

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, JANUARY 28, 2010  
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  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

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

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY, JANUARY 21, 2010**

**MOTION:** Hudkins moved and Schorr seconded approval of the January 21, 2010 Staff Meeting minutes. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

A. Lancaster Manor Fiscal Update

**MOTION:** Schorr moved and Workman seconded approval of the addition to the agenda. Hudkins, Workman, Stevens and Schorr 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 A).

Joe Kohout, Legislative Consultant, gave an overview of Legislative Bill (LB) 800 (To provide methods of early intervention for children at risk) and said they will continue to monitor the bill.

In response to a question from Hudkins, Kohout said the Legislature will only have four days from the time Nebraska Economic Forecasting Board issues its revenue predictions to finalize the budget.

Hudkins said he was told the Legislature might recess, then reconvene so they can respond.

Kissel said that is a possibility.

Schorr inquired about legislation that changes components of the Region V Governing Board.

Kohout said LB 849 would remove the requirement that a local elected official sit on the board of the developmental disabilities provider. He said the reasoning is that there are no local dollars going through that mechanism.

Terry Wagner, Lancaster County Sheriff, appeared and reported on LB 817 (Exempt concealed handgun permit holders from the requirement that they obtain a certificate to purchase a handgun), noting the Sheriff's Association supports the bill. He estimated the County will lose approximately \$5,500 in revenue if the bill is passed, but said there will be personnel savings.

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

Chuck Richter, Sampson Construction Company, said work on the footings in Sector C and water service is being completed. Work is also taking place on the primary underground conduits that feed power to the building and the storm sewer for utilities (see progress photographs in Exhibit B). He said pre-cast concrete cells have been completed and will be shipped once a structure in place.

Schorr asked how much concrete will be used throughout the entire process.

Richter said he will check and report back.

## **ADDITIONS TO THE AGENDA**

### **A. Lancaster Manor Fiscal Update**

Dennis Meyer, Budget and Fiscal Officer, appeared and said he will need to transfer approximately \$500,000 to the Lancaster Manor Fund to cover cash flow. He said the General Fund will be reimbursed when the County receives its Intergovernmental Transfer (IGT) payment, adding he anticipates that the IGT will be around \$800,000.

Hudkins said record keeping at the Manor was poor, noting there are negatives in the Manor's accounts receivables. He also asked about the audit of the facility.

Meyer said he assumes the audit will show that the County has \$400,000 in cash and \$1,200,000 in receivables, as of June 30, 2009.

### **5 RESOLUTION PROPOSED BY CENSUS BUREAU ENCOURAGING COMMUNITY PARTNERING** - Brandon Garrett and Mike DeKalb, Planning Department

Brandon Garrett, Planning Department, asked that the Board consider a resolution to proclaim Census 2010 a top priority and endorse the City of Lincoln and Lancaster County Complete Count Committee (Exhibits C & D). He noted that committee members were selected with a focus on what the Census Bureau deems hard to count populations (minority groups, immigrants, students and renters).

Workman asked whether the census will help determine how many illegal immigrants are in the County.

Garrett said the census does not ask questions regarding legal citizenship status. He added the responses are completely confidential.

Workman said the Real Estate Owners and Managers Association (REOMA) may be able to assist in the effort to count students.

The Board scheduled the resolution on the February 2, 2010 County Board of Commissioners Meeting agenda.

### **6 LANCASTER COUNTY AGRICULTURAL SOCIETY EVENT CENTER UPDATE** - Ron Snover, Lancaster Event Center Managing Director; Alan Wood, Lancaster County Agricultural Society Counsel

Ron Snover, Lancaster Event Center Managing Director, gave an overview of the 2010 Schedule of Events (Exhibit E). He said the Event Center has booked 58 new events, 10 of which were previously located at the State Fairgrounds. Snover also reported tentative figures related to the Lancaster County Fair, the number of visitors to the Event Center's website, the number of visitors to the facility and fairgrounds, usage days, income and expenses.

Workman asked whether the Event Center will ever be able to pay the principal and interest on its bond.

Snover said their main priority is to take care of the Lancaster County Fair, but hopefully at some point, the fair will move to the positive side.

Alan Wood, Lancaster County Agricultural Society Counsel, said three different entities have expressed interest in developing a hotel on the Ag Society's commercial property on the southeast corner of 84<sup>th</sup> Street and Havelock Avenue.

In response to a question from Workman, Wood estimated yearly hotel lease revenue at \$50,000 and said they may be able to utilize Tax Incremental Financing (TIF) to reduce the lease amount and help pay for construction costs. He said the Ag Society will incur some up-front development costs and may approach the Visitors Promotion Committee (VPC) about funding assistance through the Visitor Improvement Fund.

Wood said the Ag Society has also been included in discussions related to the proposal to build a mile-long horse track on 360 acres north of the Lancaster Event Center at 84<sup>th</sup> Street and Havelock Avenue.

**7 NORTHWEST 12<sup>TH</sup> STREET BRIDGE OVER HIGHWAY 34** - John Spatz, City Councilman; Lauren Wismer, Gilmore & Bell P.C. (Bond Counsel); Tom Fox, Deputy County Attorney

John Spatz, City Councilman, discussed a proposal for a bridge over Highway 34 to provide a safe alternative for students crossing from the Highlands Neighborhood to the new Schoo Middle School in the Fallbrook Neighborhood. He said several alternatives were explored (see Exhibits F & G) and said a road and pedestrian walkway at Northwest 12<sup>th</sup> (Alternative 3) seems to be the best solution. Spatz said the Public Facilities Construction and Finance Act provides a funding mechanism, explaining the City and County would each issue bonds to an interlocal and the interlocal would issue bonds on the bond market. Spatz said the smallest partner, in this case the County, is required to have a 25% interest in the total amount, which he estimated at \$4,000,000. **NOTE:** A roundabout connecting to Alvo Road would not be included (see Exhibit F). He said potential benefits to the County include economic growth, potential valuation increases, and another way to access Lincoln from northwest Lancaster County, as shown in the long-range Comprehensive Plan.

Phil Wenta, NEBCO, appeared and said Kawasaki Motors, which has a manufacturing facility at 6600 Northwest 27<sup>th</sup> Street, has been part of the discussions and favors this alternative, as it will have the least impact on their plans for future expansion.

Lauren Wismer, Bond Counsel, explained that the levy would be excluded from any levy limitations.

Schorr noted the Board has received a legal opinion that says the County is authorized to expend county funds for a City bridge.

Workman expressed concern regarding setting a precedent.

Spatz said he believes this is a unique situation.

Schorr remarked there are other places in Lincoln where children cross four-lane highways to get to school.

In response to a question from Stevens, Spatz clarified that the project would go from the roundabout on Northwest 13<sup>th</sup> Street, south of Highway 34, to the roundabout just north of Highway 34.

Stevens asked who would be responsible for seeing that there is a road going north from there into the County.

Wenta said NEBCO will build a section of Northwest 12<sup>th</sup> Street as part of their development agreement. Another section of the road is scheduled for private developer construction.

Spatz asked the Board to allow staff to begin drafting an interlocal agreement with the City.

**MOTION:** Workman moved and Hudkins seconded to allow staff to proceed with drafting an interlocal agreement with the City for possible financing of a bridge over Highway 34 at Northwest 12<sup>th</sup> Street.

Don Thomas, County Engineer, said County roads are not getting paved due to a lack of funds and asked whether the Board is willing to make a similar investment for these road projects.

Hudkins said he is.

Schorr said she wants a discussion scheduled on the Mid-Year Budget Retreat agenda on how this funding would effect other areas of the budget.

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

**8 LANCASTER MANOR SMOKE BARRIERS** - Jerry Allen, Lancaster Manor Maintenance Director; Bob Walla, Assistant Purchasing Agent

Jerry Allen, Lancaster Manor Maintenance Director, said an inspection by the State Fire Marshall in November, 2009 revealed a lack of sufficient smoke barriers. He said it was originally estimated that the work would cost \$5,000. Further inspection revealed a more significant problem (see Exhibit H).

Bob Walla, Assistant Purchasing Agent, said the unit price contractors were contacted, but none of them submitted a quote. He said his department then sought a quote through the E-Bid System, but none were submitted. Walla said companies that perform this type of work were then contacted and a quote was received from Gagner Restoration, Inc. in the amount of \$15,562. He said Gagner Restoration is a registered vendor and proper procedures were followed in obtaining the quote.

Hudkins noted that, under the terms of the sales agreement, \$1,000,000 was provided for improvements to Lancaster Manor and said he believes that should be the funding source.

Stevens asked whether the County has been given a deadline to resolve the problem.

Allen said yes, the County has until the end of April.

**MOTION:** Hudkins moved to ask the Purchasing Department to rebid the work.

The motion failed for the lack of a second.

**MOTION:** Schorr moved and Workman seconded to authorize payment out of the Lancaster Manor Fund in the amount of \$15,562.

**AMENDMENT:** Hudkins moved to amend the motion to authorize the payment out of the \$1,000,000 set aside for improvements to Lancaster Manor instead.

The motion failed for the lack of a second.

**ROLL CALL ON THE ORIGINAL MOTION:** Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

**9 EMERGENCY MANAGEMENT REMODEL** - Doug Ahlberg, Emergency Management Director; Tom Fox, Deputy County Attorney

Doug Ahlberg, Emergency Management Director, discussed a change order in the amount of \$9,941 for the Emergency Operations Center's entrance off "M" Street. He said there are sufficient Emergency Management Program Grant (EMPG) funds to cover the expense, adding the alternative would be to eliminate the door's touchpad and issue keys to staff and volunteers.

Bob Walla, Assistant Purchasing Agent, appeared and suggested that Emergency Management get quotes from the unit price contractors for comparison.

Board consensus was to proceed as Walla suggested.

## **10 ACTION ITEMS**

- A. Microcomputer Request C#60180, \$2,496.97 from Community Corrections Budget for a Notebook PC and Software (Exhibit I)

Kerry Eagan, Chief Administrative Officer, indicated the request is for a Netbook, not a Notebook, computer and said the cost is much less (\$500). He said no action is necessary, since Community Corrections has budgeted for this expense.

- B. Notice of Termination (American Health Care Software Enterprises, Inc.) (See Agenda Packet)

Stevens asked that the date of the letter be corrected.

**MOTION:** Schorr moved and Workman seconded to approve the notice of termination, with the noted correction and signature by either the Chair or Vice Chair. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

- C. U.S. Department of Justice Grant (Family Violence Council)

**MOTION:** Schorr moved and Hudkins seconded approval of a letter of support for the Family Violence Council's application for a U.S. Department of Justice Grant. Hudkins, Workman, Stevens and Schorr voted aye. Motion carried.

- D. Support Letters for Child Advocacy Center Grant Applications

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

## **11 CONSENT ITEMS**

There were no consent items.

## 12 ADMINISTRATIVE OFFICER REPORT

### A. Pension Review Committee (PRC) Recommendations Regarding Expense Reimbursement Account, Segal Advisors and Post Employment Health Plan (PEHP)

Eagan presented the following recommendations from the Pension Review Committee (PRC) (Exhibit J):

- \* The Lancaster County Board of Commissioners should immediately deposit all expense reimbursement funds held by the County Treasurer into Prudential's Gibraltar Guaranteed Fund
- \* Segal Advisors should be retained to provide the following services:
  - \* Review the performance of all investment options in the 401(a) and 457 plans for 2009, and make recommendations to the County Board regarding retention or removal of funds;
  - \* Provide a detailed analysis of the structure of the Gibraltar Guaranteed Fund;
  - \* Assist with updating the County's investment policy, especially with regard to appropriate bench marks for fund performance; and
  - \* Verification of whether Prudential has met contractual performance guaranteesTotal consideration paid for these services should not exceed \$30,000
- \* The County should pursue a Request for Information (RFI) to identify available options for transfer of all Post Employment Health Plan (PEHP) funds from Nationwide Retirement Solutions (NRS) to another provider. In this regard, the County should contact the City of Lincoln to ascertain whether the City would like to partner with the County in the formation of a new Voluntary Employee Beneficiary Association (VEBA) which would receive the transferred funds.

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

### B. Nebraska Association of County Officials (NACO) Southeast District Meeting (March 26, 2010 at Mahoney State Park)

Hudkins and Workman indicated plans to attend the meeting and the tour of the Strategic Air Command (SAC) Museum that will follow the meeting. Schorr said she does not plan to attend either and Stevens was undecided.

- C. Appointment of Timothy Plander and Sitaram Jaswal to the Air Pollution Control Advisory Board

The Board scheduled the appointments on the February 2, 2010 County Board of Commissioners Meeting agenda.

- D. Lancaster Manor Employee of the Year for 2009

Board consensus was to pay for the award (\$200) out of the Lancaster Manor Fund.

### **13 PENDING**

There were no pending items.

### **14 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Nebraska Association of County Officials (NACO) Legislative Bill Review - Heier

No report.

- B. Region V Governing Board - Workman

Workman said Dave Merrill, Region V Services Executive Director, discussed his management philosophy. He recommended that the County Board ask Merrill to give a similar presentation to the Management Team.

- C. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins, Workman

Workman said he gave an update on salary decisions and Lancaster Manor.

- D. Downtown Lincoln Association (DLA) - Stevens

Stevens said there were presentations on the Urban 38 Project (develop the block bounded by 13<sup>th</sup>, 14<sup>th</sup>, Q and P Streets into a nine-story building with retail, apartment and parking space) and the Tool House Redevelopment Project (redevelop the Tool House at 8<sup>th</sup> and Q Streets, a building to the east and a building to the north into a hotel, apartments, and retail, office and restaurant space).

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

Stevens said they approved approximately \$500,000 in payments for architect, construction and bank fees.

- F. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Stevens said funding for the Sex Trauma/Offender Prevention (STOP) Program is running out and they plan to cut back on the number of individuals they treat.

## **15 ADJOURNMENT**

**MOTION:** Schorr moved and Hudkins seconded to adjourn the meeting at 11:09 a.m. Hudkins, Workman, Stevens and Schorr voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk