

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, AUGUST 16, 2007  
8:30 A.M.**

Commissioners Present: Bernie Heier, Vice Chair  
Larry Hudkins  
Ray Stevens

Commissioners Absent: Bob Workman, Chair  
Deb Schorr

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

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

**AGENDA ITEM**

**1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, AUGUST 9, 2007**

**MOTION:** Stevens moved and Hudkins seconded approval of the Staff Meeting minutes dated August 9, 2007. Stevens, Hudkins and Heier voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Tables for Child Support Referee (Exhibit A)
- B. Greenbelt Disqualification Protest Schedule (Exhibit B)
- C. Update on The Heather (Community Transition Program)
- D. Lancaster Manor Update

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

**3 NEBRASKA ENVIRONMENTAL TRUST APPLICATION (SALINE WETLANDS CONSERVATION PARTNERSHIP)** - Terry Genrich, Parks & Recreation Natural Resources Manager; Tom Malmstrom, Parks & Recreation Natural Resources Coordinator

Tom Malmstrom, Parks & Recreation Natural Resources Coordinator, requested support of the City's application to the Nebraska Environmental Trust for a third, three-year grant for conservation of the Eastern Saline Wetlands. The City has asked that the County continue to partner with the City, Nebraska Game and Parks, the Lower Platte South Natural Resources District (NRD) and Nature Conservancy in the grant and commit \$75,000 in funds for disbursement by the end of Fiscal Year 2010-2011.

Terry Genrich, Parks & Recreation Natural Resources Manager, said in the past, the County has elected to pay its share in one lump sum in the third budget year of the grant. The funding could also be split into incremental payments.

It was noted that County has allocated funds from the Keno Fund to fund its portion in the past.

**MOTION:** Hudkins moved and Stevens seconded to: 1) Authorize the Vice Chair to sign the letter of support; and 2) Participate in the grant, up to \$75,000; and 3) Consult Dennis Meyer, Budget and Fiscal Officer, about the most appropriate source of funding. Hudkins, Stevens and Heier voted aye. Motion carried.

**4 A) TRABERT HALL REMODEL FOR ADULT PROBATION; AND B) COURTHOUSE PLAZA FURNITURE** - Don Killeen, County Property Manager

**A) Trabert Hall Remodel for Adult Probation**

Don Killeen, County Property Manager, estimated the cost at \$29,577, using unit price contractors. Funding will be through the Building Fund with a surcharge to the rent to recover costs.

**MOTION:** Hudkins moved and Stevens seconded to authorize the expenditure, up to \$30,000, to prepare the space in Trabert Hall for Adult Probation. Hudkins, Stevens and Heier voted aye. Motion carried.

## **B) Courthouse Plaza Furniture**

Killeen said the Public Building Commission (PBC) approved the purchase of systems furniture for the building. He said there is also a need for desks and case goods to outfit offices for the attorneys in the Public Defender's Office. **NOTE:** The Public Defender's Office will be moving to Courthouse Plaza. Their existing offices in the County-City Building were outfitted with systems furniture, since it was not a permanent location for the Public Defender's Office, and that furniture will be reconfigured for the Personnel Department, which is moving into their space.

Hudkins suggested that surplus furniture be utilized to outfit the attorneys' offices, if possible.

Stevens noted that Community Corrections also has a need for furniture.

Killeen said that situation is being addressed.

Hudkins said John Kay, Sinclair Hille & Associates Inc., presented options for relocation of the Juvenile Court to the PBC. He said Kay is refining the options and said he believes the Board should review them when they are ready.

Killeen said another work session is planned and said he will make sure that the Board and Juvenile Court Judges are invited.

### **ADDITIONS TO THE AGENDA**

A. Tables for Child Support Referee (Exhibit A)

**MOTION:** Hudkins moved and Stevens seconded to authorize two (2) tabletops and bases for a total of \$709.40. Hudkins, Stevens and Heier voted aye. Motion carried.

#### **5 DONATION OF APARTMENT 12-PLEX TO LINCOLN-LANCASTER COUNTY MENTAL HEALTH FOUNDATION - Dean Settle, Community Mental Health Center Director**

Dean Settle, Community Mental Health Center Director, said an anonymous donor has offered to donate a 12-Plex apartment building at 15<sup>th</sup> and "D" Street, valued at around \$328,000, to expand housing opportunities for individuals with mental illness. He said the Lincoln-Lancaster County Mental Health Foundation is the most appropriate entity to receive the donation and said it plans to create a housing corporation to hold the property, thereby protecting the assets of the foundation from any liability. Settle said the building could function as a "step down" from The Heather, which serves as a psychiatric residential rehabilitation unit. The Lincoln Housing Authority will make it a project-based apartment complex and will provide subsidized housing vouchers that will stay with the building.

In response to a question from Hudkins, Settle said no money would be required from the County. He said the Foundation will likely contract with a property management entity to function as a landlord and handle repairs. The Community Mental Health Center will provide case management to the individuals living there.

Hudkins stated that he does not want to see a request for expansion of staff, as a result.

## **ADDITIONS TO THE AGENDA**

### **C. Update on The Heather (Community Transition Program)**

Settle said C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, has informed him that State will fund The Heather. The commitment is only for one year of funding. **NOTE:** The County eliminated funding for the program. He asked that the Community Mental Health Center be allowed to continue to manage the program and that the seven county employees who work there be allowed to continue their county employment.

Hudkins asked whether those employees could move to State or Region V employment.

Settle said those are options. He said Region V could also put management of the program out for bid.

Board members indicated a willingness to retain the employees, through a contract with the State.

## **6 FINAL BUDGET REVIEW - Dennis Meyer, Budget and Fiscal Officer**

Hudkins informed Dennis Meyer, Budget and Fiscal Officer, of the request for \$75,000 for a Saline Wetlands Conservation Partnership grant.

Board consensus was to look at how to fund the County's participation in the grant at mid-year.

Meyer said he will be moving some spending authority from Information Services (IS) to the Lincoln Area Agency on Aging. He explained that the City restored some of Aging's funding, which impacted the County's percentage of funding, and said IS plans to reduce budgeted expenditures. Meyer predicted that it will be a "wash".

Hudkins asked whether the County's portion of the funding for the Affirmative Action Officer has been pulled.

Meyer said no, the funds are still in the budget.

Hudkins said it is his understanding that those services may be transferred to the Personnel Department.

Meyer asked the Board how it wants to proceed on the issue of the 1 cent Jail Savings Fund.

**MOTION:** Stevens moved to strike the Jail Savings Fund from next year's budget.

The motion died for the lack of a second.

Meyer noted that valuation figures will be released on Monday.

Brief discussion took place regarding comments the Lincoln Independent Business Association (LIBA) Executive Director made at the public hearing on the budget regarding the County's funding contributions to Nebraska Department of Health and Human Services (HHS) (Region V), mental health services and the County Cooperative Extension Office (Bio-Sludge Program) and the Lincoln-Lancaster County Health Department's discretionary funds.

**7 AMENDMENT OF NORTHERN PONCA HOUSING AUTHORITY AGREEMENT - Kristy Bauer, Deputy County Attorney**

Kristy Bauer, Deputy County Attorney, said the Northern Ponca Housing Authority has offered settlement in the amount of \$10,500, to cover all unpaid PILOT payments due under the cooperation agreement (Exhibit C). She said she believes this is a reasonable payment. **NOTE:** See May 17, 2007 Staff Meeting minutes for additional information.

The Board scheduled action on the August 21<sup>st</sup> Board of Commissioners Meeting agenda.

**ADDITIONS TO THE AGENDA**

**B. Greenbelt Disqualification Protest Schedule (Exhibit B)**

Dan Nolte, County Clerk, asked whether the Board would like his office to schedule all of the protests of disqualification of greenbelt status that have been filed to date (a total of 17) on the August 21<sup>st</sup> Board of Equalization Meeting agenda or hold some for the following week.

Board consensus was to schedule all of them on August 21<sup>st</sup>.

Hudkins stressed the need for consistency in the questions that are asked of the property owners.

**D. Lancaster Manor Update**

Hudkins said the family of a Lancaster Manor resident has contributed \$3,000 towards the \$7,000 cost to get WanderGuard (departure alert system) up and running. He said the Lancaster Manor Foundation will contribute the remainder to facilitate installation. There will only be three or four signaling devices, but that has been deemed sufficient.

**MOTION:** Hudkins moved and Stevens seconded to ask Ron Feters, Lancaster Manor Interim Administrator, and Kerry Eagan, Chief Administrative Officer, to draft letters of appreciation to the family that contributed funds for the WanderGuard System and the Lancaster Manor Foundation, for signature by the Board. Stevens, Hudkins and Heier voted aye. Motion carried.

**8 PENDING LITIGATION - Tom Fox, Deputy County Attorney**

**MOTION:** Hudkins moved and Stevens seconded to enter Executive Session at 9:45 a.m. for discussion of pending litigation. Hudkins, Stevens and Heier voted aye. Motion carried.

**MOTION:** Stevens moved and Hudkins seconded to exit Executive Session at 10:03 a.m. Stevens, Heier and Hudkins voted aye. Motion carried.

**9 A) ON-SITE WASTEWATER TREATMENT SYSTEMS PROPERTY TRANSFER REGULATIONS, AND B) PROPOSED FEE INCREASES FOR BODY ART AND PIERCING; ON-SITE WASTEWATER SYSTEM INSPECTIONS PRIOR TO SALE AND AIR POLLUTION CONTROL PROGRAM - Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief; John Chess, Lincoln-Lancaster County Health Department Environmental Health Supervisor**

**A) On-Site Wastewater Treatment Systems Property Transfer Regulations**

John Chess, Lincoln-Lancaster County Health Department Environmental Health Supervisor, presented the following (Exhibits D, E and F):

- \* Property Transfer Review, Initial Determination
- \* Reason for Non-Approved Property Transfers
- \* Property Transfer Review, Final Determination

An example of a Property Transfer Inspection Report and a list of permitted property transfer inspectors were also presented (Exhibits G & H).

It was noted that the property transfer inspections (on-site inspection of waste water (sewage) treatment systems and water wells prior to the sale of property) do not stop transfers of property.

In response to a question from Hudkins, Chess said vegetation in a lagoon slows down air flow and evaporation. He said the primary concern is cattails, as their long roots can break the seal on a lagoon if they become too plentiful. Cattails are also an indication there is not enough usage and a low water level and possible breakage in the dyke or seals.

Hudkins suggested that it would be beneficial to have an article addressing this issue in the University of Nebraska Cooperative Extension's NEBLINE publication.

### **B) Proposed Fee Increases for Body Art and Piercing, On-Site Wastewater System Inspections Prior to Sales and Air Pollution Control Program**

Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief, said the fee changes were included in the Health Department's budget proposal. The increases are in the range of 5 percent, with the exception of those for body art and piercing and asbestos project notification.

#### **10 MILLIMAN USA CONTRACT UPDATE** - Tom Fox, Deputy County Attorney; Bill Kostner, City Risk Manager

Tom Fox, Deputy County Attorney, relayed concerns regarding the proposed contract, specifically the indemnification provisions and liability limitations.

Bill Kostner, City Risk Manager, said the Request for Proposals (RFP) Review Committee reviewed seven proposals. He said Milliman submitted the lowest bid and the Committee unanimously approved their selection. Kostner added that Milliman has provided the County with good service in the past.

The Board scheduled action on the contract on the August 21<sup>st</sup> Board of Commissioners Meeting agenda.

#### **11 PURCHASE OF ADDITIONAL ELECTRONIC MONITORING EQUIPMENT** - Kim Etherton, Community Corrections Director

Kim Etherton, Community Corrections Director, presented Budget Adjustments, Department of Community Corrections, Fiscal Year 2007-08 (costs associated with increasing the numbers) (Exhibit I):

Cellular Units	\$4.50 per day x 20	\$24,480
Sobrietor & Home Guard Units	10 Sobrietors	
	10 Home Guard	\$31,000
Behavioral Interventions (BI)		
Monitoring Service	\$1.25 per day x 20	\$ 6,925
Drug Testing Supplies	Testing 3 times a week x 40 x 8	\$ 3,240
Drug Testing Confirmations	Baseline confirmation; then any positive tests	\$ 2,500
Landlines	10 Home Guard units	<u>\$ 5,000</u>
TOTAL		<u>\$73,145</u>

Stevens asked whether it would be possible to make house arrest available to individuals that qualify, if they would be willing to pay part of the equipment costs.

Etherton said offenders already have the option to pay \$15 per day to be supervised by the Sheriff's Department. County Court also wanted a guarantee that Community Corrections would accept qualified individuals, regardless of their ability to pay. She said the judges are going to start sentencing individuals who have two-day jail sentences to house arrest, instead of jail, and said those individuals will be required to pay for their monitoring, as a condition of their probation.

Etherton also presented pre-trial statistics (see Exhibit I).

Heier said the Board will consult Dennis Meyer, Budget and Fiscal Officer, regarding funding of her proposal.

## **ADMINISTRATIVE OFFICER REPORT**

### **A. Smoking Ban Update**

Gwen Thorpe, Deputy Chief Administrative Officer, said Chantix (anti-smoking pill) is not on the County's drug formulary but employees could purchase the drug using the LancasterRx Prescription Discount Card.

Hudkins said the Lancaster Manor Advisory Board has recommended a January 1<sup>st</sup> implementation date. He said Ron Feters, Lancaster Manor Interim Administrator, has indicated that there are 26 residents that smoke and would like to be able to offer them the prescription or smoking cessation classes before implementation.

The Smoking Cessation Support Group Progress Report submitted by the Community Mental Health Center was briefly discussed (see agenda packet).

Stevens suggested a 50/50 cost share for any employees willing to try Chantix.

Board consensus was to consult the County Risk Manager; County Attorney's Office and the Lincoln-Lancaster County Health Department Public Health Educator, about what steps to take to make County buildings smoke-free.

**12 POST EMPLOYMENT HEALTH PLAN (PEHP) FOR UNREPRESENTED EMPLOYEES** - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; Kristy Bauer, Deputy County Attorney; Don Thomas, County Engineer

Discussion took place regarding the sick leave payout for unrepresented employees (Exhibit J).

**MOTION:** Hudkins moved and Stevens seconded to direct Personnel Department and County Attorney to: 1) Prepare an amendment to County Resolution No. R-06-0030 to have 100% of the sick leave payout for unclassified, unrepresented employees distributed into the Post Employment Health Plan (PEHP) in the event of retirement or death; and 2) Prepare an amendment to County Personnel Rule No. 19.3 to have 100% of the sick leave payout for classified, unrepresented employees distributed into the Post Employment Health Plan (PEHP) in the event of retirement or death.

The Personnel Department was asked to make sure that the sick leave payout for Excluded "X" employees matches that of American Federation of State, County & Municipal Employees ( AFSCME) represented employees .

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

**13 TREES PLANTED IN COUNTY RIGHT-OF-WAYS** - Don Thomas, County Engineer

Don Thomas, County Engineer, reported on a situation involving trees planted in the right-of-way in the Yankee Lake Estates Subdivision on Southwest 56<sup>th</sup> Street, south of the Denton Road (see photographs in Exhibit K). He said the trees were planted by the Lower Platte South Natural Resources District (NRD) and suggested that the Board consult Glenn Johnson, Lower Platte South NRD General Manager, regarding a solution.

Stevens expressed concern regarding a steep drop-off from the road to the bottom of the culvert on West Bennet Road, west of 72<sup>nd</sup> Street. He said a guardrail may be appropriate.

Thomas agreed to follow-up on the situation.

**14 EAST BELTWAY UPDATE - Don Thomas, County Engineer**

Don Thomas, County Engineer, said he was contacted by the attorney that represents the owner of a 17 acre tract that is in the middle of the East Beltway interchange. He said he wanted the Board to be aware that purchase of the tract will be scheduled in the near future and that it will be expensive. Thomas said funds that have been set aside should be sufficient to buy the tract and complete the interchange design.

**RETURNING TO ITEM 16A**

Pat Henry, a volunteer at Lancaster Manor, appeared and urged the Board to allow the residents to retain their smoking privileges.

**15 ACTION ITEMS**

A. Robe for Juvenile Court Judge Reggie Ryder

**MOTION:** Hudkins moved and Stevens seconded to reimburse Juvenile Court Judge Reggie Ryder \$426.50 for the cost of a robe. Hudkins, Stevens and Heier voted aye. Motion carried.

B. Participation in United States Census Bureau Local Update of Census Addresses (LUCA) and Appointment of Kent Morgan, Assistant Planning Director, as the County's Liaison

**MOTION:** Stevens moved and Hudkins seconded to participate in the United States Census Bureau Local Update of Census Addresses (LUCA) and to appoint Kent Morgan, Assistant Planning Director, as the County's liaison. Stevens, Hudkins and Heier voted aye. Motion carried.

C. Letter of Termination to Key Rehabilitation, Inc.

Tom Fox, Deputy County Attorney, appeared and recommended that the Board give Key Rehabilitation, Inc. a 60-day notice of termination.

**MOTION:** Hudkins moved and Stevens seconded to follow the recommendation of the County Attorney's Office and send a letter to Key Rehabilitation, Inc. giving 60-day notice of termination. Hudkins, Stevens and Heier voted aye. Motion carried.

D. Advance of Eighty (80) Hours of Vacation Time to Ron Fetters, Lancaster Manor Interim Administrator, Per County Resolution No. R-06-0030

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

## **16 ADMINISTRATIVE OFFICER REPORT**

### A. Smoking Ban Update

Item was moved forward on the agenda.

B. Claim for Review: PV 13181, Reimbursement of Expenses for Holly Parsley, Deputy County Attorney (\$7.44 for Photo Development and \$53.35 for Mileage)

**MOTION:** Stevens moved and Hudkins seconded to handle the claim through the regular claims process at the August 21, 2007 Board of Commissioners Meeting. Stevens, Hudkins and Heier voted aye. Motion carried.

### C. Purchase of Fire Suppression Pump

Board consensus was to schedule the item on the August 21, 2007 Board of Commissioners Meeting agenda.

D. Sign-On Letter to Senator Tom Harkin Supporting Funding for Rural Development Title (Exhibit L)

**MOTION:** Hudkins moved and Heier seconded to authorize the Vice Chair to sign the sample letter. Hudkins, Stevens and Heier voted aye. Motion carried.

E. Appointment of Timothy Barrett Chlupsa to the Air Pollution Control Advisory Board

Board consensus was to schedule the item on the August 21, 2007 Board of Commissioners Meeting agenda.

## **17 DISCUSSION OF BOARD MEMBER MEETINGS**

A. Information Services Policy Committee - Stevens

No report.

B. District Energy Corporation - Hudkins, Heier

Hudkins said the District Energy Corporation is interested in supplying energy to the new jail at Southwest 40<sup>th</sup> and "O" Street. He also reported that the Vanguard Group is willing to extend money to District Energy, which could be less costly than a bond issue.

C. Public Building Commission and Budget Public Hearing - Hudkins,  
Workman

See Item 4.

D. Board of Health - Schorr

No report.

## **18 ADJOURNMENT**

**MOTION:** Stevens moved and Hudkins seconded to adjourn the meeting at 11:35 a.m. Hudkins, Stevens and Heier voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk