

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 15, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Linda Steinman
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

**1 APPROVAL OF MEETING MINUTES OF MID-YEAR BUDGET
RETREAT OF FRIDAY, MARCH 2, 2001 AND STAFF MEETING
MINUTES OF TUESDAY, MARCH 6, 2001**

MOTION: Heier moved and Workman seconded approval of the meeting minutes of the Mid-Year Budget Retreat of March 2, 2001 and Staff Meeting minutes of March 6, 2001.

2 ADDITIONS TO THE AGENDA

- A. Waverly Traffic Light
- B. C#2001-100, \$2,096.40 from the County Juvenile Grants/Families First & Foremost (F³) Budget for Compaq EP Pentium III, 17" Color Monitor and Software (Exhibit A)
- C. Dragstrip Racing Meeting
- D. Update on Efforts to Bring the Nebraska Association of County Officials (NACO) Convention to Lincoln

MOTION: Heier moved and Steinman seconded approval of the additions to the agenda. Heier, Steinman, Workman and Campbell voted aye. Motion carried.

3 VARIOUS GRANT REQUESTS - Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, appeared and discussed the following:

- O Request from Cedars Youth Services for \$2,800 to cover additional mileage for Intensive Trackers

Boesch recommended approval of the request.

The Board approved the expense from the Human Services Budget and asked Boesch to inform Dave Kroeker, Budget and Fiscal Officer.

- O National Grant Writing Seminars:
 - a) Grant writing seminar required if submitting a Substance Abuse and Mental Health Services Administration (SAMHSA) grant, to be held in Boston, Massachusetts, March 22 & 23, 2001 (Estimated cost to the County is \$750 for ground transportation and airline ticket with remainder of costs covered by the Families First & Foremost (F³) Grant)
 - b) Robert Woods Johnson Foundation's grant writing seminar, to be held in Baltimore, Maryland, April 6, 2001 (Requesting time off to attend)

Hudkins arrived at the meeting.

MOTION: Heier moved and Hudkins seconded to authorize Kit Boesch, Human Services Administrator, to:

1. Attend the grant writing seminar in Boston, Massachusetts and to pay all expenses not covered by the Families First & Foremost (F³) Grant
2. Attend the grant writing seminar in Baltimore, Maryland with expenses paid for by the Families First & Foremost (F³) Grant

Heier, Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

- O Community Corrections Grant

Boesch said the Justice Council's Alternatives to Incarceration Planning Committee has recommended seeking \$200,000 of the \$260,000 in available Community Corrections Grant funds for establishment of an adult day reporting center that would serve both men and women. It is estimated that the day reporting center could take 150 men out of the Corrections facility. She said it would strengthen the grant application if the County had a potential location for the center and suggested use of Trabert Hall or the Attention Center building.

The Board authorized Boesch to state in the grant application that the potential exists for an existing county property to be used as an adult day reporting center as part of the County's in-kind match for the grant.

O Meetings to Discuss Juvenile Accountability Funds

Boesch said Juvenile Accountability Grant funding will be \$35,000 less than last year. She said representatives of the Justice Council, Juvenile Justice Review Committee and current recipients of funding from the grant will meet March 19 and April 3, 2000 to discuss funding of programs. Boesch encouraged County Board representation at these meetings, noting this funding is currently used to fund the Juvenile Drug Court and many of the County's graduated sanctions.

O Cooper Foundation Grant

Boesch recommended that the County seek a grant, on behalf of the Medical Transportation Committee, for \$6,190 from the Cooper Foundation, to fund a three-month pilot data collection project to identify medical transportation needs. She said the funds would pass through the County to Madonna Rehabilitation Hospital.

4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit B), noting the following:

- O LB 692 (provides for funding of the Nebraska Lifespan Respite Services Program under the Nebraska Health Care Funding Act) was advanced to Select File. The Speaker has indicated that debate on the bill will not be scheduled for a couple of weeks in order to give senators an opportunity to address their concerns.
- O Compromise language was added to LB 652 (changes provisions relating to detention and evaluation costs for juveniles) that makes the State responsible for the pre-evaluation detention costs for any days over the first ten days from the date the evaluation is ordered by the court. He said this caps the County's costs.
- O A number of amendments will be offered when LB 827 (provides for the sale or lease of dark fiber by governmental entities) is heard on March 20th.
- O LB 266 (provides termination dates for the inheritance, estate, and generation-skipping transfer taxes) was killed in committee.

Kissel also reviewed *Senator Priority Bills - 2001* and *Committee Priority Bills - 2001* (see Exhibit B).

Hudkins said LB 600 (changes agricultural and horticultural land valuation provisions) is a crucial piece of legislation. He reported that a motion was made at the Area 5 Agricultural and Horticultural Land Valuation Board (AHLVB) to raise Lancaster County's valuations 25%-35% and said although a vote was delayed, action will probably be taken at the April meeting.

In response to a question from Eagan, Kissel said LB 479 (changes provisions for the commitment of mentally incompetent persons to the Department of Health and Human Services) has not been prioritized and probably won't advance this year.

Hudkins expressed concern regarding LB 142 (authorizes creation of municipal counties) and said he thinks the County should go on record in opposition.

Kissel said a number of amendments are being discussed and recommended that the County continue to monitor the bill.

5 EMINENT DOMAIN PROCEEDING REGARDING KAWASAKI RAMP - Don Thomas, County Engineer

Don Thomas, County Engineer, distributed an aerial photograph of Northwest 27th Street between Alvo Road and Highway 34 and photographs of the house drive leading from NW 27th Street to the Cook property (Exhibits C & D).

Thomas said the realignment of NW 27th Street will necessitate extending the house drive to the Cook property by 80'. The County has offered the Cook family \$12,000 per acre for land impacted by the project and to pay for paving of the 80' extension (16' wide), with the understanding that the remaining 80' of house drive to the property line will be paid for by the property owners within three years.

Thomas said Tom Fitchett, trustee for the Cook property, has requested \$15,000 per acre and wants the County to pay for a flare-out to 24' and radiuses (with paving of the apron) at the connection to NW 27th Street. He said this would add \$700 to the cost and recommended that the County not agree to these terms. Thomas also stated that it was his original impression that the house drive would be paved back to the buildings on the Cook property, but the trustee has indicated that there is no interest in doing so.

In response to a question from Workman, Thomas said Fitchett has indicated a willingness to accept the offer of \$12,000 per acre, if the County agrees to the other conditions.

Hudkins proposed that the County share equally in the cost of the improvements, noting this would increase the County's costs to \$2,700 and the Cook's and Burden's, which each have access off of the house drive, have each agreed to contribute \$2,600. He said the County is also extending NW 27th Street further to the north, which will benefit area landowners and cut down on the dust.

Hudkins reported that the Cook's and Burden's are also willing to extend paving to the point where the routes divide, inside the property line.

MOTION: Hudkins moved and Workman seconded to conclude negotiations and pay the additional \$700.

Thomas asked whether he should offer a flat sum of \$2,700 with the condition that the remainder of the paving be completed within three years.

Hudkins said " my motion would be that you pay for the first half, to the property line". He further clarified his motion stating it was "to continue the negotiations with us being willing to pick up the additional cost of the flare-out".

Thomas said maybe it would be beneficial to "measure up the square footage of 6" asphalt after it's all done for that first 80' and that's what the County pays for".

Campbell said it may be preferable to offer a lump sum.

Hudkins suggested that the County split the cost 50/50 to go back to the property line.

The maker and seconder withdrew their motion.

MOTION: Heier moved and Hudkins seconded to measure the square footage in the first 80' of asphalt, including the radiuses, and pay based upon the square foot price and that the property owner pay the contractor for the work done. Heier, Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

Also in attendance were Merle and Karen Cook.

Campbell stated that she does not want it to appear that the County Board is negotiating with any of the parties at this meeting, as not all parties are present.

ADDITIONS TO THE AGENDA

A. Waverly Traffic Light

Don Thomas, County Engineer, explained that the County paid for the traffic study when a traffic light was requested on Amberly Road because half of the road was the County's responsibility. He said the County should not pay for a traffic study in relation to a request for a traffic light at 148th and Castlewood because those streets are within Waverly's city limits.

6 CONTRACT FOR COUNTY RECORDS MANAGEMENT SOFTWARE - Gwen Thorpe, Deputy County Clerk; Dave Johnson, Deputy County Attorney

Dave Johnson, Deputy County Attorney, reviewed *Agreement for Consultant Services* with Gable Consulting (Exhibit E), noting the following issues still need to be resolved:

O Section 5. Contract Sum

Johnson said the County has requested a retainer or performance bond, but said Gable Consulting is not agreeable to this term.

Gwen Thorpe, Deputy County Clerk, noted that she has checked Gable's references and said all of the responses were favorable. She added that this is a unique area of expertise and there are few consultants available.

O Section 11. Indemnification

Johnson said Sue Eckley, Workers' Compensation & Risk Management Manager, and Mike Herring, Unico Group, Inc. have questioned inclusion of the following language:

Beyond providing specifications, along with advice and guidance on current offerings and an opinion regarding vendor suitability, Consultant assumes no responsibility for client or for Lancaster County's decision to purchase a document management system.

Thorpe said she is comfortable with this language and believes the selection of vendor should be made by the Records Management Software Selection Committee, not the consultant. She added that the consultant is not associated with any vendor.

Eagan said it may be possible to control the County's liability through the vendor's contract.

Hudkins said he will not support spending money on a consultant unless there is a willingness to provide a firm recommendation of a software system.

Workman suggested that the County work directly with the vendors.

Thorpe said it's easy to overbuy or underbuy a software system "if you don't have somebody who really knows this stuff".

Hudkins suggested the County seek recommendations on a suitable software system from other users or national organizations.

Johnson said there are additional issues he wishes to review with the Board. The Board asked that the item be rescheduled.

7 PERSONNEL POLICY BOARD LEGISLATION - Georgia Glass, Personnel Director; Melvin Moore and Don Zavodny, American Federation of State, County & Municipal Employees (AFSCME); Diane Staab, Deputy County Attorney

Melvin Moore, American Federation of State, County & Municipal Employees (AFSCME), explained that three years ago a request to jointly introduce legislation to change the makeup of the Personnel Policy Board and "level the playing field" was raised in labor negotiations with the County.

Don Zavodny, AFSCME, said the County had indicated to AFSCME that if there were changes to be made to those statutes, there were additional changes that it would like to see made. There was some exchange between the two parties, but the issue was never resolved.

Diane Staab, Deputy County Attorney, said one of the underlying issues for the County was a proposal to disband the Employees Advisory Team (EAT). She added there was never a decision by the County Board to try to change the makeup of the Personnel Policy Board.

In response to a question from Hudkins, Georgia Glass, Personnel Director, said the Personnel Policy Board is currently comprised of six members - two selected by the County Commissioners, two selected by the Elected Officials and two selected by the Employees Advisory Team (EAT).

Staab said the law currently states that two members are chosen by classified employees, which does not necessarily mean the Employees Advisory Team (EAT).

Zavodny quoted a 1998 document developed by John Cripe, Classification and Pay Manager, and Jane Burke, attorney for AFSCME, which states:

The County shall maintain a Personnel Policy Board consisting of six members. Membership to the Board shall be determined by the Board of County Commissioners in cooperation with the employee representatives. The Board of County Commissioners and the employee representatives shall each select three members of the board. The selection process will be staggered every two years with one appointment by the Board and one by the employees.

Heier asked what composition is being proposed.

Moore said AFSCME would like to see three members selected by the County Commissioners and three selected by employees. He said the employee selection could be divided equally between EAT, AFSCME and the Fraternal Order of Police (FOP) Lodge 32 (the bargaining unit for Corrections) or on a joint basis.

Workman asked whether an odd number of members would be preferable.

Steinman said there generally isn't full attendance by the members of the Personnel Policy Board, noting all are volunteers.

Hudkins said this is a valuable service and said he would like to see members paid a per diem.

The Board requested that the item be rescheduled in two weeks and that Jan Gauger, former County Commissioner, be asked to appear to provide some history. Judy Foote, President of the Employees Advisory Team (EAT), was also asked to attend. The Board also asked that copies of relevant State Statutes, and the charge and bylaws for the Personnel Policy Board and EAT be provided.

- 8 NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES REIMBURSEMENT RATE; 2000 ANNUAL STATISTICAL REPORT; CANCELLATION OF CONTRACT WITH OMNICARE** - Dennis Banks, Lancaster County Juvenile Detention Center Director; Tina Dingman, Intake and Records Coordinator for the Lancaster County Juvenile Detention Center; Judy Foote, Administrative Aide; Bernice Afuh, Public Health Nurse

Nebraska Department of Health and Human Services Reimbursement Rate

Dennis Banks, Lancaster County Juvenile Detention Center Director, said the Nebraska Department of Health and Human Services (HHS) has proposed a new reimbursement rate of \$130 per day, the amount HHS pays to other juvenile detention centers, or a rate of \$138.30 per day, based on a formula (Exhibit F). The current reimbursement rate is \$190 per day.

Judy Foote, Administrative Aide, added that HHS's formula does not accurately reflect the County's operating costs.

Banks said the State reimburses the County for educational services so the per diem cost has been adjusted to reflect this reimbursement - \$158.78 without educational expense and \$189.65 including educational expense (Exhibit G).

Dave Johnson, Deputy County Attorney, said HHS has also requested prioritization of brief holds (2-4 hours) of juveniles in emergency situations. He said agreeing to accept these holds may make the \$158.78 per diem rate more agreeable to the HHS.

Heier questioned whether it is justifiable to charge other counties a higher rate. He also requested verification of the rate HHS pays for foster care and to other juvenile detention facilities.

Campbell asked that Douglas County be contacted to see whether the \$130 per day reimbursement rate meets their operating costs.

2000 Annual Statistical Report

Banks reviewed the following statistics (Exhibit H):

- Total Number of Admissions
- Average Daily Population
- Average Length of Stay
- Average Resident Age
- Percent of Minority Admissions
- Percentage of Admission by Gender

Cancellation of Contract with Omnicare

Foote said there have been a number of problems since Omnicare (formerly known as Unidose) closed its local pharmacy.

Bernice Afuh, Public Health Nurse, said problems include not getting medications on time and mislabeling medication cassettes. She said the pharmacy was contacted when problems arose, but this information was apparently not being relayed when there were changes in Omnicare's management.

Johnson said the Lancaster County Juvenile Detention Center would like to terminate its agreement with Omnicare. He explained that the contract was entered into in 1998 with the starting and ending dates left blank. The contract provides for automatic renewal and may be terminated by giving no less than 60 days notice prior to the expiration of the initial term or extended term. The contract may also be terminated by giving written notice of default in performance or obligation, giving the contractor 60 days to cure the problem. Johnson said written notification of default has not been provided to Omnicare so he recommended that notice be given that the contract will not be renewed.

Eagan suggested negotiation to voluntarily terminate the contract.

Afuh noted that a phone log was kept of the problems that were reported to Omnicare.

The Board asked Banks to work with Johnson in drafting a letter noting the County's concerns and to include a copy of the phone log documentation.

**9 OPEN SPACE; COMMUNITY AWARENESS CAMPAIGN;
HOMESTEAD RAIL BANK CORRIDOR** - Dan Ludwig, Lincoln-Lancaster
County Ecological Advisory Committee

Trust for Public Land

Dan Ludwig, Lincoln-Lancaster County Ecological Advisory Committee (EAC) Chair, said the County Board had asked the EAC how the services offered by the Trust for Public Land (TPL) might best be utilized. He reported the following recommendations (Exhibit I):

1. Develop public finance strategies for funding land acquisition, including polling and analysis of available public and private funding opportunities at the local (types of funding and amounts acceptable to voters), state and federal levels using research and polling data already available to the extent possible.
2. Recommend appropriate governance structures and public/private partnerships, given their research and experience with similar efforts across the nation, for ownership, development and long-term maintenance/stewardship of open space acquisitions.
3. Assist with the acquisition/protection of priority open space properties and with the implementation of the public finance strategies for their purchase, development and maintenance.

Campbell said Recommendation 3 should be held until discussions with the City are completed. She said she believes the fees proposed by the Trust for Public Land (TPL) are high and said she thinks "we can do a lot of that ourselves".

Open Space

Ludwig said the EAC recommends that Lincoln and Lancaster County adopt the following as part of the Comprehensive Plan Update:

1. Stream corridor protection with emphasis on Salt Creek and Stevens Creek and tributaries
2. Protection of wildlife habitat including threatened and endangered species habitat including the bald eagle, salt creek tiger beetle, saltwort and western prairie fringes orchid
3. Preservation and protection of Wilderness Park
4. Parks, natural resource district areas and state recreation areas

5. Wetlands, saline and freshwater including Arbor Lake, Little Salt Marsh and Jack Sinn Wildlife Area
6. Non-governmental organization preserves including Nine-Mile Prairie, Spring Creek Prairie and Nature Conservancy lands

Additionally, the EAC recommends that the following amenities be protected:

1. Unplowed prairies
2. Trails and potential trail corridors
3. Conservation easements (existing)
4. Spring Creek Prairie buffer
5. Farmland protection
6. Scenic vistas
7. Minimum maintenance roads as trail corridors

Heier said he believes "farming took a back seat to almost everything" in EAC's inventory.

Hudkins expressed concern that Recommendations 1 and 4 in the list of amenities would infringe on a landowner's rights.

Steinman suggested that the wording be changed to state that the EAC encourages that these amenities be protected.

The Board requested that Mike DeKalb, Planning Department, be scheduled on an agenda to speak on how these recommendations fit with the Comprehensive Plan.

Interim Floodplain Standard

Ludwig said the EAC supports the implementation of the countywide interim floodplain standard ordinance and implementation of floodplain studies.

Ludwig also recommended that the County send a representative to the Association of State Floodplain Managers (ASFPM) 25th Annual Conference in Charlotte, North Carolina, June 3-8, 2001 (Exhibit J). The Board referred the information to the Planning Department and City Public Works/Utilities.

Community Awareness Campaign

Ludwig said the EAC would like to increase awareness of its efforts through various media (see Exhibit I).

Steinman suggested that meeting minutes of the advisory committees be placed on the InterLinc website.

Homestead Rail Bank Corridor

Ludwig said the EAC recommends that the County Board support the Lower Platte South Natural Resources District (NRD) in their endeavor to acquire these easements and communicate support to the Lower Platte South NRD Board of Directors (see Exhibit I).

Eagan said the Lower Platte South NRD Board of Directors will vote on March 28th on whether to accept ownership of the trail in Lancaster County.

Hudkins asked whether the EAC has explored using the rail that runs from Wilderness Park at Saltillo Road through the Villages of Roca and Firth as an alternate route.

Ludwig said it wasn't discussed.

10 ACTION ITEMS

- A. Grant Recommendations from the Visitors Promotion Advisory Committee:
 1. \$700 for Family, Career & Community Leaders of America (FCCLA) for Annual Meeting, April 8-10, 2001
 2. \$500 for Nebraska State Poultry Association for Event Scheduled November 2-4, 2001

MOTION: Heier moved and Hudkins seconded approval. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

- B. Agenda Items for April City-County Common Meeting (Tentatively Scheduled for Monday, April 2, 2001 at 8:15 a.m.)

Item deferred.

- C. Attendance at Nebraska Counties' Legislative Day, Thursday, April 19, 2001

Item deferred.

- D. Additional Epoxy Paint for Lancaster County Juvenile Detention Center Walls; Frosted Glass in the Staff Secure Area

Chris Beardslee, Sinclair Hille & Associates Inc., appeared and reviewed the following (Exhibit K):

- O Allowance Modification 014 - Revise aluminum frame elevation AL-3 to include an additional horizontal mullion and modify glass below to have a frosted, translucent appearance. Credit from deleting blinds is not included (Add \$6,526)
- O Allowance Modification 015 - Apply an additional 5 mil thickness to the paint system being applied to the concrete masonry wall surfaces (Add \$14,685 for material)

MOTION: Hudkins moved and Steinman seconded approval of Allowance Modification 014. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

MOTION: Heier moved and Workman seconded approval of Allowance Modification 015. Heier, Workman, Hudkins, Steinman and Campbell voted aye. Motion carried.

RETURNING TO ITEM 4

Norm Agena, County Assessor, appeared and said if the Area 5 Agricultural and Horticultural Land Valuation Board (AHLVB) votes to raise Lancaster County's valuations, an appeal will be filed with the Tax Equalization and Review Commission (TERC).

11 CONSENT ITEMS

- A. Vacation Request from Kerry Eagan, Chief Administrative Officer, for Friday, March 30th through Monday, April 2, 2001
- B. Microcomputer Requests:
 - 1. C#2001-079, \$1,723.28 from the County Engineer's Budget for ArcView Software
 - 2. C#2001-085, \$439.35 from the Mental Health Budget for 17" Monitor, Memory Module and Adapter
 - 3. C#2001-088, \$935.03 from Adult Probation, District Court for a Laser Printer and Color Inkjet Printer
 - 4. C#2001-094, \$12,346.48 from the Microcomputer Fund for New County Word Processing Server
 - 5. C#2001-095, \$1,723.28 from the County Attorney's Budget for Six (6) 17" Monitors and Printer Carrying Case

MOTION: Steinman moved and Heier seconded approval of the Consent Items. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Clean Your Files Week, April 16-20, 2001

Item deferred.

- B. Lincoln Independent Business Association (LIBA) Breakfast Schedule

Item deferred.

- C. Reappointment of Lynette Nelson to the County Board of Zoning Appeals

Item scheduled on the March 20th County Board of Commissioners Meeting agenda.

- D. Deputy Chief Administrative Officer

Campbell said Board members are still reviewing the job applications.

- E. Mid-Year Budget Report on County Road Projects

Scheduled for March 27, 2001 at 9:30 a.m. in Conference Room 113.

- F. Cheetah's Revocation Hearing Before the Nebraska Liquor Control Commission on Monday, March 26, 2001

Dave Johnson, Deputy County Attorney, asked Board members remain available on that date in case testimony is needed.

- G. County Logo

Item deferred.

ADDITIONS TO THE AGENDA

- B. C#2001-100, \$2,096.40 from the County Juvenile Grants/Families First & Foremost (F³) Budget for Compaq EP Pentium III, 17" Color Monitor and Software (Exhibit A)

MOTION: Steinman moved and Heier seconded approval. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

- C. Dragstrip Racing Meeting

Item deferred.

- D. Update on Efforts to Bring the Nebraska Association of County Officials (NACO) Convention to Lincoln

Steinman said Marshall Tofte, NACO Meeting Coordinator, told her it is likely that Lincoln will be awarded a two year contract to host the NACO Annual Convention.

13 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Information Services Policy Committee - Workman

No report.

- B. Parks & Recreation Advisory Board - Campbell

Item deferred.

- C. Region V Governing Board - Heier

No report.

14 ADJOURNMENT

The Chair recessed the meeting until immediately following the County Board of Commissioners Meeting on March 20, 2001.

Bruce Medcalf
Lancaster County Clerk