STAFF MEETING MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS COUNTY-CITY BUILDING, ROOM 113 THURSDAY, SEPTEMBER 6, 2012 8:30 A.M.

Commissioners Present: Deb Schorr, Chair

Larry Hudkins, Vice Chair

Bernie Heier Brent Smoyer

Commissioners Absent: Jane Raybould

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

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on September 5, 2012.

The Vice Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, AUGUST 30, 2012

MOTION: Heier moved and Smoyer seconded approval of the minutes of the Staff

Meeting on August 30, 2012. Smoyer, Heier and Hudkins voted aye. Schorr and Raybould were absent from voting. Motion carried 3-0.

2 ADDITIONS TO THE AGENDA

- A. Update on Information Services (IS) Interlocal Agreement
- B. Jail Booking Fees

MOTION: Smoyer moved and Heier seconded approval of the additions to the

agenda. Heier, Smoyer and Hudkins voted aye. Schorr and Raybould

were absent from voting. Motion carried 3-0.

3 COMMUNITY MENTAL HEALTH CENTER (CMHC) REMODEL FOR PRIMARY HEALTH CARE - Judy Halstead, Lincoln-Lancaster County Health Department (LLCHD) Director; Ron Sorensen, Community Mental Health Center (CMHC) Executive Director

Judy Halstead, Lincoln-Lancaster County Health Department (LLCHD) Director, said it appears that the Invitation to Negotiate (ITN) for the Community Mental Health Center will require integration between primary and mental health care. She noted that the Board has agreed to make the CMHC building available to the new provider(s) for two years and said a small area within the building should be designated for primary health care. Halstead said Ron Sorensen, Community Mental Health Center (CMHC) Executive Director, has identified space on the lower level that would be suitable for that purpose (see diagram in Exhibit A). She requested authorization to get a cost estimate to remodel the space, explaining she spoke to Don Killeen, County Property Manager, and there will be no cost to the County. Halstead said she will search for a grant that could be used to fund the remodeling project.

Board consensus was to proceed with the cost estimate.

4 APPROVAL OF MICROCOMPUTER FUND REQUESTS FOR FISCAL YEAR (FY) 2012-2013 - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, requested approval of the microcomputer requests that were included in the adopted budget (see list in agenda packet).

MOTION:

Heier moved and Smoyer seconded approval of the microcomputer requests. Smoyer, Heier and Hudkins voted aye. Schorr and Raybould were absent from voting. Motion carried 3-0.

ADDITIONS TO THE AGENDA

A. Update on Information Services (IS) Interlocal Agreement

Kerry Eagan, Chief Administrative Officer, said he and Brittany Behrens, Deputy County Attorney, met with Steve Henderson, Chief Information Officer, Information Services (IS); Rod Confer, City Attorney; and Steven Huggenberger, Assistant City Attorney, to discuss possible modification of the Information Services (IS) interlocal agreement. He noted the Board had also expressed interest in having a separate contract for the County Treasurer's property tax system (see July 26th and August 23rd Staff Meeting minutes). The Mayor had indicated that he wanted to address it in the context of the interlocal agreement. Eagan said several other issues were identified: 1) The Information Services Policy Committee (ISPC) needs to take more of a leadership role in dictating IS policy; 2) Independent analysis of options for large projects; 3) How to

handle the Voice over Internet Protocol (VoIP) system; and 4) How to divide the revolving fund if the interlocal agreement is discontinued.

In response to a question from Hudkins, Eagan said he believes IS needs to provide more resources to support TRIM (electronic records management system). Gwen Thorpe, Deputy Chief Administrative Officer, said it is her understanding that the City has purchased the same records management software used by the State. Cori Beattie, Deputy County Clerk, noted the County has made a significant investment in TRIM and expressed concern for ongoing technical support and a succession plan for the County's TRIM administrator. **NOTE:** Thorpe currently serves that role. Smoyer suggested the County contract for the work. Thorpe said the Board has discussed the possibility of a County Information Technology (IT) position, adding it might include those duties.

Heier said he firmly believes there should be contracts for large projects.

MOTION: Heier moved and Smoyer seconded to request Information Services (IS) to bring forth contract terms for the County Treasurer's property tax system and Corrections, in consultation with the County Attorney's Office.

Smoyer suggested privatization of IT services. Eagan said a one year notice is required to terminate the interlocal agreement. He said the County would also have to negotiate use of the fiber optic network.

