

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, FEBRUARY 25, 2010
8:30 A.M.**

Commissioners Present: Bob Workman
Larry Hudkins
Deb Schorr

Commissioners Absent: Bernie Heier, Chair
Ray Stevens, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dennis Meyer, Budget and Fiscal Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

Commissioner Workman opened the meeting at 8:33 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY,
FEBRUARY 11, 2010**

Item was held until later in the meeting.

2 ADDITIONS TO THE AGENDA

None were stated.

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

Joe Kohout, Legislative Consultant, gave a legislative update and presented a list of priority bills (Exhibit A).

Workman inquired about the dram-shop bill (legislation making liquor license holders liable for serving intoxicated customers who leave their establishments and injure themselves or others).

Kohout said the bill has not been prioritized and said it is unlikely it will come out this session.

4 JAIL UPDATE - Chuck Richter, Sampson Construction Company; Greg Newport, The Clark Enersen Partners; Mike Thurber, Corrections Director

Chuck Richter, Sampson Construction Company, said work on the jail is progressing, in spite of the weather (see Exhibit B for progress photographs). He said work continues on footings and the cast-in-place walls and said the utility tunnel that will provide the facility with heating and cooling from the District Energy Corporation (DEC) plant is finished.

Richter noted a Board member had asked him at a previous meeting how much concrete will be used on the project. He said he has calculated it at 10,000 cubic yards, which does not include the pre-cast structures.

Hudkins said he recently toured the new jail in Kearney, Nebraska and encouraged Richter to do the same.

Mike Thurber, Corrections Director, said he will be meeting with representatives of Public Works/Utilities and DEC to discuss a possible partnership on a fiber optic line.

In response to a question from Hudkins, Thurber said it appears they will be able to proceed with plans for a storage building, although on a smaller scale.

Schorr arrived at the meeting at 9:04 a.m.

5 LANCASTER MANOR SALE UPDATE - Abbie Widger, Johnson, Flodman, Guenzel & Widger; Mike Thew, Chief Deputy County Attorney

Abbie Widger, Johnson, Flodman, Guenzel & Widger, said all of the documents have been prepared for the closing, but said there are still a couple of issues to resolve. One involves getting the Veterans Administration (VA) to approve a novation agreement (a legal instrument that formalizes an arrangement to substitute one party for another in a contract). The other involves two old leases between the County and the Lancaster Leasing Corporation. She said the leases were for the purposes of issuing bonds for Lancaster Manor and said the title company will require releases from both parties. A resolution authorizing the Chair or Vice Chair to take such action and execute such documents, closing documents, certificates and instruments necessary to comply with the Asset Purchase Agreement regarding Lancaster Manor and to carry out the sale of the Lancaster Manor property is also required.

With regards to the survey, Widger said the Planning Department will not give final approval to the administrative re-plat until the City abandons four easements (storm sewer, bike path, electrical and telephone) that run under the building or the purchaser submits a letter stating they accept the property, subject to the easements.

Widger said the depreciation recapture has been calculated, but said two different figures are shown on the documents (\$3,200,000 and \$3,300,000). She said she will get clarification from Roger E. Thompson, Siem, Johnson, Sestak & Quist, LLP. **NOTE:** Thompson is a Certified Public Accountant (CPA) who assisted Lancaster Manor with its Medicaid and Medicare cost reports.

In response to a question from Hudkins, Widger attributed the difference to inventory. She said Thompson and the Nebraska Department of Health and Human Services (HHS) have discussed which items should be included and are comparing depreciation schedules.

Hudkins said the appraisal company did not appraise the portion of the parking lot that is in front of Trabert Hall and asked whether that would make a difference.

Widger said it will not.

Hudkins asked whether the depreciation recapture includes physical property.

Widger said it includes land improvements.

Hudkins asked Widger to check whether a surface parking lot would qualify as a land improvement.

Widger said the real estate closing is tentatively scheduled for March 1st, but said that will likely not be the closing date since there are still a few details to work out.

Workman asked whether that is acceptable to the Rothner family. **NOTE:** The Rothner family owns Hunter Management, the purchaser.

Widger said it is. She said it was important to close operations at the end of the February, for accounting purposes, but said the real estate portion can occur at any time.

Hudkins asked whether delaying the closing will also delay having the purchaser take over responsibility for employee insurance.

Dennis Meyer, Budget and Fiscal Officer said no, the County has made its final payment in that regard.

Schorr noted the Lancaster Manor Advisory Committee was advisory to the Board and asked Keith Fickenscher, Lancaster Manor Rehabilitation Center Administrator, who was in attendance, whether he envisions the committee continuing in some manner and whether it should include a representative of the County Board.

Fickenscher said he welcomes input from the community but said the committee doesn't make sense in its present structure.

Schorr said she believes the committee should officially disband and regroup however he sees appropriate.

Hudkins suggested that Schorr serve as a community member. He added that the Lancaster Manor Foundation is committed to seeing its funds used to benefit the facility, although they will probably be administered through a different foundation.

ADMINISTRATIVE OFFICER REPORT

A. Voice over Internet Protocol (VoIP) Request for Proposals (RFP)

Gwen Thorpe, Deputy Chief Administrative Officer, said she attended a Voice over Internet Protocol (VoIP) meeting on February 19th. She said she was surprised to learn they will be looking at consultants to do a study of City and County telecommunication needs and make recommendations regarding a Request for Proposals (RFP) for technology. Thorpe said the consultant is estimated to cost between \$34,000 to \$300,000 and said the assumption is that the City and County will split that cost. She said she is not comfortable participating in that process if the County does not intend to fund the study.

Schorr suggested it would be better to wait until a new Information Services (IS) Director is hired, as that person may have expertise in this area.

MOTION: Hudkins moved and Schorr seconded to send a letter to Vince Mejer, Purchasing Agent, indicating the Board does not want to proceed with a consultant and study at this time.

FRIENDLY AMENDMENT: Schorr offered a friendly amendment to state the Board wants to wait until a new Information Services (IS) Director is hired and additional information is provided to the Board regarding the Request for Proposals (RFP) process.

The maker of the motion accepted the friendly amendment.

ROLL CALL: Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

6 REQUEST FOR \$150,000 COUNTY VISITORS IMPROVEMENT FUND GRANT FROM THE LINCOLN CHILDREN'S ZOO - Jennifer Strand, Chair, Lincoln Children's Zoo Board of Directors; John Chapo, President/CEO, Lincoln Children's Zoo

John Chapo, President/CEO, Lincoln Children's Zoo, discussed how the zoo impacts the community and tourism (Exhibit C). He said one of the most popular exhibits at the zoo was the harbor seals. The seals were housed in a freshwater tank and the last harbor seal at the zoo is scheduled to be relocated to another zoo that has a large saltwater tank, which is best for seals. Chapo said the zoo needs to fill that void and has been selected to receive four to six breeding pairs of Humboldt Penguins, a rare species of penguins, because of its record of breeding endangered animals.

Jennifer Strand, Chair, Lincoln Children's Zoo Board of Directors, said they are requesting a \$150,000 grant from the County Visitors Promotion Fund to convert the seal tank into a penguin exhibit. The cost is estimated at \$300,000 and \$50,000 has been raised, to date. She said construction would need to begin by April 1st in order to have an appropriate facility to accept the penguins.

Board members indicated support of the funding request.

MOTION: Schorr moved and Hudkins seconded to refer the request to the Visitors Promotion Committee (VPC) and ask that they hold an emergency meeting to consider the request. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

7 POTENTIAL LITIGATION - Tom Fox, Deputy County Attorney

MOTION: Schorr moved and Hudkins seconded to enter Executive Session at 9:48 a.m. for the purpose of protecting the public interest with regards to potential litigation. Schorr, Workman and Hudkins voted aye. Motion carried 3-0.

MOTION: Schorr moved and Hudkins seconded to exit Executive Session at 10:05 a.m. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

8 CONTRACT FOR BACKUP EMERGENCY MANAGER - Tom Fox, Deputy County Attorney; Doug Ahlberg, Emergency Management Director

Doug Ahlberg, Emergency Management Director, noted questions were raised at the February 11th Staff Meeting as to whether the \$5,000 it is proposed that Mark Hosking, Bio-Terrorism Pandemic Coordinator, Lincoln-Lancaster County Health Department, receive each year for serving as his back-up is a reasonable amount. He said it is difficult to estimate how many hours Hosking will spend on his these duties, but said he will not get paid by the Health Department during those periods. Ahlberg added that the County can recover half the cost through the Emergency Management Program Grant (EMPG).

Tom Fox, Deputy County Attorney, said another issue is liability insurance. He said Hosking does not have the required insurance and asked whether the Board is willing to waive the requirement.

Board consensus was to proceed with scheduling the contract on a County Board of Commissioners Meeting agenda and to waive the insurance requirement.

9 CONTRACT TERMINATION NOTICE FOR EMPHASYS - Tom Fox, Deputy County Attorney; Terry Adams, Deputy County Treasurer

Terry Adams, Deputy County Treasurer, recommended termination of the software license agreement with Emphasys, as the new Tracker software is approximately half the cost.

MOTION: Hudkins moved and Schorr seconded approval of the termination notice. Hudkins, Schorr and Workman voted aye. Motion carried 3-0.

10 COUNTY BUDGET PROCESS - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, said he will be sending the budget packets out to the departments on Friday. He said the packets will include a budget instruction letter which notes: 1) The County is projecting no increase, and possibly a decrease, in valuation; 2) Payroll costs; 3) Revenue shortfalls; and 4) Public safety costs, which include the opening of the new correctional facility in 2012. The letter also states the Board is asking that Fiscal Year 2010-2011 budget requests remain the same, or less, than Fiscal Year 2009-2010. The budget hearing schedule and a spreadsheet for departments to list the cuts they will utilize to remain at that level will also be included in the packet.

Hudkins asked whether the letter mentions that the Board is exploring furloughs.

Meyer said it states budget concerns have forced the Board to look into, and discuss, the possibility of furloughs.

**APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY,
FEBRUARY 11, 2010**

MOTION: Schorr moved and Hudkins seconded approval of the February 11, 2010 Staff Meeting minutes. Hudkins, Workman and Schorr voted aye. Motion carried 3-0.

11 ACTION ITEMS

- A. Microcomputer Request C#60661, HP Printer for County Attorney's Office in the Amount of \$1,305.55 from the Microcomputer Fund

Item was held.

12 CONSENT ITEMS

There were no consent items.

13 ADMINISTRATIVE OFFICER REPORT

- A. Voice over Internet Protocol (VoIP) Request for Proposals (RFP)

Item was moved forward on the agenda.

- B. Reuse of Allocated Funds, \$5,000 for Mediator Training, Request from Kit Boesch, Human Services Administrator

Thorpe said the Board allocated \$15,000 to be matched with Nebraska Crime Commission funds to develop an updated juvenile justice data system. She said the Crime Commission did not fund the project and Boesch would like to use \$5,000 of the funds for mediator training.

MOTION: Hudkins moved and Schorr seconded approval, with the stipulation that the other \$10,000 in allocated funds be retained. Hudkins, Schorr and Workman voted aye. Motion carried 3-0.

- C. U.S. Department of Justice Grant Application in the Amount of \$750,000, to Assist in the Re-entry of Youth Back into the Community, Request from Kit Boesch, Human Services Administrator

MOTION: Schorr moved and Hudkins seconded to approve submission of the grant. Schorr, Hudkins and Workman voted aye. Motion carried 3-0.

14 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Parks and Recreation Advisory Board - Stevens
- B. Nebraska Association of County Officials (NACO) County Workshop - Heier, Hudkins
- C. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens
- D. Lancaster County Correctional Facility Joint Public Agency (JPA) - Heier, Stevens
- E. Joint Budget Committee (JBC) - Stevens
- F. Visitors Promotion Committee (VPC) - Workman
- G. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins, Schorr

Items A-G were held.

15 ADJOURNMENT

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting at 10:26 a.m. Schorr, Workman and Hudkins voted aye. Motion carried 3-0.

Dan Nolte
Lancaster County Clerk