

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, JULY 19, 2007  
8:30 A.M.**

Commissioners Present: Bob Workman, Chair  
Ray Stevens  
Deb Schorr

Commissioners Absent: Bernie Heier, Vice Chair  
Larry Hudkins

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

The Chair opened the meeting at 8:33 a.m.

**AGENDA ITEM**

**1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, JULY 12, 2007**

**MOTION:** Schorr moved and Stevens seconded approval of the Staff Meeting minutes dated July 12, 2007. Schorr and Workman voted aye. Stevens abstained from voting. Hudkins was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Public Records Request
- B. Request for a Letter of Recommendation from Ron Ecker, Former Jail Construction Manager
- C. August Management Team Meeting

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

Hudkins arrived at 8:40 a.m.

### **3 BUDGET WORK SESSION - Dennis Meyer, Budget and Fiscal Officer**

#### **A) County Engineer**

Don Thomas, County Engineer, gave an overview of the following documents: 1) Highway Fund, Budget Worksheet, Fiscal Year 2008; and 2) Bridge Fund, Budget Worksheet, Fiscal Year 2008 (Exhibits A & B).

Thomas said there are two grading projects this year: 1) One mile on 98<sup>th</sup> Street from Pioneers Boulevard to Old Cheney Road (a Rural to Urban Transportation System Program (RUTS) project); 2) Three miles on Bluff Road, east of Waverly (coordinated with the Nebraska Department of Roads' bridge over Interstate 80). He also gave an overview of overlay projects (total of nine miles): 1) Three quarters of a mile on Pioneers Boulevard between 84<sup>th</sup> and 98<sup>th</sup> Streets; 2) One half mile on North 70<sup>th</sup> Street from the end of the City's paving to Interstate 80; 3) South 68<sup>th</sup> Street from Firth Road to the Princeton Road; and 4) One half mile of the Old South 56<sup>th</sup> Street. Thomas said the only new paving will be two miles on South 82<sup>nd</sup> Street between the Panama Road and Hickman Road.

Hudkins expressed concern regarding the small amount of new paving and asked Thomas to indicate his next priority.

Thomas said the Saltillo Road project that was delayed last year. He said Southwest 14<sup>th</sup> Street, three quarters of a mile south of Saltillo Road, would be next.

Thomas noted the Lincoln Public Schools' plans to build a new elementary school on North 14<sup>th</sup> Street and Alvo Road (the school will open in the fall of 2009) and said the budget includes engineering for the entire mile (the road will be a RUTS design). He said Karl Fredrickson, City Public Works/Utilities Director, has stated that if the City is interested in having the road paved earlier than the County is able, it would be willing to pay for the paving and bill the County. Thomas said part of North 14<sup>th</sup> Street will need to be reconstructed, which will require the road to be closed. Those improvements will be delayed because the County has an agreement with the Nebraska Department of Roads that allows North 14<sup>th</sup> Street to be used as a detour for Highway 79.

Hudkins asked Thomas to keep the Board updated.

In response to a question from Workman, Thomas said the property tax increase will be 4.4%.

Dennis Meyer, Budget and Fiscal Officer, said he initially built in a 5% increase and said since Thomas' numbers are lower than that, the General Fund numbers will drop by \$135,000.

Thomas noted that he will also be requesting an additional \$300,000 from the Keno Fund for the East Beltway.

**4 SALARY INCREASE FOR CLASSIFIED, UNREPRESENTED EMPLOYEES** - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; Don Thomas, County Engineer

John Cripe, Classification and Pay Manager, recommended a salary increase in the range of 2.5% for the classified, unrepresented employees. He added that the increase will not be finalized until the American Federation of State, County & Municipal Employees (AFSCME) bargaining group settles.

Don Thomas, County Engineer, noted that the Post Employment Health Plan (PEHP) for the unrepresented employees differs in that one third of their sick leave hours over 1,000 hours are paid out in cash upon retirement and two thirds are deposited in their PEHP accounts.

Cripe said it is actually the unclassified employee group. He said unrepresented employees have 100% payout of sick leave hours over 1,000 hours deposited into their PEHP accounts upon retirement. Cripe recommended correction of the PEHP plan for the unclassified employee group.

**MOTION:** Hudkins moved and Schorr seconded to: 1) Accept the recommendation of 2.5% for unclassified, unrepresented employees; 2) Make the correction to the Post Employment Health Plan (PEHP); and 3) Direct the Personnel Department to bring it forward at a regular County Board of Commissioners Meeting, when appropriate. Hudkins, Schorr and Workman voted aye. Stevens voted no. Motion carried.

**5 A) ANNUAL CERTIFICATION; AND B) LANCASTER MANOR UPDATE** - Ron Fetters, Lancaster Manor Interim Administrator

**A) Annual Certification**

Ron Fetters, Lancaster Manor Interim Administrator, said a plan of correction related to the State Survey has been recognized as complete by the State and the facility is ready for a revisit (Exhibit C).

**B) Lancaster Manor Update**

Fetters reported the following (see Exhibit C):

- \* The Medicare application is on track for August 1, 2007.
- \* May and June revenue, net loss and employment figures

Fetters also requested approval to:

- \* Hire a Medicare Billing Clerk at \$20.39 per hour

**MOTION:** Schorr moved and Hudkins seconded to authorize Ron Fetters, Lancaster Manor Interim Administrator, to proceed with a temporary hire.

Fetters agreed to work with the Personnel Department on filling the position on a permanent basis.

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

- \* Purchase computers for the Social Service Department for Medicare A input

Eagan explained the need for input from Information Services (IS) and the Purchasing Department.

- \* Attend a Missouri Health Care Association (MHCA) Convention (a Nursing Home Administrators (NHA) Requirement) - August 27-30, 2007 in St. Louis, Missouri

**MOTION:** Schorr moved and Hudkins seconded to authorize up to \$1,000 for Ron Fetters, Lancaster Manor Interim Administrator, to attend the conference, with funding through the Lancaster Manor budget. Hudkins, Schorr, Stevens and Workman voted aye. Motion carried.

- \* Pursue a new contract for physical, occupational and speech therapy services

Fetters relayed concerns regarding Key Rehabilitation, Inc., the current provider.

Vince Mejer, Purchasing Agent, and Bob Walla, Assistant Purchasing Agent, appeared and discussed terms for termination of the contract. Changes in standards were also discussed.

**MOTION:** Stevens moved and Schorr seconded to give Key Rehabilitation, Inc. a 60-day notice of termination and to put the new standards out for bid.

**FRIENDLY AMENDMENT:** Hudkins offered a friendly amendment to add a 30 day notice of termination for cause.

The maker of the motion and the seconder accepted the friendly amendment.

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

**6 VOICE OVER INTERNET PROTOCOL (VoIP) REQUEST FOR PROPOSALS (RFP) - Doug Thomas, Information Services Director**

Doug Thomas, Information Services Director, presented information on Voice Over Internet Protocol (VoIP) (phone service over the Internet) (Exhibit D). He noted that the City has made a decision to proceed with the service.

Gwen Thorpe, Deputy Chief Administrative Officer, expressed concern about how to manage it coming through the firewall.

The Board asked Thomas to provide a briefing at a future Management Team meeting.

**7 BOARD OF EQUALIZATION SCHEDULE - Dan Nolte, County Clerk**

Dan Nolte, County Clerk, asked for an extension of the deadline for hearing protests regarding real property in Lancaster County from July 25<sup>th</sup> to August 18<sup>th</sup>.

The Board scheduled a resolution extending the deadline on the July 24<sup>th</sup> County Board of Commissioners Meeting agenda. There was also consensus to schedule Board of Equalization hearings beginning August 1st.

**8 VISITORS PROMOTION COMMITTEE (VPC) RECOMMENDATION REGARDING LANCASTER COUNTY AGRICULTURAL SOCIETY'S REQUEST FOR \$500,000 - Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director; Scott Miller, Visitors Promotion Committee (VPC) Vice Chair; John Klimpel, Visitors Promotion Committee (VPC)**

Discussion took place regarding a request from the Lancaster County Agricultural Society, on behalf of the Lancaster Event Center, that the Visitors Promotion Committee (VPC) recommend to the County Board that \$500,000 in funds from the Lodging Tax be authorized for expansion and improvements at the Event Center.

Scott Miller, VPC Vice Chair said it is the recommendation of the VPC that the County Board approve the funding request with the following considerations:

- 1) It is requested that once a year representatives from the Lancaster Event Center make a presentation to the VPC regarding their ability to expand their programming and event attraction as a result of the funding.

- 2) It is requested that in order to preserve a larger fund balance in the escrowed room tax fund, the payment of the \$500,000 be made over a five-year period in approximately equal installments. The intention would be that some additional funding is allocated over and above the \$500,000 that would cover bonding or interest costs if the funds were pledged or used to secure bonding. A one-time payment of the requested amount would either completely drain the 1% capital expansion portion of the fund, or it would severely deplete the amount in the fund.
- 3) It is the request of the VPC that the Lancaster County Commissioners authorize a 90-day moratorium, beginning on the date the expenditure is approved, on any new requests for funding until a committee of VPC members and a representative from the County Commission meets to create a more formalized process for requesting funds with the oversight and recommendation of the VPC.

A position statement from the Downtown Lincoln Association (DLA) on the Lancaster Event Center expansion was also noted (see agenda packet).

It was clarified that there is more than \$1.2 million in the fund, the lodging tax is under the control of the County Board and no division of the fund has been put into policy.

**MOTION:** Schorr moved and Stevens seconded to accept Recommendations 1 and 3. Stevens, Workman, Schorr and Hudkins voted aye. Motion carried.

**9 A) QUITCLAIM DEED FROM NORMA AND ROY CAST FOR COUNTY ROAD (SECTION 28, T11N, R5E); AND B) PROPOSED LANGUAGE FOR RESOLUTION APPROVING COUNTY SPECIAL PERMIT NO. 06051 - Tom Fox, Deputy County Attorney**

**A) Quitclaim Deed**

Tom Fox, Deputy County Attorney, gave a brief overview of the item and said action will be scheduled on the July 24<sup>th</sup> County Board of Commissioners Meeting agenda.

**B) Proposed Language for Resolution**

Fox discussed the changes to the resolution that were proposed at the July 17<sup>th</sup> County Board of Commissioners Meeting (Exhibit E).

Stevens referred to Attachment "A", Article 13, Special Permit, Section 13.016, Subsections (a)(12) and (d)(8) and said the Health Department lacks authority to approve or deny plans. It was suggested that the language "shall take action to approve or deny the plan" be changed to "shall make a recommendation to approve or deny".

**MOTION:** Hudkins moved to direct the County Attorney's Office to change language stating "the Health Department shall take an action" to "the Health Department shall make a recommendation".

Fox said he would prefer that the Board wait and take action on changes to the resolution at the regular County Board of Commissioners Meeting.

The maker of the motion withdrew his motion.

## **10 ACTION ITEMS**

- A. Set Date for One and Six Year Road and Bridge Improvement Program Public Hearing (November 13 or 15, 2007, at 7:30 p.m.)

Board consensus was to hold the public hearing on November 15<sup>th</sup>.

- B. Letter to Community Transition Program and O.U.R. Homes Regarding Notice of Termination of Agreement for Community Transition Program at The Heather

Stevens suggested that the effective date of termination be changed to October 31, 2007.

Dean Settle, Community Mental Health Center Director, appeared and he and C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, have not met with Scot Adams, Nebraska Department of Health and Human Services (HHS) Behavioral Health Director, yet to discuss how the State plans to respond.

**MOTION:** Stevens moved and Schorr seconded to send the letter, changing the termination date to October 31, 2007, with copies to Christine Peterson, Nebraska Department of Health and Human Services (HHS) Chief Executive Officer; Scot Adams, Nebraska Department of Health and Human Services (HHS) Behavioral Health Director; and C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program.

It was noted that each month of delay will cost the County approximately \$19,000.

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

**MOTION:** Hudkins moved and Schorr seconded to send the letter with a 60 day notice of termination, with copies to Christine Peterson, Nebraska Department of Health and Human Services (HHS) Chief Executive Officer; Scot Adams, Nebraska Department of Health and Human Services (HHS) Behavioral Health Director; and C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

Schorr clarified that the \$235,000 expenditure for The Heather (a community transition program) has been eliminated from the budget.

Settle asked whether it is the Board's intent to keep the seven mental health specialists that are involved with the program as county employees or to shift them to Region V, noting that the Board has been very clear in the past that it does not want Region functioning as a direct service agency.

Board members indicated that the preference is to retain them as county employees, paid by the State.

## **11 ADMINISTRATIVE OFFICER REPORT**

### **A. County Smoking Policy**

Hudkins said the Public Building Commission (PBC) took action Tuesday to make the area outside the cafeteria smoke free. He said the PBC is also seeking recommendations from the County Board and City Council on whether to make the entire campus smoke free.

**MOTION:** Schorr moved and Stevens seconded to direct the County Attorney's Office to draft a resolution to make all county properties smoke free.

**FRIENDLY AMENDMENT:** Stevens offered a friendly amendment to ask the Public Building Commission to make all jointly owned or managed buildings smoke free, with appropriate signage and enforcement.

The maker of the motion accepted the friendly amendment.

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

There was also consensus to ask Sue Eckley, County Risk Manager, about the availability of smoking cessation classes.

- B. Press Release for County Special Permit No. 06051 (Drag Strip) Public Hearing

The Board reviewed a draft of guidelines (see agenda packet) and asked that the second bullet point be revised to indicate that those giving testimony will be asked to indicate how many "air" miles their home is from the drag strip perimeter.

- C. County Connection Program (New Jail and Alternatives to Incarceration)

Thorpe said she will prepare a program outline.

Additional suggestions included a public forum, a call-in show, allowing questions to be submitted through the Internet website and discussion at a Lincoln Independent Business Association (LIBA) luncheon.

- D. Legal Opinion Regarding Part-Time County Court Judge

Eagan said he will discuss the matter informally with the County Attorney.

- E. Correspondence from Dean Settle, Community Mental Health Center Director, Regarding The Heather Program

See Item 10B.

#### **ADDITIONS TO THE AGENDA**

- A. Public Records Request

Eagan relayed a public records request from the Lincoln Journal Star Newspaper for copies of correspondence related to the drag strip issue.

- B. Request for a Letter of Recommendation from Ron Ecker, Former Jail Construction Manager

Hudkins agreed to send a letter of recommendation on behalf of the County Board.

- C. August Management Team Meeting

Board consensus was to move the meeting to August 2<sup>nd</sup>.

## RETURNING TO BUDGET WORK SESSION

### County Sheriff

Bill Jarrett, Chief Deputy Sheriff, appeared and presented a diagram of the courtroom areas and a letter from District Court Judge John Colborn in support of the request of the Lancaster County Sheriff for an additional security officer (the letter was also signed by District Court Judge Steven D. Burns, District Court Judge Jeffre Chevront, District Court Judge Karen B. Flowers, District Court Judge Earl J. Witthoff, District Court Judge Paul D. Merritt, Jr., Juvenile Court Judge Roger J. Heideman and Juvenile Court Judge Linda S. Porter) (Exhibits F & G).

**MOTION:** Stevens moved and Schorr seconded reconsideration of the request from the Lancaster County Sheriff for an additional security officer. Stevens, Workman and Schorr voted aye. Hudkins voted no. Motion carried.

Discussion followed with a suggestion that the County Sheriff consider reassigning a deputy to the security detail, if necessary.

**MOTION:** Hudkins moved and Schorr seconded to rate the County Sheriff's request for an additional security officer as the highest priority at the Board's mid-year budget review.

Hudkins asked that the County Sheriff monitor the situation and submit a recommendation to the Board in November so that the Board can plan for any mid-year adjustments.

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

### General Budget Discussion

Don Thomas, County Engineer, appeared and discussed his request for an additional \$300,000 from the Keno Fund for the East Beltway Project.

Meyer said there is approximately \$700,000 in the Keno Fund that could be designated as contingency or for a future purpose. He said approximately \$500,000 of that amount is estimated receipts.

Thomas said the \$300,000 that was already allocated in the Keno Fund will help pay for the study. The additional \$300,000 will be used for right-of-way acquisition.

There was general consensus to allocate an additional \$300,000 for the East Beltway.

Meyer said he designated the remaining \$400,000 as contingency.

Discussion then focused on the Geographic Information System (GIS) Coordinator position. It was noted that the City would now like it to classify it as a city position. The Planning Department has withdrawn as a funding source and the remaining funding partners, County Engineer, County Assessor/Register of Deeds, City Building and Safety Department, City Public Works/Utilities, Lincoln Electric System (LES) and the Lower Platte South Natural Resources District (NRD), will be asked to contribute an additional \$2,500 to \$3,000. There was consensus to: 1) Delay the matter until mid-year and reflect a half year reduction of revenues and expenses for that position in the budget (net savings of \$14,000); 2) Notify the Personnel Department that the Board wants it to remain a county position; and 3) Discuss the matter with the Mayor.

Meyer gave an overview of revisions to Lancaster County, Property Tax Funded Budgets, Fiscal Year 2008 Requested Compared to Fiscal Year 2007 Adopted (Exhibit H). He said he will budget for the land for the new jail out of the General Fund balance, noting that the Board can sign a reimbursement resolution.

Discussion took place regarding the suggestion to start a Sinking Fund for the jail project with consensus to seek a recommendation from the Budget Monitoring Committee.

## 12 DISCUSSION OF BOARD MEMBER MEETINGS

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

No report.

- B. Emergency Joint Budget Committee (JBC) Meeting (The Meeting was Called to Address the Mayor's Request to Reduce the City's Contribution to JBC by 6%, or \$30,000) - Schorr

Schorr said the JBC met to discuss options. She said Kit Boesch, Human Services Administrator, presented the final decision at the City-County Common Budget Hearing **NOTE:** The decision was to cut 1.5% from all agency budgets, with the exception of two: 1) Human Services Planning; and 2) A collaborative ethnic center project. This recommendation resulted in a savings to the City of \$3,108 and an increase to the County of \$834.

- C. Special Visitors Promotion Committee (VPC) Meeting - Stevens

Stevens said the meeting was held to discuss the funding request from the Lancaster Agricultural Society for \$500,000 from lodging tax proceeds to fund expansion and improvements at the Lancaster Event Center.

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

No report.

- E. Public Building Commission (PBC) - Hudkins, Workman

Hudkins said a smoking policy was discussed.

### **13 EMERGENCY ITEMS AND OTHER BUSINESS**

Nolte appeared and reported that some of the letters that were sent to property owners that filed protests listed incorrect information in terms of the referees' recommendations. He said he is sending out letters of correction (Exhibit I) and wanted the Board to be aware of the situation.

### **14 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 12:44 p.m. Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk