

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, JUNE 30, 2011
8:30 A.M.**

Commissioners Present: Deb Schorr, Chair
Larry Hudkins
Jane Raybould
Brent Smoyer

Commissioners Absent: Bernie Heier, Vice Chair

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

The Chair opened the meeting at 8:31 a.m.

AGENDA ITEM

**1 APPROVAL OF THE MINUTES OF THE THURSDAY, JUNE 23, 2011
STAFF MEETING**

MOTION: Smoyer moved and Raybould seconded approval of the minutes of the June 23, 2011 Staff Meeting. Smoyer, Raybould and Schorr voted aye. Hudkins and Heier were absent from voting. Motion carried 3-0.

2 ADDITIONS TO THE AGENDA

A. Clarification of Noise Ordinances

MOTION: Raybould moved and Smoyer seconded approval of the addition to the agenda. Raybould, Smoyer and Schorr voted aye. Hudkins and Heier were absent from voting. Motion carried 3-0.

**3 EMERGENCY MANAGEMENT DEPUTY DIRECTOR POSITION -
John Cripe, Classification and Compensation Manager; Doug Ahlberg,
Emergency Management Director**

Doug Ahlberg, Emergency Management Director, discussed his proposal to appoint Mark Hosking, who is providing backup coverage and carrying out Ahlberg's duties when he is unavailable or out of the area through a contract with the County, as deputy director (Hosking was paid \$6,133 to provide these services to the County for the period of July 1, 2010 to June 30, 2011). He said the cost of the proposed salary and benefits for the deputy director position (\$64,650) could be reduced with a one-time contribution by the Lincoln-Lancaster County Health Department (LLCHD) (\$10,000) and Emergency Management Program Grant (EMPG) monies (\$35,000). The remaining cost (\$19,650) would be shared by the City because it is a joint agency. **NOTE:** The County's share would be further reduced because it would no longer be contracted for a backup.

Raybould said she cannot support adding to the department's payroll at this time. She felt it would be more appropriate to add a deputy director and work on a succession plan when Ahlberg decides to retire, suggesting a one to two month transition period should be sufficient. Ahlberg explained that Hosking's grant funded position at LLCHD is ending and that is why he suggested moving forward with the appointment at this time. He said it is a complex position and disagreed that transition would only take a couple of months.

Hudkins arrived at 8:36 a.m.

John Cripe, Classification and Compensation Manager, noted the Personnel Department has long encouraged the Board to have assistants in place and to plan for succession. He said it would be an appointed position in the unclassified service, adding the classification already exists in the personnel system. Cripe said he conducted a comparability study and only had two matches (Douglas County, Nebraska and Polk County, Iowa). The proposed salary is \$9,000 less than the starting salary in those counties.

Smoyer asked Ahlberg how appointment of a deputy director would impact his budget.

Ahlberg said he would still be 12% under last year's budget. Dennis Meyer, Budget and Fiscal Office, appeared and clarified that cost was not included in the department's budget request.

Schorr asked Ahlberg if he plans to retire within the next 12 months. Ahlberg said no, 18 to 24 months would be more accurate. Schorr said she is more concerned with how to fund the position next year. Ahlberg said he could apply more of the EMPG monies towards that cost. Hudkins suggested the position be limited to half or three-quarters time to begin the transition.

MOTION: Hudkins moved and Smoyer seconded to allow Doug Ahlberg, Emergency Management Director, to offer Mark Hosking a contract for the position of Deputy Emergency Management Director at three-quarters time.

Tom Fox, Deputy County Attorney, appeared and advised against making it a contract position. He said offering a lesser salary would be a better solution.

Kerry Eagan, Chief Administrative Officer, noted the Board could eliminate the position next year if there aren't sufficient monies to fund it.

Schorr felt it would be better to look at transitioning someone into the position when Ahlberg is ready to retire.

Smoyer asked Ahlberg whether he would agree to a transfer a small portion of his salary to assist in funding the deputy position. Ahlberg said he would.

FRIENDLY AMENDMENT: Smoyer offered a friendly amendment to offer Mark Hosking a starting salary of \$50,000.

Smoyer clarified that the amount stated in his friendly amendment would include benefits.

The maker of the motion accepted the friendly amendment.

ROLL CALL: Hudkins and Smoyer voted aye. Raybould and Schorr voted nay. Heier was absent from voting. Vote tied 2-2. Motion failed due to the lack of a majority.

Ahlberg was informed that he may bring the matter back before the Board when all five Commissioners are present.

4 EXECUTIVE SESSION (LABOR NEGOTIATIONS AND PENDING LITIGATION) - Mark Koller, Personnel Director; John Cripe, Classification and Compensation Manager; Nicole Gross, Compensation Technician; Doug Cyr, Chief Administrative Deputy County Attorney; Tom Fox, Deputy County Attorney; Sue Eckley, County Risk Manager

MOTION: Smoyer moved and Raybould seconded to enter Executive Session at 9:09 a.m. for the purpose of protecting the public interest with regards to labor negotiations and pending litigation.

The Chair restated the motion for the record.

ROLL CALL: Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent from voting. Motion carried 4-0.

MOTION: Raybould moved and Smoyer seconded to exit Executive Session at 9:53 a.m. Hudkins, Smoyer, Raybould and Schorr voted aye. Heier was absent from voting. Motion carried 4-0.

5 NEBRASKA ENVIRONMENTAL TRUST (NET) TRUST - Terry Genrich, Natural Resources and Greenways Manager, Parks and Recreation Department; Tom Malmstrom, Natural Resources Coordinator

Tom Malmstrom, Natural Resources Coordinator, indicated plans to apply for a Nebraska Environmental Trust (NET) grant in the amount of \$1,400,000. He said the grant will be used for acquisition of saline wetlands, restoration and planning projects. Malmstrom asked the County, as a member of a partnership comprised of the City of Lincoln, Lancaster County, Nebraska Game and Parks Commission, Lower Platte South Natural Resources District (NRD), and the Nature Conservancy, to assist with grant match. He said each of the partners are being asked to contribute up to \$90,000 in grant match and funding can be in one lump sum or spread over a three-year period. That amount will be prorated if the grant is not fully funded.

Terry Genrich, Natural Resources and Greenways Manager, Parks and Recreation Department, noted the County has used Keno funds in the past, usually making payment in the third year of the grant.

Hudkins expressed concern that taking ground could erode the County's tax base. Malmstrom said only 240 acres of the parcels purchased in the past with the grant funds were farmed and only 130 of those acres have been taken out of production. Hudkins asked whether they are paying agricultural tax on those acres. Malmstrom said they pay in lieu of tax, based on the tax rate at the time of purchase.

Hudkins asked what would be the ramifications if the County did not participate. Genrich said the other partners would be asked to pick up the difference. He added the partnership has been the reason their grant applications have received high rankings.

Board consensus was to hold the item for two weeks.

6 PRIVATE CROSSING AGREEMENT WITH BURLINGTON NORTHERN/SANTA FE (BNSF) RAILROAD - Brittany Behrens, Deputy County Attorney; Virgil Dearmont, Bridge Division Head, County Engineering

Virgil Dearmont, Bridge Division Head, County Engineering, discussed a proposed private crossing agreement with Burlington Northern/Santa Fe (BNSF) related to the Hickman viaduct project (see Exhibit A for aerial photograph). He said the viaduct project created access issues for parcels east and west of the viaduct.

Schorr asked whether trains would be required to sound their horns as they approach the crossing. Dearmont said they would. Schorr said she is certain the Railroad Transportation Safety District (RTSD) and City of Hickman are not aware of this, noting quieting the horns has always been one of Hickman's priorities.

Brittany Behrens, Deputy County Attorney, said a private at-grade crossing is referenced in the construction and maintenance agreement and has always been part of the plans. Dearmont said the only other option would be to build a bridge.

Behrens noted BNSF has not agreed to the changes the County Attorney's Office has requested regarding limitation of liability and indemnification. She said there are also issues that need to be worked through related to insurance.

Schorr requested a one-week delay to allow her time to talk to the RTSD and the City of Hickman.

