

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 6, 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 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE MINUTES OF THE THURSDAY, FEBRUARY 28, 2008 STAFF MEETING

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Thursday, February 28, 2008 Staff Meeting. Heier, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Excel Software Licenses
- B. Kitchen Hood Upgrade for Lancaster Manor (\$2,195)

MOTION: Schorr moved and Stevens seconded approval of the additions to the agenda. Heier, Schorr, Stevens, Workman and Heier 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 A).

Heier said he will visit with Senators Engel and Fulton regarding LB 587 (Eliminate limitations on appropriations for county jail reimbursement assistance).

Brief discussion also took place regarding LB 371 (Adopt the Nebraska Peace Officer Retirement Act). Concerns were expressed regarding moving from the current defined contribution plan to a defined benefit plan and how the loss of that employee group would impact the County's retirement plan.

MOTION: Schorr moved and Stevens seconded to oppose LB 371. Hudkins, Schorr, Stevens, Heier and Workman voted aye. Motion carried.

4 BRIDGE FUND AMENDMENT - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, noted funds for Part II of a contract for grading construction and culvert work for Project 07-29 were encumbered in the Bridge Fund and when the contractor defaulted, the contract was terminated and County Engineering lost its spending authority. He said the budget will need to be amended, which will require a public hearing. **NOTE:** The Board will take action to set the public hearing at the Tuesday, March 11, 2008 County Board of Commissioners Meeting.

ADDITIONS TO THE AGENDA

A. Excel Software Licenses

Kerry Eagan, Chief Administrative Officer, said the Purchasing Department uses Excel for E-Bid, but not all departments have the software.

Board consensus was to gather more information.

ADMINISTRATIVE OFFICER REPORT

A. Administrative Assistant to the County Board

The Board discussed the vacancy and whether to re-open the position as a full-time or part-time position.

Heier said Mary Meyer, Office Assistant, should be compensated if she has to pick up more of the workload.

Eagan said there are various ways to do that.

MOTION: Heier moved and Hudkins seconded to list the position as part-time, a minimum of four (4) hours per day, with benefits. Hudkins, Schorr, Workman and Heier voted aye. Stevens voted no. Motion carried.

B. Saline Wetland Conservation Partnership (SWCP) Award

Eagan said Terry Genrich, Parks & Recreation Natural Resources Manager, and Tom Malmstrom, Natural Resources Coordinator, will attend the awards ceremony.

C. Speaker Requests Regarding Jail Construction

Gwen Thorpe, Deputy Chief Administrative Officer said the Downtown Rotary Club and Lincoln Center Kiwanis have requested a speaker to address the new jail construction project. Heier and Workman agreed to serve as the speaker and alternate, respectively. Hudkins indicated that he might also be available. It was suggested Mike Thurber, Corrections Director, accompany the speaker to answer questions on operations.

Eagan suggested Board members review the Nebraska Accountability and Disclosure Commission opinions that address what Board members can and cannot say regarding a ballot issue.

5 LANCASTER MANOR BUDGET UPDATE - Dennis Meyer, Budget and Fiscal Officer; Ron Fetters, Lancaster Manor Administrator

Dennis Meyer, Budget and Fiscal Officer, expressed concern regarding cash flow issues at Lancaster Manor (there is a negative cash balance of \$500,000).

Ron Fetters, Lancaster Manor Administrator, said Lancaster Manor is owed \$721,337 from August, 2007 through February, 2008 for Medicare Part A billings and \$138,857 for the same time period for Medicare Part B billings (Exhibits B and C). **NOTE:** The February totals are not complete. He said the Medicare enrollment form was mailed to Wisconsin Physicians Service (WPS), the Medicare contractor, on December 5, 2007. The form was lost and was resubmitted via FedEx on February 8, 2008. That form was also lost and a third was submitted via fax on February 13, 2008. Fetters said he has confirmed receipt with Deb Williams, the office supervisor. Williams said it has been marked RUSH and said Lancaster Manor should be on-line for billing in a couple of weeks.

In response to a question from Schorr, Fetters said Pat Snyder, Executive Director of Nebraska Health Care Association, Inc., is out of town and will be unable to assist him with the problem for two weeks. He said he is hopeful that the problem will be resolved by then.

Stevens suggested it would be more appropriate for WPS to mark the enrollment form CRITICAL, since their loss of the enrollment form has caused a cash flow problem for Lancaster County, and to respond by the end of the business day.

Board members also encouraged Feters to seek the assistance of the County Attorney's Office.

Meyer inquired about Medicaid reimbursement.

Feters said he anticipates reimbursement in the amount of \$800,000 by the end of June.

ADDITIONS TO THE AGENDA

B. Kitchen Hood Upgrade for Lancaster Manor (\$2,195)

Feters said the upgrade is necessary to be in compliance with the new fire code.

MOTION: Hudkins moved and Stevens seconded to authorize the purchase, in consultation with the Purchasing Department. Heier, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

6 PURCHASING THRESHOLDS FOR INFORMAL AND FORMAL BIDS - Vince Mejer, Purchasing Agent; Bob Walla, Assistant Purchasing Agent

Bob Walla, Assistant Purchasing Agent, said the County's threshold is \$1,500 for informal bids and \$10,000 for formal bids. Bid thresholds for informal and formal bids set out in the County Purchasing Act are \$5,000 and \$20,000, respectively.

In response to a question from Schorr, Walla said the City's bid thresholds match those of the County.

Vince Mejer, Purchasing Agent, noted the City plans to place an initiative on the May election ballot to raise the formal bid threshold to \$25,000.

MOTION: Stevens moved and Heier seconded to ask the County Attorney's Office to prepare a resolution to increase the threshold for formal bids from \$10,000 to \$20,000. Heier, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

7 CAMERAS IN THE COURTROOM PROJECT - District Court Judge Steven D. Burns

District Court Judge Steven D. Burns, said it appears the Nebraska Supreme Court will approve a pilot project to 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. He said he anticipates that the broadcast will be up and running by April and estimated the County's cost at \$1,000 to pull the necessary wires.

Don Killeen, County Property Manager, appeared and said the Public Building Commission (PBC) can cover the cost of the work, which will be done in-house.

Terry Wagner, Lancaster County Sheriff, appeared and said his department will monitor the video feed for security purposes.

8 PROJECT MANAGER FOR JAIL CONSTRUCTION - John Sampson, Sampson Construction Company, Inc.; Greg Newport, The Clark Enersen Partners; Judy Halstead, Lincoln-Lancaster County Health Department; Mike Thurber, Corrections Director; Don Killeen, County Property Manager; Vince Mejer, Purchasing Agent

Judy Halstead, Lincoln-Lancaster County Health Department, discussed her role in the Health Department construction/remodel project. She also presented a summary of responsibilities related to the jail construction project (Exhibit D).

Greg Newport, The Clark Enersen Partners (architects for the project); John Sampson, Sampson Construction Company, Inc. (Construction Manager (CM) at Risk); Don Killeen, County Property Manager, and Vince Mejer, Purchasing Agent, discussed their respective roles.

Mejer said there are two ways to do the bids: 1) The bids would go through the Purchasing Department and the CM at Risk; and 2) The bids would go through the CM at Risk (Purchasing official would be present when the bids are opened).

Sampson provided a sample progress report (Exhibit E). He noted independent testing is included in the price as an allowance.

Heier asked how often concrete is tested.

Sampson said it will be tested daily.

Discussion took place regarding what roles still need to be filled. The following items were identified:

- * Process and monitor Sampson and Clark Enersen contracts
 - * Process pay requests
 - * Monitor fees
 - * Monitor timelines to ensure they are being met
- * Process pay requests
- * Provide input into the design process (includes various staff)
- * Coordinate internally with department
- * Property/building management function (learn process of managing equipment)
- * Owner representative/decision making communication
- * Public relations/media spokesperson
- * Provide periodic written progress updates
- * Communicate with groups/public

Mejer noted the Board reduced the portion of the Clark Enersen contract that dealt with contract administration by \$500,000 and suggested those funds could be used to hire an independent project manager. He said he believes independent oversight is needed.

Killeen said he doesn't believe the extra layer of oversight is needed.

Newport said the CM at Risk will verify that work is being done in conformance within the contracts and said his firm could provide a second layer of assurance in terms of conformance and verification of work progress.

Halstead stressed that someone needs to serve as the owner rep and be responsible for the day-to-day decisions.

Workman said he sees Bob Jarrett, Maintenance/Construction Manager for Corrections, in that role.

Hudkins said it should be in consultation with Killeen and asked Killeen whether his department could be responsible for processing pay requests.

Killeen said it would depend on how contract administration is structured with Clark Enersen.

Hudkins suggested a "team approach" to processing of pay requests between Dennis Meyer, Budget and Fiscal Officer, Thurber and Killeen, with additional oversight by Clark Enersen.

Mike Thurber, Corrections Director, said he could serve as the County's public relations/spokesperson and Jarrett could be the County's "eyes and ears" on the project site.

Stevens asked Thurber whether he would have to backfill for Jarrett's current duties.

Thurber said he would probably want to hire an Assistant Maintenance/Construction Manager once construction begins.

Stevens said he would like to see Jarrett's resume. He also asked Thurber whether he would be willing to let Jarrett take a leave of absence from his Corrections position and work in an unclassified position, reporting directly to the County Board, for the duration of the project.

Thurber said he would prefer to keep Jarrett on staff.

9 EAST BELTWAY UPDATE - Don Thomas, County Engineer; Roger Figard, City Engineer; Jim Linderholm, HWS Consulting Group, Inc.

Jim Linderholm, HWS Consulting Group, Inc., said the final design concept for the East Beltway was finished in October, 2007. The field review identified conflicts with utilities and data was gathered to look at alternatives. He said the Nebraska Department of Roads and Federal Highway Administration are nearing resolution on the Interchange Justification Report (IJR) and the preliminary corridor design should be completed by early April. Property owner briefings are planned for early May. Public meetings will follow later in the month.

Schorr exited the meeting at 11:40 a.m.

Heier asked whether any houses will be taken.

Linderholm said he does not believe so.

Hudkins asked how soon the corridor can be narrowed.

Linderholm said he believes they will be able to show property owners the specific limits when they meet with them in May.

10 POTENTIAL LITIGATION - Don Thomas, County Engineer; Tom Fox, Deputy County Attorney

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 11:46 a.m. for discussion of potential litigation. Hudkins, Stevens, Workman and Heier voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 11:50 a.m. Heier, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

11 ACTION ITEMS

A. Keno License Renewal (\$100 Fee)

MOTION: Heier moved and Stevens seconded to authorize signature by the Chair. Heier, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Administrative Assistant to the County Board
- B. Saline Wetland Conservation Partnership (SWCP) Award
- C. Speaker Requests Regarding Jail Construction

Items A, B & C were moved forward on the agenda.

D. Agenda Items for Joint Lincoln Public Schools (LPS) Board of Education/City Council/County Board Meeting (Tuesday, April 8, 2008)

None were stated.

E. Agenda Items for City-County Common Meeting (Tuesday, April 8, 2008)

The following items were proposed: 1) A presentation on the Crisis Center; and 2) Discussion of jail funding.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Visitors Promotion Committee (VPC) - Stevens

Stevens said discussion took place regarding the possibility of an arena in the Haymarket area.

B. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Heier said acreage development is down 50% from last year and said a University of Nebraska graduate student is going to be working on acreage development for the EAC.

C. Lincoln Chamber of Commerce Coffee - Stevens

Stevens said he outlined the Board's position on the jail bond issue.

14 ADJOURNMENT

MOTION: Workman moved and Schorr seconded to adjourn the meeting at 12:01 p.m. Hudkins, Schorr, Workman, Stevens and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk