

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, FEBRUARY 15, 2007  
8:30 A.M.**

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

Commissioners Absent: Bernie Heier, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
Dan Nolte, County Clerk  
John Glynn, Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:31 a.m.

**AGENDA ITEM**

**1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF TUESDAY, FEBRUARY 13, 2007**

**MOTION:** Stevens moved and Hudkins seconded approval of the Staff Meeting minutes dated February 13, 2007. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Audit Report
- B. Letter from Matt Schernikau Regarding County Special Permit No. 06066 (Soil Mining) (Exhibit A)

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

### 3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit B). Mike Thurber, Corrections Director, and Travis Parker, Behavioral Health Jail Diversion Program of Lancaster County Program Manager, appeared and discussed LB 666 (Provide for eligibility for certain federal programs upon release from incarceration as prescribed).

Kissel said the Nebraska Association of County Officials (NACO) opposes the bill.

The following documents were disseminated: 1) A sequential intercept model; 2) An article titled: *Maintaining Medicaid Benefits for Jail Detainees with Co-Occurring Mental and Substance Use Disorders*; and 3) Information regarding a training seminar for case manager's that assist adults with applying for Social Security Income (SSI) or Social Security Disability Insurance (SSDI) (Exhibits C, D and E).

**MOTION:** Hudkins moved and Stevens seconded to direct Gordon Kissel, Legislative Consultant, to oppose the bill in its current form and recommend interim study.

Kissel suggested that Thurber and Parker meet with Senator Pedersen, introducer of the bill.

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

Thurber also discussed LB 467 (Grant the Ombudsman authority with respect to county jails), maintaining there is sufficient oversight by Nebraska Jail Standards.

**MOTION:** Schorr moved and Stevens seconded to send a letter in opposition to LB 467. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

Brief discussion took place regarding LB 292 (Provide for transfers of county funds for Medicaid purposes).

**MOTION:** Hudkins moved and Stevens seconded to authorize Kerry Eagan, Chief Administrative Officer, to testify in support of LB 292. Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

Don Herz, City Finance Director, appeared regarding LB 278 (Change permitted uses of county sales tax revenue).

Kissel was asked to follow-up with Senator Stuthman, introducer of the bill. He was also asked to check on LB 639 (Change powers and duties of county attorneys).

**4 PURCHASE OF VANS** - Dean Settle, Community Mental Health Center (CMHC) Director; Judi Tannahill and Wendy Andorf, CMHC

Dean Settle, Community Mental Health Center Director, requested authorization to proceed with the purchase of three (3) minivans to replace older vehicles that are no longer operable (see Exhibit F for a listing of vehicles). The vans will be used for case management community support. He said there are sufficient funds in the CMHC budget to allow for a lease purchase.

Discussion followed with suggestions to check whether there are surplus Sheriff's vehicles available and encourage the case managers to use their personal vehicles (would require the case managers to carry a business "rider" on their car insurance).

**MOTION:** Hudkins moved and Stevens seconded to authorize the purchase of the three (3) minivans out of the Community Mental Health Center (CMHC) budget and to augment the budget at the end of the fiscal year, if necessary. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

**5 RAILROAD CROSSING AT ROKEBY ROAD AND 98<sup>TH</sup> STREET** - Don Thomas, County Engineer; Doug Pillard, County Engineering; Lou Lenzen, and Syed Ataullah, Nebraska Department of Roads; Richard Kotan, Omaha Public Power District (OPPD)

Don Thomas, County Engineer, discussed the new design for an interchange at 120<sup>th</sup> Street and Saltillo Road and said the Nebraska Department of Roads is charged with eliminating rail crossings, wherever possible. He said OPPD currently parks their trains on more than 7,000 feet of track between the existing crossings at Rokeby Road and 120<sup>th</sup> Street. The interchange would take 1,100 feet of the train parking area (a crossing would be added at realigned 120<sup>th</sup> Street, west of the existing crossing, which would back the trains up to where Rokeby Road would be blocked). Five alternatives for railroad crossings were presented (Exhibit G). Alternatives 1-3 provide access to Breagan Road from 98<sup>th</sup> Street and Alternatives 4 and 5 provide access to Breagan Road from Rokeby Road (see map in Exhibit H). Thomas indicated a preference for Alternative 3, which would relocate 98<sup>th</sup> Street to a 90° crossing. He said the exact location may have to be shifted 50 to 100 feet, either way, to account for an existing rural water tower and a proposed city water tower. Thomas added that 98<sup>th</sup> Street could be extended, if the area needs access to Highway 2 in the future.

Board consensus was to proceed with scheduling a public hearing on vacation of the crossing at Rokeby Road.

## **ADMINISTRATIVE OFFICER REPORT**

C. Address Change Letter to Unincorporated Villages (See Agenda Packet)

**MOTION:** Schorr moved and Hudkins seconded to not send the preliminary letter, as previously discussed, and to authorize the Chair to send a letter to residents whose addresses will be changed. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

- 6 A) LEGACY DAIRY AND CREAMERY PROJECT (RELEASE OF PERSONAL GUARANTEES FOR RON AND LINDA MEJER); AND B) CONTRACT WITH CITY OF LINCOLN FOR ECONOMIC DEVELOPMENT SERVICES** - Troy Gagner, Economic Development Coordinator; Kristy Bauer, Deputy County Attorney

### **A) Legacy Dairy and Creamery Project (Release of Personal Guarantees for Ron and Linda Mejer)**

Troy Gagner, Economic Development Coordinator, explained that Ronald and Linda Meyer, partners in the Legacy Dairy and Creamery have left the partnership and have requested release of their personal guarantee on the Project Financing Agreement for RRJ, LLC, d/b/a Legacy Dairy and Creamery, under County Contract No. C-06-0121. He presented a letter from Saline State Bank approving Release of Liability for Ronald and Linda Meyer with regards to the debt of RRJ, LLC (Exhibit I).

Kristy Bauer, Deputy County Attorney, explained that the County is not legally required to release the Meyers. She said the County also has a Deed of Trust, but it is subordinate to Saline State Bank.

The Board scheduled action on the release on the Tuesday, February 20, 2007 Board of Commissioners Meeting agenda.

Gagner noted that the County initially received funds from the State for the project. The County subsequently received a lump sum repayment from Cabela's on its loan and said that provided sufficient funds to pay for the entire project. He presented a draft of a letter asking the State to cancel its portion of the project (see copy in agenda packet).

**MOTION:** Stevens moved and Hudkins seconded to authorize signature by the Chair.

Schorr inquired about paying Lincoln Partnership for Economic Development (LPED) dues out of the account.

Gagner said LPED would be required to track the funds and show a direct benefit to individuals that have low to moderate income.

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

## **B) Contract with City of Lincoln for Economic Development Services**

Bauer and Gagner gave an overview of the contract.

The Board scheduled action on the Tuesday, February 20, 2007 Board of Commissioners Meeting agenda.

Gagner reported that Novartis has decided to cancel its Community Development Block Grant (CDBG) funding, due to concerns by management that the company would not be able to meet the low to moderate income benefit requirements. He said Novartis plans to move ahead with the project, without the assistance.

## **DISCUSSION OF BOARD MEMBER MEETINGS**

### **D. Board of Health - Schorr**

Schorr reported that the Board of Health voted to keep a ban on commercial kennels inside the city limits and said she is concerned with what would happen if an existing commercial kennel is annexed into the city limits. She said Tonya Skinner, Assistant City Attorney, indicated at the meeting that health codes supercede zoning codes.

**MOTION:** Schorr moved and Hudkins seconded to request a legal opinion on the issue of kennels being allowed to continue to operate once annexed by the City of Lincoln. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

### **7 COUNTY ASSESSOR/REGISTER OF DEEDS POLICY REGARDING ACREAGES AND GREENBELT** - Norm Agena, County Assessor/Register of Deeds; Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds

Norm Agena, County Assessor/Register of Deeds said acreages that are 20 acres or less in size with a residence and vacant subdivision lots that are not actively used for an agricultural purpose will lose their agriculture and greenbelt status. He said LB 166 will address the issue of recapture. Property owners that have been disqualified for greenbelt will have the right of appeal to the Board of Equalization.

### **8 INMATE MEDICAL INSURANCE COVERAGE** - Sue Eckley, County Risk Manager; Tom Champoux, UNICO Group, Inc.; Mike Thurber, Corrections Director

Tom Champoux, UNICO Group, Inc., distributed copies of Correctional Risk Services, Inc. (CRS, Inc.); Medical Claim Management Services & Inmate Excess Medical Insurance for Lancaster County, Nebraska (Exhibit J). A breakdown of outside expenditures for the last four years was also presented (Exhibit K). Champoux advised against the coverage, which is based on a Preferred Providers Organization (PPO) Network created by CRS, Inc., as the County is already receiving the maximum discount (the County pays for treatment based on the Medicaid rate).

In response to a question from Stevens, Champoux said it would be wise to set up a Contingency Fund for large claims.

**9 K-MART BANKRUPTCY** - Doug Cyr, Chief Administrative Deputy County Attorney

**MOTION:** Hudkins moved and Schorr seconded to enter Executive Session at 10:45 a.m. for discussion of pending litigation. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

**MOTION:** Stevens moved and Hudkins seconded to exit Executive Session at 10:56 a.m. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

**ADDITIONS TO THE AGENDA**

A. Audit Report

Hudkins said the County still has not received an audit report from the auditors (Dana F. Cole and Company).

B. Letter from Matt Schernikau Regarding County Special Permit No. 06066 (Soil Mining) (Exhibit A)

Workman said he would like to see reconsideration of the special permit.

It was noted that there is a legal opinion pending on whether land that has been set aside as a common area for agricultural use in a Community Unit Plan (CUP) can be used for dirt mining or other uses.

Workman agreed to drop the issue, pending receipt of the legal opinion.

**10 ELECTRONIC ACCESS/VIDEO-SECURE CORRIDORS** - District Court Judge Steven D. Burns; Don Killeen, County Property Manager; Richard Diegel, Cleaning and Security Manager

Item was dropped from the agenda.

## 11 ADMINISTRATIVE OFFICER REPORT

### A. Contract for Review of Lancaster Manor as Medicare Facility

Eagan said Larry Van Hunnik, Lancaster Manor Administrator, has reviewed the contract and is comfortable with the contractor the State has selected.

### B. Claim for Review, Payment Voucher No. 10729, \$1,902.45 from County Attorney Budget for a Shredder (Amount Exceeds Purchase Order Requirements)

It was noted that the County Attorney's Office received clearance from Bob Walla, Assistant Purchasing Agent, before making the purchase.

**MOTION:** Stevens moved and Schorr seconded to handle the claim as a regular claim at the Tuesday, February 20, 2007 Board of Commissioners Meeting. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

### C. Address Change Letter to Unincorporated Villages (See Agenda Packet)

Item was moved forward on the agenda.

### D. Pension Review Committee (PRC) Report on Post Employment Health Plan (PEHP)

Eagan said Nationwide Retirement Solutions (NRS) has not formed the advisory committee required in the agreement and trust for the Post Employment Health Plan (PEHP). A letter will be sent to NRS asking them to establish the committee and to research whether there is another structure for review that would be more manageable.

### E. Six Month Salary Review for Sue Eckley, County Risk Manager

Copies of Directors Salary Information 2007 were disseminated (Exhibit L).

Board consensus was to give Eckley a 3.5% salary increase (\$69,001.92 to \$71,416.99). Action was scheduled on the Tuesday, February 20, 2007 Board of Commissioners Meeting agenda.

### F. Visitors Promotion Committee (VPC) Appointments

The Board discussed the recommendation from Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, to appoint Lisa Tupper, Hampton Inn, and Joel Schossow, Holiday Inn, to the VPC.

Hudkins said he believes there is a need for representation from smaller facilities.

**MOTION:** Hudkins moved to appoint Mary Zmarzly of Country Inn Suites to the Visitors Promotion Committee.

The motion died for the lack of a second.

**MOTION:** Schorr moved and Stevens seconded to follow the recommendation of Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, to appoint Lisa Tupper and Joel Schossow to the Visitors Promotion Committee. Schorr, Workman and Stevens voted aye. Hudkins voted no. Motion carried.

**NOTE:** The Board will take formal action on the appointments at the Tuesday, February 20, 2007 Board of Commissioners Meeting.

#### G. Motor Sports Task Force Survey

Eagan reported a request from the Motor Sports Task Force to place a survey on the County's website to measure interest in a motor sports facility (Exhibit M). He said it is not a scientific survey and estimated the cost at \$200- \$300.

**MOTION:** Schorr moved and Hudkins seconded to authorize the Motor Sports Task Force to place the survey on the County website. Hudkins and Schorr voted aye. Workman and Stevens voted no. The motion failed for the lack of a majority.

#### H. County Attorney Standards Advisory Council

Board members indicated that they are not interested in serving on the council.

## **12 DISCUSSION OF BOARD MEMBER MEETINGS**

### A. Monthly Meeting of Public Building Commission (PBC) Representatives and Mayor - Hudkins

Hudkins said discussion focused on whether to put a geo-thermal heating system in the 233 Building. He said the Mayor urged the PBC to include an Arts Council Project in the County-City Building and to provide more space for pictures of former mayors.

### B. Public Building Commission (PBC) - Hudkins, Workman

Hudkins said there was a decision to go with a conventional heating system for the 233 Building and to have District Energy service the 9<sup>th</sup> & J Street Building and Courthouse Plaza. He said the Arts Council Project was voted down, however space was reserved for historical pictures.

C. General Assistance (GA) Monitoring Committee - Stevens, Schorr

Stevens said a county pharmacy and GA dental surgery services were discussed.

D. Board of Health - Schorr

Item was moved forward on the agenda.

### **13 ADJOURNMENT**

**MOTION:** Stevens moved and Schorr seconded to adjourn the meeting at 11:40 a.m. Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk