

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, SEPTEMBER 16, 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
Bruce Medcalf, Lancaster County Clerk
Ann Taylor, County Clerk's Office

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

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
SEPTEMBER 2, 2004**

MOTION: Heier moved and Stevens seconded approval of the Staff Meeting minutes of September 2, 2004. Heier, Workman and Stevens voted aye. Hudkins and Schorr were absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Floodplain

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

Nicole Fleck-Tooze, Public Works/Utilities, explained how floodplain standards for the City and County differ. She said the City requires any development within the floodplain to meet certain standards including "no net rise" (certification by a qualified engineer is provided demonstrating that any proposed fill, new construction, substantial improvements or other development within the 100-year floodplain will not result in any increase in flood levels during the occurrence of the 100-year flood event),

compensatory storage and preserving the minimum flood corridor (buffer). The County's standards, which apply outside of the City's three mile zoning jurisdiction, allow building and floodplain permits to be issued in the floodplain and essentially allow development in the floodplain as long as structures are protected. Residential buildings have to be elevated a foot above the floodplain and other structures have to be protected by elevation or flood proofing.

Schorr arrived at 8:18 a.m.

Heier said he has been under the assumption that the County did not allow any building within the floodplain and suggested that the County adopt standards that restrict such development.

Hudkins arrived at 8:19 a.m.

Fleck-Tooze said the Board's policy has been to apply the "no net rise" standard but it has not been formally adopted in the form of an ordinance/resolution. A Comprehensive Plan amendment that addressed "no adverse impact" in broad terms was adopted.

The Board asked Fleck-Tooze and Dale Stertz, Building and Safety, to prepare floodplain regulation options for the Board's consideration. Fleck-Tooze said they will do so in coordination with the Planning Department.

ADDITIONS TO THE AGENDA

- B. Correspondence from John P. and Kathryn V. Keane Regarding Privacy of Social Security Numbers on Financial Documents Filed in the Register of Deeds' Office (Exhibit A)

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

Norm Agena, County Assessor/Register of Deeds, appeared and said his office may not redact information received from financial institutions. Individuals seeking access to the financial documents on-line will be required to register with his office and will be assigned a pin number and password. This will allow his office will track which documents are being accessed.

3 COMMISSIONER MEETING REPORTS

A. Monthly Meeting of Chair/Vice Chair and Mayor - Stevens, Hudkins

Stevens said discussion focused on the following: 1) Rural-to-Urban Transition Streets (RUTS); 2) A proposed county motor vehicle tax; 3) State Fair; 4) Curb cuts on Cornhusker Highway between 35th and 40th Streets; 5) Legislative agenda; 6) Motor Sports Task Force; and 7) Jail interlocal agreement.

B. Parks & Recreation Advisory Board - Schorr

Schorr said a fundraising campaign for Pinewood Bowl (natural amphitheater in Pioneers Park) was discussed.

C. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Heier said discussion focused on lagoons, Upper Southeast Salt Creek Trunk Sewer and the Husker Link Trail.

D. Railroad Transportation Safety District (RTSD) - Workman, Stevens, Schorr

Schorr said budgets and interlocal agreements were approved.

E. Nebraska Association of County Officials (NACO) Southeast District Meeting - Hudkins, Heier, Workman

Hudkins said there was a report from Timothy Loewenstein, National Association of County Officials (NACo) representative and discussion of joining the League of Municipalities in joint legislation to increase the gas tax by \$0.02.

F. Information Services Policy Committee (ISPC) - Stevens

Stevens said the committee discussed the status of projects.

G. Joint Douglas & Lancaster County Public Building Commission - Hudkins, Workman

Hudkins reported technical discussion and said the group toured Douglas County facilities.

H. Region V Governing Board - Schorr

Schorr said Lancaster County's move to cut funding of developmental disabilities and LB 1083 (Adopt the Nebraska Behavioral Health Services Act) funding were discussed. There was also a presentation on the importance of treating sexual offenders.

I. Air Pollution Control Advisory Board - Hudkins

No report.

J. Board of Health - Hudkins

Hudkins said wording of the ballot issue for the Lincoln Smoking Free Air Act was discussed.

4 MENTAL HEALTH JAIL DIVERSION GRANT UPDATE - Dean Settle, Community Mental Health Center Director; Travis Parker, Mental Health Jail Diversion Project Director; Mike Thurber, Corrections Director

Travis Parker, Mental Health Jail Diversion Project Director, presented the following: (Exhibits B, C & D):

- Lancaster County, Nebraska; Mental Health Jail Diversion Project; Year One Annual Report to Technical Assistance Policy Analysis Center (TAPA) and Center for Mental Health Services (CMHS)
- Mental Health Jail Diversion Project Year 1 Summary
- Can Persons with Co-Occurring Disorders and Violent Charges be Successfully Diverted? (Article published in Vol.2. No. 2 of the *International Journal of Forensic Mental Health*)

Parker said the project diverts individuals from costly bed days at the Jail (including psychotropic medication costs) and provides grant funded services, as well as services in the community that are largely funded with state or federal dollars. He said there will probably be sufficient unused funds from the grant to request a no-cost, twelve month continuation from the Substance Abuse and Mental Health Services Administration (SAMHSA) to fund almost an entire fourth year of mental health jail diversion. There are also plans to explore implementing a Probationers' Diversion Program for persons with a mental illness or co-occurring disorder who are in jeopardy of being sent to jail for technical violations of their probation.

5 MICROCOMPUTER REQUEST C#2004-344 FROM COUNTY ENGINEER (\$15,943.67) - Ken Kuszak, Information Services; Jim Langtry, County Engineering

Jim Langtry, County Engineering, reviewed his department's request to purchase three new computer systems with flat panel monitors and one additional flat panel monitor for Geographic Information Systems (GIS) operations. He said the upgrade is needed to support new versions of software and advanced applications. The monitors will be used to set up dual displays using existing monitors. Flat panel monitors are requested due to limited desk space.

MOTION: Heier moved and Workman seconded to approve the request for three (3) computer systems with flat screen monitors and to deny the request for one (1) additional flat screen monitor. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

6 MOTOR SPORTS TASK FORCE MEMBERSHIP - Darl Naumann,
Administrative Assistant to the Mayor/Economic Development

Discussion took place with Darl Naumann, Administrative Assistant to the Mayor/Economic Development, regarding formation of a Motor Sports Task Force. The Board asked Naumann to contact the following individuals and ask whether they would be willing to serve:

- Bob Workman, County Commissioner
- Patte Newman, City Council
- Gerry Krieser, Planning Commission
- Darl Naumann, Administrative Assistant to the Mayor/Economic Development
- Kristy Mundt, Deputy County Attorney
- Mike DeKalb, Planning Department
- Carol Brown, Mayor's Roundtable Chair
- Jeff Maul, Lincoln Convention & Visitors Bureau
- Kent Seacrest, local attorney
- Dave Murphy (sound expert)
- Gary Steer, former manager of Eagle Raceway
- Rick Wallace (his sons are involved in motocross)
- Mick Hutcheson, Motorcycle, ATV & Power Products Program instructor at Southeast Community College (SCC)

Naumann said sound tests were conducted at a proposed site on 2nd and South Street with no significant sound. He said the location is problematic and will require a text amendment and special permit.

Stevens said Dr. David Samani is currently exploring whether neighbors and the Audubon Spring Creek Prairie will oppose his proposal to seek a special permit to operate a motocross track on his property at Southwest 84th Street and Kolbrook Road as a private facility with a limited number of hours and riders.

Naumann asked the Board to designate a representative to serve on a committee that will try to locate sites for large industrial and commercial development.

7 COUNTY SPECIAL PERMIT NO. 04043, NATURE CENTER AT SOUTHWEST 100TH AND WEST SALTILLO ROAD - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, gave an overview of County Special Permit No. 04043, a request from Audubon Nebraska to construct and operate an educational philanthropic institution to be used as a nature center (Exhibit E). He noted a recommendation of conditional approval from Staff and Planning Commission.

8 SALARIES FOR ATTORNEYS AND SHERIFF CAPTAINS - Gary Lacey, County Attorney; Dennis Keefe, Public Defender; Terry Wagner, Lancaster County Sheriff; Don Taute, Personnel Director

Terry Wagner, Lancaster County Sheriff, expressed concern regarding compression of ranks, specifically between the rank of Sergeant and Captain, and said overtime, longevity pay and shift differential are factors that should be considered when setting salaries for the Captains.

Don Taute, Personnel Director, presented a salary comparison with the following counties (Exhibit F): Douglas County, Nebraska (includes Omaha), Linn County, Iowa (includes Cedar Rapids), Polk County, Iowa (includes Des Moines), Minnehaha County, South Dakota (includes Sioux Falls) Sedgwick County, Kansas (includes Wichita), and Shawnee County, Kansas (includes Topeka) and said the maximum salary of \$72,000 for Sheriff Captains is 5.73% below the mid point salary (\$76,128).

Kerry Eagan, Chief Administrative Officer, questioned whether the Sergeants should be removed from the bargaining unit as they are "management".

The Board asked Wagner to bring back a proposal on how to "fix" the problem. It was suggested that an 8%-10% increase in total compensation might be appropriate, divided however he deems appropriate.

Wagner said he will make individual recommendations, based on duties.

Gary Lacey, County Attorney, and Dennis Keefe, Public Defender, presented salary recommendations for Attorney I's and II's in their respective offices which reflect a 5% overall increase (Exhibits G & H).

Taute presented a salary comparison which indicates that salaries for the Attorney I's are 2% approximately over market and salaries for the Attorney II's are approximately 10% over market (Exhibit I).

MOTION: Workman moved to approve a 5% overall increase for Attorney I's and Attorney II's in the County Attorney and Public Defender's Offices.

General discussion took place on whether to change the effective date and to give a slightly higher percentage increase if the salary increases are delayed, rather than making the salary increases retroactive to the first pay period in September.

The motion was withdrawn.

The Board decided to consult Dave Kroeker, Budget & Fiscal Officer.

9 EXECUTIVE SESSION (SECURITY UPDATE) - Dennis Banks, Youth Services Center Director; Michelle Schindler, Youth Services Center Deputy Director

MOTION: Schorr moved and Hudkins seconded to enter Executive Session at 10:52 a.m. for purposes of a security update.

Dennis Banks, Youth Services Center Director, asked that Mike Thew, Chief Deputy County Attorney, or Doug Cyr, Chief Administrative Deputy County Attorney, be present if there is to be discussion related to personnel. He said representatives of Juvenile Probation are present to answer questions related to the assessment process and Kit Boesch, Human Services Administrator, is present to answer questions related to staff secure philosophy.

The maker of the motion and the seconder withdrew their motion.

Board consensus was to delay this item until counsel is present.

ACTION ITEMS

A. Safety Flyer Payroll Insert Request (September 23, 2004)

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

RETURNING TO ITEM 9

Doug Cyr, Chief Administrative Deputy County Attorney, and Kristy Mundt, Deputy County Attorney, appeared to advise the Board.

MOTION: Schorr moved and Hudkins seconded to enter Executive Session at 11:05 a.m. for discussion of security and personnel issues. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Workman exited the meeting.

MOTION: Hudkins moved and Heier seconded to exit Executive Session at 11:55 a.m. Hudkins, Heier, Stevens and Schorr voted aye. Workman was absent from voting. Motion carried.

10 INSURANCE RENEWAL UPDATE - Sue Eckley, Workers' Compensation & Risk Management Manager; Tom Champoux, UNICO Group, Inc.

Tom Champoux, UNICO Group, Inc., presented an insurance coverage/cost comparison for property/inland marine, business auto, boiler and machinery, Community Mental Health and Public Building Commission (Exhibit J). He said he will have the rest of the figures by the September 24, 2004 Staff Meeting for the Board's review and consideration, including self-insured retention options.

The Board requested a loss history.

Sue Eckley, Workers' Compensation & Risk Management Manager, said she has asked for separate workers' compensation quotes for the County and Lancaster Manor (Lancaster Manor will go into an assigned risk pool).

11 SELF INSURED HEALTH CARE; BANKING DOCUMENTS AND PRELIMINARY AGREEMENT - Kristy Mundt, Deputy County Attorney; Tim Genuchi, Accounting Operations Manager for the County Clerk's Office; Bill Kostner, City Risk Manager

Kristy Mundt, Deputy County Attorney, presented two documents that require the Chair's signature in order to proceed with self insured health care (Exhibits K & L). The first establishes a benefits account with JP Morgan Chase Bank in New York so United Healthcare (administrator) can pay claims.

In response to a question from Hudkins, Tim Genuchi, Accounting Operations Manager for the County Clerk's Office, said the County was not given the option of placing the money in an interest bearing account.

Mundt said the second document is an election form relating to a public goods surcharge that is assessed any time a covered party receives services in New York. She said signing the election form will reduce the surcharge from 32.18% to 8.18%, adding that the New York State Court's jurisdiction will apply in the case of a claim.

MOTION: Heier moved and Hudkins seconded to authorize the Chair to sign both documents. Schorr, Stevens, Heier and Hudkins voted aye. Workman was absent from voting. Motion carried.

**12 AUTHORITY TO OBTAIN OUTSIDE COUNCIL IN CRICKET
BANKRUPTCY - Doug Cyr, Deputy County Attorney**

Doug Cyr, Deputy County Attorney, said Lancaster County is seeking payment of 2003 taxes in the Cricket bankruptcy case and said Cricket has filed adversary proceedings against the County in the U.S. Bankruptcy Court for the Southern District of California asking the Court to expunge the taxes. He recommended that the County retain outside counsel in California if the matter cannot be resolved through negotiation.

MOTION: Hudkins moved and Heier seconded approval of the request for outside counsel. Hudkins, Heier, Schorr and Stevens voted aye. Workman was absent from voting. Motion carried.

**13 RECOMMENDATION FROM THE PURCHASING AGENT AND
COUNTY ENGINEER FOR GRAVEL HAULING, PROJECT 05-14H,
SOUTHWEST 100TH STREET AND HALLAM ROAD STOCKPILE
(1800 TONS)**

Gwen Thorpe, Deputy Chief Administrative Officer, said Westover Trucking (Hauler) and Lyman-Richey Sand & Gravel (Producer) submitted the lowest responsible bid of six bids for the project.

The Board rescheduled the item on the September 21, 2004 Board of Commissioners Meeting agenda.

14 ACTION ITEMS

A. Safety Flyer Payroll Insert Request (September 23, 2004)

Item moved forward on the agenda.

RETURNING TO ITEM 8

There was general discussion with Dave Kroeker, Budget and Fiscal Officer, regarding the timing of salary increases.

Board consensus was to hold this item for one week.

15 ADMINISTRATIVE OFFICER REPORT

A. Community Mental Health Advisory Board Appointment (Susan Krome)

The Board scheduled the item on the September 21, 2004 Board of Commissioners Meeting agenda.

B. Workplace Partnership for Life (Organ Donor Program)

Board consensus was to not participate in the program.

C. Letter from Dr. Svata Louda (Weed Research at West Adams and 112th Street)

Doug Pillard, County Engineering, appeared and said Dr. Louda had a student who conducted weed research on right-of-way at this location last year and was advised to seek permission before initiating research this year. He said she proceeded without the authorization and is seeking permission to complete the study (anticipated completion is the end of September or middle of October) and to study the same location next year (from late May to late September). Pillard recommended denial of the request, citing liability concerns.

The Board also reviewed correspondence from Russ Shultz, Weed Control Authority Superintendent (Exhibit M).

MOTION: Hudkins moved and Heier seconded to inform Dr. Louda that: 1) The Board will allow her student to finish research this year, provided that the research is completed by the end of October, 2004 and has proper controls to limit spread of the weeds; and 2) The Board will not allow weed research in the right-of-way on this site in the future. Hudkins, Heier, Schorr and Stevens voted aye. Workman was absent from voting. Motion carried.

D. Annual Meeting with Villages

No date was set.

E. Tri-County Retreat Date (November 15, 2004)

The Tri-County Retreat will be held at the Gallup campus in Omaha, Nebraska.

F. County Anti-Littering Program Invoice

Eagan questioned the appropriateness of using County General Fund Miscellaneous funds targeted for a county littering campaign to purchase "Keep Lincoln Beautiful" signs.

Board consensus was to deny payment of that portion of the invoice.

G. Allowance Modification #4 for Midtown Center

The Board scheduled the item on the September 21, 2004 Board of Commissioners Meeting agenda.

H. Management Team Retreat Update

The Management Team Retreat will be held at James Arthur Vineyards in Raymond, Nebraska on October 14, 2004.

I. Jail Interlocal Meeting

The meeting will be held at 9:30 a.m. on September 21, 2004 in the Mayor's Conference Room.

16 ADJOURNMENT

MOTION: Schorr moved and Heier seconded to adjourn the meeting at 1:59 p.m. Hudkins, Heier, Schorr and Stevens voted aye. Workman was absent from voting. Motion carried.

Bruce Medcalf
Lancaster County Clerk