7 GENERAL ASSISTANCE (GA) GUIDELINE AMENDMENTS - Gary Chalupa, Veterans Service Officer/General Assistance (GA) Director

Gary Chalupa, Veterans Service Officer/General Assistance (GA) Director, said the Legislature passed legislation this session (Legislative Bill 465) to eliminate state programs for non-United States citizens who are here legally but do not qualify for assistance under federal guidelines or with federal funds. Federal law requires legal permanent residents to be in the United States for at least five years before receiving federal public assistance. He said a large number of those individuals reside in Lancaster County and are likely to seek assistance from the County's GA Program (estimated impact is to the County is \$780,000). A proposed amendment to the GA Guidelines to address the eligibility issue was presented (Exhibit B):

Ineligible Immigrants: Immigrants in a Legal Permanent Resident status with less than five years residence in the United States who do not qualify for the federal or state funded Medicaid programs, the Supplemental Nutrition Assistance Program (SNAP), Housing programs, and Social Security programs or who would not qualify for these same programs because of their immigration status will not be eligible for any form of assistance from the Lancaster County General Assistance program.

MOTION: Raybould moved and Smoyer seconded to schedule a public hearing on the amendment to the General Assistance (GA) Guidelines on a regular County Board of Commissioners Meeting agenda. Raybould, Smoyer, Hudkins and Schorr voted aye. Motion carried 4-0.

8 ADDENDUM TO AMERICAN EXPRESS CONTRACT FOR SERVICES TO COUNTY TREASURER - Brittany Behrens, Deputy County Attorney; Andy Stebbing, County Treasurer; Terry Adams, Deputy County Treasurer

Brittany Behrens, Deputy County Attorney, said the service provider agreement that the County recently entered into with Certified Payments to establish a credit card payment system for the County Treasurer listed Visa, MasterCard and Discover as payment options. She said there have been changes to how Visa is accepting those payments and fees and the Treasurer's Office has decided to eliminate Visa as a payment option and substitute American Express. Terry Adams, Deputy County Treasurer, explained that Visa limits payments to taxes and motor vehicles registration fees are not considered taxes.

9 A) HELD ITEMS; AND B) RESOLUTION REQUIRING ELECTRONIC PAYCHECKS (LEGISLATIVE BILL (LB) 278) - Cori Beattie, Deputy County Clerk; Tim Genuchi, Accounting Operations Manager, County Clerk's Office; Brittany Behrens, Deputy County Attorney,

A) Held Items

Cori Beattie, Deputy County Clerk, and Brittany Behrens, Deputy County Attorney, reviewed a list of agenda items that were held at County Board of Commissioners and County Board of Equalization Meetings (see agenda packet).

Board consensus was to schedule a new business item on those meeting agendas to withdraw those items that were held. The Board will continue to review held items every six months.

B) Resolution Requiring Electronic Paychecks

Tim Genuchi, Accounting Operations Manager, County Clerk's Office, noted the Nebraska Legislature passed legislation this session (Legislative Bill 278) that authorizes payment to county officers and employees by electronic funds transfer.

MOTION: Smoyer moved and Raybould seconded to authorize the County Attorney to draft a resolution to require direct deposit of employee paychecks. Raybould, Smoyer, Hudkins and Schorr voted aye. Heier was absent

from voting. Motion carried 4-0.

10 BUDGET UPDATE - Dennis Meyer, Budget and Fiscal Officer
A) RECORDS & INFORMATION MANAGEMENT; AND B) INDIRECT COST PLAN

Budget Update

Dennis Meyer, Budget and Fiscal Officer, asked whether the Board wants to continue to fund one probation officer to provide additional pre-sentence investigation (PSI) report services under terms of an agreement with State Probation Administration. Board consensus was to leave the position in the budget.

Meyer said departments are still submitting budget revisions and said he should know the fund balances by July 14th.

A) Records & Information Management

Brian Pillard, Records & Information Manager, appeared and discussed his budget request. He said options to trim the budget are reducing staff; eliminating a service, such as mail delivery to departments that are located outside the government complex; moving from a maintenance agreement to a cost-per-call charge for software and equipment; or terminating the Community Alternatives Nebraska (CAN) contract. **NOTE:** CAN provides various microfilming and scanning services to the department.

B) Indirect Cost Plan

Meyer said the County's three-year contract with Maximus, Inc. to provide the County with an indirect cost plan has expired. **NOTE:** Maximus, Inc. received \$11,500 per year. He recommended the County enter into another three-year contract and said he has received proposals from three companies interested in performing the service for the following amounts: 1) Maximus, Inc. (\$9,900); Sequoia Consulting Group (\$9,200); and MGT of America, Inc. (\$9,200).

Raybould suggested Meyer ask Maximus, Inc. whether it would be willing to lower its bid to match the others. Meyer agreed to do so and will report back.

11 ACTION ITEMS

There were no action items.

12 CONSENT ITEMS

There were no consent items.

13 ADMINISTRATIVE OFFICER REPORT

A. August 11, 2011 Staff Meeting

The Chair noted it will no longer be necessary to cancel the meeting as a quorum will be present.

B. Coast2Coast Discount Prescription Card Update

Gwen Thorpe, Deputy Chief Administrative Officer, indicated plans to hold a press conference on July 27th to “kickoff” the new Coast2Coast Discount Prescription Card Program. She asked Board members to forward her suggestions of where to distribute the cards.

Raybould expressed concern that HyVee Pharmacies may not be participating in the program, as cited in Coast2Coast’s promotional materials.

C. Bus Turnout Costs for New Lancaster County Adult Detention Facility (LCADF)

It was noted the City has declined the County’s request that the City waive its fees for design work on improvements to the intersection at the entrance to the new Lancaster County Adult Detention Facility (LCADF). Board consensus was to ask Commissioner Heier; Mike Thurber, Corrections Director; and Greg Newport, The Clark Enersen Partners (architect for the LCADF project), who were all part of the negotiations with the City on issues related to the intersection and bus turnouts, for their recollections and notes related to those discussions.

D. Letter of Support for Center for People in Need Grant Application (New Strength Refugee Child Care Program)

Board consensus was to change “I” to “the Lancaster County Commissioners” in the first sentence of the first paragraph.

14 PENDING

There were no pending items.

15 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Metropolitan Planning Organization (MPO) Officials Committee
- Schorr, Hudkins

Schorr said they reviewed the Fiscal Year (FY) 2011-2014 Transportation Improvement Program and approved the 2010 Self-Certification on the Transportation Planning Process for the Lincoln Metropolitan Area; Lincoln City/Lancaster County 2012-2015 Transportation Improvement Program; and Lincoln-Lancaster FY 2011-2012 Unified Planning Work Program. She said they also received a briefing on the 2040 Long Range Transportation Plan.

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

Schorr said they discussed legislative issues and budget cutting options.

- C. Lancaster County Correctional Facility Joint Public Agency (JPA) -
Schorr

Schorr said they approved claims totaling \$3,786,535.82. The claims reflect payments to Wells Fargo for bank fees, Sampson Construction Company, the construction manager at risk, and The Clark Enersen Partners, the architect.

ADDITIONS TO THE AGENDA

- A. Clarification of Noise Ordinances

Raybould said she was contacted by constituents with concerns related to noise from barking dogs and motocross racing. She asked whether the County has a noise ordinance to address those issues.

Eagan said it does not. He said there is a noise ordinance within the City's three-mile zoning jurisdiction but barking dogs would not exceed those restrictions. Eagan also explained that: 1) Dog kennels are allowed by right within the City's three-mile zoning jurisdiction and within areas zoned Agricultural Residential (AGR) in the County; and 2) Motocross racing is permitted in the County, with certain restrictions.

Raybould asked whether there should be noise restrictions on equipment, other than equipment that is farm-related, outside the City's three-mile zoning jurisdiction.

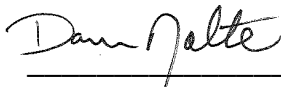
Hudkins said it would have implications for garbage haulers and other types of necessary equipment.

16 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

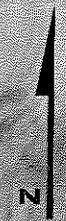
17 ADJOURNMENT

MOTION: Smoyer moved and Hudkins seconded to adjourn the meeting at 11:49 a.m. Smoyer, Hudkins, Raybould and Schorr voted aye. Heier was absent from voting. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk





1 inch = 300 feet



ELM ST

S 68TH ST

WAGON TRAIN RD

Field Drive

Field Drive

Dale Harlan
46.5 ± acres

SE 1/4 33-8-7

S1/4 1/4

STAGECOACH RD

BURLINGTON NORTHERN SANTA FE RAILWAY