

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, JUNE 4, 2009
8:30 A.M.**

Commissioners Present: Bernie Heier, Chair
Bob Workman
Deb Schorr

Commissioners Absent: Ray Stevens, Vice Chair
Larry Hudkins

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 8:32 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY, MAY 28, 2009; AND DEPARTMENTAL BUDGET HEARING MINUTES OF THURSDAY, MAY 14, 2009 AND TUESDAY, MAY 19, 2009

MOTION: Workman moved and Schorr seconded approval of the May 28, 2009 Staff Meeting minutes and minutes of the May 14, 2009 and May 19, 2009 Departmental Budget Hearings. Workman, Schorr and Heier voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 LEGISLATIVE UPDATE - Joe Kohout, Kissel/E&S Associates (Legislative Consultant)

Joe Kohout, Legislative Consultant, presented the following documents (Exhibit A): 1) Legislative update; 2) Interim study listing; and 3) Report on legislative bills of interest.

Schorr arrived at the meeting at 8:35 a.m.

4 ADDITIONAL APPROPRIATIONS - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, said he will schedule an item on the June 16, 2009 County Board of Commissioners Meeting agenda to amend two funds (Weed Fund and Property Management Fund). A resolution to transfer additional appropriations within the General Fund will also be scheduled on the agenda.

ACTION ITEMS

A. Letter of Support (House of Representatives (H.R.) Bill 1608)

MOTION: Schorr moved and Workman seconded to authorize signature by the Chair, with the understanding that there may some language revision. Workman, Schorr and Heier voted aye. Motion carried.

B. Visitors Improvement Fund Grant Request from the Updowntowners for Stage Rental (\$10,000)

MOTION: Schorr moved and Workman seconded to deny the Visitors Improvement Fund grant request from the Updowntowners, based on the recommendation of the Visitors Promotion Committee (VPC). Schorr, Heier and Workman voted aye. Motion carried.

ADMINISTRATIVE OFFICER REPORT

A. Scheduling of Lancaster Manor Request for Qualifications (RFQ) Committee Report for Tuesday, June 9, 2009

Board consensus was to schedule the report as a special presentation on the June 9, 2009 Board of Commissioners Meeting agenda.

B. Commissioner Air Card

Workman noted the County Sheriff's Office has been able to purchase air cards (a mechanical devise that can be plugged into a laptop's USB port and provide a connection to the Internet via a phone number) for \$44.00 per air car, per month (the normal cost is \$60.00 per air card, per month).

MOTION: Workman moved and Schorr seconded to direct Kerry Eagan, Chief Administrative Officer, to investigate the possibility of purchasing one (1) air card for the County Board's use, utilizing the County Sheriff's contract, if possible. Workman, Heier and Schorr voted aye. Motion carried.

5 INTRODUCTION OF MARK HOSKING, BIO-TERRORISM PANDEMIC COORDINATOR - Doug Ahlberg, Emergency Management Director

Doug Ahlberg, Emergency Management Director, introduced Mark Hosking, Bio-Terrorism Pandemic Coordinator, Lincoln-Lancaster County Health Department, and recommended that Hosking be appointed to serve as his back-up, on a contract basis, when he is out of town. A list of Hosking's qualifications was presented (Exhibit B).

NOTE: The request to appoint Hosking as Ahlberg's back-up will be presented to the City-County Common on June 14, 2009.

ADMINISTRATIVE OFFICER REPORT

C. Arbor Road Update

Eagan said the Abbott Sports Complex has indicated it cannot donate right-of-way for the Arbor Road project but will make a financial donation to the County if the County purchases the right-of-way.

Board consensus was to authorize the County Engineer to proceed with the right-of-way purchase.

D. Management Team Meeting (June 11, 2009)

The following agenda items were suggested: 1) Lancaster Manor Request for Qualifications (RFQ) Committee Report; 2) Campaign Against Hunger; and 3) Roundtable discussion.

E. Letter from Greg Sanford Regarding County Resolution No. R-07-0089 (Dirt Mining Hours of Operation)

Eagan said Greg Sanford, the holder of County Special Permit No. 07033, has submitted a request to amend County Resolution No. R-07-0089 to lift the restrictions on operating in morning and afternoon hours and on weekends.

Board consensus was to forward the request to the Planning Department to begin the public hearing process.

F. Correspondence from Nebraska Historical Society Regarding Energy Efficiency Funding

Board consensus was to forward the correspondence to Don Killeen, County Property Manager.

G. County Board of Zoning Appeals Appointment (Expired Term of Rod Hollman)

It was noted Hollman is not seeking reappointment.

Heier said he has asked Harold Klein to submit his name for appointment.

H. Campaign Against Hunger (Food Drive)

Commissioner Workman and Minette Genuchi, Administrative Assistant, agreed to attend the kick-off breakfast on June 25th.

6 VETERANS SERVICE COMMITTEE APPOINTMENT - Gary Chalupa, Veterans Service Officer/General Assistance Director

Gary Chalupa, Veterans Service Officer/General Assistance Director, said there are two applicants for the vacancy on the Veterans Service Committee: 1) Ron Lechner, who currently serves as Chair of the committee; and 2) Anthony (Tony) Gallardo. He distributed copies of their applications and a letter from the Disabled American Veterans, Chapter 7 in support of Gallardo's nomination (Exhibits C, D & E). Chalupa said the Veterans Service Committee reviewed the applications and found that both applicants met eligibility requirements. The Committee did not make a recommendation.

In response to a question from Heier, Chalupa said he would lean towards appointment of Gallardo because his recommendation comes from a veterans' organization he belongs to and Lechner's does not.

MOTION: Schorr moved and Workman seconded to direct Gary Chalupa, Veterans Service Officer/General Assistance Director, to proceed with bonding for Anthony (Tony) Gallardo and scheduling of the appointment on a County Board of Commissioners Meeting agenda. Workman, Heier and Schorr voted aye. Motion carried.

The Board asked that Lechner be recognized for his service.

DISCUSSION OF BOARD MEMBER MEETINGS

D. Mayor's Blue Ribbon Task Force on Healthcare Safety Net - Stevens

Chalupa said he attended the meeting and said the following topics were discussed: 1) How to define "medical home"; 2) Whether clinics should have a standardized sliding scale; and 3) Access to urgent care.

7 RIGHT-OF-WAY FENCE LINE ENCROACHMENT, 25700 SOUTH 38TH STREET - Ken Schroeder, County Surveyor; Tom Fox, Deputy County Attorney

Ken Schroeder, County Surveyor, said Angela & David Colgan, the owners of property at 25700 South 38th Street, applied for an accessory drive and when the district supervisor went out to inspect it he discovered they had a fence and playground equipment in the County's right-of-way (see Exhibit F). He said the district supervisor informed Mrs. Colgan they would need to be moved. The husband later contacted the County Engineer's Department and requested something more formal and instructive.

MOTION: Schorr moved and Workman seconded to send a letter to the property owners requesting a waiver and proof of liability insurance, with a request that the playground equipment be moved out of the County's right-of-way. Workman, Heier and Schorr voted aye. Motion carried.

8 WAIVER OF 120 DAY NOTICE PROVISION FOR SANFORD POLLACK JUVENILE COURT CONTRACT - Tom Fox, Deputy County Attorney; Theresa Emmert, Juvenile Court Administrator; Dennis Keefe, Public Defender; Sanford Pollack, Attorney at Law

Tom Fox, Deputy County Attorney, said the County has contracts with a number of law firms for representation of indigent parents and juveniles in Juvenile Court proceedings and said those contracts include a provision for 120 day notice of termination. He said some of the contractors have inquired whether the Board would be willing to waive the notice if it decides to not renew the contracts. **NOTE:** The Juvenile Court Judges had indicated they would like the contracts to expire at the end of their respective terms and the Court return to a system where individual attorneys are appointed by the Juvenile Court to represent children and parents in Juvenile Court proceedings (see May 19, 2009 Department Budget Hearing Minutes).

Workman expressed concerns regarding a lapse of representation.

Fox explained that the Judges could appoint the attorneys to the cases they already have.

Schorr said the attorneys probably believe they will make more money under the new plan.

Dennis Meyer, Budget and Fiscal Officer, appeared and said he plans to meet with Theresa Emmert, Juvenile Court Administrator, to compare numbers.

Fox said he believes some of the judges' concerns could be addressed by revising the contracts.

Heier said the Board was informed that the Judges have the right to make appointments.

Fox said that is correct, but said the contracts stipulate that the contractors cannot accept appointments outside of the contracts.

Heier asked whether the Board could stipulate that if the County agrees to waive the notice of termination the contractors could not be appointed by the Courts until their contract period ends.

Fox said no, they could be appointed right away.

Dennis Keefe, Public Defender, questioned whether the Juvenile Court wants all of the cases dropped on them at one time.

Theresa Emmert, Juvenile Court Administrator, said the Judges are anticipating that could happen but are hoping that the contracts will not be renewed as they expire and those attorneys will then start billing hourly.

Keefe suggested that the Judges form a task force to work with the County Board, contractors and other interested parties to figure out the best way to provide representation. He said one option may be a Guardian Ad Litem Office.

In response to a question from Workman, Sanford Pollack, Attorney at Law, said if a Judge determines an attorney is not providing adequate representation they can remove them from the case.

Heier said it has been suggested that these costs be shifted to the Juvenile Court's budget.

Emmert said that is correct. She said the money that will be shifted is the money that will be freed up when the contracts end. Those funds will be used to pay the attorneys' hourly rates.

Keefe also recommended that the contract with Legal Aid of Nebraska for representation of indigent parents and juveniles in Juvenile Court proceedings be absorbed by the Juvenile Court.

Schorr asked Pollack to explain the purpose of the inquiry.

Pollack said he is exploring options and trying to make a business decision on behalf of his firm.

Schorr said the Board is being asked to make a decision without any information on its impact.

Board consensus was to delay a decision until it receives any letters of termination and requests for waiver of the notice provision.

9 RURAL BUSINESS INITIATIVE - Marvin Krout, Planning Director; Mike DeKalb, Planner

Marvin Krout, Planning Director, noted his department provided a report to the Board on options for expanding the allowable scope of home occupations in the County's Agricultural (AG) and Agricultural Residential (AGR) zoning districts (see March 12, 2009 Staff Meeting minutes). The report was also provided to the Planning Commission in a workshop and the Planning Commissioners indicated they wanted a formal request for comments. He said he provided them with one and received three sets of written comments back, one suggesting that the current regulations be opened up somewhat without requiring a special permit. Krout asked whether the Board wants to work with the City to get a text amendment on the City side as well or to just proceed on the county side.

Mike DeKalb, Planner, said he thought the City might want to be part of the discussion because the City will inherit it as its three-mile zoning jurisdiction moves.

Krout suggested the County may be a better "testing place".

Schorr said she believes there are a lot of businesses that are operating illegally in the County.

DeKalb said the County's rural communities have indicated they want to continue the policy of sending businesses to the towns but believe there is a place for a rural business special permit process.

Schorr suggested a City Council briefing would be more appropriate once the County Board and Planning Commission are close to finalizing a proposed text amendment.

Krout said he will prepare draft language of proposed zoning changes for the Board.

DISCUSSION OF BOARD MEMBER MEETINGS

A. Lancaster Manor Advisory Committee - Schorr

Schorr said there was an update on the Lancaster Manor Request for Qualifications (RFQ) Committee's activities. The closing of "A" Hall was also discussed.

10 CASE MANAGEMENT SYSTEM HARDWARE (SERVER, LAPTOPS, MONITORS AND SCANNERS) - Gary Lacey, County Attorney

Gary Lacey, County Attorney, said Information Services has informed him his office will need a dedicated server for its new case management system.

Eagan said the cost is \$9,474.01. He said Lacey has also requested new laptops, monitors and scanners as part of his budget request.

Heier asked whether the cost could be covered with Drug Forfeiture Funds.

Lacey said this is a cost of the ordinary course of business which is a County responsibility.

Board consensus was to schedule discussion with IS representatives.

11 POTENTIAL LITIGATION - Tom Fox, Deputy County Attorney

MOTION: Workman moved and Schorr seconded to enter Executive Session at 10:36 a.m. for discussion of potential litigation. Workman, Heier and Schorr voted aye. Motion carried.

MOTION: Schorr moved and Workman seconded to exit Executive Session at 10:52 a.m. Schorr, Heier and Workman voted aye. Motion carried.

12 ACTION ITEMS

- A. Letter of Support (House of Representatives (H.R.) Bill 1608)
- B. Visitors Improvement Fund Grant Request from Updowntowners for Stage Rental (\$10,000)

Items A and B were moved forward on the agenda.

13 CONSENT ITEMS

There were no consent items.

14 ADMINISTRATIVE OFFICER REPORT

- A. Scheduling of Lancaster Manor Request for Qualification (RFQ) Committee Report for Tuesday, June 9, 2009
- B. Commissioner Air Card
- C. Arbor Road Update
- D. Management Team Meeting (June 11, 2009)
- E. Letter from Greg Sanford Regarding County Resolution No. R-07-0089 (Dirt Mining Hours of Operation)
- F. Correspondence from Nebraska Historical Society Regarding Energy Efficiency Funding
- G. County Board of Zoning Appeals Appointment (Expired Term of Rod Hollman)
- H. Campaign Against Hunger (Food Drive)

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

15 PENDING

There were no pending items.

16 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lancaster Manor Advisory Committee - Schorr

Item was moved forward on the agenda.

- B. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Meeting was cancelled.

- C. City/County Chamber Coffee - Hudkins

No report.

- D. Mayor's Blue Ribbon Task Force on Healthcare Safety Net - Stevens

Item was moved forward on the agenda.

17 ADJOURNMENT

MOTION: Schorr moved and Workman seconded to adjourn the meeting at 10:53 a.m. Schorr, Workman and Heier voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk