

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, MAY 1, 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 STAFF MEETING MINUTES OF THE THURSDAY,  
APRIL 24, 2008**

**MOTION:** Stevens moved and Heier seconded approval of the Thursday, April 24, 2008 Staff Meeting minutes. Stevens, Workman and Heier voted aye. Hudkins and Schorr were absent from voting. Motion carried.

**2 ADDITIONS TO AGENDA**

A. Letter to Judiciary Regarding Jail Labor

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

Schorr arrived at 8:32 a.m.

## **ACTION ITEM**

D. Submit Community Mental Health Center (CMHC) Budget to Region V

Dean Settle, Community Mental Health Center (CMHC) Director, appeared and presented Request for Approval for Behavioral Health Services, Fiscal Year 2008-09 and Budget Summary (Exhibit A).

Hudkins arrived at 8:34 a.m.

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

**3 ADULT DETENTION FACILITY SCHEMATIC DESIGN UPDATE** - Jim Matarelli and Ron Budzinski, PSA-Dewberry; Greg Newport, JoAnne Kissel and Matt Glawatz, The Clark Enersen Partners; Karen Chinn, Chinn Planning; Mike Thurber, Corrections Director

A PowerPoint presentation on the Adult Detention Facility (ADF) schematic design, including 3D modeling views of the building, was presented (Exhibit B).

Greg Newport, The Clark Enersen Partners, discussed the design approach (a series of jail workshops); master plan (build a 664 bed facility with potential expansion to 1,896 beds); and site issues:

- "O" Street Access
- Existing and New Intersections
- Parking
- Perimeter Circulation
- Perimeter Security
- 40<sup>th</sup> Street Development
- Expansion
- Central Plan Location

Ron Budzinski, PSA-Dewberry, discussed program issues:

- Develop Vision/Mission Statements
- Establish Continuum of Care Committee
- Develop Inmate Mapping of New Facility
- Test Pilot Projects at Existing Facility
- Coordinate Operational Tasks with Future Workshops

Jim Matarelli, PSA-Dewberry, discussed the schematic design, noting the following areas:

- Medium/Maximum Security Housing
- Special Management Housing
- Minimum Security Housing
- Work Release Housing
- Exercise Areas
- Vehicle Sally Port
- Intake /Transfer/Release
- Medical
- Mental Health
- Program Areas
- Custody Staff
- Reception
- Visiting
- Administration
- Lobby
- Service Areas
- Staff Areas

Hudkins expressed concern regarding the amount of space between "O" Street and the facility's green space.

Newport said discussions continue with the City of Lincoln on how to provide access to the facility and reduce the amount of paving. He said discussions with the Nebraska Department of Roads are also planned.

Newport said the budget for construction costs is a primary concern and said the architects will be working with the Construction Manager (CM) at Risk between now and the end of May, when the schematic design is scheduled for completion, to develop an estimate that details more than the square footage cost (estimated at \$233 per square foot). He noted some of the issues that will impact the budget:

- 258,000 Square Feet
- Central Energy Plant Savings
- Identify Construction Systems and Materials
- Determine Contingency Allowances
- Identify Energy Sources
- Define Phasing and Alternative Bids
- "O" Street and 40<sup>th</sup> Street Access

## **ACTION ITEMS**

### **A. City-County Common Agenda Items**

**MOTION:** Schorr moved and Stevens seconded to ask the Mayor's Office to provide an update on the West Haymarket Project and financing at the next City-County Common Meeting. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

The Chair exited the meeting at 9:33 a.m. and the Vice Chair assumed direction of the meeting.

- 4 ADULT DETENTION FACILITY PROJECT MANAGER** - Vince Mejer, Purchasing Agent; Don Killeen, County Property Manager; Dennis Meyer, Budget and Fiscal Officer; Tom Fox, Deputy County Attorney; Greg Newport, The Clark Enersen Partners (Architect for the Project) ; John Sampson, Sampson Construction (Construction Manager (CM) at Risk)

Additional discussion took place regarding whether to hire a Project Manager for the Adult Detention Facility (ADF) (see Staff Meeting minutes of February 21, 2008; February 28, 2008, March 6, 2008 and April 17, 2008). The Project Manager would be a temporary employee who would work directly for the County Board, oversee the Architect and CM at Risk and would be on-site to monitor construction of the jail facility. Salary and benefits are estimated to cost \$120,000 a year. The Architect and Construction Manager (CM) at Risk will also represent the County, but have a vested interest (derive private benefit) in the project.

Vince Mejer, Purchasing Agent, said the County Board asked him to be part of the project management but there have been several meetings he was not made aware of and invoices submitted that he has not seen.

Mike Thurber, Corrections Director, said the only invoice that has come through was sent to Mejer. He said Mejer forwarded it to him and he submitted it to Dennis Meyer, Budget and Fiscal Officer.

The Chair returned to the meeting at 9:36 a.m. and resumed direction of the meeting.

Hudkins asked Mejer to define his role.

Mejer said he will be involved with the CM at Risk in the bids but will not be part of authorizing payment to Architect or CM at Risk. He recommended the Board hire a Project Manager to oversee the project.

Kerry Eagan, Chief Administrative Officer, noted project oversight was removed from Clark Enersen's contract during the negotiation process.

Greg Newport, The Clark Enersen Partners, said the cost estimate of \$350,000 to \$400,000 to provide project oversight was put together before the scope of the work had been fully defined.

Don Killeen, County Property Manager, said duties were well defined in the summary presented at the March 6, 2008 Staff Meeting and said adding another layer of oversight could "muddy" the situation.

John Sampson, CM at Risk, said he personally reviews every invoice and said he believes there is sufficient coverage. He added his business and reputation are on the line if the project is not completed to County standards. Sampson noted the schematic design is a week behind schedule and suggested the need for coordination meetings.

Hudkins agreed weekly meetings would be beneficial.

**MOTION:** Stevens moved to hire a project manager for the Adult Detention Facility (ADF) project.

The motion died for the lack of a second.

Tom Fox, Deputy County Attorney, said further clarification is needed on who will review and certify applications for payment.

**MOTION:** Hudkins moved and Heier seconded to: 1) Set up a committee comprised of Don Killeen, Property Manager; Mike Thurber, Corrections; Dennis Meyer, Budget and Fiscal Officer; John Sampson, CM at Risk; and Greg Newport, The Clark Enersen Partners, to review claims at weekly meetings during the construction phase; 2) Have the Budget and Fiscal Officer forward the bills to the County Clerk's Office for payment once the committee has signed off; and 3) Have the committee report to the Board on a monthly basis.

Fox said Clark Enersen's contract will need to be amended to include that service.

Newport said it will be an additional time commitment and estimated the fee at \$10,000.

Stevens said he believes the frequency of meetings should be left up to the committee.

**FRIENDLY AMENDMENT:** Hudkins offered a friendly amendment to state the County Board will make the final decisions with regard to payment and the committee will decide when to meet.

The seconder accepted the friendly amendment.

Stevens asked whether every item would come back to the Board for approval.

Heier reminded the Commissioners that the Board does approve all County claims on a weekly basis.

Hudkins said the committee will review the bills and make recommendation to the Budget and Fiscal Officer. He said if there is disagreement regarding payment, the Board will make the final decision.

Schorr asked Newport to report back in six months with an analysis of how things are going and a firmer estimate of additional fees.

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

**5 GRANT ADMINISTRATION OF ABBOTT MOTOCROSS PROJECT -**  
Glenn Johnson, Lower Platte South Natural Resources District (NRD)  
General Manager; Ari Kennedy, Lower Platte South NRD

Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager, reported on the status of the Abbott Motocross Project. He said the Federal Highway Administration and Nebraska Game and Parks Commission have obligated the funds for the design phase of the project and a consultant has been selected (Big Muddy Workshop). Johnson noted the County is designated as the Recreational Trails Program (RTP) Fund Grant Administrator in the cooperative agreement between the Ethel S. Abbott Charitable Foundation, Lower Platte South Natural Resources District and Lancaster County for funding, construction and operation of a motocross facility on land owned by the Abbott Foundation and Lincoln Sports Foundation (LSF) in the vicinity of 7600 North 70th Street (Contract No. C-06-0531) and asked whether the County is still willing and able to continue in that role. He said the consultant will submit statements for payment on a monthly basis and the RTP will make reimbursement on a quarterly basis.

Dennis Meyer, Budget and Fiscal Officer, appeared and said Heather Zessin, Grant Coordinator, should be able to manage the grant.

Eagan said the County may have to front funds for the project, which is contradictory to the terms of the contract:

*The Parties acknowledge and agree that the County has no obligation and responsibility under this Agreement for making financial contributions to the Project, other than specified above, unless otherwise specifically agreed to in writing by the County.*

Hudkins asked whether Visitors Promotion Committee (VPC) funds could be used.

Eagan suggested the Board request a legal opinion.

Workman asked when Arbor Road will need to be paved (the County has agreed to pave the road to provide access to the facility).

Johnson said it could be needed as early as next Fall.

Eagan said the County Engineer should get started on the project.

**6 PROPOSED REVISION OF GENERAL ASSISTANCE (GA) REGULATIONS** - Gary Chalupa, Veterans Service Officer/General Assistance Director; Geneice Coudriet, Veterans Service Specialist

Gary Chalupa, Veterans Service Officer/General Assistance Director, gave an overview of proposed changes to the General Assistance (GA) Guidelines (Exhibit C).

**7 UNIT PRICE CONTRACTS** - Bob Walla, Assistant Purchasing Agent; Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, said the Purchasing Department tries to standardize unit price contracts for the County, City and Public Building Commission. He noted the City has a "living wage" ordinance (the ordinance requires companies with at least 10 employees who have city contracts worth \$25,000 or more to pay full-time employees a minimum hourly salary, adjusted annually based on federal poverty guidelines) and said it has been applied to joint contracts. Fox said he will talk to the City Attorney's Office to see if the unit price contracts could qualify as an exemption and will report back.

**8 EMERGENCY PURCHASE REQUEST FOR TEN (10) NIGHT STANDS FOR LANCASTER MANOR (\$2,480)** - Ron Feters, Lancaster Manor Administrator; Bob Walla, Assistant Purchasing Agent; Tom Fox, Deputy County Attorney

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

Tom Fox, Deputy County Attorney, said Ron Feters, Lancaster Manor Administrator, has indicated it is his intent to purchase additional night stands and said the total cost would likely exceed the County Purchasing Act limits. He added it is unlikely the purchase of night stands would fall under the emergency waiver clause.

Feters said there is an immediate need to replace several night stands in the facility. He said he would also like to have several spares on hand.

Fox recommended Feters work with the Purchasing Department to get three quotes and keep the purchase within the Purchasing Act Limits or develop a longer term contract so night stands can be purchased as needed. **NOTE:** The County Purchasing Act requires a quote for purchases over \$5,000 and competitive bidding for purchases over \$20,000.

Vince Mejer, Purchasing Agent, said Lancaster Manor should get a lower price by going out to the marketplace with a higher volume.

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

Feters was asked to work with the Purchasing Department, as outlined.

### **ACTION ITEMS**

- E. Award Emergency Bid for Lancaster Manor Chiller to Ace Plumbing and Heating (McQuay Brand - \$88,327)

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

**NOTE:** The item will be scheduled for formal action on the Tuesday, May 6, 2008 Board of Commissioners Meeting agenda.

### **ADMINISTRATIVE OFFICER REPORT**

- A. Claim for Review, PV 166692 for \$3,881.25 for Lancaster Manor (Requires Purchase Order)

Feters presented a packet of information related to the claim (Exhibit D).

Bob Walla, Assistant Purchasing Agent, said Lancaster Manor did not obtain a purchase order or go out for bid.

**MOTION:** Hudkins moved and Heier seconded to handle the claim as a regular claim at the Tuesday, May 6, 2008 Board of Commissioners Meeting. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

## **9 ACTION ITEMS**

### A. City-County Common Agenda Items

Item was moved forward on the agenda.

### B. Submit Click It or Ticket Grant (Exhibit E)

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

### C. Microcomputer Request, C#46885, \$1,892.94 from Clerk of the District Court Budget for One (1) PC, 17" Monitor, Software, Etc.

Item was dropped from the agenda.

### D. Submit Community Mental Health Center (CMHC) Budget to Region V

### E. Award Emergency Bid for Lancaster Manor Chiller to Ace Plumbing and Heating (McQuay Brand - \$88,327)

Items D and E were moved forward on the agenda.

### F. Community Health Endowment Grant Requests:

#### 1. Adult Drug Court (\$10,000)

**MOTION:** Hudkins moved and Heier seconded to request a legal opinion on whether the County can be involved in establishment of a revolving loan fund for participants to access housing, child care, medical, dental and behavioral expenses. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

**MOTION:** Stevens moved and Hudkins seconded to approve submission of the grant, subject to review by the County Attorney's Office. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

2. Human Services for The Substance Abuse Action Coalition Delta Project (\$4,000)
3. Human Services for the New Americans Task Force (Professional Support for Case Managers Working with Behavioral Health Clients) (\$3,500)

**MOTION:** Stevens moved and Schorr seconded approval of Items F2 and F3. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

### **ADDITIONS TO AGENDA**

- A. Letter to Judiciary Regarding Jail Labor

Heier noted receipt of a legal opinion regarding whether it is lawful for the County Board to require sentenced inmates to perform labor.

**MOTION:** Heier moved and Hudkins seconded to send a letter to the County Court and District Court Judges asking them to incorporate "hard labor" in their court orders for offenders sentenced to the county jail.

In response to a question from Stevens, Heier said the term "hard labor" is not defined in law.

Schorr asked that update of the language be added to the legislative list.

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

## **10 ADMINISTRATIVE OFFICER REPORT**

- A. Claim for Review, PV 166692 for \$3,881.25 for Lancaster Manor (Requires Purchase Order)

Item was moved forward on the agenda.

- B. Planning Commission Appointment

No report.

## **11 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Metropolitan Planning Organization (MPO) Officials Meeting - Workman, Heier

Workman said the jail project was discussed and he stressed the need for Southwest 40<sup>th</sup> Street to be paved by the time the jail opens. He also asked the State to pay for the deceleration lanes. Workman noted the State has agreed to "fast track" the 162<sup>nd</sup> Street and Highway 2 project.

B. Lincoln Independent Business Association (LIBA) Monthly Meeting -  
Hudkins, Heier

Hudkins said the group discussed the proposed arena and the possibility of a horse racetrack in the Lancaster Event Center area (84<sup>th</sup> Street and Havelock Avenue).

## **12 EMERGENCY ITEMS AND OTHER BUSINESS**

Schorr said she recently spoke to the Public Policy Committee of the Realtors Association of Lincoln regarding the jail bond issue. She said the Board of Directors of the Home Builders Association of Lincoln and KLIN Radio (1400 AM) have also requested speakers. Schorr agreed to participate in the radio interview and she and Heier will address the Board of Directors of the Home Builders Association of Lincoln.

## **13 ADJOURNMENT**

**MOTION:** Stevens moved and Schorr seconded to adjourn the meeting at 11:34 a.m. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk