

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, JANUARY 26, 2006  
8:30 A.M.**

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

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:30 a.m.

**AGENDA ITEM**

- 1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, JANUARY 12, 2006; TUESDAY, JANUARY 17, 2006; AND MID-YEAR BUDGET RETREAT MINUTES OF THURSDAY, JANUARY 19, 2006**

**MOTION:** Hudkins moved and Stevens seconded approval of the Staff Meeting minutes of January 12, 2006 and January 17, 2006 and the Mid-Year Budget Retreat minutes of January 19, 2006. Hudkins, Stevens, Workman and Schorr voted aye. Motion carried.

- 2 ADDITIONS TO THE AGENDA**

A. Letter from Mayor Seng Regarding the County's Road Tax Levy  
B. Committee Assignments

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

**3 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 A), noting the Legislature's Transportation and Telecommunications Committee will hear three bills this week related to the use and distribution of gas tax revenue.

Dave Kroeker, Budget and Fiscal Officer, appeared and estimated that LB 1056 (Modify the factors and weights used in determining the amount allocated to counties for roads) will have a \$780,000 impact to Lancaster County.

Kissel also presented a bill summary (Exhibit B).

Workman presented copies of the Nebraska Association of County Officials' (NACO's) legislative agenda (Exhibit C).

Brief discussion took place regarding LB 1121 (Appropriate funds to the Department of Economic Development to contract for an environmental study relating to a hydroelectric dam project).

**MOTION:** Workman moved and Hudkins seconded to not support LB 1121. Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

Kerry Eagan, Chief Administrative Officer, referred to LB 529 (Provide court reform with the State assuming costs of district courts and consolidation of positions) and said Dave Shively, Election Commissioner, would like to see the Jury Commissioner included in the transfer.

Kissel recommended waiting and trying to amend the bill if it gets to Select File.

Eagan also expressed concern regarding the impact of LB 1210 (Adopt the Sex Offender Court-Ordered Treatment Act).

Dean Settle, Community Mental Health Center Director, appeared and gave an overview of LB 1157 (Provide for annual rate increases in payments to providers of behavioral health care services) and LB 1258 (Appropriate funds for community correctional and probation services). He said LB 1157 is basically for non-governmental agencies and Senator Kruse will offer a friendly amendment to include Douglas and Lancaster County's mental health centers.

Hudkins favored taking a position on LB 1026 (Remove a limitation on appropriations for county jail reimbursement assistance).

Kissel said he is working with the leadership to get resolution on the issue.

The Board asked Kissel to monitor the following bills:

- ▶ LB 823 (Change fee disposition provisions for clerks of the district court)
- ▶ LB 666 (Provide duties for providers of services to persons with disabilities)

## **ADMINISTRATIVE OFFICER REPORT**

### **C. Ambulance Update**

Kroeker reported on a meeting held with representatives of the rural fire district boards and Lincoln Fire and Rescue (LFR) and said there was agreement to move forward on the following issues (Exhibits D & E):

- ▶ Uniform billing rate of \$474 for Basic Life Support (BLS)
- ▶ Uniform billing rate of \$635 and \$650 for Advanced Life Support (ALS) 1 and 2, respectively
- ▶ Mileage rate of \$12.50 per mile
- ▶ 40/60 split (40% for LFR on calls where LFR is providing care and 60% for the fire district)

Hudkins said there will be a significant impact to rural residents who have high insurance deductibles. He said Rural Metro Ambulance had offered insurance coverage and suggested that the committee explore this option.

#### **4 ECONOMIC DEVELOPMENT UPDATE - Darl Naumann, Administrative Assistant to the Mayor/Economic Development; Jason Smith, Lincoln Partnership for Economic Development (LPED)**

Darl Naumann, Administrative Assistant to the Mayor/Economic Development, gave an economic development update. He presented a map of blighted and proposed blighted areas and Tax Incremental Financing (TIF) districts, noting activity on West "O" Street and plans for corridor enhancement on Northwest 12<sup>th</sup> Street.

The Board asked Naumann to provide a smaller version of the map to their office.

In response to a question previously submitted by the Board, Naumann said approximately \$81,000 in federal monies were spent last year in downtown Lincoln for economic development.

Workman said Sarpy County has created its own rural sewer districts and asked how Lancaster County could change to be more like Sarpy County.

Naumann said it is a policy issue and the County would need to discuss the issue with the City.

Preservation of land for future industrial development was briefly discussed.

Stevens suggested that consideration be given to economic development easements (hold land for development).

Naumann said another option would be to build guarantees into annexation agreements.

Schorr said the difficulty of getting research to market was discussed at a recent Lincoln Partnership for Economic Development (LPED) meeting and asked whether the Board can assist in some way.

Jason Smith, LPED, said the State will need to make it a priority and gave tax credits as one example. He said Community Development Resources has identified federal tax credit funds for new investment and is partnering with a Minnesota group to bring those credits to Lancaster County. An application to bring new market tax credits to the region may also be submitted next year.

Norm Agena, County Assessor/Register of Deeds, appeared and expressed concern regarding LB 1173 (Change redevelopment plan provisions relating to the effective date of a notice covering ad valorem tax divisions).

Naumann also announced that Novartis Consumer Health, Inc. will move production of certain drugs to its plant between Lincoln and Waverly, increasing the plants's volume by 60% and adding 100 scientific and production jobs to its workforce (Exhibit F).

**5 A) POST EMPLOYMENT HEALTH PLAN (PEHP) FOR ELECTED OFFICIALS; AND B) CHILD SUPPORT/PATERNITY CASELOAD -  
Dennis Keefe, Public Defender**

**Post Employment Health Plan (PEHP) for Elected Officials**

Dennis Keefe, Public Defender, asked the Board to amend its resolution addressing elected officials' benefits to allow the elected officials to be treated the same as other county employees in terms of contributions to the Post Employment Health Plan (PEHP) upon retirement or death. The following language is proposed:

*Because elected officials, unlike all other county employees, do not earn and may not accumulate sick leave, they shall also be entitled, as a benefit upon their death or retirement, to a contribution by the County to their Post Employment Health Plan (PEHP) of \$6,000 for every term of office that they have served or a pro rata share thereof. Beginning in 2011 and for every term of office thereafter, this figure shall be increased by the percentage of increase in the employee's cost of Lancaster County's group health insurance premiums for the previous four years.*

The Board asked Keefe to chair a committee comprised of Dave Kroeker, Budget and Fiscal Officer; Terry Wagner, Lancaster County Sheriff; and representatives of the County Attorney's Office, Personnel Department and Nationwide Retirement Solutions (NRS) to look at the issue.

### **Child Support/Paternity Caseload**

Keefe outlined his two phase request to increase attorney staff at minimal cost:

- Phase I: Add an entry level attorney to his staff as of June 30, 2006 to assume responsibility for the Child Support/Paternity cases when the contract expires on July 1, 2006.
- Phase II: Eliminate the part-time attorney position and the indigence screening function (the indigence screening function is budgeted in Community Corrections) and apply those budget amounts to another entry level attorney position.

Keefe said it is less expensive over time to contract for Child Support/Paternity cases, but a staff attorney will be able to assist with the felony caseload.

**MOTION:** Stevens moved and Schorr seconded to accept the recommendation of the Public Defender to look at terminating the contract and proceed with hiring a full-time attorney starting approximately June 1, 2006.

Board consensus was to hold action on Phase II until budget time and to seek input from Kim Etherton, Community Corrections Director.

**ROLL CALL:** Stevens and Schorr voted aye. Workman and Hudkins voted no. Motion failed.

Workman requested a comparison of the size of the Public Defender's Office with communities of similar size.

The Chair asked that the item be rescheduled on the February 2, 2006 Staff Meeting agenda and said additional information could be presented at that time.

**6 PARTNERS IN ENPOWERMENT AND RECOVERY (PIER) PROGRAM**

- Topher Hansen, CenterPointe Director; Dean Settle, Community Mental Health Center Director; Kristy Mundt, Deputy County Attorney

Kristy Mundt, Deputy County Attorney, said there is one area of dispute in Lancaster County's agreement with CenterPointe for a Program Director and case manager for the Partners in Empowerment and Recovery (PIER) Program (an intensive community-based program working with severe and persistent mentally ill consumers of Lancaster County). CenterPointe objects to inclusion of the following language in the compensation section: *The parties agree that in no event will the County be responsible for any costs associated with providing services pursuant to this Agreement.* She said this language was added at the request of the Board.

Schorr said the Board is concerned that the State might withdraw funding for the program and that the County would be responsible for treatment costs.

Topher Hansen, CenterPointe Director, assured the Board that CenterPointe will not continue the program if the State reduces or eliminates funding.

Gwen Thorpe, Deputy Chief Administrative Officer, noted that the budget does not take raises and changes in benefits into account.

The Board requested inclusion of language to insure that the County won't be "stuck" if the State withdraws funding and a revision of the budget.

**7 UPDATE ON CABELA'S ECONOMIC DEVELOPMENT LOANS - Troy Gagner, Economic Development Coordinator**

Troy Gagner, Economic Development Coordinator, said Cabela's has met the requirements for partial forgiveness of the Community Development Block Grant loans provided to the company by Lancaster County and the City of Lincoln. The minimum rate of repayment for the County's loan will include the principal sum of \$128,000 plus interest of 3.625% in 60 installments of \$2,335.72 each. The first monthly payment of principal and interest is due March 15, 2006.

Gagner also reported on: 1) The status of loans to Banner House Fabrics of Panama and Kinco Manufacturing of Waverly; and 2) Plans for a creamery in Hallam.

**8 PURCHASE OF ROBE FOR DISTRICT COURT JUDGE JODI NELSON**

- District Court Judge Karen Flowers

District Court Judge Karen Flowers asked the Board to purchase the initial robe for District Court Judge Jodi Nelson, explaining that has been the tradition. She estimated the cost at \$400.

**MOTION:** Hudkins moved and Workman seconded to pay for the initial robe for District Court Judge Jodi Nelson.

Stevens suggested that the cost be limited to a maximum amount of \$500.

The maker of the motion and the seconder agreed to add that stipulation to the motion.

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

Judge Flowers gave a brief explanation of Microcomputer Request C#2006-028 (See Item 12A2).

**9 COUNTY CHANGE OF ZONE NO. 05079 AND COUNTY PRELIMINARY PLAT NO. 05017, RED CEDAR RIDGE, SOUTH 82<sup>ND</sup> STREET AND ROCA ROAD - Mike DeKalb, Planning Department**

Mike DeKalb, Planning Department, gave an overview of County Change of Zone No. 05079 and County Preliminary Plat No. 05017, a request for a change of zone from Agricultural District (AG) to Agricultural Residential (AGR) and a preliminary plat for 24 residential acreage lots on property located northwest of South 82<sup>nd</sup> Street and Road (Exhibit G). Staff recommended denial based on an analysis and conclusion that the request is not in conformance with the Comprehensive Plan. The majority of the Planning Commission agreed with the staff recommendation and voted 7-2 to recommend denial of the change of zone request and 8-1 to recommend denial of the Red Cedar Ridge preliminary plat.

In response to a question from Workman, DeKalb said the Village of Hickman was notified of the request but has not taken a position.

**10 REQUEST FOR RETROACTIVE SALARY FOR JUVENILE JUSTICE COORDINATOR - Kit Boesch, Human Services Administrator; Don Taute, Personnel Director; Tom Fox, Deputy County Attorney**

Kit Boesch, Human Services Administrator, noted that the Board approved a Juvenile Justice Coordinator in the budget last year. She said Corey Steele has been performing those duties since July 1, 2005, although a rewrite of the job description was not completed until November, 2005. Boesch said a budget adjustment to November 10, 2005 was received on January 11, 2006 and asked that he be paid retroactive to July 1, 2005 or that another way be found to compensate him for the difference of \$792.80.

Tom Fox, Deputy County Attorney, explained the rules governing a change of pay grade.

Don Taute, Personnel Director, said his department received the request for a job audit on September 15, 2005. The necessary paperwork was sent out and received back on September 30<sup>th</sup>. A member of the Classification and Pay Division met with Steele on November 28<sup>th</sup> and a recommendation was made to change the pay grade. He said the Personnel Policy Board voted to recommend approval of the pay grade change at its January, 2006 meeting (**NOTE:** The Personnel Policy Board did not meet in November or December of 2005). The County Board approved the pay grade change on January 11, 2006. Taute said he felt some back pay was justified and based his recommendation to make the pay retroactive to November 10, 2005 on the fact there was not an opportunity to bring the matter before the Personnel Policy Board in November or December. He pointed out that Steele received a pay range adjustment of 1.75% within his classification, effective the pay period beginning on August 18, 2005.

**MOTION:** Workman moved and Stevens seconded to make the pay retroactive to November 10, 2005.

Boesch said she would not have assigned those duties to Steele had she known he would not be paid the new salary until November.

Taute said Steele had not been performing all of the duties of the position until recently.

Schorr suggested a compromise date of September 5, 2005.

Fox stressed the need for consistency.

Eagan expressed concern that the process was circumvented by creating the position in the budget. He said the position should have been created through Personnel and the job opened, giving others a chance to apply.

Boesch said the County saved money by making the Juvenile Expediter the Juvenile Justice Coordinator and eliminating that contract.

An exceptional circumstance award for Steele in the amount of the difference was discussed as another option.

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

## **ADMINISTRATIVE OFFICER REPORT**

- E. Claim for Review: Payment Voucher No. 53257, Dated December 30, 2005 in the Amount of \$34.24, from Human Services for Flowers from Field's Floral

Boesch indicated that she will pay the bill herself.

Board consensus was to place the item under Claims for Review on the Tuesday, February 7, 2006 Board of Commissioners Meeting agenda.

**11 PAYMENT FOR OLD TOWING SERVICE PROVIDER** - Bill Jarrett, Chief Deputy Sheriff; Tom Fox, Deputy County Attorney

Bill Jarrett, Chief Deputy Sheriff, said his department changed towing service providers in September, 2005. The previous provider presented a final closeout bill of \$2,434 and claimed there were bills back to 1998 that had not been paid. He said he went through the bills and determined that \$915 is justifiable. Jarrett recommended that the County pay this amount, provided there is a statement of release.

**12 ACTION ITEMS**

A. Microcomputer Requests:

1. C#2006-013, \$935.24 from District Court Budget for Two (2) Laser Printers
2. C#2006-028, \$152.38 from Microcomputer Fund for Wireless Card (Provide Email Connection for District Court Law Clerks)
3. C#2006-029, \$1,785.96 from the Microcomputer Fund for Two (2) PC's for the District Court

**MOTION:** Stevens moved and Workman seconded approval of the microcomputer requests. Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

B. Banquet Contract with Green Gateau for Employee Service Awards (Copy is on file in the County Clerk's Office)

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

C. Department Budget Hearing Schedule and Budget Calendar

**MOTION:** Hudkins moved and Workman seconded tentative approval of the two documents. Stevens, Workman, Hudkins and Schorr voted aye. Motion carried.

D. Public Employer Retirement Plan Annual Report

**MOTION:** Stevens moved and Hudkins seconded approval, with signature by the Chair. Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

**13 ADMINISTRATIVE OFFICER REPORT**

A. Lincoln Independent Business Association (LIBA) Monthly Breakfast Meetings

The Board reviewed the proposed attendance schedule (see agenda packet) and asked that the following notation be removed, as it is inaccurate: \* *Historically the December meeting is cancelled.*

B. Renewal of Employee Service Award Contract with the Lincoln Chamber of Commerce

The Board indicated an intent to renew the employee service award contract with the Lincoln Chamber of Commerce.

C. Ambulance Update

Item moved forward on the agenda.

D. County Board Staffing

Eagan said the work that Cori Beattie performs exceeds that of a secretary. He said the Personnel Department performed a job audit and indicated that the position is adequately compensated. An attempt to create a Joint Office Manager position with the City Council was unsuccessful. Eagan said he believes it is time to create a new position and value it accordingly. The job would have to be opened, in accordance with Personnel Rules, and Beattie would have to apply.

**MOTION:** Stevens moved and Hudkins seconded to direct Kerry Eagan, Chief Administrative Officer, to proceed with looking at the process and the description of a new job. Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

E. Claim for Review: Payment Voucher No. 53257, Dated December 30, 2005 in the Amount of \$34.24, from Human Services for Flowers

Item moved forward on the agenda.

## ADDITIONS TO THE AGENDA

### A. Letter from Mayor Seng Regarding the County's Road Tax Levy

Schorr said the Mayor would like the Board to respond in writing.

Eagan suggested that the letter state that the Board does not intend to take the levy out of the County's budget; will keep NACO involved, as it is a state-wide issue; and will refer the matter to the County Attorney's Office for further legal analysis.

**MOTION:** Hudkins moved and Stevens seconded to direct Kerry Eagan, Chief Administrative Officer, to draft a letter of response for the Chair's signature. Stevens, Workman, Hudkins and Schorr voted aye. Motion carried.

### B. Committee Assignments

It was decided that Hudkins will serve as the Lincoln Independent Business Association (LIBA) Budget Monitoring Commission Alternate, rather than Workman.

## 14 DISCUSSION OF BOARD MEMBER MEETINGS

### A. Information Services Policy Committee (ISPC) - Stevens

No report.

### B. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

Stevens said the following topics were discussed: 1) Ambulance service; 2) Contract to house stray animals; 3) City's Five Year Budget Forecast; and 4) Capital Improvement Program (CIP) for Parks and Recreation.

### C. District Energy Corporation - Hudkins, Heier

Hudkins said discussion focused on the cost to heat and cool the "K" Street Building if it is converted into condominiums.

### D. Public Building Commission (PBC) Representatives and Mayor - Hudkins

Hudkins said access to the Justice and Law Enforcement Center and the need to merge the Personnel Department's offices were discussed.

E. Nebraska Association of County Officials (NACO) Board of Directors and Legislative Committee - Workman

Workman said there were presentations by two insurance providers and a report on prescription discount card savings.

F. Joint Budget Committee - Stevens

Stevens said Joan Anderson, Lancaster County Medical Society Executive Director, is trying to secure donated medical care for uninsured and under-insured individuals. Funding of medical translation/interpretation was also discussed.

G. Downtown Lincoln Association (DLA) Board - Stevens

Stevens said Mayor Seng discussed: 1) The failure of proposed condominium development of the K Street Building to go through; and 2) Lincoln Electric System's (LES') plan to implement a power cost adjustment for electricity. Development of a downtown parking lot into a parking garage, commercial and retail space was also discussed.

H. Keno Advisory Board - Schorr

Schorr said there was a preliminary report on funding recommendations.

Board consensus was to schedule discussion of the funding recommendations on a City-County Common Meeting agenda.

I. Community Mental Health Center (CMHC) Advisory Committee - Stevens

No report.

## 15 EMERGENCY ITEMS AND OTHER BUSINESS

- ▶ Workman said he attended a meeting of the Nebraska Innovation Zone Commission. He said there were reports from Lancaster, Cass and Sarpy Counties and Senator Brown reported on her bill to create a \$3 million study to look at building a hydroelectric dam along the Platte River in the Interstate 80 corridor between Lincoln and Omaha (LB 1121).
- ▶ Commissioner Hudkins received a call from Senator Carol Hudkins asking the Board's position on LB 529 (Provide court reform with the state assuming costs of district courts and consolidation of positions).

**MOTION:** Workman moved and Hudkins seconded to support LB 529.

Workman noted that he may have to take a different position on the bill when the NACO Board of Directors meets.

**ROLL CALL:** Hudkins, Workman and Schorr voted aye. Stevens voted no. Motion carried.

## **16 ADJOURNMENT**

**MOTION:** Stevens moved and Hudkins seconded to adjourn the meeting at 12:12 p.m. Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk