

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JANUARY 24, 2008
8:30 A.M.**

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

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

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

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,
JANUARY 17, 2008**

MOTION: Stevens moved and Heier seconded approval of the Staff Meeting minutes dated January 17, 2008. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. City-County Common Agenda (Exhibit A)

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

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Kristin Crawford, Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit B).

Kissel also gave a summary of road bills (see Exhibit B) and said he believes LB846 (Change motor fuel tax) has the best chance of success. He said the bill has the support of the Nebraska Association of County Officials (NACO).

Don Thomas, County Engineer, appeared and agreed to have someone from his department testify on behalf of Lancaster County in support of the bill. He noted that there could be a loss of revenue if there is a reduction in fuel prices.

Kerry Eagan, Chief Administrative Officer, said there is a hearing later in the day on LB793 (Change what county pays for costs of emergency protective custody and proceedings). He expressed concern regarding the definition of residency and the lack of a tolling provision for time spent in a penal institution or mental health facility.

Kissel suggested that Eagan visit with Senator Burling, introducer of the bill, before the hearing. He also recommended that the Board take a neutral position at this time.

MOTION: Hudkins moved and Stevens seconded to authorize Kerry Eagan, Chief Administrative Officer, to testify on behalf of Lancaster County with the understanding that he may testify against the bill or in a neutral capacity, depending on which is in the best interest of the County. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

Brief discussion also took place regarding LB 979 (Change county building levy tax provisions).

MOTION: Hudkins moved and Heier seconded to authorize either Dennis Meyer, Budget and Fiscal Officer, or Kerry Eagan, Chief Administrative Officer, to testify on behalf of Lancaster County in support of LB 979. Schorr, Workman, Stevens, Heier and Hudkins voted aye. Motion carried.

Hudkins and Schorr exited the meeting at 8:55 a.m.

- 4 **A) ALVO ROAD INTERLOCAL AGREEMENT; B) WAVERLY SEWER LINE; C) OLD CHENEY ROAD ROUNDABOUT; AND D) RIGHT-OF-WAY ACQUISITION ON SOUTH 98TH STREET ("A" STREET TO "O" STREET) - Don Thomas, County Engineer**

Alvo Road Interlocal Agreement

Stevens noted that there is contradictory language in the proposed interlocal agreement (see agenda packet). Item 4A(vi) states it is the County's responsibility to contract for the grading and surfacing of West Alvo Road. Item 4B(v) states it is the City's responsibility to obtain design plans and acquire right-of-way for the West Alvo Road Project. The Alvo Road Paving Project Cost Estimate Breakdown (which is an attachment to the interlocal agreement) lists financing of engineering and right-of-way acquisition for West Alvo Road under the County.

Steve Henrichsen, Special Projects Manager in the Planning Department , appeared and confirmed that the engineering and right-of-way acquisition for West Alvo Road, from Tallgrass Parkway to Northwest 12th Street, are the City's responsibility. The County is responsible for the construction (gravel or asphalt). He said NEBCO, the developer, is responsible for construction up to the west end of the Tallgrass Parkway roundabout.

Stevens asked whether anything of significance will happen to the Northwest 12th Street and Alvo Road intersection.

Thomas said he won't know until he sees the engineering work.

Heier asked whether impact fees will be involved.

Henrichsen said NEBCO was annexed in 1999, prior to implementation of impact fees. He said other areas will pay impact fees for future road surfacing, such as Highland View, the subdivision west of Northwest 12th. Henrichsen noted that the City will be building an underpass leading to the future Schoo Middle School on Alvo Road and said a portion of that will be paid by neighborhood park and trail impact fees.

In response to a question from Workman, Henrichsen said there is very little land north of Alvo Road that the City can develop at this point, because of sewer ability. He said the City is looking to potentially use some of the impact fees paid in this area to help improve North 14th Street, from Superior Street up to Alvo Road in the future.

Stevens asked about the asphalt bike trail that will extend between North 1st and North 10th Streets.

Henrichsen said it will probably now extend to North 11th Street, which will be the entrance into the future Kooser Elementary School. He added that NEBCO will be building a permanent concrete trail from 1st Street west to the future Schoo Middle School on Alvo Road and that underpass.

Waverly Sewer Line

Thomas said Waverly has filed for easements which indicate plans for a new sewer line (Exhibit C). He said Waverly is trying to locate the new sewer line on public right-of-way and said it could cause pavement settlement issues and restrict future road expansion.

MOTION: Heier moved and Stevens seconded to send a letter to the City of Waverly, with signature by the Chair or Vice Chair, stating no permit will be issued and no work can proceed in the public right-of-way until the County Engineer has had an opportunity to review the matter and make recommendation to the Board. Heier, Stevens and Workman voted aye. Hudkins and Schorr were absent from voting. Motion carried.

Right-of-Way Acquisition on South 98th Street

Thomas said a tentative agreement has been reached with respect to an escrow agreement to handle the right-of-way acquisition and fund transfer.

Workman asked who will receive the interest on the money.

Thomas said this issue still needs to be resolved.

Schorr returned to the meeting at 9:23 a.m.

Old Cheney Road Roundabout

Schorr questioned the decision to place a roundabout at this location (98th Street and Old Cheney Road)

Thomas said it was a City decision and suggested that concerns be addressed to the Mayor. He added that he would like to proceed with the easement purchase.

MOTION: Heier moved and Schorr seconded to send a letter to Mayor Beutler indicating the County Board's opposition to a roundabout at 98th Street and Old Cheney Road, at this time.

Brief discussion followed and Schorr withdrew her second.

The Board requested a briefing by Roger Figard, City Engineer.

5 COUNTY BOARD OFFICE SECURITY - Don Killeen, County Property Manager

Don Killeen, County Property Manager, reviewed office security options. The most reasonable was a lever and pin pad at a cost of \$496.

MOTION: Stevens moved and Heier seconded to proceed with the option for a door lever and pin pad. Heier, Stevens, Workman and Schorr voted aye. Hudkins was absent from voting. Motion carried.

ADDITIONS TO THE AGENDA

MOTION: Heier moved and Stevens seconded to add discussion of the stripe on the wall behind the dais in the City Council/County Commissioners Hearing Room to the agenda. Heier, Stevens, Workman and Schorr voted aye. Hudkins was absent from voting. Motion carried.

Workman said the light color of the stripe on the wall behind the dais causes problems for the cameras and asked that it be painted another color.

A. City-County Common Agenda (Exhibit A)

No changes were made to the agenda.

6 GRANT SUBMISSION REQUESTS: A) CASE MANAGEMENT TRAINING IN BEHAVIORAL HEALTH B) BRING IN DR. TAYLOR OF THE DELTA PROJECT MODEL

Kit Boesch, Human Services Administrator, appeared and gave an overview of the grants.

MOTION: Stevens moved and Schorr seconded to authorize the Chair to sign the grant applications. Schorr, Workman, Stevens and Heier voted aye. Hudkins was absent from voting. Motion carried.

7 PENDING LITIGATION - Kristy Bauer, Deputy County Attorney; Don Taute, Personnel Director; Ron Feters, Lancaster Manor Administrator

MOTION: Heier moved and Stevens seconded to enter Executive Session at 10:03 a.m. for discussion of pending litigation. Heier, Stevens, Workman and Schorr voted aye. Hudkins was absent from voting. Motion carried.

MOTION: Schorr moved and Heier seconded to exit Executive Session at 10:32 a.m. Schorr, Workman, Stevens and Heier voted aye. Hudkins was absent from voting. Motion carried.

8 COURTROOM CAMERA PROJECT - District Court Judge Steven D. Burns

District Court Judge Steven D. Burns said the District Court Judges would like to submit a proposal to the Nebraska Supreme Court for a pilot project that would provide a closed circuit broadcast of courtroom activities in his and Judge Flowers' courtrooms to the University of Nebraska Journalism and Law Schools. Members of the Nebraska Press Association and the print media will also have access to the broadcast. **NOTE:** Certain types of cases and witnesses will not be broadcast. Burns said the Nebraska Press Association will purchase the camera equipment and said Information Services (IS) has been consulted about the technology requirements. He added that a formal proposal, with all the financial details, will be brought back in a couple of weeks.

Schorr asked the impetus for the project.

Burns said the general concept of opening courtrooms up to cameras has been discussed for some time. He said Gage County and Johnson County have been approved for audio broadcasts of courtroom proceedings and Sarpy is considering a similar approach to this proposal, with broadcast to Creighton University.

Bill Jarrett, Chief Deputy Sheriff, appeared and said his office supports the proposal.

Hudkins returned to the meeting at 10:40 a.m.

Gary Lacey, County Attorney, appeared and said he believes journalists who are not members of the Nebraska Press Association, such as bloggers (provide commentary or news on a particular subject), should also be provided access to the broadcast.

9 PUBLIC DEFENDER CASE LOAD STUDY - Dennis Keefe, Public Defender; Liz Neeley and Alan Thompkins, University of Nebraska Public Policy Center

Dennis Keefe, Public Defender, presented a proposal to have the University of Nebraska Public Policy Center conduct an attorney workload assessment for his office (Exhibit D). He said funding of the study will be through his budget (\$9,836). Keefe suggested that an advisory committee, comprised of members of the Lancaster County Indigent Defense Advisory Committee; the three Presiding Judges, or their representatives; and either a member of the County Board or the Chief Administrative Officer, oversee the study.

Liz Neeley, University of Nebraska Public Policy Center, said the methodology for the study is based on the National Center for State Courts' workload assessments and said a template will be developed that can be used for years to come.

Stevens noted that, under the terms of the proposed contract, the University will own all of the information and suggested that the County should receive a percentage if the University sells any of the research that results from the study.

Alan Thompkins, University of Nebraska Public Policy Center, explained that the University just wants the ability to publish the results and said he would be willing to share in any profits.

MOTION: Heier moved and Schorr seconded approval of the proposal.

Gary Lacey, County Attorney, appeared and said it would be good idea to have the University of Nebraska Public Policy Center conduct an attorney workload assessment for his office at the same time. He said he has sufficient funds in his budget to fund his portion.

Neeley said it would be more costly since there has been less data collection.

The Chair said Lacey could bring back a proposal.

FRIENDLY AMENDMENT: Schorr offered a friendly amendment to appoint Kerry Eagan, Chief Administrative Officer, as the Board's representative on the oversight committee.

The maker of the motion accepted the friendly amendment.

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

Information regarding the University of Nebraska Public Policy Center was also distributed (Exhibit E).

10 PENDING LITIGATION - Bill Peters, Attorney for County Board of Equalization

MOTION: Schorr moved and Heier seconded to enter Executive Session at 11:14 a.m. for discussion of pending litigation. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

MOTION: Stevens moved and Schorr seconded to exit Executive Session at 12:17 p.m. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

- A. Claim for Review: PV150450 (Mileage Reimbursement of \$20.86 from Jury Commissioner)

MOTION: Stevens moved and Heier seconded to handle the claim through the regular claims process at the January 29, 2008 Board of Commissioners Meeting. Heier, Stevens, Workman and Schorr voted aye. Hudkins was absent from voting. Motion carried.

- B. Youth Services Center (YSC) Advisory Committee Appointments and Reappointments

The item was scheduled on the January 29, 2008 Board of Commissioners Meeting agenda.

Workman said Royce Jeffries of Waverly has also expressed interest in serving on the committee.

Board consensus was to forward Jeffries' name to Michelle Schindler, Youth Services Center Director.

- C. Mid-Year Budget Retreat Agenda (See Agenda Packet)

Board consensus was to: 1) Eliminate Item 4 (jail planning) from the agenda; 2) Schedule a Special Staff Meeting on Tuesday, January 29th, immediately following the County Board of Commissioners Meeting, to discuss jail planning issues and to include JoAnne Kissel, The Clark Enersen Partners, in the discussion; and 3) Delay action on a contract with The Clark Enersen Partners for architectural services.

- D. Preliminary Communication Planning for Jail Construction

Gwen Thorpe, Deputy Chief Administrative Officer, said she is working with JoAnne Kissel, The Clark Enersen Partners, in this regard and will bring back a proposal.

12 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Nebraska Association of County Officials (NACO) Board of Directors - Heier

No report.

- B. Nebraska Association of County Officials (NACO) Legislative Meeting - Heier

No report.

- C. Community Mental Health Center (CMHC) Advisory Board - Stevens

Stevens said mental health reform was discussed and said the Nebraska Department of Health and Human Services (HHS) has given a significant portion of the health reform funding to Omaha to build a Crisis Center. He said Dean Settle, Community Mental Health Center Director, indicated that the community has a need for additional psychiatrists.

- D. Lancaster County Fairgrounds Joint Public Agency (JPA) - Hudkins, Workman

Workman reported approval of \$1.3 million in expenditures.

Hudkins reported on a letter issued by the Agricultural Society and said the Ag Society has indicated that it is willing to cooperate with the State Fair but does not want any part of a racetrack or mutual betting.

13 ADJOURNMENT

MOTION: Heier moved and Stevens seconded to adjourn the meeting at 12:29 p.m. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk