

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, NOVEMBER 13, 2008  
7:30 A.M.**

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

Commissioners Absent: Larry Hudkins

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 7:31 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, OCTOBER 30, 2008 AND THURSDAY, NOVEMBER 6, 2008**

**MOTION:** Stevens moved and Heier seconded approval of the October 30, 2008 and November 6, 2008 Staff Meeting minutes. Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

**2 ADDITIONS TO AGENDA**

- A. Flood Insurance Study (FIS) Meeting (Exhibit A)
- B. Waverly Road Safety Upgrades

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

## **DISCUSSION OF BOARD MEMBER MEETINGS**

### A. Horse Park Partners Committee - Heier

Heier said preliminary drawings of the proposed horse park were presented.

Schorr arrived at the meeting at 7:34 a.m.

### D. Nebraska Innovation Zone Commission (NIZC) - Heier

Heier reported on the focus groups.

### E. Officials Committee - Workman, Heier

Heier said the State has withdrawn the South Beltway from its six-year road plan.

### **3 PERSONNEL MATTER** - Don Taute, Personnel Director; Mike Thew, Chief Deputy County Attorney; Ron Fetters, Lancaster Manor Administrator

**MOTION:** Heier moved and Schorr seconded to enter Executive Session at 7:36 a.m. for discussion of a personnel matter. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

Schorr exited the meeting.

**MOTION:** Stevens moved and Heier seconded to exit Executive Session at 7:52 a.m. Stevens, Workman and Heier voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 7:53 a.m.

## **ADMINISTRATION OFFICER REPORT**

### A. Crime Commission Juvenile Enhancement Grant

Gwen Thorpe, Deputy Chief Administrative Officer, said the County applied for \$100,000 and was awarded \$28,000 instead. She said the budget will need to be adjusted to reflect the new amount (Exhibit B).

**MOTION:** Stevens moved and Heier seconded to authorize the Chair's signature on the revised budget summary. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

### **RETURNING TO ITEM 3**

Workman said Ron Fetters, Lancaster Manor Administrator, has submitted his resignation, effective November 30, 2008 (Exhibit C).

**MOTION:** Heier moved and Schorr seconded to accept the letter of resignation from Ron Fetters, Lancaster Manor Administrator. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

The Board appointed Gwen Thorpe, Deputy Chief Administrative Officer, as interim director until a permanent replacement is found. Thorpe will apply for a provisional license from the State (a provisional license is good for 180 days and may be extended for 90 days).

Heier exited the meeting at 7:55 a.m.

### **ADMINISTRATIVE OFFICER REPORT**

#### **C. Information Services Consultant Proposal (Julie Gable)**

Gwen Thorpe, Deputy Chief Administrative Officer, said Julie Gable, Gable Consulting, has submitted a proposal for consulting services to aid Lancaster County with its Information Services (IS) assessment. She said the cost will be \$50,000, which equals the amount that was budgeted for the expense.

**MOTION:** Schorr moved and Stevens seconded to authorize staff to initiate a contract with Gable Consulting. Stevens, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

### **RETURNING TO ITEM 3**

Board consensus was to notify the Lancaster Manor residents and staff of Fetters' resignation.

Stevens suggested the Board consider additional compensation for Thorpe, who will be assuming additional duties.

### **ADDITIONS TO AGENDA**

#### **A. Flood Insurance Study (FIS) Meeting (Exhibit A)**

Workman and Eagan indicated plans to attend the meeting.

B. Waverly Road Safety Upgrades

Workman said there have been a number of fatal accidents on Waverly Road. He said the County Engineer has placed rumble strips at Waverly Road and 141<sup>st</sup> Street and would like to install a flashing yellow light for eastbound traffic at the Waverly Road and Highway 77 intersection.

**ADMINISTRATIVE OFFICER REPORT**

B. Appointment of Mark A. Koller as Personnel Director

The Board scheduled action on the November 18, 2008 County Board of Commissioners Meeting agenda.

D. Emergency Protective Custody (EPC) Contract Meeting

It was noted Schorr, Eagan and Mike Thew, Chief Deputy County Attorney, will attend the meeting.

**DISCUSSION OF BOARD MEMBER MEETINGS**

B. Board of Health - Schorr

No report.

C. Chamber Coffee - Stevens

Stevens said he reported on the jail and bond financing.

**4 BOARD OF CORRECTIONS** - Mike Thurber, Corrections Director

Separate minutes.

**5 DESIGN SCHEDULE FOR CORRECTIONAL FACILITY** - Greg Newport, The Clark Enersen Partners; Boyd Batterman, Ben Huck and Chuck Richter, Sampson Construction Company; Mike Thurber, Corrections Director

Greg Newport, The Clark Enersen Partners, said the design development phase is nearing the end and a formal presentation on the design will be given the first part of December.

The Board scheduled the presentation on Tuesday, December 2<sup>nd</sup>, immediately following the regular County Board of Commissioners Meeting.

Newport said the architects are working through estimates with Sampson Construction Company and said the design documents will be turned over to Sampson in January for pricing and bidding, if the Board is in agreement.

Boyd Battterman, Sampson Construction Company, said the delay will likely work to the County's advantage in terms of pricing.

Newport said the architects are also working with the District Energy Corporation (DEC) to coordinate with their site systems.

In response to a question from Schorr, Batterman said Chuck Richter will be the Senior Project Manager for the project and will report monthly to the Board.

Mike Thurber, Corrections Director, said Brad Johnson, Transition Coordinator, and Bob Jarrett, a Corrections' employee who provides oversight for the County on the project, will also be meeting with Richter on a regular basis. He said Jarrett will be on site once ground is broken.

In response to a question from Workman, Newport said pre-cast concrete cells are still favored, because they are load-bearing and will become part of the structure.

Richter said site-cast cells will be an option as part of the bidding process.

**TAX EQUALIZATION AND REVIEW COMMISSION PROCEDURES -**  
Dan Nolte, County Clerk

Dan Nolte, County Clerk, said his office has received a number of calls from property owners regarding letters they received from the Tax Equalization and Review Commission (TERC) related to greenbelt appeals. He said property owners are confused as to whether they need to file a written response and suggested a letter of clarification, either from the County Clerk's Office or County Board of Equalization, would be beneficial.

Board consensus was to consult with their counsel on the matter, Bill Peters.

## **ADDITIONS TO THE AGENDA**

**MOTION:** Stevens moved and Schorr seconded to add a report from Commissioner Schorr on the Region V Governing Board Meeting to the agenda. Schorr, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

Schorr said C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, discussed plans for two sources of funding: 1) One-time funding from the State (\$4 million); and 2) Ongoing funding from the State (1.13 million). She also reported that Regions V and VI have hired a lobbyist and the State is putting out a Request for Proposals (RFP) for how to run the Integrated Care Coordination Units (ICCU's).

### **PENDING LITIGATION - Bill Peters, Attorney at Law**

**MOTION:** Schorr moved and Stevens seconded to enter Executive Session at 9:25 for discussion of pending litigation. Stevens, Workman and Schorr voted aye. Heier was absent from voting. Motion carried.

**MOTION:** Schorr moved and Stevens seconded to exit Executive Session at 9:50 a.m. Stevens, Workman and Schorr voted aye. Heier was absent from voting. Motion carried.

### **RETURNING TO ITEM 10**

The Chair indicated that the Board will send a letter of clarification to the property owners. A copy will be provided to the County Clerk's Office so the information can be placed on County Clerk's webpage.

### **CONTRACT WITH ABC ELECTRICAL TO REPAIR ELECTRICAL SYSTEM AT LANCASTER MANOR (ACTION REQUIRED) - Tom Fox, Deputy County Attorney**

Tom Fox, Deputy County Attorney, noted purchasing requirements had been waived, due to the emergency nature of the repair.

**MOTION:** Schorr moved and Stevens seconded approval of the contract. Schorr, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

**6 REVIEW OF COUNTY SPECIAL PERMIT NO. 07033, SOIL MINING AT HIGHWAY 77 BETWEEN DAVEY AND BRANCHED OAK ROADS (ACCESS) - Tom Fox, Deputy County Attorney; Mike DeKalb, Planner**

Tom Fox, Deputy County Attorney, noted that LeGrande Excavating (the contractor) had requested access to Branched Oak Road under a provision in the special permit (see October 30, 2008 Staff Meeting minutes). The provision conflicts with other language in the special permit that limits access from the site to Highway 77.

Mike DeKalb, Planner, said Greg Sanford, the landowner and holder of the special permit, has indicated he wants to proceed with what he has, relative to an amendment, and said Building and Safety has sent him a one-year renewal check-off. DeKalb said the intent of the request for access off Branched Oak Road was to avoid the time restrictions for access to Highway 77. He pointed out that the revised site plan only shows one access point and a general note states: *access to the site shall be limited to Highway 77 and shall be prohibited between 7:30 and 8:30 a.m. and between 12:30 and 5:30 p.m.*

Workman asked whether it is necessary to make the clarification.

DeKalb said he believes it is and said a public hearing is recommended to give all sides a chance to comment.

Eagan said the record reflects that it was the Board's intent to limit the access to Highway 77 and it was a clerical error that the conflicting language was picked up. He said he believes the correction could be handled as a regular item at a County Board of Commissioners Meeting.

Fox disagreed and said the Board needs to hold a public hearing, with proper notice.

**MOTION:** Schorr moved and Stevens seconded to schedule correction of a clerical error relating to County Special Permit No. 07033 for public hearing and to notify the applicant. Stevens, Schorr and Workman voted aye. Heier was absent from voting. Motion carried.

**7 CONTRACT WITH ABC ELECTRICAL TO REPAIR ELECTRICAL SYSTEM AT LANCASTER MANOR (ACTION REQUIRED) - Tom Fox, Deputy County Attorney**

Item was moved forward on the agenda.

- 8 POTENTIAL LITIGATION** - Sue Eckley, County Risk Manager; Tom Champoux, UNICO Group, Inc.; Ron Fetters, Lancaster Manor Administrator; Tom Fox, Deputy County Attorney; Doug Pillard, Design Division Head, County Engineering; Jim Shotkoski, Right-of-Way Division Head, County Engineering

**MOTION:** Stevens moved and Schorr seconded to enter Executive Session at 10:17 a.m. for discussion of potential litigation. Schorr, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

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

- 9 PENDING LITIGATION** - Bill Peters, Attorney at Law

Item was moved forward on the agenda.

- 10 TAX EQUALIZATION AND REVIEW COMMISSION PROCEDURES** - Dan Nolte, County Clerk

Item was moved forward on the agenda.

**11 ACTION ITEMS**

- A. Pay Check Insert for November 26, 2008 (Wellness Newsletter)

**MOTION:** Stevens moved and Schorr seconded approval. Schorr, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

**12 ADMINISTRATION OFFICER REPORT**

- A. Crime Commission Juvenile Enhancement Grant
- B. Appointment of Mark A. Koller as Personnel Director
- C. Information Services Consultant Proposal (Julie Gable)
- D. Emergency Protective Custody (EPC) Contract Meeting

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

### **13 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Horse Park Partners Committee - Heier
- B. Board of Health - Schorr
- C. Chamber Coffee - Stevens
- D. Nebraska Innovation Zone Commission (NIZC) - Heier
- E. Officials Committee - Workman, Heier

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

### **14 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 10:59 a.m. Schorr, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

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Dan Nolte  
Lancaster County Clerk