County Visitors Improvement Fund shall be used to improve the visitor attractions and facilities in the County, except that no proceeds shall be used to improve a facility in which parimutuel wagering is conducted.

Eagan indicated that funding through the County's Keno Fund may be another option.

MOTION: Stevens moved and Workman seconded to request a legal opinion on whether the County can use the Visitors Improvement Fund for the study. Schorr, Workman, Stevens and Heier voted aye. Motion carried.

**7 UPDATE ON CONSULTING CONTRACT WITH KELLY BUSH
REGARDING POST EMPLOYMENT HEALTH PLAN (PEHP) - Doug Cyr,**
Chief Administrative Deputy County Attorney

Doug Cyr, Chief Administrative Deputy County Attorney, recommended the County proceed with a contract with Kelly Bush, Public Safety Consultants, LLC, for the purpose of initial negotiations with Nationwide Retirement Solutions (NRS) to allow current Voluntary Employee Beneficiary Association (VEBA) assets to freely transfer to an Internal Revenue Service (IRS) Code, Section 115 Trust (see June 11, 2009 and August 27, 2009 Staff Meeting minutes). He said Bush has estimated that negotiations will take two to five hours and has agreed to an hourly rate, rather than retainer he initially proposed. Cyr said the City may also be interested in the discussions with NRS.

8 GARBAGE HAULING BIDS - Bob Walla, Assistant Purchasing Agent

Item was dropped from the agenda.

9 ACTION ITEMS

- A. Microcomputer Request C#57197, \$1,473.95 from the Emergency Management Budget for a Color Laser Jet Printer

Item was held at the request of Emergency Management.

10 CONSENT ITEMS

There were no consent items.

11 ADMINISTRATIVE OFFICER REPORT

- A. Management Team Retreat (October 22, 2009)
- B. Abbott Motocross Track Update
- C. Legislative Proposals
- D. Mid-Year Budget Retreat (February 10, 2010)

Items A-D were moved forward on the agenda.

12 PENDING

There were no pending items.

13 DISCUSSION OF BOARD MEMBER MEETINGS

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

Stevens said claims totaling \$1,021,561.13 were approved.

- B. Downtown Lincoln Association (DLA) - Stevens

Stevens said they discussed parking in the downtown area and whether to privatize parking enforcement. The group also received an update on Centennial Mall.

- C. District Energy Corporation (DEC) - Workman

Workman said there was orientation for the new DEC members.

- D. Juvenile Justice Review Committee (JJRC) - Heier

Heier said he did not attend the meeting.

- E. Community Mental Health Center Advisory Committee - Stevens

Stevens said Mike Thurber, Corrections Director, attended the meeting and discussed the new jail and programming for inmates with behavioral health issues.

14 EMERGENCY ITEMS AND OTHER BUSINESS

Schorr gave a brief report on the Lincoln Independent Business Association (LIBA) Government Caucus Meeting.

15 ADJOURNMENT

MOTION: Schorr moved and Workman seconded to adjourn the meeting at 10:23 a.m. Schorr, Workman, Heier and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk