

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, MAY 28, 2009  
8:30 A.M.**

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

Commissioners Absent: Ray Stevens, 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 8:31 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY, MAY 21, 2009**

**MOTION:** Hudkins moved and Workman seconded approval of the May 21, 2009 Staff Meeting minutes. Hudkins, Workman, Heier and Schorr voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

A. Pension Plan Revision

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

**3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant**

Gordon Kissel, Legislative Consultant, presented a legislative update and a report on legislative bills of interest (Exhibits A and B).

## **ADDITIONS TO THE AGENDA**

### A. Pension Plan Revision

Kerry Eagan, Chief Administrative Officer, said the pension plan will need to be amended to allow partial distributions for Income-Flex participants. **NOTE:** Income-Flex is a new retirement plan option that features a guaranteed minimum withdrawal benefit for plan participants who are at least 50 years of age.

#### **4 REPLACEMENT OF SERVERS** - Norm Agena, County Assessor/Register of Deeds; Ken Kuszak, Microcomputer/Network Support Coordinator, Information Services (IS); Bob Loos, Microcomputer Support Specialist, IS

Ken Kuszak, Microcomputer/Network Support Coordinator, Information Services, said the County Assessor/Register of Deeds' Orion servers are nearing the end of their life cycle and Hewlett Packard (HP) has informed him it will cease maintenance in February, 2010. He said new HP servers are estimated to cost \$27,525.96.

Schorr asked Norm Agena, County Assessor/Register of Deeds, whether he has budgeted for the expense.

Agena said no, stating he only learned recently that they will need to be replaced.

There was general consensus to have the County Assessor revise his budget request for Fiscal Year 2010 to include the expense.

Workman suggested that IS check with Dell, a rival company, for pricing.

## **ADMINISTRATIVE OFFICER REPORT**

### A. Claim for Review, Invoice on Account No. 3481051, \$1,794.80 for Medical Services Provided by Thayer County for an Inmate

Board consensus was to schedule the claim as a claim for review on the June 9, 2009 County Board of Commissioners Meeting agenda.

### B. City-County Common Meeting (June 1, 2009)

It was noted there will be a presentation on the Comprehensive Plan Amendments and an update on the jail project.

C. Union Business Time Tracking

Eagan said the Personnel Director would like to implement a new earnings code for county departments to use in order to track employees use of business time for union business.

There was no objection to the request.

D. Direct Deposit On-Line Information

Informational only.

**DISCUSSION OF BOARD MEMBER MEETINGS**

A. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Workman

Heier and Workman reported on budget discussion.

B. Downtown Lincoln Association (DLA) - Hudkins

No report.

C. Community Mental Health Center (CMHC) Advisory Committee - Schorr

No report.

**5 RECORDS DISPOSAL REQUEST** - Brian Pillard, Records & Information Manager

Heier noted the Records Management has received a request from the County Treasurer's Office to retain the department's tax lists and greenbelt books after microfilming.

Terry Adams, Deputy County Treasurer, appeared and said his office recently called back some microfilm and said a note was attached that indicated some records were missing and not microfilmed.

Brian Pillard, Records & Information Manager, said he is not sure if it was a filming issue or records issue that occurred before filming.

Heier suggested that Records and Information Management notify departments if they see there is a gap in records.

**MOTION:** Schorr moved and Workman seconded to retain the existing records disposal plan with regards to the County Treasurer's tax lists and greenbelt books. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

**COUNTY SPECIAL PERMIT NO. 09011, GARDEN CENTER AT SOUTH 148<sup>TH</sup> STREET AND PINE LAKE ROAD - Mike DeKalb, Planner**

Mike DeKalb, Planner, gave an overview of County Special Permit No. 09011, a request to allow a garden center on approximately 20 acres of a 78.70 acre parcel at South 148<sup>th</sup> Street and Pine Lake Road (Exhibit C). He said Planning staff and the Planning Commission have recommended conditional approval.

Cori Beattie, Deputy County Clerk, informed the Board that a public hearing will not be held on June 2<sup>nd</sup>, as originally scheduled, because they could not meet publication requirements. The public hearing will be on June 9<sup>th</sup> instead.

**6 SERVICE CONTRACT FOR PRINTER/SCANNER - Don Thomas, County Engineer; Doug Pillard, Design Division Head, County Engineering**

Doug Pillard, Design Division Head, County Engineering, presented information on the yearly maintenance costs for the department's large format scanner/printer (Exhibit D). He said maintenance expenses for the machine were considerable higher last year so the department has been looking into getting a service contract. The cost will be \$245.00 per month (\$2,940 for the year).

In response to a question from Schorr, Pillard estimated the life of the machine at 10 to 12 years. **NOTE:** The machine was purchased in 2004.

**MOTION:** Hudkins moved and Workman seconded to allow the County Engineer to budget \$2,500 for Fiscal Year 2010 for the maintenance costs, rather than purchase a service contract, with the understanding that the County Board may need to supplement the department's budget if costs exceed that amount. Schorr, Workman, Hudkins and Heier voted aye. Motion carried.

## **ADDITIONS TO THE AGENDA**

**MOTION:** Schorr moved and Hudkins seconded to add a request from the U.S. Department of Energy for a contact person for the Energy Efficiency and Conservation Block Grant (EECBG) Program. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

Brief discussion took place regarding the request (Exhibit E).

**MOTION:** Hudkins moved and Schorr seconded to appoint Don Killeen, County Property Manager, as the County's contact person for the Energy Efficiency and Conservation Block Grant (EECBG) Program. Hudkins, Workman, Schorr and Heier voted aye. Motion carried.

### **PROBATION COSTS - Mike Thurber, Corrections Director**

Mike Thurber, Corrections Director, presented information on inmates convicted between January 1, 2008 and April 30, 2009 and those convicted in 2009 who were sentenced to State time or State Probation (Exhibits F & G). He said the County's funding of an additional probation officer has helped shorten the length of time for pre-sentence investigations, although not significantly. Thurber suggested the need for the District Court Judges to require that pre-sentence investigations be completed within 30 days.

**MOTION:** Schorr moved and Workman seconded to direct Mike Thurber, Corrections Director, in consultation with Kerry Eagan, Chief Administrative Officer, to send a letter, on behalf of the County Board, to the District Court Judges, sharing the information provided to the Board, indicating that the County Board has agreed to fund the additional probation officer for one (1) more year and asking for their cooperation in limiting pre-sentence investigations to thirty (30) days. Schorr, Workman, Hudkins and Heier voted aye. Motion carried.

- 7 NORTHWEST 70<sup>TH</sup> STREET DAM STRUCTURE** - Glenn Johnson, General Manager, Lower Platte South Natural Resources District (NRD); Ed Ubben, Projects Coordinator, Lower Platte South NRD; Don Thomas, County Engineer

Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager, said construction of the Northwest 70<sup>th</sup> Street dam structure will be delayed at least a year because of difficulties in securing permits from the Department of Natural Resources for projects that involve the storage of water. He said two issues make it difficult: 1) The determination that the pallid sturgeon (freshwater fish), along with the piping plover and interior least terns (migratory and breeding birds), are endangered species in the Lower Platte River and concerns that depletions to flow might endanger the species or their habitat; and 2) A temporary stay on surface water permits. Johnson said it doesn't make sense to proceed with right-of-way acquisition until the permits are in hand.

Don Thomas, County Engineer, added that Congress is looking at declaring everything as "navigable streams".

Hudkins said that will give the federal government even more control. He asked Thomas whether he should look at acquiring the right-of-way the County will need to grade and rock the half-mile on Northwest 70<sup>th</sup> Street between Adams and Superior Streets.

Thomas said he would not be able to get to the grading this year and lacks the funds in his budget.

Ed Ubben, Projects Coordinator, Lower Platte South NRD, said the NRD has already acquired the downstream right-of-way and said the intent had been to acquire the right-of-way for the county road section.

Johnson and Thomas agreed to work together to see what can be done in the interim.

Thomas noted there will be one condemnation involved.

**MOTION:** Hudkins moved and Workman seconded to send a letter to Nebraska's Senate and Congress delegations regarding the proposed Clean Water Resolution Act (CWRA), asking for their support in opposing the elimination of the term "navigable" from the definition of the waters of the United States, as proposed in the CWRA. Hudkins, Workman, Schorr and Heier voted aye. Motion carried.

**8 COUNTY SPECIAL PERMIT NO. 09011, GARDEN CENTER AT SOUTH 148<sup>TH</sup> STREET AND PINE LAKE ROAD - Mike DeKalb, Planner**

Item was moved forward on the agenda.

**9 A) JORDAN CEMETERY MAINTENANCE; AND B) PHRAGMITES -**  
Russ Shultz, Noxious Weed Control Authority Superintendent

**A) Jordan Cemetery Maintenance**

Russ Shultz, Noxious Weed Control Authority Superintendent, said an adjacent farmer has been mowing the Jordan Cemetery (see pictures in Exhibit H) and has requested reimbursement from the County. He said the law says the County can budget \$500 for maintenance of an abandoned pioneer cemetery.

**MOTION:** Workman moved to provide the farmer with reimbursement in the amount of \$200 for mowing the cemetery.

**AMENDMENT:** Hudkins moved to amend the motion but could not do so as the original motion had not been seconded.

Heier seconded the original motion.

Further discussion took place regarding an appropriate amount. Hudkins said he believes reimbursement of \$50 per mowing would be appropriate. Heier suggested that the farmer be allowed to apply for reimbursement, up to \$200.

The maker of the motion said he would accept the friendly amendment to allow reimbursement up to \$200.

Heier clarified that he did not offer a friendly amendment.

Hudkins asked the maker of the motion whether he would be willing to amend his motion to state that reimbursement would be up to \$50 per mowing, for a maximum of \$200 per year.

The maker of the motion said he would not, as it would tie the farmer down in terms of the number of mowings.

Hudkins said he does not feel the farmer should be eligible for \$200 for one mowing.

The maker of the motion agreed.

Hudkins said he was seconding the friendly amendment. **NOTE:** There was not a friendly amendment on the table.

The clerk requested clarification.

Hudkins said Workman made a motion and he was seconding that motion.

**NOTE:** The motion had already been seconded by Heier.

After further discussion, the maker of the motion and the seconder withdrew their motion.

**MOTION:** Workman moved and Hudkins seconded to reimburse the farmer up to a maximum of \$200 per season, not to exceed \$50 per mowing, to maintain the Jordan Cemetery.

It was clarified that reimbursement would be available to anyone maintaining other abandoned pioneer cemeteries in Lancaster County, upon their request, and that bills would need to be submitted to Shultz.

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

Shultz also presented photographs of wind damage to trees in the cemetery (Exhibit I).

Hudkins suggested Shultz utilize jail work crews to take care of the trees.

## **B) Phragmites**

Shultz said there are 223 sites (171 acres) of Phragmites infestation in Lancaster County (Exhibit J). **NOTE:** Phragmites are an invasive reed-like plant. He said the landowners were sent letters indicating they must respond by the end of June or the County will spray the weeds and bill them. A list of contractors was provided.

In response to a question from Heier, Shultz said he has requested \$5,000 in his budget for the spraying of county road sites and \$16,000 for reimbursable helicopter spraying.

- 10 LANCASTER MANOR BOILER ROOM STUDY** - Greg Newport and Brent Beckman, The Clark Enersen Partners; Gwen Thorpe, Interim Lancaster Manor Administrator; Jerry Allen, Facilities Manager, Lancaster Manor; Don Killeen, County Property Manager

Brent Beckman, The Clark Enersen Partners, presented Lancaster Manor Boiler Room Study (a risk assessment study of the mechanical and associated electrical systems located in the lower level Mechanical/Electrical Equipment Room at Lancaster Manor for flooding potential in the event of an unexpected leak). He reported the following recommendations, in order of priority, for improvements to the existing mechanical and electrical systems:

1. The 4" water main should have an automatic isolation valve installed in the piping main outside the lower level Mechanical/Electrical Equipment Room to shut off the domestic water main in the event of a high water alarm. Multiple high water level sensor/switches should be strategically located throughout the room. (Estimated cost is \$5,000-\$6,000)
2. The sump pumps in the S-1 basin should be replaced with new higher capacity pumps. The pump discharge piping should be rerouted and connected to the existing sanitary sewer. (Estimated cost is \$11,000-\$13,000)
3. The sump pumps in the SE-2 basin should be replaced with new higher capacity pumps and new pump controllers should be added. (Estimated cost is \$10,000-\$12,000)
4. The main chilled/heating hot water pump located in the lower level Mechanical/Electrical Equipment Room should have an automatic shut down in the event of high water alarms. Sensor/switches should automatically turn the pump off if the new high water level alarm is activated. (Estimated cost is \$2,500-\$3,500)

Beckman said all of the estimates include electrical upgrades.

Jerry Allen, Facilities Manager, Lancaster Manor, said he supports Recommendation Number 1 and part of Recommendation 2 (hook the sump pump directly up to the outside sewer line).

Don Killeen, County Property Manager, concurred with Allen.

Gwen Thorpe, Interim Lancaster Manor Administrator, said she is also comfortable with Allen's analysis.

In response to a question from Schorr, Allen said instituting Recommendation Number 1 should alleviate the risk.

**MOTION:** Workman moved and Schorr seconded to proceed with Recommendation Number 1 and that portion of Recommendation Number 2, capping that cost at \$1,000.

Allen was asked to get an estimate from a plumber and to report back if it is more than \$1,000.

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

- 11 FINAL EVERCOM (SECURUS) BILLING** - Tom Fox, Deputy County Attorney; Michelle Schindler, Youth Services Center (YSC) Director; Melissa Hood, Administrative Aide, YSC

Michelle Schindler, Youth Services Center (YSC) Director, said they are still working to reconcile billings from Evercom d/b/a Securus for resident telephone services for the Lancaster County Youth Services Center. Evercom (Securus) contends that they are still owed monies for their first contract period (2003-2005). **NOTE:** The County switched carriers, then brought Evercom (Securus) back. She said Evercom (Securus) is suggesting that they are owed \$10,000 total, but said she believes there may be room for negotiation.

- 12 A) SOUTHWEST 40<sup>TH</sup> STREET VIADUCT AND WEST "O" STREET JAIL ACCESS; AND B) EAST BELTWAY CORRIDOR PROTECTION** - Roger Figard, City Engineer; Don Thomas, County Engineer; Tom Fox, Deputy County Attorney; Clint Thomas, City Real Estate Appraiser; Greg Newport, The Clark Enersen Partners

**A) Southwest 40<sup>th</sup> Street Viaduct and "O" Street Jail Access**

Roger Figard, City Engineer, said they are making progress in negotiations with the Burlington Northern/Santa Fe Railroad but said he is no longer confident the viaduct will be constructed by the time the new jail facility on Southwest 40<sup>th</sup> and "O" Street is completed, due to issues related to federal oversight and the stimulus projects. He said the process of right-of-way acquisition and appraisals will take nine to twelve months and said it cannot begin until they receive authorization. Figard also reported that the City of Lincoln and the Railroad Transportation Safety District (RTSD) can no longer bid and let their own projects, due to Federal Highway Administration (FHWA) requirements. He said all projects that receive federal aid must be converted to Nebraska Department of Roads (NDOR) plans and run through their bid/letting process.

Heier asked whether the viaduct is receiving federal monies.

Figard said the bridge project, which is included in the viaduct project, is receiving federal aid. The viaduct project is receiving State Train Mile Tax (TMT) money and will have State oversight.

Heier asked if the project would be held up if the federal aid is refused.

Don Thomas, County Engineer, said the federal government will still be involved if the term "navigable" is eliminated from the definition of the waters of the United States, as proposed in the Clean Water Resolution Act (CWRA) (see Item 7).

Heier inquired about the amount of federal aid for the project.

Thomas estimated the amount at \$600,000.

In response to a question from Schorr, Figard said the RTSD included plans for paving the north 800 foot segment as part of the project and said it could possibly be split into two projects.

Greg Newport, The Clark Enersen Partners, said having it paved would improve access to the jail. He said the road would not be needed until the spring of 2012.

In response to a question from Schorr, Figard said regardless of what happens they will continue to evaluate both Southwest 40<sup>th</sup> Street and the entrance site to see if they meet warrants for a traffic signal. He asked whether the County would be willing to pay for the traffic signal and estimated the cost, on the high end, at \$250,000.

Hudkins asked whether the cost would be prorated out among the properties that would benefit from the signal.

Figard said the development causing the need, or asking for the improvements, would have to pay. He said the City might contribute if it had the funds and there were other reasons for the signal to be there.

## **B) East Beltway Corridor Protection**

Figard said the Mayor and County Board sent a letter to the Waverly Development Corporation several years ago asking them to hold onto a triangular piece of property where the East Beltway will intersect Interstate 80. He said the City and County are now moving ahead with purchase and said the developer has requested language in the sales agreement to indicate that the City and County are buying the land under the threat of eminent domain. Figard said the language will provide the owner with some advantages in terms of deferring capital gains.

Tom Fox, Deputy County Attorney, questioned whether there is an active threat of eminent domain and said there may be other documents that would satisfy the Internal Revenue Service (IRS).

**13 PROBATION COSTS** - Mike Thurber, Corrections Director

Item was moved forward on the agenda.

**14 ACTION ITEMS**

There were no action items.

**15 CONSENT ITEMS**

There were no consent items.

**16 ADMINISTRATIVE OFFICER REPORT**

- A. Claim for Review, Invoice on Account No. 3481051, \$1,794.80 for Medical Services Provided by Thayer County for an Inmate
- B. City-County Common Meeting (June 1, 2009)
- C. Union Business Time Tracking
- D. Direct Deposit On-Line Information

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

**17 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Workman
- B. Downtown Lincoln Association (DLA) - Hudkins
- C. Community Mental Health Center (CMHC) Advisory Committee - Schorr

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

**18 ADJOURNMENT**

**MOTION:** Schorr moved and Workman seconded to adjourn the meeting at 11:25 a.m. Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk