

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, APRIL 1, 2004
8:15 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Kroeker, Budget and Fiscal Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:16 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MARCH 25, 2004

MOTION: Workman moved and Heier seconded approval of the Staff Meeting minutes of March 25, 2004. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Lancaster Manor Advisory Committee Appointment
- B. Meeting with Nebraska Department of Health and Human Services (HHS) Representatives to Discuss Transfer of General Assistance (GA) Billings
- C. Microcomputer Request C#2004-131, \$1,898.62 from County Engineer for One (1) Laptop Computer (Exhibit A)
- D. Talent Bank for Advisory Committees

- E. Meeting to Discuss Salvation Army's Application for Funds to Create a Multi-Service Community Center (Exhibit B)
- F. Comprehensive Plan Amendment No. 03007

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

3 COMMISSIONER MEETING REPORTS

A. Lancaster Manor Advisory Committee - Hudkins

Hudkins said the Nebraska Department of Health and Human Services (HHS) Department of Regulation and Licensure has sent a Notice of Disciplinary Action to Lancaster Manor (Exhibit C). He said Larry Van Hunnik, Lancaster Manor Administrator, has filed a protest with HHS and several residents have complained to the State Ombudsman about the manner in which the survey team interviewed residents.

B. Visitors Promotion Advisory Committee (VPAC) - Schorr

Schorr reported a significant decrease in the lodging tax. She said the Lincoln Convention & Visitors Bureau (CVB) will have to make significant cuts to its operating costs, as it is out of money with three months remaining in the fiscal year.

Hudkins requested further explanation of the decrease, noting an increase in hotel occupancy. He also asked Schorr to check whether the lodging tax is collected for dorm housing at the University of Nebraska and local colleges related to summer conferences and camps and to initiate discussion at the VPAC of whether the lodging tax should be raised.

Schorr said she would prefer to wait until the March figures are available. She also informed the Board that the CVB would like to relocate the Visitors Center in the Old Federal Building's Comfort Center, but the Lincoln Arts Council has plans for the space. Traffic patterns and on-site parking remain issues.

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

Workman said he reported on the Board's decision to bond up to \$4.5 million for an upgrade of the property tax and recorders system, purchase of the Community Blood Bank Building, a vehicle storage facility, upgrade of Corrections' security system and remodel of the former Attention Center for Youth facility.

Heier said lot availability was also discussed.

4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit D).

Copies of an amendment to LB 870 (Change a voting requirement for municipal county consolidations) were also distributed (Exhibit E).

5 MICROCOMPUTER REQUEST FROM COMMUNITY MENTAL HEALTH CENTER (CMHC) - Dean Settle, Community Mental Health Center (CMHC) Director; Judy Tannahill, Administrative Services Officer for CMHC; Doug Thomas, Information Services Director; Ken Kuszak, Microcomputer/Network Support Coordinator

Dean Settle, Community Mental Health Center (CMHC) Director, gave an explanation of Microcomputer Request C#2004-113, \$57,205.63 from the Microcomputer Fund for 50 Pentium IV's, 32 Compaq Monitors and software licenses.

Doug Thomas, Information Services Director, presented an inventory summary (Exhibit F).

Judy Tannahill, Administrative Services Officer for CMHC, said installation costs could be reduced if staff installs the software.

MOTION: Hudkins moved to authorize the purchase of 25 Pentium IV's out of the Microcomputer Fund and to review the request for 25 additional Pentium IV's with the budget.

Thomas said memory and software upgrades may be an interim solution for the 25 computers that are not being replaced at this time.

Schorr seconded with a friendly amendment to authorize the purchase of 32 Compaq Monitors and software licenses.

The maker of the motion agreed to the friendly amendment.

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

6 SINGLE DOCKET ATTORNEY FOR MENTAL HEALTH BOARD - Dean Settle, Community Mental Health Center (CMHC) Director; Gary Lacey, County Attorney; Dennis Keefe; Public Defender

Gary Lacey, County Attorney; and Dean Settle, Community Mental Health Center (CMHC) Director, explained the need to assign an attorney full-time to the Mental Health Board docket (the attorney currently assigned to the docket also handles traffic cases). Lacey requested authorization to hire an entry level attorney to assume the caseload.

Workman inquired about the impact to the Public Defender's Office.

Dennis Keefe, Public Defender, said it is difficult to gauge at this time.

Heier asked whether LB 1083 (Adopt the Nebraska Behavioral Health Services Act) funds could be used to offset the Mental Health Board expenses.

Settle said Region V should receive \$2.5 million in start-up funds, and \$2 million in Phase II funding. He said some of those funds could be used to enhance the Mental Health Board's budget.

The Board turned down the request for an additional attorney, citing budget constraints, and asked Settle to discuss funding further with C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program.

7 A) INDIGENT SCREENER; B) ADOPT A HIGHWAY PROGRAM; AND C) DATABASE - Kim Etherton, Community Corrections Director; Holly Newton, Community Coordinator

A) Indigent Screener

Kim Etherton, Community Corrections Director, gave an overview of the Defense Eligibility Program and made the following observations/recommendations (Exhibit G):

- There is value in maintaining defense eligibility screening at pre-hearing/trial
- The verification process should be removed from the program
- With the reduction of work responsibilities, the program can be staffed with three part-time positions to meet the needs of the courts
- The reduction of position responsibility would be reflected in classification demotion upon any staff resignations

- The suggested cuts would decrease the budget from \$56,747 to \$27,620 (with position attrition and reclassification) or \$31,642 (with current staff remaining on in part-time positions and one part-time position filled at an A11 classification)

Dennis Keefe, Public Defender, said verification could be done on a random basis.

Etherton distributed copies of Request for Court Appointed Lawyer, Statement of Financial Status and Authorization for Release of Information (Exhibit H).

Kerry Eagan, Chief Administrative Officer, said the screening saves staff time in other areas and makes court hearings more efficient.

MOTION: Workman moved and Heier seconded to: 1) Continue the Defense Eligibility Program using part-time personnel, as proposed; 2) Improve the screening procedure and form, with verification to the extent possible; and 3) Review the program in six months. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

B) Adopt A Highway Program

Etherton said Community Corrections would like to adopt a section of county road for its program and said the road clean-up could serve as a sanction for Drug Court or when there is a placement need.

The Board authorized Community Corrections to proceed, contingent upon County Attorney review. Community Corrections was also asked to coordinate efforts with Public Works/Utilities and County Engineering.

C) Database

Item held.

8 CONDEMNATION RESOLUTION - Kristy Mundt, Deputy County Attorney; Jim Shotkoski, Right-of-Way Division Head

Kristy Mundt, Deputy County Attorney; and Jim Shotkoski, Right-of-Way Division Head, reported that efforts to negotiate with Fred P. and Dianna M. Wagner and Robert J. and Patricia H. Kay for right-of-way on Rokeby Road from South 56th to South 70th Streets have been unsuccessful, due to tree issues. Action to institute eminent domain proceedings is scheduled on the April 6, 2004 Board of Commissioners Meeting agenda.

9 PEOPLESOFT CONTRACT - Kristy Mundt, Deputy County Attorney; Dave Kroeker, Budget and Fiscal Officer

Kristy Mundt, Deputy County Attorney, indicated three issues with the contract with PeopleSoft USA, Inc. for implementation of PeopleSoft as the financial system for Lancaster County: 1) Prepayment of training; 2) Limitation of liability clause; and 3) A \$2 million insurance aggregate.

The Board will take action on the contract at the April 6, 2004 Board of Commissioners Meeting.

10 GENERAL ASSISTANCE UPDATE - Gary Chalupa, Veterans Service Officer; Pat Lopez and Kathy Cook, Lincoln-Lancaster County Health Department (LLCHD); Dave Kroeker, Budget and Fiscal Officer

Pat Lopez, Lincoln-Lancaster County Health Department (LLCHD), said there are approximately \$4.9 million in unpaid General Assistance (GA) claims and Wagey Drug, the contract pharmacy, has not been reimbursed for approximately three months. She recommended that the County assume administration of the entire GA Program, effective July 1, 2004, and proceed as follows (Exhibit I):

- Make the billing clerk position full-time
- Authorize the Veterans Service Center (VSC) to hire three (3) full-time equivalent (FTE) case managers and (1) full-time equivalent (FTE) staff person by June 2, 2004
- Authorize Information Services (IS) to make short term changes to the existing GA system to allow financial accountability
- Authorize IS to work with LLCHD and VSC staff to develop requirements for a new GA system by October 1, 2004

Gary Chalupa, Veterans Service Officer, presented a proposed budget which reflects an additional \$190,445 to administer the GA Program and approximately \$67,000 in up-front costs (Exhibit J). He said the target date for start-up is June 21, 2004.

Kathy Cook, LLCHD, said there will also be a \$6,000 impact to LLCHD's budget this fiscal year (move the billing clerk to full-time status).

MOTION: Heier moved and Hudkins seconded to: 1) Approve the recommendations and the cost estimate for start-up; and 2) Authorize the Chair to sign a notice of contract termination to the Nebraska Department of Health and Human Services (HHS).

Brief discussion took place regarding the billing problems.

Workman called the question and Hudkins seconded.

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

11 CRAFTSMAN LICENSURE IN THE COUNTY - Mike Merwick, Building & Safety Director; Ron Peery, Building and Safety Inspections and Enforcement Manager; Chuck Zimmerman, Building & Safety Plan Review Manager

General discussion took place with Mike Merwick, Building & Safety Director; Ron Peery, Building and Safety Inspections and Enforcement Manager; and Chuck Zimmerman, Building & Safety Plan Review Manager, regarding the County's recent adoption of Lincoln's Heating, Ventilating, and Cooling Code (see County Resolution No. 04-0015) and the 2000 edition of the Lincoln Plumbing Code (see County Resolution No. 04-0016).

Schorr said the Board has since received numerous phone calls expressing concern regarding the licensing portion of the codes.

Peery said several non-licensed contractors have applied for permits in the past year but none have sought licensure. Copies of Qualifications for Journeyman Heating, Ventilating & Air Cooling (HVAC) Technicians and Master HVAC Contractor were distributed (Exhibit K). He said applicants that have tested at a certain level in another locale will be able to test at an equivalent level here.

Doug Biggerstaff, Building Code Task Force Chairman, appeared and said past experience is taken into account.

Merl Scott, Building & Safety, appeared and said classes are also available to assist those seeking licensure.

Joshua Hicks, Wissink Heating and Air Conditioning of Panama, Nebraska, appeared and expressed concern about lack of notification and the licensing process.

Doug Kreifels, President of the Lincoln Heating Association and member of the Mechanical Task Force, appeared and spoke to the need for a level playing field. He said installers operating within Lincoln are required to be licensed, carry liability insurance and have continuing education in order to maintain their licenses.

Schorr noted that the villages have indicated interest in uniform enforcement of codes.

MOTION: Schorr moved to: 1) Delay implementation of the licensure portion of the codes for a one year; 2) Request that Building and Safety contact the Waverly News and Hickman Voice Newspapers and The NEBLINE, a publication of Lancaster County Cooperative Extension, to request publication of articles and notice of informational sessions that will be offered twice, at two locations in the county.

Hudkins seconded with a friendly amendment to: 1) Include publication in the Seward County Independent Newspaper; and 2) Ask Lancaster County Cooperative Extension to assist in developing the informational session.

The maker of the motion did not object to the friendly amendment.

Workman said he would also like to see a letter sent to unlicensed contractors, utilizing a list of unlicensed contractors who have taken out permits from Building and Safety.

Eagan recommended that the Board direct staff to prepare a resolution for action at a Board of Commissioners Meeting.

AMENDMENT: Hudkins moved and Heier seconded to amend the motion to direct Kerry Eagan, Chief Administrative Officer; Building & Safety and the County Attorney's Office to prepare a resolution for a Board of Commissioners Meeting, delaying implementation of the licensure portion of the codes for a one year and to proceed with the informational meetings.

ROLL CALL ON THE AMENDMENT: Hudkins, Heier, Schorr, Stevens and Workman voted aye. Motion carried.

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

Also present were and Bob Siemsen and Mel Goddard, Building and Safety.

ADDITIONS TO THE AGENDA

MOTION: Heier moved and Hudkins seconded to add discussion of a situation involving Jack W. Duke Jr.'s property to the agenda. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

G. Situation Involving Jack W. Duke Jr.'s Property

MOTION: Hudkins moved and Heier seconded to enter Executive Session at 11:51 a.m. for discussion of pending litigation. Hudkins, Heier, Schorr, Stevens and Workman voted aye. Motion carried.

Hudkins and Workman exited the meeting.

MOTION: Heier moved and Schorr seconded to exit the meeting at 12:06 p.m. Heier, Schorr and Stevens voted aye. Hudkins and Workman were absent from voting. Motion carried.

12 ACTION ITEMS

A. TRIM Conversion from Captura to Context

Gwen Thorpe, Deputy Chief Administrative Officer, said the computers for the County Attorney's Office will be purchased with Drug Forfeiture funds and the computers for the County Clerk's Office were included in the budget.

MOTION: Heier moved and Schorr seconded approval. Heier, Schorr and Stevens voted aye. Hudkins and Workman were absent from voting. Motion carried.

B. Agenda Items for Mayor's Meeting (April 1, 2004)

The following items were suggested: 1) Jail per diem; 2) Proposal to locate the Lincoln Convention & Visitors Bureau's (CVB's) Visitors Center in the Old Federal Building's Comfort Station; 3) Suggestion to locate a motocross track in Boosalis Park, 48th & Fletcher Avenue; and 4) State Fair.

C. Paycheck Inserts for April 8, 2004 (Clear Future and Open Enrollment on April 14, 2004; and Wellness Newsletter) (Exhibit L)

MOTION: Schorr moved and Heier seconded approval. Schorr, Stevens and Heier voted aye. Hudkins and Workman were absent from voting. Motion carried.

D. Hiring Requests:

1. Lancaster Manor - Admissions Coordinator
2. County Engineer - Laborer

MOTION: Heier moved and Schorr seconded approval. Schorr, Heier and Stevens voted aye. Hudkins and Workman were absent from voting. Motion carried.

13 ADMINISTRATIVE OFFICER REPORT

A. Youth Assessment Center (YAC) Director

Item held.

B. Community Mental Health Center (CMHC) Advisory Committee Appointment and Reappointments

The Board scheduled the item on the April 6, 2004 Board of Commissioners Meeting agenda.

C. Liquor License Update (Gas N' Shop at Northwest 48th Street and Highway 34)

Eagan said the City will likely ask Gas N' Shop to file for a special permit.

D. Questionable Claims

Renee' Dozier, Families First & Foremost (F³) Associate Director, appeared and recommended denial of the following claims:

- PV 782-5289, dated March 10, 2004, payable to Youth Care Inc. in the amount of \$5,340.00. Payment is for the reimbursement of services received in July, 2003. The claim is beyond the 90 day time period.
- PV 782-5347, dated March 19, 2004 payable to Good Neighbor Community Center in the amount of \$3,510.00. Payment is for the reimbursement of unemployment insurance benefits.
- PV 782-5309, dated March 15, 2004, payable to Family Service Association in the amount of \$1,673.27. Payment is for services provided from March, 2003 - July, 2004. The claim is beyond the 90 day time period.

Dozier said payment of late requests creates problems with fiscal records management and affects cost savings reports. She urged enforcement of the policy of no payment reimbursement past the 90 day period.

The Board will take action on the claims at the April 6, 2004 Board of Commissioners Meeting.

E. Highway 77 Design Hearing

Eagan said the Nebraska Department of Roads will hold a public hearing about upgrading Lincoln's West Bypass to freeway standards on April 14, 2004.

ADDITIONS TO THE AGENDA

A. Lancaster Manor Advisory Committee Appointment

The Board scheduled the item on the April 6, 2004 Board of Commissioners Meeting agenda.

B. Meeting with Nebraska Department of Health and Human Services (HHS) Representatives to Discuss Transfer of General Assistance (GA) Billings

Eagan said he and Stevens will be meeting with HHS representatives at 2 p.m. to discuss transfer of the GA records.

C. Microcomputer Request C#2004-131, \$1,898.62 from County Engineer for One (1) Laptop Computer (Exhibit A)

Eagan said funding will be through the County Engineer's budget.

MOTION: Heier moved and Stevens seconded approval. Heier, Stevens and Schorr voted aye. Hudkins and Workman were absent from voting. Motion carried.

D. Talent Bank for Advisory Committees

Board consensus was to forward the applications the Board has received to the Mayor's Office, advisory committees and the Board's committee representatives, as appropriate.

E. Meeting to Discuss Salvation Army's Application for Funds to Create a Multi-Service Community Center (Exhibit B)

Stevens indicated that he plans to attend the meeting.

F. Comprehensive Plan Amendment No. 03007

The Board discussed a memorandum from Marvin Krout, Planning Director, which indicated the Board's request that the entire last paragraph of Guiding Principles for Rural Areas on Page F71 of the Lincoln and Lancaster County 2025 Comprehensive Plan be deleted and Planning staff's provision of alternative language for the Planning Commission's consideration (Exhibit M):

The study on the economics of acreage development has been completed. The County Board should proceed with cost-reducing policies as suggested in the study: controlling densities, focusing most new development along existing paved roads, and declining to pave road segments in perimeter areas that have low volumes and serve mostly out of county residents. However, until the legality of impact fees in Nebraska is determined by the court or by new legislation, the County Board should not proceed with debating their merits or enacting them.

14 ADJOURNMENT

MOTION: Schorr moved and Heier seconded to adjourn the meeting at 12:42 p.m. Schorr, Heier and Stevens voted aye. Hudkins and Workman were absent from voting. Motion carried.

Bruce Medcalf
Lancaster County Clerk