

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JULY 26, 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
Gwen Thorpe, Deputy Chief Administrative Officer
Tom Fox, Deputy County Attorney
Ann Taylor, County Clerk's Office

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

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, JULY 19, 2007

MOTION: Stevens moved and Hudkins seconded approval of the Staff Meeting minutes dated July 19, 2007.

Kerry Eagan, Chief Administrative Officer, said the motion in Item 4 should state that the salary increase is for classified, not unclassified, unrepresented employees.

The maker of the motion and the seconder agreed to the correction.

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

2 ADDITIONS TO THE AGENDA

A. Lower Platte River Corridor Alliance Airboat Tour 2007 (Exhibit A)

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

3 JAIL DESIGN REQUEST FOR PROPOSALS (RFP) - Vince Mejer, Purchasing Agent; Mike Thurber, Corrections Director

Discussion took place regarding criteria to include in a Request for Proposals (RFP) for an architectural/engineering firm to design the new jail facility. Suggestions included:

- * Experience in design of an adult correctional detention facility
- * Involvement or expertise, in design of a direct supervision type facility
- * Prefer that the firm have experience in design of a medical/mental health component
- * Design of the food service area must include the delivery component
- * Design must provide for future expansion
- * Inclusion of a non-proprietary electronic security system

There was general consensus to advertise in the Lincoln Journal Star and Omaha World Herald newspapers, on the City-County Internet website and the American Jail Association (AJA) trade journal, if it is not cost prohibitive.

Formation of a RFP Review Committee was also discussed. The following names were offered: Bernie Heier, County Commissioner; Terry Wagner, Lancaster County Sheriff; Mike Thurber, Corrections Director; Vince Mejer, Purchasing Agent; Don Killeen, County Property Manager; Dennis Meyer, Budget and Fiscal Officer; Dave Kroeker, former Budget and Fiscal Officer; Kathy Campbell, former County Commissioner; Polly McMullen, Downtown Lincoln Association (DLA) President; Chris Kingery, Kingery Construction; Tim Loewenstein, Buffalo County Commissioner; Jack Falconer, formerly with the Nebraska Department of Corrections; Greg Hershberger, a retired correctional officer; and Deb Brehm or Martha Lee Heyne, Lincoln Independent Business Association (LIBA). A representative from the medical or mental health community was also suggested.

Further discussion was scheduled on the August 2nd Staff Meeting agenda.

4 REVIEW OF DORAN TORT CLAIM - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff; Tom Fox, Deputy County

Michael DoRan appeared and gave an overview of his tort claim against the Sheriff's Office for loss of a van and personal items that were impounded and sold. He circulated a motor vehicle title, bill of sale, driver's license and work permit that he said supports his claim of ownership and driving privileges.

MOTION: Schorr moved and Hudkins seconded to enter Executive Session for the purpose of pending litigation at 9:17 a.m. Schorr, Workman, Stevens and Hudkins voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 9:44 a.m. Hudkins, Stevens, Workman and Schorr voted aye. Motion carried.

5 STREET NAME CHANGE NO. 07002, RENAMING WOODLAWN ROAD AS WEST HUMPHREY AVENUE AND NAMING REALIGNMENT OF NORTHWEST 40TH AND NORTHWEST 48TH STREETS - Ray Hill, Development Review Manager

Ray Hill, Development Review Manager, gave an overview of Street Name Change No. 07002, a request from the Planning Director to rename "Woodlawn Road" as "West Humphrey Avenue" and to name the realignment of Northwest 40th Street and Northwest 48th Street. He said the name "Woodlawn" sounds like the name "Woodland", which is located within the City of Lincoln, and said the name change is proposed to eliminate confusion. Hill noted that no one has Woodlawn Road as part of their mailing address. The Street Name Committee has reviewed the request and recommends approval.

Hudkins said the name is the last historic link to the former community of Woodlawn. He said property owners in the area object to the name change and would have liked to have had input before a recommendation was made to change the name.

Schorr suggested that an effort be made to try to reach a compromise and find another name with historical reference to the area.

6 POTENTIAL LITIGATION - Mike Thew, Chief Deputy County Attorney; Tom Fox, Deputy County Attorney; Jim Shotkoski, Right-of-Way Division Head

MOTION: Schorr moved and Stevens seconded to enter Executive Session at 9:54 a.m. for discussion of potential litigation. Schorr, Workman, Stevens and Hudkins voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 10:21 a.m. Hudkins, Stevens, Workman and Schorr voted aye. Motion carried.

7 COUNTY SPECIAL PERMIT NO. 07024, TEMPORARY PLACEMENT OF MOBILE HOME DURING CONSTRUCTION, SOUTHWEST 14TH STREET AND OLIVE CREEK DRIVE - Mike DeKalb, Planner

Mike DeKalb, Planner, gave an overview of County Special Permit No. 07024, a request from Gregory and Heidi Rettele for authority to locate and occupy a mobile home while building a permanent residence on property at Southwest 14th Street and West Olive Creek Road (Exhibit B). The permit would expire 12 months from approval, or with occupancy of the permanent residence, whichever occurs first. The permit may be extended in one-year increments, up to a total of three years from the date of approval, if progress is being made on construction of the permanent residence.

Stevens said he believes two years should be sufficient.

DeKalb noted a recommendation of conditional approval from Planning staff and the Planning Commission.

8 A) MDI TECHNOLOGIES CONTRACT FOR LANCASTER MANOR; B) MEDICARE BILLING POSITION; AND C) COMPUTERS FOR SOCIAL WORKERS - Tom Fox, Deputy County Attorney; Ron Feters, Lancaster Manor Interim Administrator

A) MDI Technologies Contract

Tom Fox, Deputy County Attorney, said his office has identified a number of issues with two software programs that Lancaster Manor wants to purchase. He said one issue involves paying up-front for maintenance and said State Statutes only allow for payment after services are rendered. The vendor was asked to make changes and responded that it is only willing to make one or two changes.

Ron Feters, Lancaster Manor Interim Administrator, said he worked with the software company in other facilities and never had a problem.

Fox said the County Attorney's Office will not sign off on the contracts as written. He added that he will continue to negotiate inclusion of a provision to allow for payment on a monthly basis after services are rendered.

B) Medicare Billing Position

Pat Kant, Personnel Department, appeared and discussed job duties and the classification.

Eagan suggested that the position be posted as an Administrative Services Officer.

Kant noted that the Director of Fiscal Services is also classified as an Administrative Services Officer.

MOTION: Schorr moved and Stevens seconded to authorize Ron Fetters, Lancaster Manor Interim Administrator, to move forward with a temporary employee and to begin the process to hire an Administrative Services Officer. Hudkins, Stevens, Workman and Schorr voted aye. Motion carried.

C) Computers for Social Workers (See Information in Agenda Packet)

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

ADMINISTRATIVE OFFICER REPORT

B. Results of Sheriff's Sale (831 Westgate Boulevard)

Tom Huston, an attorney representing Benchmark BioLabs, the higher bidder at the Sheriff's sale, appeared and discussed the results of the sale. He distributed the following documents: 1) A plat of the area; 2) A Sheriff's deed transferring ownership to the City in 1992 (the property was acquired through a tax foreclosure); and 3) A warranty deed that transferred ownership from the City back to the County in 1994 (Exhibit C). Huston noted there is a power line that bisects Block 5, Lot 3, but said he could not find a record of the easement. He said the appraisal done by Great Plains Appraisal, Inc. recognized that there are public utility and drainage easements on the perimeter of the lot but does not reference the easement down the middle of the lot.

Hudkins said Tom Kubert, Great Plains Appraisal, Inc., was aware of the power line and mentioned it in his report to the Board.

Huston said perhaps the easement doesn't exist, which could be a problem. He said a power line easement typically prohibits building within the easement area and said even if the property is sold without an easement, the buyer should be notified that the lines exist and restrict what could be built there. Huston explained that his client wants to acquire the property to expand its parking lot (Benchmark BioLabs owns the property to the west), which would not be prohibited by a typical power line easement. He said Benchmark BioLabs' bid of \$25,000 was substantially below the \$110,000 value placed on the property by the appraiser and he questioned that value, in light of the building restrictions. Huston said the enabling legislation for counties gives the County Board the authority to sell the land at fair market value, and if there is not a fair market value offer, the Board can negotiate for sale.

MOTION: Schorr moved to authorize Don Killeen, County Property Manager, to begin negotiations for sale.

Eagan said the Board should first take action to reject all bids.

The maker of the motion withdrew her motion.

Workman suggested long-term lease of the property as an option.

MOTION: Schorr moved and Hudkins seconded to: 1) Direct the County Attorney's Office to prepare a resolution to reject all bids relating to the Sheriff's sale of surplus property located at 831 Westgate Boulevard and to schedule action on the July 31, 2007 Board of Commissioners Meeting agenda; and 2) Direct Don Killeen, County Property Manager, to begin negotiations with interested parties. Hudkins, Stevens, Workman and Schorr voted aye. Motion carried.

9 ACTION ITEMS

A. Authorization to File Grant Application to the Nebraska Office of Highway Safety for Sobriety Checkpoint

MOTION: Schorr moved and Stevens seconded to authorize the Chair to sign the grant application. Hudkins, Stevens, Workman and Schorr voted aye. Motion carried.

B. Letters to Nationwide Retirement Solutions (NRS) Authorizing Release of Information to Segal Advisors

MOTION: Stevens moved and Workman seconded to authorize the Chair to sign the letters. Schorr, Workman, Stevens and Hudkins voted aye. Motion carried.

10 ADMINISTRATIVE OFFICER REPORT

A. Planning Commission Appointment

Workman said the Mayor is seeking a recommendation from the Board on a Lincoln City/Lancaster County Planning Commission appointment.

The Board reviewed an appointment application submitted by Jeff L. Frack and a resume submitted by Robert R. Moline.

MOTION: Stevens moved and Schorr seconded to recommend Robert R. Moline to the Mayor for appointment to the Lincoln City/Lancaster County Planning Commission.

Hudkins expressed concern that Moline would be more of an acreage than an agricultural representative and said he would favor the other candidate on those grounds.

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

B. Results of Sheriff's Sale (831 Westgate Boulevard)

Item was moved forward on the agenda.

C. Removal of Cottonwood Trees (McGee Addition, East of South 115th Street and Middle Fork Road)

Eagan said action wasn't taken on a contract with Gary Nickel, 11500 Middle Fork Road, to allow Nickel to move some of the cottonwood trees in the county right-of-way on Middle Fork Road and to remove the remainder. He said Nickel went ahead with the work, but did not fill one of the holes.

Board consensus was to direct the County Engineer to fill the hole.

D. Sale of Vacated Road (South 88th Street North of Taliesin Drive)

Fox indicated the need to determine the fair market value.

The Chair asked Gwen Thorpe, Deputy Chief Administrative Officer, to contact Don Killeen, County Property Manager, and Jim Shotkoski, County Engineering, regarding an appraisal that was done on the property before the easement was put in.

E. Sittler Fence

Fox discussed the proposed license agreement with Lyle D. and Alice K. Sittler to construct a fence for the retention of livestock upon county property along road right-of-way on the south side of West Bennet Road to one-half mile west of Southwest 72nd Street. He recommended that the County require the Sittler's to have liability insurance and to list the County as an additional insured party.

11 DISCUSSION OF BOARD MEMBER MEETINGS

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

Schorr reported on an emergency meeting held for the purpose of allocating additional funds for the Harris Overpass project (the bids came in much higher than anticipated).

B. Mental Health Jail Diversion Recognition Luncheon - Stevens

Stevens said the collaborative partners were recognized. The County Board of Commissioners was recognized with a plaque as the sponsor.

Board consensus was to schedule a formal presentation at a regular Board of Commissioners Meeting.

ADDITIONS TO THE AGENDA

A. Lower Platte River Corridor Alliance Airboat Tour 2007 (Exhibit A)

Hudkins and Schorr reported on the event.

12 ADJOURNMENT

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

Dan Nolte
Lancaster County Clerk