ROLL CALL: Heier, Smoyer and Hudkins voted aye. Schorr and Raybould were absent from voting. Motion carried 3-0.

Schorr arrived at the meeting at 8:57 a.m. She said she was late due to attendance at the United Way Campaign Kickoff, noting their goal is to raise \$6,400,000 this year.

5 COUNTY ROAD DUST CONTROL NEAR ROCA BERRY FARM - Beverly Schaefer, Roca Berry Farm; Don Thomas, County Engineer

Beverly Schaefer, Roca Berry Farm, requested authorization to have magnesium chloride applied to 3,400 feet of South 38th Street, the road that leads from the Village of Roca to her farm, to address dust from the traffic to the farm's pumpkin patch during the month of October (see aerial map in Exhibit B). She said they tried watering the road last year, but it wasn't effective. The Schaefer's will be responsible for the cost (\$1.00 per gallon).

Don Thomas, County Engineer, said one application will probably be sufficient.

Hudkins noted that it tends to make the road surface slick. Schaefer said she plans to notify her neighbors beforehand.

Thomas said his department will prepare the road surface for the application. He said the product is very effective and said he is appreciative of the Schaefer's wanting to go to this effort to control the dust.

MOTION: Hudkins moved and Smoyer seconded approval of the request, stipulating that the application of the product is limited to the month of October and must be in coordination with the County Engineer. Hudkins, Smoyer, Heier and Schorr voted aye. Raybould was absent from voting. Motion carried 4-0.

6 REQUEST FROM BOB AND DEEANN WENGER FOR SECOND DRIVEWAY (1300 NORTH 179TH STREET) - DeeAnn Wenger; Ken Schroeder, County Surveyor

Heier noted he has a conflict of interest regarding this matter.

DeeAnn Wenger, 1300 North 179th Street, discussed her request for an accessory driveway to provide access from North 179th Street to an outbuilding on their property in the Wyndam Place subdivision. She showed the Board photographs of her property on her tablet computer. **NOTE:** The Chair asked Wenger to submit copies of the photographs to the County Clerk's Office for the record.

In response to a question from Schorr, Wenger said the accessory driveway will be the only access to the outbuilding. It will not be a circular driveway.

Ken Schroeder, County Surveyor, said a district supervisor did an inspection and has indicated a culvert will need to be installed for drainage. Wenger said there is no ditch along the property and expressed concern that a culvert will create more of a slope. Schroeder said it could be reviewed again to see what would be required to maintain proper drainage. He said the greater issue is that the plat for the subdivision restricts access to one driveway per lot.

MOTION: Smoyer moved and Hudkins seconded to approve the request for an accessory driveway and request County Engineering to review the drainage issue.

Schroeder noted it will require a waiver of the condition of the plat.

AMENDMENT: The maker of the motion and the seconder amended their motion to ask the County Attorney's Office to prepare the necessary paperwork for the waiver.

ROLL CALL: Smoyer, Hudkins and Schorr voted aye. Heier abstained from voting, due to a conflict of interest. Raybould was absent from voting. Motion carried 3-0, with one abstention.

ADDITIONS TO THE AGENDA

B. Jail Booking Fees

Heier asked whether the Board is prohibited from initiating jail booking fees. Eagan said the County Attorney's Office has indicated the County needs legislative authority to do so. Schorr said she and Hudkins discussed this issue with the Mayor and he felt there may be language in the Lancaster County Correctional Facility Joint Public Agency (JPA) interlocal agreement that prohibited additional fees being incurred by the City.

MOTION:

Heier moved and Hudkins seconded to request a legal opinion on whether jail booking fees are included with lodging for the City of Lincoln in the Lancaster County Correctional Facility Joint Public Agency (JPA) interlocal agreement. Hudkins, Heier, Smoyer and Schorr voted aye. Raybould was absent from voting. Motion carried 4-0.

RELEASE OF ESCROW FUNDS FOR LARRY GEIGER (PESTER RIDGE ROAD) - Brittany Behrens, Deputy County Attorney

Brittany Behrens, Deputy County Attorney, said Larry Geiger has requested release of funds placed in escrow to allow him to temporarily use Pester Ridge Road in inclement weather to access his property on Coddington Avenue during a construction project (see March 29th and April 12th and 26th Staff Meeting minutes). She noted the Board had approved an access agreement through October 1, 2012 and said the escrow agreement was tied to the access agreement. Behrens said Geiger has indicated that the he did not need to use the road or move the barricades because the weather has been so dry. She said County Engineering did an inspection and found the road conditions and barricades to be acceptable. The escrow agreement requires the County to provide the escrow agent notice that all conditions have been met before release of the escrow funds.

MOTION:

Smoyer moved and Heier seconded to prepare a letter terminating the access agreement and the paperwork to release the escrow funds. Smoyer, Heier, Hudkins and Schorr voted aye. Raybould was absent from voting. Motion carried 4-0.

DISCUSSION OF BOARD MEMBER MEETINGS

A. Chamber Coffee

Smoyer said the meeting was routine in nature.

B. Public Building Commission (PBC) Meeting with Mayor - Hudkins

The meeting was cancelled.

Heier asked that consideration be given to install darker tinting on the windows at the County-City Building entrance to eliminate glare from the sun.

7 911/EMERGENCY COMMUNICATIONS CENTER INTERLOCAL AGREEMENT - Terry Wagner, Lancaster County Sheriff; Jeff Bliemeister, Chief Deputy Sheriff; Tom Casady, City Public Safety Director

Terry Wagner, Lancaster County Sheriff, expressed concern regarding the following issues with proposed revisions to the interlocal agreement for 911/Emergency Communications Center (see Exhibit C): 1) How the County's share of funding is computed; and 2) Assigning governance of the Communications Center to the Lincoln Police Department (LPD). NOTE: The City has proposed that the Sheriff's share of funding increase from 4% to 8%. The increase is based on the number of the Sheriff's computer assisted dispatch (CAD) incidents. He said the County had initially paid for one full-time equivalent (FTE) dispatcher for the Communications Center. That funding changed to 4%, then 8% and was reduced back to 4% when the 911 surcharge was instituted. He reported the Sheriff's Office had 7.6% of the calls for service and 8% to 9% of the CAD incidents. The County also has 9.4% of the population, outside Lincoln's city limits. Wagner said he agrees that there should be changes to the fee structure, but said he disagrees with how the proposal has handled and felt the increase should have been done incrementally. He added he has requested details regarding the budget and the 911 surcharge revenue from Julie Righter, 911/Emergency Communications Director, but has not received it to date. Jeff Bliemeister, Chief Deputy Sheriff, said Righter did provide him a link to the budget in response to a question regarding a line item and said he may not have been clear enough.

Smoyer asked whether the 911 surcharge is still in effect. Wagner said it is based on land lines and that revenue has decreased dramatically.

Schorr asked whether there is a surcharge on wireless phones. Tom Casady, City Public Safety Director, said there is, but said it is collected by the Nebraska Public Service Commission. He said the Commission returns that money to the public safety access points, such as the Communications Center, and it has to be used for that purpose.

Gwen Thorpe, Deputy Chief Administrative Officer, said the County has been provided three different figures on which to base the 8% amount.

Casady said the City is willing to consider alternatives proposed by the County. He said he personally believes population is a good indicator of what puts the load on the Communications Center. Casady said the Center also handles calls for the rural fire districts and Lincoln Fire and Rescue, which responds to hundreds of incidents in rural Lancaster County.

Schorr asked how costs are calculated for the State Patrol and the University of Nebraska - Lincoln (UNL) Police Department. Casady said the State Patrol has its own public safety answering point and does not answer to 911 calls. The first choice for dispatching an emergency unit in rural Lancaster County is the Sheriff's Office, not the State Patrol. He said the Communications Center does not provide dispatch for the UNL Police Department and the revenue the City is seeking to collect from them is for use of the City's software.

Schorr asked Casady to address why administration of the Communications Center is being shifted from the Finance Department to LPD and the unwillingness to phase the increase in over a period time. Casady said he was instructed by the Mayor to find sources of revenue and that is what he did. He said he knew the percentage paid by the Sheriff's Office for the Communications Center was far below any reasonable workload measure between City and County residents. In terms of the administrative move, Casady said he recommended that it be moved to LPD because that is by far its largest user. Wagner responded that he feels that is exactly why it shouldn't be under LPD. He also expressed concern that the City's merger of LPD's service desk functions with the Communications Center may become part of the operating budget of the Center.

Schorr asked whether the Users Committee is still active. Casady said it meets when there are issues that need to be addressed. Schorr said she has heard concerns from rural responders about being represented and the possibility of undue influence by LPD on the overall operations of the Communications Center. Casady said they have monthly meetings with representatives of the rural fire districts at which these issues are discussed. He said emergency medical matters are handled by the Emergency Medical System Oversight Agency (EMSOA) and the Users Committee provides the guidelines for the Communications Center.

Hudkins said the rural responders had a specific concern regarding inaccurate information (location) that was given to responders. Casady said that type of issue should be brought forward at the monthly meetings. Hudkins asked for assurance that issues of this type will be dealt with. Casady noted the Communications Center, LPD and Lincoln Fire Department are all under his supervision and said, "the buck stops with me."

There was consensus to have Bliemeister, Righter and Dennis Meyer, County Budget and Fiscal Officer, meet to discuss the Communication Center' budget and how the Sheriff's increase was calculated.

8 RELEASE OF ESCROW FUNDS FOR LARRY GEIGER (PESTER RIDGE ROAD) - Brittany Behrens, Deputy County Attorney

Item was moved forward on the agenda.

9 RECREATIONAL TRAILS PROGRAM GRANT APPLICATION FOR WILDERNESS PARK BRIDGE - Terry Genrich, Natural Resources and Greenways Manager, Parks and Recreation Department

Terry Genrich, Natural Resources and Greenways Manager, Parks and Recreation Department, asked the Board to support the City's application to the Nebraska Game and Parks Commission for a Recreational Trails Program grant to remove an existing bridge and construct a new bridge in Wilderness Park over the Salt Creek channel between Old Cheney Road and Pioneers Boulevard. He said funding for the project will be provided by the City or the grant.

MOTION: Heier moved and Hudkins seconded to support the project. Hudkins, Heier, Smoyer and Schorr voted aye. Raybould was absent from voting. Motion carried 4-0.

There was also consensus to schedule a project resolution regarding the grant application on the September 11th County Board of Commissioners Meeting agenda.

10 ACTION ITEMS

There were no action items.

11 CONSENT ITEMS

There were no consent items.

12 ADMINISTRATIVE OFFICER REPORT

There were no Administrative Officer reports.

13 PENDING

There were no pending items.

14 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Chamber Coffee
- B. Public Building Commission (PBC) Meeting with Mayor Hudkins

Items A and B were moved forward on the agenda.

15 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

16 ADJOURNMENT

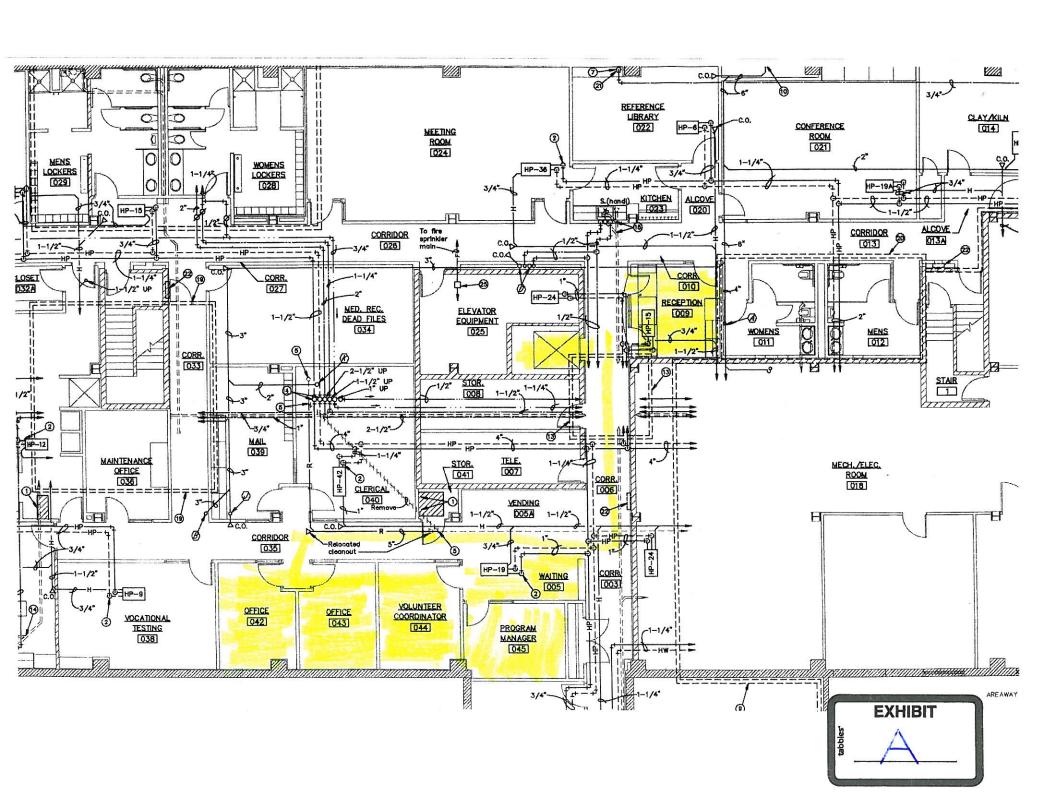
MOTION: Heier moved and Smoyer seconded to adjourn the meeting at 10:00 a.m.

Smoyer, Hudkins, Heier and Schorr voted aye. Raybould was absent

from voting. Motion carried 4-0.

Dan Nolte

Lancaster County Clerk





Gwen K. Thorpe

From:

Rodney M. Confer

Sent:

Thursday, August 23, 2012 10:36 AM

To:

Gwen K. Thorpe

Cc:

Terry T. Wagner; Rick D. Hoppe; Tom K. Casady; Julie Righter

EXHIBIT

Subject:

Call Center interlocal

Attachments:

interlocal comm ctr (amd2012) v2.wpd

Gwen,

As we discussed on the phone yesterday, I've attached a re-draft of the interlocal agreement after discussion between Rick Hoppe, Director Casady, Julie and me about the concerns you and Sheriff Wagner raised about the earlier draft. Changes are shown in red. As I stated on the phone, an explanation of the City's view of those concerns may be helpful in explaining what has and hasn't been revised.

- 1. County's contribution. Although the new draft still reflects 8% as the County's share of funding, the City would be willing to use some other measure of the County's use of the Call Center other than CAD incidents, which is what the 8% was based on. Sheriff Wagner mentioned that calls for service might be a better measure, and he thought the County had about 7% of the calls, but my understanding is that this 7% figure doesn't include calls for service for rural fire departments or Lincoln Fire and Rescue outside the City, and if we assume that the fire calls for service outside the City are commensurate with population outside the City, calls for service would probably also be at least 8%. If the County would like to propose a different percentage based on an objective and reasonable measurement the City would be willing to consider it. Since the County recognizes that the 4% share is less than its usage of the Center, and that by any measure the County's share of use is between 7%-10%, the City isn't willing to phase in the higher rate over a number of years as the County has proposed. The City also understands that Dennis Meyer previously has agreed that 8% is reasonable, and that the County has already budgeted 8% as its contribution to Call Center operations.
- 2. Administration by LPD. With regard to the question of whether a portion of the County's contribution would be going to pay LPD front office personnel who are being transferred into the Center, the answer is that no portion of the County's contribution would go to these employees: these personnel remain assigned to, and are paid by, LPD. I added paragraph 5 to the proposed draft to insure that before any change in this status quo occurred there would be a discussion of how that affects the County's costs and it would have an opportunity to insure that the funding split remained equitable in view of the reorganization. The suggestion that the administrative support for the Center should remain in the Finance Department instead of LPD isn't acceptable to the City, however. The City wouldn't be willing to continue with this agreement if LPD administration of the Call Center isn't acceptable to the County.
- 3. Radio maintenance. A question was raised about whether the Sheriff Dept.'s payment for radio maintenance should be considered as a credit toward the County's contribution. The Radio Maintenance shop is funded solely by the fees paid by the users it serves, and is not included in the Call Center's budget, so an adjustment wouldn't be necessary.
- 4. <u>Capital improvements</u>. As suggested by the Sheriff, I've revised the agreement by adding paragraph 6 to provide that expenditures for capital improvements require approval by the User Committee and the Board and Council. I put in a \$25,000 threshold, which I haven't discussed with Tom, Rick and Julie, but which I thought might be reasonable so as not to require a lot of work for small improvements. If others don't feel that's advisable it could certainly be changed.

I hope this explanation is helpful and look forward to hearing from you concerning the County's position. We put the Council's approval of this interlocal agreement off until Sept. 10, and would like to wrap this up by that time, but let me know if you feel this is unrealistic from the County's point of view, and if necessary we can obtain an additional delay.

Rod Rodney M. Confer City Attorney



COMMUNICATIONS CENTER (AMENDED)

THIS AGREEMENT, made and entered into by and between the City of Lincoln, Nebraska, a municipal corporation hereinafter referred to as "City," and the County of Lancaster, Nebraska, a governmental subdivision of the State of Nebraska, hereinafter referred to as "County."

WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat 23-2201 et seq., provides that two or more public agencies may enter into agreement for the joint and cooperative exercise of powers, privileges, or authority capable of being exercised by either agency, and

WHEREAS, the City and County have previously entered into an interlocal agreement relating to the provision of a single communications center under the direction of one administrator and are presently desirous of amending said agreement,

NOW THEREFORE, in consideration of the mutual covenants contained herein, it is agreed by and between the parties hereto as follows:

- 1. The Communications Center (hereinafter referred to as "Center") is hereby authorized to continue to servé the communications needs of all participating departments, including the Lincoln Police Department, Lincoln Fire & Rescue, Lancaster County Sheriff's Office, and those rural Fire/EMS agencies with membership in the Lancaster County Mutual Aid Association. It is agreed that such Center shall operate according to the following:
 - a. Such Center shall be a separate division of the City and shall be administratively assigned to the City's Police Department.
 - b. The Center shall be under the direct supervision and control of a Communications Coordinator, hereinafter referred to as "Manager." Said Manager shall be an individual qualified in the field of communications. The Manager shall serve as a classified employee of the City. The Center shall be staffed by qualified employees who shall be employees of the City, shall be paid by the City, and shall be subject to and governed by the same provisions which are applicable to other City employees.
 - c. To aid in the maintenance of the Center, there shall be established a User's Committee, composed of the Lincoln Police Chief, the Lincoln Fire Chief, and the Lancaster County Sheriff, or their designated representatives. Any other emergency service which enters into an agreement to participate in the Center may select a representative to serve as a member of the committee. Said committee shall provide the Center with input concerning the needs of participating agencies for establishment of operational policies and procedures.

- d. All purchases of the Center shall be made according to purchasing regulations of the City, and all monies in funds of said Center shall be handled by and through the Treasurer of the City.
- e. All licenses and permits required for operation of the Center shall be obtained at the direction of the Manager in accordance with applicable laws and regulations.
- f. The Center shall include the physical premises where located, all communications equipment located therein, and all ancillary communications equipment, but shall not include the mobile radio equipment used by the participating agencies.
- 3. The duties of the Center shall include, but are not limited to the following:
 - a. Receipt and processing of calls for service from the public and User Agencies;
 - b. All dispatching of the units and personnel of the participating agencies, and other participating emergency services.
 - c. Monitoring and coordinating law enforcement, fire and other emergency frequencies, as designated by the Users Committee.
- 4. The parties hereto shall yearly appropriate the necessary funds for the operation of the Center. The costs of operating the Center shall be apportioned as follows:
 - a. Lancaster County shall contribute 8 % of the total operating budget as set by the Lincoln City Council.
 - b. All other costs of operating the Center shall be the responsibility of the City.
- 5. No reorganization of the Center under the Lincoln Police Department may be undertaken without prior consultatation and agreement between City and County concerning whether there should be an adjustment of their relative contributions to the operating budget of the Center.
- 56. Any significant capital improvement to the Center shall require approval by a majority of the User's Committee, the City Council and the County Board. For purposes of this paragraph "significant" shall be any capital improvement with a cost exceeding twenty-five thousand dollars (\$25,000.00).
- 7. This agreement shall become effective upon execution, shall remain in full force and effect for an indefinite period, and may be terminated by either party giving written notice to

the other party of its intent to terminate. However, because of the large costs and the many difficulties inherent in establishing a communications system of sufficient quality to meet the needs of the agencies served by the Center, it is expressly agreed that the notice of termination provided for herein shall be given at least two years prior to the proposed date of termination.

(City Resolution No. A-81778, adopted October 28, 2002; County Board executed November 12, 2002; prior City resolution No. A-75309, adopted march 22, 1993: County Board executed April 6, 1993; City Resolution No. A-75008; adopted September 14, 1992; County Board executed September 29, 1992; City Resolution No. A-74965 adopted August 17, 1992; County Board executed September 8, 1992; City Resolution NO. A-69109 adopted October 24, 1983; County Board executed October 4, 1983.)

Executed by the City this	_ day of	, 2012.
ATTEST:		CITY OF LINCOLN, NEBRASKA a municipal corporation,
City Clerk	-	Chris Beutler, Mayor of Lincoln
Executed by the County this	day of _	, 2012.
ATTEST:		BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY
*	-	
Approved as to Form this		