

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, APRIL 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  
Dennis Meyer, Budget and Fiscal 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 MINUTES OF THE THURSDAY, APRIL 17, 2008 STAFF MEETING AND PLACE ON FILE MINUTES OF THE TUESDAY, MARCH 25, 2008 LANCASTER COUNTY DEPARTMENT OF CORRECTIONS (LCDC) DESIGN WORKSHOP #2 (MORNING SESSION)**

**MOTION:** Stevens moved and Schorr seconded to: 1) Approve the minutes of the Thursday, April 17, 2008 Staff Meeting; and 2) Place on file the minutes of the Tuesday, March 25, 2008 Lancaster County Department of Corrections (LCDC) Design Workshop #2 (Morning Session). Hudkins, Workman, Stevens and Schorr voted aye. Heier abstained from voting. Motion carried.

- 2 ADDITIONS TO AGENDA**

- A. Personnel Investigative Proceeding at Lancaster Manor (Executive Session)
- B. Downtown Lincoln Association (DLA) Meeting
- C. KFOR (Radio Station) Interview

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

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

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A).

Board consensus was to continue to pursue legislation to change county building levy tax provisions. Workman suggested the County propose legislation to change the period of years for which a tax can be levied for designated county building projects from ten to twenty-five and include municipalities.

Kissel noted there are three legislative seats up this year in Lancaster County and suggested the Board meet with the new senators following the election.

**ADDITIONS TO AGENDA**

B. Downtown Lincoln Association (DLA) Meeting

Stevens said the need for additional parking in the downtown area was discussed and said the parking deficit has delayed the Lincoln Synergy Group project (high-rise project for the block bounded by 13<sup>th</sup>, 14<sup>th</sup>, P and Q Streets). He said selection of a developer for the West Haymarket area is expected next week.

C. KFOR (Radio Station) Interview

Workman said he and Hudkins discussed bonding for the jail project.

**ACTION ITEMS**

A. Microcomputer Request, C#46862, \$984.79 from the County Attorney's Budget for Four (4) Palm Tungsten E2's

**MOTION:** Heier moved and Stevens seconded approval of the request.

In response to a question from Stevens, Dennis Meyer, Budget and Fiscal Officer, said he anticipates the County Attorney will request an additional appropriation.

The maker of the motion and the seconder withdrew their motion.

**MOTION:** Heier moved and Stevens seconded to approve the request, provided funding is through the Drug Forfeiture Fund. Hudkins, Heier, Stevens, Schorr and Workman voted aye. Motion carried.

### **ADMINISTRATIVE OFFICER REPORT**

#### A. Planning Commission Appointment

Schorr said Mayor Beutler will not forward Charles Weber's name for appointment to the Planning Commission.

The Board reviewed a resume submitted by James W. Partington (Exhibit B).

**MOTION:** Hudkins moved and Stevens seconded to forward nomination of James W. Partington to Mayor Beutler. Schorr, Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

#### B. Lincoln-Lancaster County Ecological Advisory Committee (EAC) Appointment (Tom Keep) and Reappointments (Tim Golden and Richard Slama)

The Board scheduled the item on the Tuesday, April 29, 2008 Board of Commissioners Meeting agenda.

#### C. Discussion Regarding County Budget Summary/Annual Report

Kerry Eagan, Chief Administrative Officer, noted the Board has discussed issuing an annual report and suggested the Board consider a document similar to the Budget-in-Brief (budget summary/annual report) Marin County, California has issued (see agenda packet).

**MOTION:** Hudkins moved and Stevens seconded to direct Kerry Eagan, Chief Administrative Officer; and Gwen Thorpe, Deputy Chief Administrative Officer, to research the Budget-in-Brief concept and bring back a cost estimate. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

#### **4 COMPREHENSIVE PLAN DISCUSSION REGARDING NEW INTERCHANGES (HIGHWAY 2 AND SOUTH 162<sup>ND</sup> STREET; HIGHWAYS 77 AND 33; AND HIGHWAYS 79 AND 34) - Marvin Krout, Planning Director; Mike DeKalb, Planner**

Marvin Krout, Planning Department, noted some time ago the Board had asked the Planning Department to work with the Village of Bennet on the "Bennet Corner" interchange and to look at the corridor from Bennet along Highway 2 into Lincoln. He said Bennet declined the Planning Department's offer of assistance at that time and came up with a plan of their own.

Krout presented his thoughts on possible development corridors in rural Lancaster County (Exhibit C), noting the Comprehensive Plan calls for ". . . maintaining an edge between urban and rural land uses . . ." and states that "Residential, commercial and industrial development take place in the City of Lincoln and within incorporated towns. This ensures that there are convenient jobs and a healthy tax base to support the public safety, infrastructure and services within the communities." The Comprehensive Plan also stresses the importance of maintaining the aesthetics of the County's major transportation corridors: "Linear open space should be developed along major transportation corridors such as the Beltway (all portions) and Antelope Valley . . . Strip commercial development along transportation corridors is discouraged . . . Preserve and enhance entryway corridors into Lincoln and Capitol View Corridors." He said the Plan does note the possibility for exceptions: "While location in the cities and towns of the county is a priority, unique site requirements of a business may necessitate consideration of other suitable and appropriate locations in the county." Krout cited the following reasons for the policies:

- \* Businesses in the incorporated areas provide local tax base to support city/town services, while not reducing the County tax base
- \* More reliable water and sewer service for businesses
- \* Less potential for water/soil contamination, with more monitoring of waste disposal
- \* Better fire protection; lower fire insurance rates
- \* Less impact on neighboring acreage and agricultural properties
- \* Less impact on county road system/traffic enforcement
- \* Development along rural highways, even if clustered at major intersections, will slow through traffic, increase accidents and require more stop signs and traffic signals.
- \* Development along highway corridors will generate demands for more access points, creating more traffic conflicts
- \* Corridor development along highways with no direct access require long frontage roads and bridges across the highway for circulation

Krout said the City has designated potential large employer opportunity areas where services are reachable: north of Highway 34 (2 locations), east of Stevens Creek/South of Fletcher Avenue, and south of the South Beltway at 27<sup>th</sup> Street. He said the tracts are not designated for growth in the Comprehensive Plan, but are held in reserve.

Krout also cited the potential for expanding the range of rural home occupations to “incubate” businesses that could grow and move to other locations.

Stevens said the Comprehensive Plan needs to show what is envisioned for the 162<sup>nd</sup> and Highway 2 and Highways 33 and 77 intersections.

Hudkins said he would like to see orderly planning for corridors, such as the one between Malcolm and Branched Oak Lake, and identification of additional “sweet spots” (areas within the County where development would have minimal infrastructure cost impact).

Schorr said Bennet needs to update its Comprehensive Plan, particularly now that the road alignment and access has changed, and said she will work to forge a relationship between Bennet and the Planning Department.

**MOTION:** Heier moved and Hudkins seconded to ask the Planning Department to bring back a development plan for 162<sup>nd</sup> and 148<sup>th</sup> Streets, in consultation with the Village of Bennet. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

A map of Lancaster County major roads was also distributed (Exhibit D).

Schorr asked the Planning Department to overlay the East Beltway on the map.

Stevens asked that it also show potential interchanges for development.

**NOTE:** The Planning Department revised the map, as requested (Exhibit E).

**5 PREVENTION BLOCK GRANT (STRATEGIC PREVENTION FRAMEWORK, STATE INITIATIVE GRANT) - Kit Boesch, Human Services Administrator**

Kit Boesch, Human Services Administrator, requested authorization to submit two grant applications on behalf of the Substance Abuse Action Coalition. The first is a continuation grant in the amount of \$151,294 and the second is a three-year grant in the amount of \$225,000. She said no cash match is required.

**MOTION:** Stevens moved and Hudkins seconded approval of the grant applications and letters of support. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

## **ADMINISTRATIVE OFFICER REPORT**

- D. Update on County Special Permit No. 07033 (Soil Mining at Highway 77 Between Davey and Branched Oak Roads) (Exhibit F)

Gwen Thorpe, Deputy Chief Administrative Officer, said the conditions of the special permit have been met and a larger sign with contact information will be posted at the site within the next few days.

- E. Announcement of Jail Website

Thorpe said the website for the new Adult Detention Facility (ADF) is operational and suggested that notification be sent to the Mayor, City Council, Elected Officials and Department Heads (see draft correspondence in the agenda packet).

**MOTION:** Stevens moved and Hudkins seconded to proceed with the notification and to include the City and Village Clerks. Hudkins, Heier, Stevens, Schorr and Workman voted aye. Motion carried.

- F. Letter from Mayor Beutler Requesting Funding from the Visitors Improvement Fund for Improvement of the Greater West Haymarket Area

**MOTION:** Schorr moved and Stevens seconded to forward the request to the Visitors Promotion Committee (VPC) for recommendation.

Heier said he wants more specifics from the Mayor.

Hudkins said he would prefer to see specific projects and to keep some funds in reserve.

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

- 6 LANCASTER MANOR MEDICAID PAYMENTS** - Vivianne Chaumont, Director of the Nebraska Department of Health and Human Services (HHS) Division of Medicaid and Long-Term Care; Margaret Booth, HHS Hospital Program Manager; Dennis Meyer, Budget and Fiscal Officer

Vivianne Chaumont, Director of the Nebraska Department of Health and Human Services (HHS) Division of Medicaid and Long-Term Care, thanked the Board for signing the Disproportionate Share Hospital (DSH) Intergovernmental Transfer (IGT) agreement.

Chaumont also addressed the issue involving the Intergovernmental Transfer (IGT) (Medicaid) for Lancaster Manor (see April 3, 2008 Staff Meeting minutes). She said HHS will review Lancaster Manor's cost report within 30 days of filing and do a preliminary calculation of the amount owed. HHS will pay the County 90% of that amount within the 30 day period or by October 1<sup>st</sup>, whichever comes first, and the remainder by April 15<sup>th</sup>. The new process will begin with the upcoming cost report. Chaumont added HHS will expect prompt repayment if overpayment is determined after analysis of all the facilities' cost reports.

The Board thanked Chaumont for her efforts to resolve the issue.

Heier asked Dennis Meyer, Budget and Fiscal Officer, about Lancaster Manor's financial status and when he anticipates the Medicare payment.

Meyer said he has not transferred any funds to Lancaster Manor this year. He said the Manor received \$890,000 from HHS for Medicaid reimbursement and its monthly payment (approximately \$1 million) but is still waiting on Medicare reimbursement (estimated at \$1.5 million). Meyer said the Manor has a fund balance in the range of \$600,000 to \$700,000 but payroll and vendors payments will deplete that amount, leaving the Manor with a negative fund balance.

Hudkins asked what the Board can do to resolve the Medicare reimbursement issue.

Meyer recommended the Board consider contracting for Medicare Part A and B claims management and processing until someone is hired to perform that duty.

**7 ADDITIONAL APPROPRIATIONS** - Dennis Meyer, Budget and Fiscal Officer

The Board reviewed a draft letter to county departments regarding additional appropriations for Fiscal Year 2008 and the year-end expenditure cut-off (see agenda packet).

**MOTION:** Hudkins moved and Heier seconded to authorize Dennis Meyer, Budget and Fiscal Officer, to send the letter to county departments and to add a statement that departments should not spend their excess funds. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

## **ADDITIONS TO AGENDA**

- A. Personnel Investigative Proceeding at Lancaster Manor (Executive Session) - Ron Feters, Lancaster Manor Administrator

**MOTION:** Hudkins moved and Schorr seconded to enter Executive Session at 10:26 a.m. for discussion of a personnel investigative proceeding at Lancaster Manor. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

**MOTION:** Hudkins moved and Stevens seconded to exit Executive Session at 10:58 a.m. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Ron Feters, Lancaster Manor Administrator, requested authorization to increase the hourly rate for Gerald Allen, Plant Operations Manager, by \$4.00 per hour. He said Allen has assumed supervision of laundry and housekeeping in addition to his other duties.

Kristy Bauer, Deputy County Attorney, appeared and said there is a process that must be followed.

Feters said he is working with the Personnel Department to change Allen's job description but it is a six to eight month process.

Eagan said an Exceptional Circumstance Award, with a one-step pay increase, could be an interim solution.

Don Taute, Personnel Director, appeared and said a job audit of Allen's position is "in the works".

Hudkins asked Taute to do what he can to expedite the process.

## **RETURNING TO ITEM 6**

Feters said he submitted a contract for Medicare Part A and B claims management and processing to Tom Fox, Deputy County Attorney, for review.

Hudkins asked when it will be scheduled for action.

Fox said he has not received the contract yet.

Board consensus was to schedule the contract for action on the April 29, 2008 Board of Commissioners Meeting agenda, with the understanding that it may be held if the County Attorney's Office does not have sufficient time to review it.

**BENEFITS FOR PART-TIME BAILIFFS (UNCLASSIFIED EMPLOYEE BENEFITS, COUNTY RESOLUTION NO. 07-0081)** - District Court Judge Jodi Nelson; Don Taute, Personnel Director; Kristy Bauer, Deputy County Attorney

District Court Judge Jodi Nelson, said Clancy Smith was hired as a Bailiff I (District Court Work Release Officer) with the understanding that she would receive medical insurance (health, dental and vision) and Post Employment Health Plan (PEHP) and retirement benefits. She said the individual Smith replaced received those benefits, as does the County Court Work Release Officer. Nelson said she has since learned County Resolution No. 07-0081 defines benefits for full-time bailiffs, but does not address part-time bailiffs. **NOTE:** Smith is considered a part-time bailiff because she works 30 hours per week. She said the Personnel Department has interpreted the omission to mean Smith is not eligible for those benefits and said Smith would be the only county employee working more than 20 hours per week that would not receive benefits. Nelson asked the Board to consider amending the resolution to include part-time bailiffs.

Schorr asked whether part-time bailiffs should be made classified employees or assigned to a different department.

Nelson said it would limit ex parte conversations.

**MOTION:** Schorr moved and Heier seconded to schedule action on a Board of Commissioners Meeting agenda to amend County Resolution No. 07-0081 to allow part-time Bailiff I's who work a minimum of 30 hours per week to receive medical insurance and Post Employment Health Plan (PEHP) and retirement benefits.

Kristy Bauer, Deputy County Attorney, said she will research whether life insurance would also apply.

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

There was Board consensus to allow Smith to acquire information packets from the Personnel Department and enroll in the plans.

**8 USE OF PURCHASING AGENT FOR RURAL FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES (EMS) REQUEST FOR PROPOSALS (RFP)** - Mike Thew, Chief Deputy County Attorney; Vince Mejer, Purchasing Agent; Greg Hall, Rural Emergency Medical Response Ad Hoc Committee Chair; Pat O'Brien, Rural Emergency Medical Response Ad Hoc Committee Member

Mike Thew, Chief Deputy County Attorney, said the rural fire districts would like Vince Mejer, Purchasing Agent, to assist them in evaluating the Emergency Medical Services (EMS) Request for Proposals (RFP). He said the County cannot give county resources to another political entity but could provide services through an interlocal agreement. The issue is complicated by the fact that Mejer is a City employee and the City may be submitting a bid. Thew said it would be a conflict of interest and suggested the rural fire districts approach another entity, such as the State Purchasing Bureau or Douglas County, to see if they could provide assistance.

Mejer said the Lincoln Public Schools (LPS) or University of Nebraska-Lincoln (UNL) may also be options.

Stevens asked whether Mejer's conflict of interest would disqualify the process as long as everyone was aware of it.

Thew said he would need to research the issue further and said it would probably require an opinion from the Nebraska Accountability and Disclosure Commission. He added that some conflicts of interest cannot be waived.

Pat O'Brien, Rural Emergency Medical Response Ad Hoc Committee Member, asked whether Doug Ahlberg, Emergency Management Director, could act as a repository for the bid documents.

The Board deemed that acceptable.

O'Brien then asked whether the County Attorney's Office could assist with contract review.

Thew suggested development of an interlocal agreement with the rural fire districts to define the functions that would be performed in consideration for reducing the County's share of the cost of providing services to rural residents.

**9 BENEFITS FOR PART-TIME BAILIFFS (UNCLASSIFIED EMPLOYEE BENEFITS, COUNTY RESOLUTION No. 07-0081)** - District Court Judge Jodi Nelson; Don Taute, Personnel Director; Kristy Bauer, Deputy County Attorney

Item was moved forward on the agenda.

## **10 ACTION ITEMS**

- A. Microcomputer Request, C#46862, \$984.79 from the County Attorney's Budget for Four (4) Palm Tungsten E2's

Item was moved forward on the agenda.

## **11 ADMINISTRATIVE OFFICER REPORT**

- A. Planning Commission Appointment
- B. Lincoln-Lancaster County Ecological Advisory Committee (EAC) Appointment (Tom Keep) and Reappointments (Tim Golden and Richard Slama)
- C. Discussion Regarding County Budget Summary/Annual Report
- D. Update on County Special Permit No. 07033 (Soil Mining at Highway 77 Between Davey and Branched Oak Roads)
- E. Announcement of Jail Website
- F. Letter from Mayor Beutler Requesting Funding from the Visitors Improvement Fund for Improvement of the Greater West Haymarket Area

Items A, B, C, D and E were moved forward on the agenda.

## **12 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Meeting with Gordon Winters, Lincoln Journal Star Opinion Page Editor, Regarding Jail Bond Issue - Stevens, Schorr

Schorr said she and Stevens provided Winters with information related to the jail bond issue and asked for support.

- B. Lancaster County Fairgrounds Joint Public Agency (JPA) - Heier, Workman

Workman said 60% of the funds have been expended.

- C. Joint Budget Committee (JBC) - Stevens, Schorr

Schorr said funding for a particular program was short \$5,000 and C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, agreed to provide the funding.

D. Community Mental Health Center (CMHC) Advisory Committee -  
Stevens

Stevens said Steve Bray, People's Health Center (PHC) Executive Director, spoke to the group.

Stevens said there was a lengthy power outage at CMHC on April 10<sup>th</sup> and the Lincoln Regional Center (LRC), Lancaster County Jail, Bryan/LGH Health System, and CenterPointe provided space for Crisis Center patients.

**13 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 11:52 a.m. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk