

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, APRIL 23, 2009  
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
and Interim Lancaster Manor Administrator  
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 STAFF MEETING MINUTES, THURSDAY, APRIL 16, 2009**

**MOTION:** Stevens moved and Schorr seconded approval of the April 16, 2009 Staff Meeting minutes. Schorr, Stevens, Heier and Hudkins voted aye. Workman was absent. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Meeting to Discuss Driving While Impaired/Intoxicated (DWI) Issue (April 29, 2009)
- B. Legacy Dairy

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

**3 LEGISLATIVE UPDATE - Gordon Kissel and Joe Kohout, Kissel/E&S Associates (Legislative Consultants)**

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

Joe Kohout, Legislative Consultant, discussed Legislative Bill (LB) 264 (Change motor fuel tax calculations). He said the bill was introduced as a result of LB 846 (Change motor fuel taxes), which was introduced last year. Kohout said LB 846 lacked a floor and so cities and counties stand to lose \$11,500,000, due to the drop in fuel prices. **NOTE:** The County's loss under LB 264 is calculated to be approximately \$250,000. He said the Revenue Committee had the option of advancing LB 264 with an amendment that would essentially be a "hold harmless" measure or delay of the program for a year. However, there were indications there would be an amendment to repeal LB 846 if the bill advanced in its form because taxation would be based on an artificial number. He said Senator Fischer, sponsor of the bill, was concerned about what would happen to LB 846 and asked the Committee to kill her bill. Kohout said discussions continue on possible amendments to other bills to do something to protect cities and counties. He cautioned that some senators may make the argument that stimulus dollars offset the loss.

Workman arrived at the meeting at 8:37 a.m.

#### **ADDITIONS TO THE AGENDA**

- A. Meeting to Discuss Driving While Impaired/Intoxicated (DWI) Issue (April 29, 2009)

Workman and Stevens indicated plans to attend the meeting.

- B. Legacy Dairy

Hudkins said he and Workman toured the Legacy Dairy in Hallam following the Board's joint meeting with the Gage County Board of Supervisors in Hallam on Tuesday, April 14, 2009.

#### **ACTION ITEMS**

- A. Microcomputer Request: C#53943, \$1,058.50 from Noxious Weed Control Authority for Three (3) Wide Screen LCD Monitors

Kerry Eagan, Chief Administrative Officer, said the wide screen LCD monitors are needed for Geographic Information System (GIS) applications. He said one of the monitors is an immediate need and the other two will be included in the department's budget request if they are not approved at this time. Eagan also clarified that the request is for funding through the Microcomputer Fund.

**MOTION:** Workman moved and Hudkins seconded approval of one (1) wide screen LCD monitor for Noxious Weed Control Authority. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

### **CONSENT ITEMS**

A. Paycheck Insert (Lincoln-Lancaster County Goes Green Contest) for April 30, 2009

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

### **ADMINISTRATIVE OFFICER REPORT**

A. Nebraska Educational Telecommunications (NET) Program on Stimulus Funding

Board consensus was to not respond to NET's request for input into a program it is doing on the impact of stimulus funds to Nebraska's economy.

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

A. Nebraska Association of County Officials (NACO) Legislative Day - All Commissioners

The Commissioners reported on informal conversations with State Senators.

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

No report.

C. Downtown Lincoln Association (DLA) - Stevens

The meeting will be held next week.

D. District Energy Corporation (DEC) - Hudkins, Workman

Workman said the jail project was discussed. **NOTE:** DEC will provide heating and cooling for the facility.

Hudkins said DEC members also toured existing facilities.

## EMERGENCY ITEMS AND OTHER BUSINESS

Stevens reported on the Community Mental Health Center (CMHC) Advisory Committee meeting. He said the budget was discussed and said there are indications the Legislature will provide a 2% increase to mental health providers, which will offset CMHC's requested budget reduction. Stevens said they also discussed the closing of the Lincoln Regional Center's Community Transition Program (CTP) and said it is anticipated that many of those patients will gravitate to CMHC's Midtown Center. He said staff will assess them to determine what life skills they are in need of to live on their own. Stevens also reported that CMHC is in need of a female psychiatrist.

### **4 SEPTIC SYSTEM LATERAL REPAIRS** - Bob Siemsen, Building and Safety Chief Plumbing Inspector; John Williamson, MaxLiner Lateral Lining System Representative; Scott Morcoe, Local Businessman

John Williamson, MaxLiner Lateral Lining System representative, said Scott Morcoe, a local businessman, would like to use his company's product which uses an engineered composite made of felt tube and thermal set resins to invert a liner into the lateral from the property line or clean out to the connection with the sewer line, forming a "pipe within a pipe" to repair broken pipe, leaking joints and other infiltrating defects in the lateral pipe (Exhibit B).

Bob Siemsen, Building and Safety Chief Plumbing Inspector, presented information regarding plumbing code classifications (Exhibits C and D).

Morcoe said when he contacted Building and Safety Department he was told the system did not meet the code. He said he would like to use the product out in the County, to prove that it works, then work with Building and Safety to get it approved for use in the City. Morcoe said other jurisdictions, such as the Village of Palmyra, have used the system, with significant cost savings.

Siemsen explained that the Health Department, rather than Building and Safety, has jurisdiction over lateral or septic systems in the County that are outside the City's three-mile zoning jurisdiction.

The Board asked that the information be shared with the Health Department.

Siemsen expressed concern regarding how the product would work if there is a swale, noting the liner follows the channel.

Morcoe said he will perform a video inspection to see if there is a serious swale or if the pipe is too broken and needs replaced. He said if that is the case, he won't install the system.

**5 LANCASTER MANOR UPDATE** - Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator

Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator, reported the following:

- The Manor has applied for a tobacco license since residents may purchase tobacco products at the facility
- Thorpe is working with the Lancaster Manor Foundation Board on a Donation and Memorial Fund
- The Manor has not received specifics on Medicaid and Medicare rate changes

Schorr said the Request for Qualifications (RFQ) Committee held their first meeting with full attendance. She suggested the Board send another letter to the residents updating them on the RFQ process.

Stevens said the Board has already outlined the process.

There was general consensus to not send another letter at this time.

Hudkins said Dennis Meyer, Budget and Fiscal Officer was quoted in the newspaper as saying Lancaster Manor has continually lost money since 2006. He said if that is the case, it needs to be substantiated to the RFQ Committee. Hudkins said an explanation of uncollected bills should also be provided.

Schorr said Meyer was present at the meeting and provided extensive financial information to the Committee.

**6 POTENTIAL LITIGATION** - Tom Fox, Deputy County Attorney; Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator

**MOTION:** Workman moved and Hudkins seconded to enter Executive Session at 9:31 a.m. for discussion of potential litigation. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

Schorr exited the meeting.

**MOTION:** Stevens moved and Workman seconded to exit Executive Session at 10:13 a.m. Stevens, Heier, Workman and Hudkins voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 10:14 a.m.

**7 STIMULUS FUNDING FOR ENERGY EFFICIENCY** - Don Killeen, County Property Manager; Krishna Amancheria, Lincoln Electric System (LES)

Don Killeen, County Property Manager, said the County needs to get registered in order to apply for stimulus energy conservation money (Exhibit E). He recommended the County seek funding for the jail project, noting a number of energy efficiency items have been identified. Killeen estimated that the project could be eligible for funding in excess of \$4,000,000 for the project.

Krishna Amancheria, Lincoln Electric System (LES), noted plans for a geo-thermal system and said that alone could cost from \$2,500,000 to \$2,900,000.

**MOTION:** Workman moved and Stevens seconded to direct Dennis Meyer, Budget and Fiscal Officer, to work with the District Energy Corporation (DEC) to get registered and to give the DEC authority to submit an application on behalf of Lancaster County, seeking the maximum amount of funding for the jail project.

Schorr asked how the funds would be utilized in relation to the \$65,000,000 jail bond.

Killeen said some of the funds will go towards the DEC's side of the project but said the County will benefit because it won't have to pay recovery of the fixed charges for capitol items such as the well field.

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

**8 RELOCATION OF EMERGENCY OPERATIONS CENTER** - Don Killeen, County Property Manager

Don Killeen, County Property Manager, asked if the Board has any objection to relocating the Emergency Operations Center to the 233 Building.

None were stated.

In response to a question from Schorr, Killeen said the rent in the 233 Building will be less than Emergency Management's space in the Justice and Law Enforcement Center.

**9 PREVENTION BLOCK GRANT APPLICATION TO REGION V (\$142,900)** - Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, gave a brief overview of the grant and said no County match is required (Exhibit F).

**MOTION:** Stevens moved and Hudkins seconded to authorize Kit Boesch, Human Services Administrator, to submit the grant application. Schorr, Stevens, Heier, Hudkins and Workman voted aye. Motion carried.

**10 CONSTRUCTION MANAGER AT RISK CONTRACT FOR NEW JAIL -**  
Vince Mejer, Purchasing Agent

Vince Mejer, Purchasing Agent, said he contacted John Sampson, Sampson Construction (the Construction Manager at-Risk for the new jail) to ask that he provide the Board with the Guarantee Maximum Price (GMP) for the project by May 1, 2009 (see April 16, 2009 Staff Meeting minutes). He said Sampson indicated he cannot meet that deadline and said an addendum to the contract will be scheduled on a County Board of Commissioners Meeting agenda to provide for a deadline of May 22, 2009. Mejer noted, under the terms of the contract, Sampson was to provide the GMP when the plans were 60% completed. He said, for whatever reason, Sampson did not receive the plans until April 20<sup>th</sup>, when they were 98% completed.

In response to a question from Stevens, Mejer said Sampson is receiving 3.25% of the contract to assume the risk of a GMP.

Stevens said Sampson's risk has been substantially reduced and suggested it may be appropriate for him to cut his percentage.

Hudkins said it is his understanding that jail staff requested additional changes from the architects and that has caused delays.

Heier asked if the Board is interested in building more beds if the project comes in under \$65,000,000 (the amount that was bonded for the jail project).

Hudkins indicated that he is.

Schorr said she doesn't want to "jump" into building more beds until the cost of excluded items (an extensive list of items that were not included in the architects' design) is determined.

Board consensus was to schedule discussion with Sampson and the architect for the project (The Clark Enersen Partners) on the April 30, 2009 Staff Meeting agenda.

## **11 ACTION ITEMS**

- A. Microcomputer Request: C#53943, \$1,058.50 from Noxious Weed Control Authority to Three (3) Wide Screen LCD Monitors

Item was moved forward on the agenda.

## **12 CONSENT ITEMS**

- A. Paycheck Insert (Lincoln-Lancaster County Goes Green Contest) for April 30, 2009

Item was moved forward on the agenda.

## **13 ADMINISTRATIVE OFFICER REPORT**

- A. Nebraska Educational Telecommunications (NET) Program on Stimulus Funding

Item was moved forward on the agenda.

## **14 PENDING**

There were no pending items.

## **15 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Nebraska Association of County Officials (NACO) Legislative Day - All Commissioners
- B. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens
- C. Downtown Lincoln Association (DLA) - Stevens
- D. District Energy Corporation (DEC) - Hudkins, Workman

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

## **16 EMERGENCY ITEMS AND OTHER BUSINESS**

Item was moved forward on the agenda.

**17 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 10:41 a.m. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.



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Dan Nolte  
Lancaster County Clerk