

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, NOVEMBER 12, 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 8:35 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY
OCTOBER 29, 2009**

MOTION: Stevens moved and Workman seconded approval of the October 29, 2009 Staff Meeting minutes. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Community Development Block Grant (CDBG) Funds

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

**3 CRIMINAL RECORDS ON LIQUOR LICENSE APPLICATIONS -
Hobert Rupe, Nebraska Liquor Control Commission Executive Director;
Mary Messman, Licensing Coordinator**

Hobert Rupe, Nebraska Liquor Control Commission Executive Director, gave an overview of how his department views criminal processes in terms of liquor license applications.

Hudkins asked whether the Board's recommendations have any weight in determining whether to grant a license.

Rupe said they do, adding he believes recommendations from the local governing body have more weight than they did in the past.

It was suggested that the Liquor Control Commission revise its application form to make it more clear to applicants that all convictions need to be listed, including traffic violations and convictions in other jurisdictions.

Rupe said the form is worded to be as broad as possible. He asked the Board to apprise the Commission of any civil issues it is aware of, such as bankruptcies and loan defaults, as they may give an indication of the applicant's character. He also indicated it would be beneficial to have someone testify at hearings before the Commission where the Board has recommended denial.

Stevens asked if it would be possible to notify the Board if the Commission makes a decision contrary to the Board's recommendation.

Rupe agreed to do so.

INFORMATION SERVICES FEE STRUCTURE - Ken Kuszak, Interim Information Services (IS) Director; Terry Lowe, IS Project Manager

Ken Kuszak, Interim Information Services (IS) Director, proposed that IS move to a system in which departments would be charged a fixed, rather than hourly, rate for services. He said IS would still track their work and would base a department's rates on the previous year's usage or an average of the three previous years. New installations and minor enhancements would also be included in the fixed rate. Major new development projects will still be budgeted.

In response to a question from Schorr, Kuszak said the new fee structure would be mandatory for both City and County departments.

Terry Lowe, IS Project Manager, said the Information Services Policy Committee (ISPC) will be actively involved in setting the rates each year.

Stevens, who is a member of the ISPC, said it will simplify the billing process.

Workman expressed concern that calls for service will increase.

Kuszak said he shared that concern and contacted Lincoln Electric System (LES), which has also gone to a fixed rate system, and said they indicated they did not see a large increase in service calls.

Lowé said departments generally only ask for services they need. He added that departments will be able to view their usage on-line.

There was general support for the concept of a new fee structure.

Kuszak and Lowé were asked to give a briefing at the next Management Team Meeting.

AGREEMENT FOR HISPANIC/LATINO LIAISON OFFICE SPACE AND SUPERVISION - Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, said her department has been asked to house and supervise a City Hispanic/Latino liaison position through a City interlocal agreement. All costs would be paid by the City.

Schorr said she wants it understood that the County will not fund the position if the City decides to eliminate funding.

There was no objection to the request.

4 POTENTIAL LITIGATION - Tom Fox, Deputy County Attorney; Gwen Thorpe, Interim Lancaster Manor Administrator

MOTION: Hudkins moved and Workman seconded to enter Executive Session at 9:26 a.m. for discussion of potential litigation. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 9:31 a.m. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

5 AGREEMENT FOR HISPANIC/LATINO LIAISON OFFICE SPACE AND SUPERVISION - Kit Boesch, Human Services Administrator

Item was moved forward on the agenda.

6 RECORDS CENTER CAPACITY - Brian Pillard, Records and Information Manager; Don Killeen, County Property Manager

Brian Pillard, Records and Information Manager, said the Records Center is approaching full capacity.

Hudkins asked Don Killeen, County Property Manager, whether there is any room for expansion.

Killeen said there are several options and agreed to work with Pillard to address Records and Information Management's immediate needs.

7 INFORMATION SERVICES FEE STRUCTURE - Ken Kuszak, Interim Information Services Director; Terry Lowe, Information Services Project Manager

Item was moved forward on the agenda.

ADDITIONS TO THE AGENDA

A. Community Development Block Grant (CDBG) Funds

Schorr noted the Board discussed a request from the Nebraska Department of Economic Development (DED) for return of \$463,691.86 in Community Development Block Grant (CDBG) Program Income funds at the October 29th Staff Meeting and asked Mike Lang, Administrative Assistant to the Mayor, Economic Development, to contact DED and ask whether the motocross track at the Abbott Sports Complex or the proposed Nebraska Horse Park in northeast Lincoln would qualify for funding. She said Lang did so and has informed her they would not. The motocross track will not provide enough new full-time equivalent employees (FTE's) and the proposed Nebraska Horse Park is still in the conceptual stage.

MOTION: Hudkins moved and Schorr seconded to send a letter to the Nebraska Department of Economic Development (DED) offering to return half of the funds and retain the other half for a future project.

Stevens noted the Lancaster County Agricultural Society is looking at constructing a hotel complex at 84th Street and Havelock Avenue and said the County will likely be asked to assist with road improvements that are outside the scope of the Horse Park project. He questioned whether that might qualify for funding.

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

ACTION ITEMS

A. Appointment of Attorney for Personnel Policy Board Appeal

MOTION: Hudkins moved and Stevens seconded to ask the City Attorney to represent the County in this matter. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

B. Microcomputer Requests:

1. C#58836, \$789.00 from Noxious Weed Control from the Microcomputer Fund Budget for One (1) HP L2445 w 24 Wide Screen LCD Monitor

MOTION: Hudkins moved and Stevens seconded approval of the request with the stipulation that funding be from the Noxious Weed Control budget, rather than the Microcomputer Fund. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

2. C#58677, \$6,745.28 from the County Attorney's Drug Forfeiture Fund Account for Three (3) HP Notebooks and Software, Three (3) Docking Stations, Three-Year Warranty, Two (2) Fujitsu Scanners and One (1) HP 19" Monitor

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

ADMINISTRATIVE OFFICER REPORT

A. Nebraska Association of County Officials (NACO) 115th Annual Conference (December 9-11, 2009)

MOTION: Stevens moved and Hudkins seconded to authorize attendance by up to eight (8) representatives (County Commissioners, Chief Administrative Officer, Deputy Chief Administrative Officer and Budget and Fiscal Officer) of the County Board. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

B. 2009 County Government Day Press Release (See Agenda Packet)

MOTION: Stevens moved and Hudkins seconded to authorize the press release. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried.

DISCUSSION OF BOARD MEMBER MEETINGS

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

Workman reported receipt of a \$5,000,000 grant for a geothermal ground-source loop field system for the new jail. He also reported that DEC is acting as Project Coordinator for the proposed West Haymarket Innovation Park Project and the Antelope Valley Feasibility Study.

B. Metropolitan Planning Organization (MPO) Officials Emergency Meeting - Heier, Stevens

Stevens said changes to the Long-Range Transportation Plan were approved.

C. Public Building Commission (PBC) - Hudkins, Workman

Workman said they approved a bid related to a construction project on the third floor of the County-City Building.

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

Heier reported that Emerald, Nebraska now has two wells. **NOTE:** The town had problems securing a good source of drinking water.

E. Lincoln Partnership for Economic Development (LPED) Investors - Heier

Heier said the Mayor discussed the proposed arena and indicated the amount of the bond issue will be \$25,000,000.

F. Lancaster County Correctional Facility Joint Public Agency (JPA) - Heier, Stevens

Stevens said they approved claims totaling \$1,470,174.04. One of the largest claims was for pre-cast concrete jail cells (\$774,736).

G. City/County Chamber Coffee - Stevens

Stevens said concerns were expressed regarding what changes may occur as a result of the Nebraska Legislature's Special Session. He said the Lincoln Chamber of Commerce gave an update on the proposed arena and indicated the election will be to approve \$25,000,000 in "turn back", rather than property, taxes. Stevens said he discussed the sale of Lancaster Manor and told them he does not feel comments that the Board is rushing into a decision to sell the facility are valid, as the discussions with Hunter Management began a year ago.

H. Nebraska Innovation Zone Commission (NIZC) - Heier

Heier said he did not attend the meeting.

I. Joint Budget Committee (JBC) - Stevens, Schorr

Schorr said they discussed a potential change in the way JBC dollars are allocated.

Stevens said capacity building amongst agencies was also discussed.

J. Region V Governing Board - Schorr

Schorr said there are concerns that federal funding for the Projects for Assistance in Transition from Homelessness (PATH) Program will be cut. She said Region V sent a letter to Nebraska's Congressional and Senate delegations asking them to protect the funding and suggested the Board do the same.

MOTION: Schorr moved and Hudkins seconded to send a letter to Nebraska's Congressional and Senate delegations requesting support of the Projects for Assistance in Transition from Homelessness (PATH) Program funding. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

K. Meeting With Mayor - Heier, Stevens

Meeting was cancelled.

L. Air Pollution Control Advisory Committee - Hudkins

Hudkins reported that the Health Department must verify over the next two to five years that all filling stations and body shops in the County are in compliance with the Maximum Achievable Control Technology (MACT) Standards.

8 FLOODPLAIN MAP REVISIONS - Shuhai Zheng, Flood Plan Management Chief, Nebraska Department of Natural Resources (NDNR); Gloria Bucco, Public Information Officer, Nebraska Department of Natural Resources; Ben Higgins, Senior Engineer, Lincoln Public Works/Utilities

Ben Higgins, Senior Engineer, Lincoln Public Works/Utilities, and Shuhai Zheng, Flood Plan Management Chief, Nebraska Department of Natural Resources (NDNR), gave an overview of a project by NDNR to re-map all of the incorporated and unincorporated floodplains within the County that were not specifically re-mapped as part of a floodplain mapping project last year. That project involved changes to floodplain boundaries for some of the creeks within the City of Lincoln and surrounding area, plus the Cities of Hickman and Waverly. Those changes are still being reviewed by the Federal Emergency Management Agency (FEMA). NDNR and Public Works are also coordinating efforts to include detailed Little Salt Creek floodplain mapping in the State's project.

Board consensus was TO schedule a briefing for representatives of the County's cities and villages on the January 14, 2010 Staff Meeting agenda.

NOTE: Also present were Paul Zillig, Assistant Manager, Lower Platte South Natural Resources District (NRD), and Scott Nelson, Assistant Manager, Nemaha NRD.

9 BENNET KENO SITE - Bill Harvey, Attorney for Big Red Keno; John Hewitt, Director of Security for Big Red Keno

Bill Harvey, attorney for Big Red Keno, said Big Red Keno was contacted by the owner of the Bennet Square Bar who is interested in having a keno lottery operation. He said the Village of Bennet lacks authority to approve a keno operation within its jurisdiction.

NOTE: Bennet would have to hold a special election to grant itself that authority. The County has approval over locations outside the Lincoln city limits under terms of an interlocal agreement with the City for operation of the keno lottery.

Harvey said the City of Lincoln has indicated it is willing to having a keno operation at this location, subject to certain conditions, and has suggested that the Village of Bennet be offered 2% of the gross proceeds. He recommended that a background investigation of the applicant and action by the Village of Bennet be allowed to proceed. Formal action by the City and County will then be needed to approve the proposed location and interlocal agreement (see Exhibit A).

Tom Fox, Deputy County Attorney, appeared and said he will need to review the keno satellite criteria.

10 SALE OF COUNTY PROPERTY (EXECUTIVE SESSION) - Abbie Widger, Johnson, Flodman, Guenzel & Widger Law Firm; Mike Thew, Chief Deputy County Attorney; Don Killeen, County Property Manager

MOTION: Workman moved and Stevens seconded to enter Executive Session at 10:30 a.m. to discuss the sale of County property. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried.

The Chair exited the meeting at 11:44 a.m. and the Vice Chair assumed direction of the meeting.

MOTION: Workman moved and Schorr seconded to exit Executive Session at 11:47 a.m. Hudkins, Workman, Stevens and Schorr voted aye. Heier was absent from voting. Motion carried.

11 ACTION ITEMS

- A. Appointment of Attorney for Personnel Policy Board Appeal
- B. Microcomputer Requests:
 - 1. C#58836, \$789.00 from Noxious Weed Control from the Microcomputer Fund Budget for One (1) HP L2445 w 24 Wide Screen LCD Monitor
 - 2. C#58677, \$6,745.28 from the County Attorney's Drug Forfeiture Fund Account for Three (3) HP Notebooks and Software, Three (3) Docking Stations, Three-Year Warranty, Two (2) Fujitsu Scanners and One (1) HP 19" Monitor

Items A and B were moved forward on the agenda.

12 CONSENT ITEMS

There were no consent items.

13 ADMINISTRATIVE OFFICER REPORT

- A. Nebraska Association of County Officials (NACO) 115th Annual Conference (December 9-11, 2009)
- B. 2009 County Government Day Press Release (See Agenda Packet)

Items A and B were moved forward on the agenda.

14 PENDING

There were no pending items.

15 DISCUSSION OF BOARD MEMBER MEETINGS

- A. District Energy Corporation (DEC) - Hudkins, Workman
- B. Metropolitan Planning Organization (MPO) Officials Emergency Meeting - Heier, Stevens
- C. Public Building Commission (PBC) - Hudkins, Workman
- D. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier
- E. Lincoln Partnership for Economic Development (LPED) Investors - Heier

- F. Lancaster County Correctional Facility Joint Public Agency (JPA) - Heier, Stevens
- G. City/County Chamber Coffee - Stevens
- H. Nebraska Innovation Zone Commission (NIZC) - Heier
- I. Joint Budget Committee (JBC) - Stevens, Schorr
- J. Region V Governing Board - Schorr
- K. Meeting With Mayor - Heier, Stevens
- L. Air Pollution Control Advisory Committee - Hudkins

Items A-L were moved forward on the agenda.

- M. Board of Health - Schorr

Item was held.

16 ADJOURNMENT

MOTION: Workman moved and Schorr seconded to adjourn the meeting at 11:48 a.m. Hudkins, Workman, Schorr and Stevens voted aye. Heier was absent from voting. Motion carried.

Dan Nolte
Lancaster County Clerk