

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, OCTOBER 16, 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
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,
OCTOBER 9, 2008**

MOTION: Hudkins moved and Schorr seconded approval of the October 9, 2008 Staff Meeting minutes. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

2 ADDITIONS TO AGENDA

- A. Microcomputer Request from County Attorney (Exhibit A)
- B. Letter from Nebraska Department of Economic Development
Regarding Community Development Block Grant (CDBG) Program
Income (Exhibit B)

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

3 A) COUNTY MISCELLANEOUS NO. 08012, LAND SUBDIVISION AMENDMENTS (SIGNATURE REQUIREMENTS AND APPLICATION EXPIRATION CLARIFICATION); AND B) COUNTY CHANGE OF ZONE NO. 08050, AGRICULTURAL (AG) TO BUSINESS (B), HIGHWAY 77 AND HICKMAN ROAD - Mike DeKalb, Planner

A) County Miscellaneous No. 08012

Mike DeKalb, Planner, gave an overview of County Miscellaneous No. 808012, a request from the Planning Director for a text amendment to the Lancaster County Land Subdivision Regulations to move the notice of hearing requirements to the General Provisions chapter, update the section on expiration of applications, add a section on the process for amending the text of the Land Subdivision Resolution, and allow any opaque ink for signatures on final plats. He said Planning staff initiated the proposed text amendment. The Planning Commission has recommended approval.

B) County Change of Zone No.08050

DeKalb gave an overview of County Change of Zone No. 08050, a request to change the zoning on 8.84 acres from Agricultural (AG) to Business (B) on property .5 mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 to allow for parking and storage of recreational vehicles (RV's) and boats outside the city limits (Exhibit C). He said Planning staff and the Planning Commission have recommended denial of the proposed change of zone.

In response to a question from Stevens, DeKalb said there are no provisions under a special permit for this type of use.

4 LEGACY DAIRY UPDATE - Mike Lang, Administrative Assistant to the Mayor, Economic Development; Doug Cyr, Chief Administrative Deputy County Attorney

Mike Lang, Administrative Assistant to the Mayor, Economic Development, said the Legacy Dairy near Hallam is no longer in business and that Saline State Bank, who was the lender for the Legacy Dairy project, has been trying to structure a deal for a client interested in acquiring the facility. He said one of the questions is how to address the County's Community Development Block Grant (CDBG) loan of \$300,000 to Legacy Dairy.

In response to a question from Schorr, Lang said Legacy Dairy has not repaid any of the loan. He said there was a two-year stipulation on the forgivable piece (\$125,000) involving job creation and said it is not clear whether they met the time component. An audit would probably be necessary.

Doug Cyr, Chief Administrative Deputy County Attorney, said the County's loan was secured by a deed of trust on the real estate, Uniform Commercial Code (UCC) financing statements on the personal property and personal guarantees of each of the three couples involved. The County subsequently granted the request of one of the couples to be released from the personal guarantee. He said the deed of trust and UCC financing statements were both subordinated to the loan of Saline State Bank. Cyr said the County Assessor has valued the real estate at \$150,000. He stated there is also \$3,784 in unpaid personal property taxes and \$7,075 in delinquent real estate taxes that are on a tax sale certificate. The County is in a good position to collect on those.

In response to a question from Workman, Cyr said Economic Development did not file the deed of trust and said he is not sure why. **NOTE:** Troy Gagner was the Economic Development Coordinator at that time and handled the County's CDBG funds.

Ernie Castillo, Community Development Program Specialist, Urban Development, appeared and said he will review the file on Legacy Dairy and make it available to Lang and Cyr.

There was general consensus to have the Chair, Lang, Cyr and Dennis Meyer, Budget and Fiscal Officer, meet with bank representatives to see what can be worked out.

ADDITIONS TO AGENDA

- B. Letter from Nebraska Department of Economic Development Regarding Community Development Block Grant (CDBG) Program Income (Exhibit B)

MOTION: Hudkins moved and Stevens seconded to direct the County Attorney's Office to research the matter and give an opinion on whether the County is obligated to return the Community Development Block Grant (CDBG) funds to the Nebraska Department of Economic Development. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

5 BOOKING CENTER - Kim Etherton, Community Corrections Director

Discussion took place regarding a proposal by Kim Etherton, Community Corrections Director, to open a separate Misdemeanor Book and Release Center.

Etherton said Mike Thurber, Corrections Director, has expressed a number of concerns regarding the proposal but said she does not believe those concerns are insurmountable. She said Tom Casady, Chief of Police, and Terry Wagner, Lancaster County Sheriff, have also expressed their views regarding the proposal.

Etherton presented a Book and Release Report for the period of August 26 through October 13, 2008 (Exhibit D). She said there are a large number of individuals with misdemeanor charges that access the jail and said there has to be a better way to manage that population. Etherton said approximately 75% are there less than four hours and suggested they could be directed to a Misdemeanor Book and Release Center instead.

Thurber said it would have to be a 24-hour operation. He said the Jail's Intake Center also fingerprints and photos the individuals for law enforcement.

Bill Jarrett, Chief Deputy Sheriff, said Intake staff also get a current history and note identifying characteristics, such as tattoos.

Thurber said he would be in favor of a separate process if it wasn't for the fact that law enforcement performs a large number of "cites and release".

Schorr inquired about the cost of instituting a new booking center.

Etherton estimated the cost of staffing at \$300,000. She said she envisions it having more possibilities than simply booking and release. Individuals that could not post bond could be placed on a monitor until they could either post their bond or be processed through the court system. Individuals that could not pay their fines could be placed on a work crew. Etherton added that Chief Casady believed it would be a benefit for officers to not have to drive across town to the new jail to process this population.

Heier asked whether it would function better in the new jail where there is security.

Sheriff Wagner said there needs to be a day-holding area in the old jail for court purposes and said perhaps it could be expanded to include a Misdemeanor Book and Release Center.

Schorr said she believes there are too many unknowns and said she would prefer to look at it once the new jail is up and running.

Stevens disagreed, stating he would like to pursue the idea to see if it could impact jail numbers.

Gary Lacey, County Attorney, said he believes there needs to be some form of Night Court (Magistrate System).

Dennis Keefe, Public Defender, said he does not believe a magistrate would impact this population and said he believes an alternative is needed.

There was general consensus to continue to research the proposal and what might be done at the new jail.

ADMINISTRATIVE OFFICER REPORT

F. Legal Opinion Request (Alternatives to Road Vacation for Southwest 86th Street Between Saltillo and Bennet Roads)

MOTION: Hudkins moved and Schorr seconded to direct the County Attorney's Office to research the issue and bring back options for the Board's consideration. Schorr, Heier, Workman and Hudkins voted aye. Stevens voted no. Motion carried.

ACTION ITEMS

A. Authorize Transfer of Drug Technician Position from State to County

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

6 POTENTIAL LITIGATION - Tom Fox, Deputy County Attorney; Bill Jarrett, Chief Deputy Sheriff

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

Heier exited the meeting.

MOTION: Stevens moved and Schorr seconded to exit Executive Session at 10:26 a.m. Schorr, Workman, Stevens and Hudkins voted aye. Heier was absent from voting. Motion carried.

7 ACTION ITEMS

A. Authorize Transfer of Drug Technician Position from State to County

Item was moved forward on the agenda.

8 ADMINISTRATIVE OFFICER REPORT

A. Tri-County Meeting Agenda Items

Kerry Eagan, Chief Administrative Officer, said Sarpy County has suggested a briefing on a new Local Program Administrator (LPA) Manual for cities and counties to follow on state road projects (Exhibit E).

Board members also suggested the following topics: 1) Lancaster County Correctional Facility Joint Public Agency (JPA); 2) LR 349 (Interim study to conduct a comprehensive examination of city and county state aid programs currently in state law); and 3) Emergency Protective Custody (EPC) funding.

B. Pension Update

Eagan said Prudential is developing the plans for the County's 401(a) retirement plan and 457 (b) deferred compensation program and needs direction on the following:

- Whether to allow employees to rejoin the 457 (b) deferred compensation program if they had an involuntary termination and their account was under \$5,000

NOTE: The funds are returned to the employee in this situation.

Recommendation was to allow an employee to rejoin the plan if the employee was re-employed after an involuntary termination and had their funds involuntarily disbursed back to them. Employees who terminate voluntarily will not be allowed back into the plan if they withdrew their funds.

- Whether to only allow a lump sum withdrawal from the 457 (b) deferred compensation program

Recommendation was to also allow withdrawal by installments.

- Whether to have the Board remain the trustee of the 401(a) retirement plan or have the Prudential Bank and Trust assume that duty

Recommendation was to have Prudential Bank and Trust serve as trustee of the plan.

Hudkins asked Eagan to check whether the bank is licensed as an investment or savings bank.

- Whether to retain the seven-year vesting plan

Recommendation was to move to a six-year vesting plan.

Stevens exited the meeting at 10:50 a.m.

Eagan said Prudential plans to hold pre-conversion group meetings in December. Prudential representatives will also meet with employees, on an individual basis, in January, after the conversion.

Stevens returned to the meeting at 10:52 a.m.

Eagan said Neuburger Berman, a small cap blend fund, that was used by Nationwide Retirement Solutions (NRS) was closed to new investors and will not be an option under the new plan. He said Royce Pennsylvania Mutual Fund is recommended instead.

MOTION: Stevens moved and Schorr seconded to ratify the recommendations. Hudkins, Stevens, Workman and Schorr voted aye. Heier was absent from voting. Motion carried.

Workman asked Eagan to inquire about a "stretch" individual retirement account (IRA) (an IRA established to extend the period of tax-deferred earnings, possibly over multiple generations).

C. Nebraska Association of County Officials (NACO) Conference
(December 10-12, 2008)

It was noted that all of the Commissioners, with the exception of Stevens, plan to attend the conference.

D. Flood Plain Briefing with Villages (October 30, 2008)

Informational only.

E. Replacement Bailiff for County Court

Eagan said Ed Winters, a bailiff in County Court, recently passed away and suggested that rather than hire a replacement, it may be an opportune time to explore other options. One option is to have someone from the Corrections Department perform the duties.

F. Legal Opinion Request (Alternatives to Road Vacation for Southwest 86th Street Between Saltillo and Bennet Roads)

Item was moved forward on the agenda.

G. Expenditure of County Funds for County Government Day (Legal Opinion)

Item was held for one week.

H. Crisis Center Water Damage

Dean Settle, Community Mental Health Center Director, appeared and reported on a recent incident at the Crisis Center in which a patient unscrewed a sprinkler head, resulting in extensive water damage to the facility. Total damage is estimated at \$15,000.

Sue Eckley, County Risk Manager, appeared and said it appears insurance will cover the cost of interruption of business and any extra expense. That includes the transfer of patients to BryanLGH Medical Center. She noted Information Services assisted in restoring network connections, at no cost.

In response to a question from Schorr, Eckley said she will have to check whether overtime will be covered as an extra expense.

Settle indicated plans to purchase sprinkler stop devises (Exhibit F).

Hudkins suggested Settle contact Don Killeen, County Property Manager, to see whether floor shut-off valves could be installed.

Schorr asked Settle to share what happened at the next Management Team.

ADDITIONS TO AGENDA

A. Microcomputer Request from County Attorney (Exhibit A)

Eagan said the County Attorney would like to put laptop computers in the Juvenile Courtrooms and is willing to pay for them with drug forfeiture funds.

MOTION: Schorr moved and seconded to authorize the expenditure of funds for computers in Juvenile Courtrooms with drug forfeiture funds as the funding source. Hudkins, Stevens, Workman and Schorr voted aye. Heier was absent from voting. Motion carried.

10 DISCUSSION OF BOARD MEMBER MEETINGS

A. Information Services Policy Committee (ISPC) - Stevens

Stevens said discussion focused on a fiber connection for the Youth Services Center (YSC), spam (junk e-mail) filter software, and new e-mail software.

B. Parks Advisory Board - Stevens

Stevens said the Parks Advisory Board received a report on usage of the City's golf courses and swimming pools. He also reported the Lincoln Municipal Band may be willing to pay for a new bandshell at Antelope Park.

C. Lancaster County Correctional Facility Joint Public Agency (JPA) - Heier, Workman

Workman said Scott Keene, Ameritas Investment Corporation, gave an update on the status of the bond market and asked that the time line for action on the bond resolution be pushed back one week.

D. Meeting of Public Building Commission (PBC) Chair, Vice Chair and Mayor - Hudkins

Hudkins said Mayor Beutler wants a reorganization plan for the County-City Building second floor.

E. Public Building Commission (PBC) - Hudkins, Workman

Hudkins said John Kay, Sinclair Hille & Associates Inc., presented an overall plan for the Justice and Law Enforcement Center (575 South 10th Street) and said there was prolonged discussion on County Court's space needs. He said Community Corrections and the Sheriff's Department agreed to give up some of their space on the second floor to make room for a temporary judge. Hudkins also reported that Bahr Vermeer Haecker Architects have been selected to design the finish of space for the City Attorney on the third floor of the County-City Building.

F. Air Pollution Advisory Committee - Hudkins

Hudkins said he did not attend the meeting.

G. Board of Health - Schorr

Schorr said there was a briefing on the Summer Food Program. She also reported the following: 1) Revisions to Title V Air Program Emission Fees (Exhibit G); 2) Institution of a fee for investigation of air quality in apartment complexes (complaint driven); and 3) Changes to the Lincoln Food Code.

11 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 11:18 a.m. Hudkins, Stevens, Workman and Schorr voted aye. Heier was absent from voting. Motion carried.

Dan Nolte
Lancaster County Clerk