

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, JUNE 25, 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  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:30 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY, JUNE 18, 2009**

**MOTION:** Hudkins moved and Schorr seconded approval of the June 18, 2009 Staff Meeting minutes. Schorr, Hudkins and Heier voted aye. Stevens abstained from voting. Workman was absent. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Proposed Agenda for Joint Public Hearing on Comprehensive Plan Amendments (Exhibit A)
- B. Grant Request from Human Services (Exhibit B)
- C. Emergency Medical Services (EMS)
- D. Drainage Problems at 176th and Bluff Road

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

**3 LABOR NEGOTIATIONS** - Mark Koller, Personnel Director; John Cripe, Classification and Pay Manager; Nicole Gross, Compensation Technician; Mike Thurber, Corrections Director; Kristy Bauer, Deputy County Attorney

**MOTION:** Hudkins moved and Schorr seconded to enter Executive Session at 8:32 a.m. for discussion of labor negotiations. Hudkins, Heier, Stevens and Schorr voted aye. Workman was absent. Motion carried.

Workman arrived at the meeting at 9:08 a.m.

**MOTION:** Stevens moved and Schorr seconded to exit Executive Session at 9:08 a.m. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

**4 DENTAL AND VISION PLAN REVIEW** - Dan Snyder, Ameritas; Bill Kostner, City Risk Manager

Dan Snyder, Ameritas, said his company has completed an analysis of the self-insured dental plan and the vision plan as part of the renewal process. He said the current dental plan and administrative fee will be maintained, based on administrative expenses incurred and plan utilization (Exhibit C). Snyder said the vision plan and rates will be extended and upgraded for the 2010 plan year (see Exhibit C).

Board consensus was to have the County Attorney's Office review the documents and schedule action on a County Board of Commissioners Meeting agenda.

**5 LITTLE SALT CREEK WATERSHED MASTER PLAN** - Nicole Fleck-Tooze, Special Projects Administrator, Public Works/Utilities; Ben Higgins, Senior Engineer; Ed Kouma, Associate Engineer; Mike DeKalb, Planner; Doug Pillard, Design Division Head, County Engineering; Paul Zillig, Assistant Manager, Lower Platte South Natural Resources District (NRD)

Ed Kouma, Associate Engineer, Public Works/Utilities, gave a PowerPoint presentation on the Little Salt Creek Watershed Master Plan, noting the following (see Exhibits D and E):

- Watershed Master Planning
- Little Salt Creek Watershed Master Plan Goals & Objectives
- Little Salt Creek Watershed Master Plan Major Study Components
- Watershed Characteristics
- Floodplain Mapping
- Drainage Criteria Recommendations
- Other Improvement Recommendations

Nicole Fleck-Tooze, Special Projects Administrator, Public Works/Utilities, suggested the Board might want to consider regulations to “mirror” those adopted by the City so the County could also locally regulate the floodprone areas. The proposed regulations are as follows (Exhibit F):

- Resolution amending the County Zoning Regulations

Article 2: Add a definition for “Floodprone Area”:

*“Those lands subject to a one percent or greater chance of flooding in any given year, as determined by hydrologic and hydraulic studies completed by the City of Lincoln, Lancaster County, or other governmental agency, or other acceptable source as approved by the County where this is the best available information.”*

- Resolution amending the County Subdivision Regulations:

Chapter 2: Add a definition for “Floodprone Area”:

*“Those lands subject to a one percent or greater chance of flooding in any given year, as determined by hydrologic and hydraulic studies completed by the City of Lincoln, Lancaster County, or other governmental agency, or other acceptable source as approved by the County where this is the best available information.”*

Chapter 6: Add provisions for regulating locally-adopted “Floodprone Areas” relative to subdivisions in the same way that Federal Emergency Management Agency (FEMA) floodplains are regulated.

- Resolution approving the Little Salt Creek 100-year Floodprone Area/Floodway:

Approving the Little Salt Creek 100-year Floodprone Area and revised Floodway map and data as the best available information for local flood regulation purposes.

Fleck-Tooze said the resolutions could be adopted in conjunction with the Master Plan.

In response to a question from Schorr, Fleck-Tooze said there won’t be an impact to homeowners’ insurance until Federal Emergency Management Agency (FEMA) updates their maps, which is likely to take at least a year.

Schorr asked whether homeowners have been notified.

Kouma said homeowners in the basin were notified of the study and the maps.

Fleck-Tooze added that property owners who are now shown as located out of the floodplain could submit that information to FEMA and apply for a map amendment.

Stevens asked whether any of the bridges in the floodprone area are included in the One and Six Year Road and Bridge Improvement Program.

Doug Pillard, Design Division Head, County Engineering, said yes and said his department is actively working on two of them. One is located on Raymond Road, west of 1<sup>st</sup> Street and the other is on North 14<sup>th</sup> Street, north of Waverly Road.

**MOTION:** Hudkins moved and Stevens seconded to direct that all three (3) resolutions be scheduled on a County Board of Commissioners Meeting agenda for action. Stevens, Schorr, Workman, Hudkins and Heier voted aye. Motion carried.

**6 NEW CORRECTIONS FACILITY UPDATE** - Chuck Richter and Craig Gies, Sampson Construction Company; Greg Newport, The Clark Enersen Partners; Vince Mejer, Purchasing Agent

Chuck Richter, Sampson Construction Company, said the plans for the new jail have been submitted to Building and Safety for review and permit. He said there are costs involved with the plan review process and requested approval for the expenditure (\$147,616.68).

Tom Fox, Deputy County Attorney, said it would be a reimbursable cost of construction.

Hudkins asked Fox to research whether the County is required to have permits.

Workman suggested the City be asked to waive the fees or donate the services.

Chuck Zimmerman, Building & Safety Plan Review Manager, appeared and said State Statutes require the County to obtain permits and pay the fees. He said the law does not negate donation of services but said he would not be inclined to do so, as the department is funded through fees.

Vince Mejer, Purchasing Agent, said it may be appropriate to pay for the permits through the Pre-Construction Fund, with reimbursement.

Fox said the other option would be to provide written approval, since Sampson has not provided the Board with the Guaranteed Maximum Price (GMP).

It was noted that both the Board and Lancaster County Correctional Facility Joint Public Agency (JPA) must approve construction costs.

Heier asked Mejer whether the GMP has been received.

Mejer said he has been given a figure, but said a different price has been requested in response to the bids.

Richter also requested the Chair's signature on a Notice of Intent (NOI) regarding the Stormwater Pollution Prevention Plan (Exhibit G).

**MOTION:** Schorr moved and Stevens seconded to authorize the Chair to sign the document. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

Craig Gies, Sampson Construction Company, said 106 bids were received on the project and said they are in the process of evaluating the documents.

Board consensus was to schedule an update on the July 7, 2009 County Board of Commissioners Meeting agenda.

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

- A. Proposed Agenda for Joint Public Hearing on Comprehensive Plan Amendments (Exhibit A)

There was no objection to the proposed agenda.

The Chair noted he will be absent so the Vice Chair will open the meeting.

- B. Grant Request from Human Services (Exhibit B)

**MOTION:** Stevens moved and Workman seconded to authorize submission of the grant, with signature by the Chair. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

- C. Emergency Medical Services (EMS)

Schorr requested a briefing by the Mayor's Office on plans for a Request for Proposals (RFP) to find a group, company or organization to provide medical oversight for emergency medical services and how the County might participate in the process.

#### D. Drainage Problems at 176th and Bluff Road

Hudkins said he met with representatives of the Camp Creek Threshers (an organization with grounds near Waverly, Nebraska) and County Engineering on Wednesday to discuss drainage problems at 176<sup>th</sup> and Bluff Road. He said it appears the drainage problems are the result of a State road project.

Don Thomas, County Engineer, appeared and said his department will contact the State's project manager to discuss the problem.

### **ADMINISTRATIVE OFFICER REPORT**

#### A. July 2, 2009 Staff Meeting

Board consensus was to cancel the meeting.

#### B. County Board Air Card

Minette Genuchi, Administrative Assistant, appeared and said the cost will be \$44.00 per month.

**MOTION:** Workman moved and Hudkins seconded to purchase one (1) air card for the County Board's Office. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

#### C. Claims for Review:

1. PV225735 from County Engineering, \$1,592.84 to Midwest Steel Works, Inc., Amount Requires a Purchase Order
2. PV225913 from County Engineering, \$3,182.37 to Jerry's Diesel Service, LLC, Amount Requires a Purchase Order

Kerry Eagan, Chief Administrative Officer, said the claims for review have been withdrawn and will be handled through the regular claims process.

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

#### A. Lincoln Economic Development Luncheon - Hudkins, Heier, Schorr

Schorr said the speaker stressed cooperation and regionality.

B. Nebraska Association of County Officials (NACO) Board Meeting - Heier

Heier said the group discussed whether to pursue legislation to change the budget year.

Schorr suggested the item be placed on the County's legislative list.

Heier said they also discussed a suggestion that a term limit be instituted for the National Association of County Officials (NACo) representative.

**7 BUDGET UPDATE (INCLUDING JUVENILE COURT CONTRACTS) -**  
Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, presented Lancaster County, Property Tax Funded Budgets, Fiscal Year (FY) 2010 Requested Compared to Fiscal Year (FY) 2009 Adopted (Exhibit H). He said the budget shortfall is currently \$1,396,078 and said that amount does not include the General Fund balance. Meyer said some of the funds that were set aside for the County Treasurer's tax system were not utilized and can be applied to the bond payments (the approximate amount is \$500,000). He also reminded the Board the Public Defender's request for additional personnel has not been addressed (see May 14, 2009 Departmental Budget Hearing Minutes).

Schorr noted Dennis Keefe, Public Defender, has suggested the County increase its request to the City, due to the cost of providing counsel for City Attorney filed misdemeanors, and asked that he be prepared to appear at the July 14<sup>th</sup> City-County Common Budget Hearings to discuss the matter.

Discussion took place with Juvenile Court Judges Roger Heideman and Reggie Ryder and Theresa Emmert, Juvenile Court Administrator, regarding the Juvenile Court's proposal to let the contracts for representation of indigent parents and juveniles in Juvenile Court proceedings expire at the end of their respective terms and the Court return to a system where individual attorneys are appointed by the Court. Meyer said there is concern regarding how the change will impact the budget. Judges Heideman and Ryder stated the Court's position has not changed. It was noted that one of the law firms who has a contract has given notice of termination, anticipating they will make more money through court appointment.

Workman asked whether that firm would continue to receive appointments.

Judge Ryder explained the Court will have the discretion to appoint the firm on future cases.

Board consensus was to review the costs at mid-year.

General discussion of the budget continued.

Hudkins noted he had suggested the Board explore freezing wages and longevity pay and suspending Post Employment Health Plan (PEHP) contributions for a year or two.

Meyer said it appears suspension of PEHP contributions would be the easiest to implement and estimated the savings at \$450,000 to \$600,000 a year.

Hudkins asked Meyer to calculate what the savings would be if the Board froze longevity pay.

Schorr asked about the rural library budget.

Meyer said he will likely receive those figures in the next week or two.

Schorr questioned the amount projected for the County Attorney in the Information Services (IS) budget.

Meyer said he believes that figure has been adjusted.

Schorr noted the District Court has requested 49 flat screen monitors and suggested they be phased-in over a two-year period.

Stevens suggested the Board look at the cost of providing free parking to elected officials and directors underneath the County-City Building. He estimated the cost at \$75,000, annually.

Schorr asked Meyer to check on the amount paid to The Clark Enersen Partners (architects for the new jail) out of the General Fund that may be eligible for reimbursement from bond proceeds. Meyer was also asked to check on the spending trend per resident.

- 8 LANCASTER MANOR UPDATE - Gwen Thorpe, Interim Lancaster Manor Administrator**
- A) APPOINTMENT OF LANCASTER MANOR ADMINISTRATOR - Larry Hudkins, Lancaster County Commissioner**
- B) LANCASTER MANOR REQUEST FOR QUALIFICATIONS (RFQ) COMMITTEE REPORT FOLLOW-UP**

### **Lancaster Manor Update**

Gwen Thorpe, Interim Lancaster Manor Administrator, said she is still gathering information for the State Auditor and is working on the cost report.

Thorpe said the census is 232 but said Pat Snyder, Executive Director of Nebraska Health Care Association, Inc., has informed her that nursing home censuses are down across the State, even in the numbers of private pay patients.

Hudkins asked whether there are still problems with private pay billings.

Thorpe said no, they are being billed.

Hudkins asked whether additional resources are needed.

Thorpe said not at this time.

Workman said it was reported at the public hearing on June 23<sup>rd</sup> that 49% of the individuals who were accepted went elsewhere and said there was a perception those individuals didn't want to go to the Manor. He that may not be the case. They may have selected another facility or decided not to go to a nursing home. Workman said there was also a perception that other nursing home facilities were only providing the minimum number of Medicaid beds required by law (10%) and said he was informed that Tabitha Health Care Services is providing a much higher number.

Thorpe said Medicaid bed usage is 59% statewide. She said that number is lower in Lincoln, primarily because Lancaster Manor has such a large number of Medicaid beds. Thorpe said most have 35% to 70% of their beds occupied by Medicaid residents.

Workman said concerns were also expressed that local hospitals are not offering the Manor as a choice.

Thorpe said she has not been able to verify whether that is the case.

Workman asked about the whirlpool tubs.

Thorpe said she included them in the list of capital improvements but said they do not have to be replaced all at once.

Hudkins said there is an alternate method available. He asked whether anyone is not being properly bathed.

Thorpe said there are shower stalls available but some of the shower chairs extend beyond the shower pans. She said the only shower room that will accommodate the larger shower chairs is in the basement.

Hudkins asked whether the whirlpool tubs are in violation of State requirements.

Thorpe said they are not.

Hudkins asked whether a new air conditioning system is needed.

Thorpe said not to her knowledge.

Hudkins asked whether that item was presented as a capital expense to the Lancaster Manor Request for Qualifications (RFQ) Committee.

Schorr said it was not.

Hudkins asked Thorpe where the idea that the Alzheimer's Unit needs to be moved originated.

Thorpe said it came from staff, care and survey issues and nursing home trends.

Hudkins asked Thorpe whether she believes it needs to be moved.

Thorpe said she does.

Schorr stressed the need for a change in the environment, as well, to make it feel more like home.

### **Appointment of Lancaster Manor Administrator**

Hudkins asked Thorpe whether she has her second provisional license.

Thorpe said she does.

Hudkins asked whether she will need a preceptor if she continues her training.

Thorpe said she will.

Hudkins said he believes the Manor needs a fully licensed, experienced administrator and suggested the Board appoint a new director and have Thorpe serve as deputy director.

**MOTION:** Hudkins moved and Stevens seconded to have the County Board proceed with securing a full-time, fully licensed, experienced administrator for Lancaster Manor.

Eagan asked Thorpe whether she can extend her provisional license.

Thorpe said she cannot extend it but can apply for another provisional license, if required.

Schorr stated she is pleased with the positive changes Thorpe has made at the Manor.

Hudkins said the Board needs to make a decision on the future of Lancaster Manor and suggested the Chair, Vice Chair and Chief Administrative Officer seek advice from the Nebraska Health Care Association, Inc.

Heier asked Hudkins whether he believes the administrator should be given "free rein" and be allowed to cut staffing if the census is down.

Hudkins said there are provisions in the union contract that allow for a Reduction in Force (RIF). He said the union realizes the gravity of the situation and is willing to do what is necessary to ensure the survival of the Manor.

Workman asked whether the responses to the Request for Qualifications (RFQ) included someone offering to serve as administrator.

Vince Mejer, Purchasing Agent, appeared and said it did.

Workman asked whether the Board would be obligated to accept that person if the motion passed.

Mejer said no, the RFQ included a clause indicating anyone who submitted a resume might be required to apply for the position through the Personnel Department, at a later date.

Schorr asked how the Board would respond if the administrator asked for a large sum of money to make needed capital improvements at the facility.

Hudkins said the Board would have to prioritize the request.

Workman noted a \$3,500,000 deficit is projected and said it would be very difficult to absorb that cost and still remain under the tax lid.

Schorr remarked that the County "did not get in this situation overnight" and said it is very difficult to operate a long-term care facility under the structure of local government.

Hudkins asked whether the RFQ Committee explored the option of "spinning" the facility off to a foundation, with the County maintaining control of the assets.

Eagan said the County could either declare the property surplus and follow the process under State Statute §23-107.01 or proceed with a negotiated sale under the County's power to provide protected services in Statute §23-104.03.

**ROLL CALL:** Hudkins voted aye. Workman, Heier, Stevens and Schorr voted no. Motion failed.

### **Lancaster Manor Request for Qualifications (RFQ) Committee Report Follow-Up**

**MOTION:** Stevens moved and Schorr seconded to contact the organization that submitted a purchase price proposal for Lancaster Manor and commence negotiations to see whether a structured sale will adequately meet the requirements specified by the County Board.

Stevens said he believes items such as the number of Medicaid and Veterans Administration (VA) beds, the re-entry process, continuity for current residents and opportunities for current employees should be part of that discussion.

Workman said he would be more comfortable using the word "discussions" rather than "negotiations".

**AMENDMENT:** The maker of the motion and the seconder agreed to substitute the word "discussions" for "negotiations" in their motion.

In response to a question from Heier, Mejer said the RFQ stated that firms not responding to the RFQ submittal are deemed non-responsive, not meeting the minimum requirements and may not be candidates for further consideration. He said the terms might be different if it were reissued as a Request for Proposals (RFP).

**ROLL CALL:** Workman, Heier, Stevens and Schorr voted aye. Hudkins voted no. Motion carried.

**MOTION:** Stevens moved and Hudkins seconded to ask Dennis Meyer, Budget and Fiscal Officer; Kerry Eagan, Chief Administrative Officer; Vince Mejer, Purchasing Agent, and Mike Thew, Chief Deputy County Attorney, to serve as a team that will represent the County Board in discussions with the prospective buyer. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

Eagan said the team could develop and bring back ideas for the Board's consideration.

Schorr suggested it would be appropriate to notify the prospective buyer that the Board is interested in discussions/negotiations.

Workman said he wants their operational and financial credibility assessed.

## **9 ACTION ITEMS**

There were no action items.

## **10 CONSENT ITEMS**

There were no consent items.

## **11 ADMINISTRATIVE OFFICER REPORT**

- A. July 2, 2009 Staff Meeting
- B. County Board Air Card
- C. Claims for Review:
  - 1. PV225735 from County Engineering, \$1,592.84 to Midwest Steel Works, Inc., Amount Requires a Purchase Order
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Items A, B and C were moved forward on the agenda.

## **12 PENDING**

There were no pending items.

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

- A. Lincoln Economic Development Luncheon - Hudkins, Heier, Schorr
- B. Nebraska Association of County Officials (NACO) Board Meeting - Heier

Items A and B were moved forward on the agenda.

- C. Joint Budget Committee (JBC) - Schorr

Meeting was cancelled.

D. Downtown Lincoln Association (DLA) - Stevens

Stevens said the Strategic Plan was adopted.

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

Stevens said he did not attend the meeting.

F. Metropolitan Planning Organization (MPO) Officials Committee - Heier, Stevens

Stevens said the Transportation Plan was updated.

G. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Stevens said he did not attend the meeting.

H. Food Bank Drive Kick-Off Breakfast - Workman

Workman said the employees' annual picnic benefitting the Food Bank will be held on July 10th.

**14 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 12:35 p.m. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk