

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
THURSDAY, NOVEMBER 20, 2008
9:00 A.M.**

Commissioners Present: Bob Workman, Chair
Larry Hudkins
Ray Stevens
Deb Schorr

Commissioners Absent: Bernie Heier, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
and Interim Lancaster Manor Administrator
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 9:10 a.m.

AGENDA ITEM

1 APPROVAL OF THE TRI-COUNTY MEETING WITH DOUGLAS AND SARPY COUNTIES, THURSDAY, NOVEMBER 6, 2008 AND STAFF MEETING MINUTES, THURSDAY, NOVEMBER 13, 2008

MOTION: Stevens moved and Schorr seconded approval of the minutes of the November 6, 2008 Tri-County Meeting with Douglas and Sarpy Counties and November 13, 2008 Staff Meeting. Hudkins, Workman, Stevens and Schorr voted aye. Motion carried.

2 ADDITIONS TO AGENDA

A. Flood Insurance Study (FIS) Meeting

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

3 COURTROOM FOR VISITING DISTRICT COURT JUDGE - District Court Judge Paul D. Merritt Jr.; Mike Thew, Chief Deputy County Attorney

District Court Judge Paul D. Merritt Jr., said six judges, with the approval of the Nebraska Supreme Court, have volunteered to assist the Lancaster District Court with its heavy caseload. However, there is limited courtroom space. He said four sites have been identified that could serve as satellite courtrooms: 1) Sherman S. Welpton Courtroom at the University of Nebraska College of Law; 2) Hearing rooms in the Nebraska State Capitol; 3) Nebraska State Bar Association and Nebraska State Bar Foundation conference rooms; and 4) Former courtroom in the Old Federal Building. Merritt asked the Board to approve the locations to be in compliance with a state law that requires District Court proceedings to be held at the county seat in the courthouse or locations designated by the County Board.

Schorr asked whether there will be any cost to the County.

Merritt said none of the facilities have asked to be compensated. He said the Law College has requested veto power and said that provision was included in a resolution the County Attorney's Office has drafted. **NOTE:** Action on the resolution will be scheduled on a regular County Board of Commissioners Meeting agenda.

Terry Wagner, Lancaster County Sheriff, appeared and discussed security measures.

4 JAIL FINANCING UPDATE - Scott Keene, Ameritas Investment Corporation

Scott Keene, Ameritas Investment Corporation, said it appears the municipal bond market is improving. He said bond documents have been delivered to the rating agencies and ratings are expected back by December 5th. Keene said a competitive sale is proposed and said it will likely take place on December 11th. It is contingent upon approval of a parameters resolution by the County Board, City Council and the Lancaster County Correctional Facility Joint Public Agency (JPA). Keene said the three bodies will need to authorize one official to make the final determination as to the interest rates, within certain parameters, and suggested it would be appropriate to appoint the Chair of the Lancaster County Correctional Facility JPA.

In response to a question from Schorr, Keene said the issue can be pulled before the day of the sale without consequences. Bids may also be rejected, although it is not recommended.

- 5 **A) COUNTY CHANGE OF ZONE NO. 08038, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR), SOUTH 162ND STREET AND HIGHWAY 2; AND B) COUNTY BOARD OF ZONING APPEALS NO. 08003, SIDE YARD VARIANCE, 13000 NORTH 14TH STREET** -
Mike DeKalb, Planner

A) County Change of Zone No. 08038

Mike DeKalb, Planner, gave an overview of County Change of Zone No. 08038, a request to change the zoning from Agricultural (AG) to Agricultural Residential (AGR) on 80 acres north of the 162nd Street and Highway 2 interchange, commonly known as the Bennet corner, to allow for the creation of acreage lots (Exhibits A, B and C). He said Planning staff recommended denial, as the land is shown as AG in the Comprehensive Plan. The majority of the Planning Commission disagreed and voted 5-3 to recommend approval. DeKalb said there was one letter of opposition from a neighbor. Letters indicating no objection to the zoning change request were received from the Village of Bennet and Nebraska Department of Roads (NDOR) (Exhibit D). The NDOR letter also states the corridor protection will remain and they must review any future requests.

Stevens noted the sketch plans shows access to the property from the realigned 148th Street will cut off one lot (see Exhibit C).

DeKalb said the County Engineer could grant an access point.

Stevens asked whether there will be acceleration and deceleration lanes.

DeKalb said he is not aware of plans for any, at this point. He said there may be an opportunity to adjust the road location.

Stevens said the intersection has great potential for commercial development because of access to Highway 2.

Schorr said the Village of Bennet is willing to work with the County to make sure any development is well planned.

B) County Board of Zoning Appeals No. 08003

DeKalb gave an overview of County Board of Zoning Appeals No. 08003, a request for a variance of the side yard setback to allow construction of a pole barn on property at 13000 North 14th Street in Raymond, Nebraska (Exhibit E). Drainage issues were cited as the reason for the request. He said the County Board of Zoning Appeals has recommended approval of the request.

Stevens asked whether approval could be given on a temporary basis.

DeKalb suggested the Board consult the County Attorney's Office.

6 LANCASTER MANOR UPDATE - Gwen Thorpe, Interim Lancaster Manor Administrator

Gwen Thorpe, Interim Lancaster Manor Director, said she has met with the Management Team and plans to meet with each of them individually. She has also met with residents at all the stations for breakfast and plans to meet with the Resident Council and with staff at shift changes.

Contracts

Thorpe said she has been reviewing contracts, including those signed by the past two administrators, and has identified several problems. The previous administrator wrote the bid specifications for new mattresses and beds and the mattresses do not fit the beds. She said the specs are being rewritten, with the assistance of staff and the Purchasing Department. Responsive bidders will be asked to bring in beds and mattresses for testing. Thorpe added that residents dislike the night stands the previous administrator purchased and said they will be re-bid, as well. The Resident Council will review the final choices and make a recommendation.

Thorpe said she will be bringing contracts that were signed by the former administrators to the Board. One involved marketing (radio and newspaper advertisements). She recommended the Board terminate the radio ad agreement. She will seek advise from the County Attorney's Office on marketing future efforts.

Thorpe also recommended the Board terminate the contract with the nurse consultant. She said she has asked the consultant to submit a written report.

Hudkins said he believes the services are valuable and suggested she give it more thought.

Maintenance

Thorpe said a water sensor will be installed in the basement area (the electrical system was recently damaged when a water main broke and flooded the basement).

Hudkins suggested that electrical components be located up higher and said the emergency generator system and a leaking hot water heater also need to be looked at.

Thorpe said the Maintenance Department is also working with the Purchasing Department to acquire a used pickup.

Staffing/Training

Thorpe said she has asked Marlene Walenta, Director of Nursing, to look at the nursing structure. She said she plans to review the entire staffing structure and added pre-employment drug testing is now being implemented.

Hudkins said criminal checks should be implemented, as well.

Thorpe said Sue Eckley, County Risk Manager, has provided a workers' compensation summation and will assist with training.

Other Items

Thorpe said the Medicaid Cost Report will be submitted by the end of day. The Medicare Report is also being prepared.

Thorpe said she is also compiling information to help the Board decide how to proceed in the future.

ADMINISTRATIVE OFFICER REPORT

A. Salary for Interim Lancaster Manor Administrator

Don Taute, Personnel Director, appeared and said because this is an unclassified, unrepresented position, the rules do not specify a percentage or amount of increase. He said Dennis Banks received a 10% increase when he became the Juvenile Detention Center Interim Director after serving as the Deputy Director. Taute said the City Personnel Code provides that an acting department head may receive up to 12.5% above their previous pay.

Kerry Eagan, Chief Administrative Officer, said this is a different situation and said he believes a larger increase is appropriate.

MOTION: Stevens moved and Schorr seconded to approve a \$2,000 a month pay increase for Gwen Thorpe, who is serving as Interim Lancaster Manor Administrator. Hudkins, Stevens, Schorr and Workman voted aye. Motion carried.

7 POTENTIAL LITIGATION - Sue Eckley, County Risk Manager

MOTION: Schorr moved and Stevens seconded to enter Executive Session at 10:35 a.m. for discussion of potential litigation. Hudkins, Workman, Stevens and Schorr voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 10:48 a.m. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

8 REQUEST FROM THE CITY OF WAVERLY REGARDING PEDESTRIAN OVERPASS - Don Thomas, County Engineer

Don Thomas, County Engineer, reported on a request from the City of Waverly for a pedestrian crossing on Canongate Road from Amberly Road north to the Jamestown Street intersection. He suggested that Waverly's City Engineer contact his department and discuss the specifics.

Eagan said he will relay that to Doug Rix, Waverly City Administrator/Clerk, who submitted the request.

Workman suggested Waverly also explore grants or funding from the Railroad Transportation Safety District (RTSD).

**9 VISITORS PROMOTION COMMITTEE (VPC) RECOMMENDATIONS:
A) REQUEST FROM CITY OF LINCOLN FOR UNION PLAZA (\$50,000 OVER TWO BUDGET YEARS); AND B) VPC GRANTS OF \$10,000 FOR LINCOLN CHILDREN'S MUSEUM; SPRING CREEK PRAIRIE AND LINCOLN CHILDREN'S ZOO - Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director; Steve Hilton, Visitors Promotion Committee (VPC) Chair**

A) Request from City of Lincoln for Union Plaza (\$50,000 over Two Budget Years)

Steve Hilton, Visitors Promotion Committee (VPC) Chair, said the VPC discussed the request and recommends approval of \$25,000 in initial support.

MOTION: Stevens moved and Schorr seconded to approve the recommendation from the Visitors Promotion Committee (VPC) for \$25,000 for the Union Plaza project.

Eagan suggested the need for a grant contract.

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

B) Visitors Promotion Committee (VPC) Grants of \$10,000 for Lincoln Children's Museum, Spring Creek Prairie and Lincoln Children's Zoo

Hilton gave an overview of the following requests for grants from the Lancaster County Visitors Improvement Fund:

- Lincoln Children's Museum - Enhancement of Performing Arts Stage (Total project cost is approximately \$40,000 and the request is for \$10,000)
- Spring Creek Prairie - Website Improvement Project (The request for \$10,000 is the total project cost)
- Lincoln Children's Zoo - New Outdoor Exhibit for Squirrel Monkeys (Total project cost is \$110,000 and the request is for \$10,000)

Hilton said the VPC recommends approval of the grant requests.

Hudkins expressed concern regarding cost for the Spring Creek Prairie project and said he would like to see them contribute to the cost.

MOTION: Schorr moved and Hudkins seconded to direct Kerry Eagan, Chief Administrative Officer, to develop grant contracts, in consultation with the County Attorney's Office and the Convention and Visitors Bureau (CVB), for funding in the amount of \$25,000 for the City's Union Plaza project and funding in the amount of \$10,000 each for the Lincoln Children's Museum, Spring Creek Prairie and Lincoln Children's Zoo for action at the December 2, 2008 County Board of Commissioners Meeting. Stevens, Schorr, Workman and Heier voted aye. Motion carried.

10 RETURNING COMMUNITY CORRECTIONS PARTICIPANTS TO CUSTODY - Kim Etherton, Community Corrections Director

Kim Etherton, Community Corrections Director, said the Lincoln Police Department (LPD) has indicated it does not have the resources to return individuals to custody who violate the terms of their house arrest or pre-trial diversion to custody. She said the Lancaster Sheriff's Office (LSO) is willing to assist during working hours, if there is an available deputy. Etherton requested authorization to hire off-duty LPD officers to perform the task. She said the officers would be needed from 4:30 to 7:00 p.m., Monday-Friday, 8:00 a.m. to 12:00 p.m. on Saturdays and 1:00 to 5:00 p.m. on Sundays. The estimated cost is \$26,000 to \$27,000 a year (approximately \$25 per hour).

Hudkins and Workman said they would like to see a lower hourly rate.

MOTION: Hudkins moved and Stevens seconded to authorize Kim Etherton, Community Corrections Director, to enter into negotiations to secure the services of on-call Lincoln Police Department (LPD) personnel.

Stevens suggested Etherton explore hiring retired law enforcement officers.

AMENDMENT: The maker of the motion and the seconder amended their motion to include Lancaster Sheriff's Office (LSO) personnel.

Etherton said they will have to be retired to avoid overtime and jurisdictional issues.

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

ADMINISTRATIVE OFFICER REPORT

B. Claim for Review: Payment Voucher 193842 from Community Corrections, \$6,284.36 to Redwood Biotech, Inc.

Etherton gave a brief explanation of the claim.

MOTION: Hudkins moved and Stevens seconded to handle the claim as a regular claim at the November 25, 2008 County Board of Commissioners Meeting. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

ADDITIONS TO AGENDA

A. Flood Insurance Study (FIS) Meeting

Workman said a Waverly subdivision located along Ash Hollow Creek is now shown in the floodplain and those homeowners will need to obtain flood insurance. He said 200 homes are affected.

Eagan noted a Federal Emergency Management Agency (FEMA) community contact information form must be completed.

MOTION: Hudkins moved and Schorr seconded to: 1) Authorize the Chair to sign the report; and 2) Designate Mike Merwick, Building & Safety Director, as the primary contact. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

11 ACTION ITEMS

A. Microcomputer Requests:

- 1) No. 50489, \$768.53 from Juvenile Services' Budget for a Touch Screen Monitor
- 2) No. 50522, \$580.65 from County Engineer's Budget for Dot Matrix Printer

MOTION: Stevens moved and Hudkins seconded approval of the microcomputer requests. Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

B. Payroll Insert (Prudential Group Meetings the Week of December 15, 2008)

MOTION: Stevens moved and Hudkins seconded approval of the payroll insert. Hudkins, Workman, Stevens and Schorr voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Salary for Interim Lancaster Manor Administrator
- B. Claim for Review: Payment Voucher 193842 from Community Corrections, \$6,284.36 to Redwood Biotech, Inc.

Items A and B were moved forward on the agenda.

- C. Schedule New Jail Briefing (December 16, 2008 at Landmark One Building, 1010 Lincoln Mall)

Informational only.

- D. Meeting with Leadership Resources (Management Training Company)

Eagan said he suggested they contact the Personnel Department regarding their services.

13 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Information Services Policy Committee (ISPC) - Stevens

Stevens said Lincoln was named the top digital city for cities with populations from 125,000 to 250,000.

B. Parks Advisory Board - Stevens

Stevens reported on a recommendation to sell property at 41st and Adams Street in Lincoln. He said they are also looking at acquiring a 7.5 acre parcel adjacent to Jensen Park (84th Street and Yankee Hill Road).

C. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

Stevens said City Councilman Jon Camp discussed the Lincoln Police Department (LPD) and Lincoln Fire and Rescue (LFR) retirement plans. He said a subgroup has been looking at Lincoln Housing Authority's properties to see whether they are paying taxes appropriately and said it appears a 1973 agreement with the City granted them a blanket tax exemption.

D. Visitors Promotion Committee - Stevens

Stevens said the high school tournaments will all be bid next year and said Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, is not optimistic the bids will be awarded to Lincoln unless there is a new arena. He also reported that Lincoln will be the site of the Tire Rack Solo National Championships next September. The sanctioning organization is the Sports Car Club of America.

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

Hudkins said the Mayor indicated he will release his plans in the near future for creating a Development Services Center on the second floor of the County-City Building.

F. Public Building Commission - Hudkins, Workman

Hudkins said District Court Judge Paul D. Merritt Jr. discussed the need for courtroom space for visiting judges and Juvenile Court Judge Roger Heideman made a request, on behalf of the Public Defender's Office, for an auxiliary office next to the Juvenile Court. There was also a request from the County Clerk for reconfiguration of office space.

G. General Assistance (GA) Monitoring Committee - Stevens, Schorr

Schorr said quarterly statistics were reviewed.

H. Meeting with BryanLGH Health System - Schorr

Eagan said the purpose of the meeting was to discuss how the master agreement with BryanLGH Health System is doing.

14 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 12:05 p.m. Schorr, Stevens, Workman and Hudkins voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk