

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, MARCH 11, 2010  
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  
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,  
MARCH 4, 2010**

**MOTION:** Stevens moved and Hudkins seconded approval of the March 4, 2010 Staff Meeting minutes. Hudkins, Workman, Stevens and Heier voted aye. Schorr abstained from voting. Motion carried 4-0, with one abstention.

**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 (Exhibit A). He noted the Appropriations Committee adopted a motion to reduce the budgets of all areas of state government by 2%, which includes aid to local political subdivisions.

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, appeared and expressed concern regarding Legislative Bill (LB) 1079 (Change the time for appealing to the Tax Equalization and Review Commission (TERC) and certain dates relating to property tax assessment and equalization).

Kohout said the bill has become a vehicle for multiple changes to property tax assessment and TERC. He said the bill was originally introduced as a "time line bill" but said the issue of the standard of review at TERC, which was not part of the original bill, was raised at the Revenue Committee's hearing. Multiple amendments have since been advanced.

Gaines said there is a perception that the Douglas County's property valuation protest process isn't working and said the attempt to address that in the amendments has far reaching implications for the other counties.

Heier said the Nebraska Association of County Officials (NACO) opposes the bill.

**MOTION:** Schorr moved and Hudkins seconded to authorize Kerry Eagan, Chief Administrative Officer, and Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, to draft a letter to the Revenue Committee, with copies to Lancaster County senators, expressing concern regarding the fiscal impact and procedures. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried 5-0.

**4 REQUEST FOR PROPOSALS (RFP) FOR NURSING SERVICES** - Sheli Schindler, Youth Services Center (YSC) Director; Bob Walla, Assistant Purchasing Agent; Andrea Mason, Community Health Services Division Manager, Lincoln-Lancaster County Health Department (LLCHD)

Sheli Schindler, Youth Services Center (YSC) Director, said the Lincoln-Lancaster County Health Department (LLCHD) will no longer be providing nursing services to YSC. She said a Request for Proposals (RFP) for the services was issued and two responses were received. Schindler said LLCHD currently provides two Registered Nurses (RN's) for medical services on-site from 8:00 a.m. to 5:00 p.m. and responses to after hour calls at an annual cost of \$147,240. She said Correctional Healthcare Management (CHM) of Colorado offered the best price (\$210,000), which she said is equivalent to one full-time RN and 58 hours of Licensed Practical Nurse (LPN) services. CHM will also provide a once-a-week, on-site physician visit. She said additional options were requested and CHM offered to reduce the price to \$167,000 by limiting nursing services to one RN and 30 hours of LPN services and limiting the physician visit to every other week. Schindler said CHM currently works in adult facilities but has indicated it is interested in working with the youth population. She added that CHM will recruit nurses locally and has been asked to have a pool of on-call nurses available.

In response to a question from Stevens, Bob Walla, Assistant Purchasing Agent, said the number of youth in the facility and levels of care will be reviewed quarterly and the service and price will be adjusted if there are significant changes.

Hudkins asked whether LLCHD would be willing to continue nursing services at YSC if the Board increased their appropriation.

Andrea Mason, Community Health Services Division Manager, LLCHD, said institutional care does not match LLCHD's philosophy of public health. She added that LLCHD advertised for an RN to serve YSC and did not receive any applicants.

Heier suggested it may be appropriate to charge the cost of the services for City youth who are housed in the facility back to the City.

Hudkins said he would like to discuss this matter further with Bruce Dart, LLCHD Director, before the Board makes a decision and asked that the Chair and Vice Chair also discuss it with the Mayor.

**5 A) SICK LEAVE PAYOUT; AND B) INCREMENTAL USE OF PERSONAL HOLIDAYS** - Mark Koller, Personnel Director; John Cripe, Classification and Pay Manager

**A) Sick Leave Payout**

John Cripe, Classification and Pay Manager, gave an overview of sick leave payout options (Exhibit B). He said he has not calculated the County's exposure for including American Federation of State, County & Municipal Employees (AFSCME) represented employees, but estimated it could be several hundred thousand dollars more. Cripe said there are very few employees at the maximum accrual (2,080 hours) so the fiscal impact of transferring excess amounts annually into the Post Employment Health Plan (PEHP) would be slight.

**B) Incremental Use of Personal Holidays**

Mark Koller, Personnel Director, said the City allows employees to use personal holidays in two hour increments and said it is easy to manage. The County requires employees to use each personal holiday in eight hour increments.

Cripe said incremental use would help new employees to better manage their time.

Kerry Eagan, Chief Administrative Officer, noted the Personnel Policy Board has recommended the County allow incremental use and said the Management Team supports the change. The leave would be at the department head's discretion.

**MOTION:** Workman moved and Schorr seconded to ask that a resolution be brought forward to a County Board of Commissioners Meeting to adopt the recommendation from the Personnel Policy Board and amend the Personnel Rules to allow employees to use personal holidays in two hour increments.

Stevens said he would prefer that it be limited to four hour increments.

**ROLL CALL:** Workman, Schorr and Heier voted aye. Hudkins and Stevens voted nay. Motion carried 3-2.

**6 COUNTY SEAL - Cori Beattie, Deputy County Clerk**

Cori Beattie, Deputy County Clerk, said the Clerk's Office needs to replace a rubber stamp of the Lancaster County seal, which she estimated to be 30+ years old. Due to the age of the artwork, no good electronic image of the seal's elk was available to replicate the stamp. Beattie worked with Cornerstone Printing & Imaging, a County vendor, to come up with a new design (see agenda packet). She said all County elected officials were forwarded a copy of the proposed artwork and were encouraged to contact her and/or attend today's meeting to provide input. Beattie said, to date, she received no objections to the new design.

Workman asked that the design be revised to show a more "neutral" expression on the elk.

**MOTION:** Schorr moved and Stevens seconded to schedule approval of the new County seal on the March 16, 2010 County Board of Commissioners Meeting agenda. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried 5-0.

**7 A) VISITORS PROMOTION COMMITTEE (VPC) RECOMMENDATIONS REGARDING SHERMAN FIELD, CENTENNIAL MALL, LANCASTER COUNTY AGRICULTURAL SOCIETY'S EVENT CENTER, AND CITY WAYFINDING PROJECT; AND B) VISITORS IMPROVEMENT FUND USE POLICY - Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director; Steve Hilton, Visitors Promotion Committee (VPC) Chair**

**A) Visitors Promotion Committee (VPC) Recommendations Regarding Sherman Field, Centennial Mall, Lancaster County Agricultural Society's Event Center and City Wayfinding Project**

Steve Hilton, Visitors Promotion Committee (VPC) Chair, presented the VPC's recommendations regarding four requests for funding from the Visitors Improvement Fund (Exhibit C):

- A request from the Lincoln Parks Foundation for \$500,000 for renovation of Centennial Mall

Hilton said the project is estimated to cost \$9,000,000 (\$7,500,000 million in construction and \$1,500,000 in an endowment for upkeep of the mall). He said the VPC has recommended funding in the amount of \$100,000 (\$50,000 a year for two years).

Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, noted the City has committed \$3,000,000 to the project if the Lincoln Parks Foundation is able to secure commitments for the other \$6,000,000.

Stevens asked whether the Centennial Mall project involves Tax Incremental Financing (TIF).

Hilton said that option was not presented.

- A request from the Lincoln Parks Foundation for \$100,000, in two \$50,000 installments, for renovation of Sherman Field

Hilton said the cost of the project has increased from \$1,500,000 to \$2,800,000, primarily due to paving costs. He said the VPC, at the suggestion of Commissioner Workman, has recommended funding in the amount of \$75,000 a year, for two years, which is \$50,000 more than was requested.

Schorr expressed concern that the VPC's action would set a bad precedent.

Workman said the project is crucial to the community and said he does not believe the Lincoln Parks Foundation requested enough money.

Stevens said he is not in favor of giving any organization more than they requested.

- A request from the Lancaster Event Center for \$55,000

Hilton said the money would pay for an engineering cost feasibility study related to adding a turning lane on North 84<sup>th</sup> Street into the Event Center's main driveway. He said a motion to approve the funding request did not receive a second.

Eagan said the Board has received a legal opinion that addresses the difference between road purposes and visitor promotion.

- A request from the City of Lincoln for \$8,000 for the Wayfinding Project

Hilton said the funds will be used for a study in partnership with the City, University of Nebraska - Lincoln (UNL) and the Downtown Lincoln Association (DLA). He said the VPC has recommended approval of the funding request.

Schorr noted the Board has also expressed support of the Lincoln Children's Zoo's request for a \$150,000 grant from the County Visitors Promotion Fund to convert the seal tank into a penguin exhibit.

Maul stated the VPC plans to meet on March 15<sup>th</sup> to discuss that funding request.

Stevens said Visitor Improvement Fund dollars could also be used to enhance, and support, the arena project.

Maul noted that \$750,000 has already been allocated to that project.

**MOTION:** Schorr moved and Workman seconded to approve the recommendation from the Visitors Promotion Committee (VPC) for funding in the amount of \$100,000 (\$50,000 a year for two years) for the Centennial Mall project, stipulating that this is a pledged amount and the funds will not be transferred until the Lincoln Parks Foundation has secured \$6,000,000 in commitments. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried 5-0.

**MOTION:** Workman moved and Hudkins seconded to approve \$150,000 (\$75,000 a year, for two years) for renovation of Sherman Field. Hudkins, Workman and Heier voted aye. Stevens and Schorr voted nay. Motion carried 3-2.

The maker of the motion and the seconder clarified that \$75,000 will be released upon completion of Phase I of the project and the remaining \$75,000 will be released upon completion of Phase II.

**MOTION:** Schorr moved and Stevens seconded to approve \$8,000 for a study related to the Wayfinding Project.

Heier suggested that efforts be coordinated with the Nebraska Innovation Zone Commission (NIZC).

Marvin Krout, Planning Director, appeared and presented additional information regarding wayfinding (visual guides, including vehicular and pedestrian signs and other elements, banners, markers, kiosks, etc.) (Exhibit D).

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

## **B) Visitors Improvement Fund Use Policy**

Heier noted the Board took action at the Mid-Year Budget Retreat to change the way lodging tax dollars are allocated and said the action was not proper because the item was not scheduled on the agenda. **NOTE:** The action was to allocate the County Visitors Improvement Fund dollars as follows: 0.75% for bid fees, 0.25% for grants and 1.0% for capital improvements to facilities (see Exhibits E & F). Heier suggested that the Board rescind its action at that meeting.

Eagan explained that the item was listed as general discussion of future budgets.

Maul said it was his understanding that the issue of increasing the allocation for bid fee dollars to stay competitive would be discussed at that meeting.

Stevens noted the CVB also has funds for bid fees in their regular budget and asked that the CVB provide the Board a quarterly summary on how bid fee dollars are used.

Schorr said she trusts Maul's judgement on use of those funds.

Hudkins said he believes the Board should retain control of the funds until they are needed.

Eagan said the Visitors Improvement Fund can be used for promotion if there is a determination that facilities are adequate but said predesignation of the funds for promotion is a violation of law. He stressed the need for a policy that addresses requests for funding and said it will help the CVB to better manage their budget and determine how much is available each year for promotion.

Stevens said the allocation of the 2% lodging tax is merely a guideline and can be adjusted if necessary.

Heier said he would like a legal opinion on the issue of bid fees.

Schorr asked that amendment of the statute governing use of the lodging tax be placed on the County's legislative priority list.

**MOTION:** Hudkins moved and Workman seconded to: 1) Ask Kerry Eagan, Chief Administrative Officer, to work with the County Attorney's Office and Visitors Promotion Committee (VPC) to develop a policy for distributing the grants fund; and 2) Request a legal opinion on bid fees. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried 5-0.

**COUNTY ROAD CONDITIONS** - Don Thomas, County Engineer; Bob Jacobs, Road Maintenance Division Head, County Engineering

Don Thomas, County Engineer, noted receipt of a complaint regarding road conditions on North 162<sup>nd</sup> Street. He said he inspected the road on Tuesday, after it rained, and said he found it to be muddy but stable. Thomas said there were two bad spots on the road, which he attributed to acreage access. He said it has been an unusually rough winter and that has contributed to road conditions. Thomas also reported that road crews have hauled 24,000 tons of rock to 733 locations in the County.

Workman asked whether the County is liable for damage to vehicles from the road conditions.

Eagan said the County has governmental immunity for general road conditions. He said the County could be held liable if it has knowledge of a particularly hazardous spot and fails to take corrective action within a reasonable period.

Stevens noted the County has received a request for paving on Rokeby Road, from South 56<sup>th</sup> Street east to the entrance of Nealrene Acres (Exhibit G).

Thomas said the road serves a lot of homes and will be further reviewed at budget time.

## **ADMINISTRATIVE OFFICER REPORT**

### **C. Hire of Asphalt Inspector for County Engineering**

Thomas said his asphalt inspector plans to retire in a few months and he would like to hire and train someone in that position before the inspector leaves. He said there will be approximately a three-month overlap and estimated the cost at \$15,000.

Schorr asked Thomas whether he can absorb the cost in his budget.

Thomas said he will, if that is the Board's direction.

**MOTION:** Schorr moved and Workman seconded to authorize the County Engineer to proceed, as outlined. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried 5-0.

H. Southwest 40<sup>th</sup> Street Viaduct Update

Eagan said the Southwest 40<sup>th</sup> Street viaduct project has been delayed because the Burlington Northern Santa Fe (BNSF) Railway was concerned the viaduct might interfere with a signal switch that serves its fueling station. He said the BNSF Regional Director notified him on Tuesday that the Federal Railroad Administration (FRA) has approved changing the switch to a ground-based switch. The cost is estimated at \$133,000 and BNSF will seek reimbursement from the Railroad Transportation Safety District (RTSD).

Heier said Roger Figard, City Engineer, told him the bid process will be delayed for eighteen months.

**8 A) COORDINATOR AND SPECIALIST FOR TITLE VI AND AMERICANS WITH DISABILITIES (ADA) COMPLIANCE PLAN; AND B) PENDING LITIGATION** - Tom Fox, Deputy County Attorney

**A) Coordinator and Specialist for Title VI and Americans with Disabilities (ADA) Compliance Plan**

Tom Fox, Deputy County Attorney, suggested that Gwen Thorpe, Deputy Chief Administrative Officer, serve as the County's Title VI and Americans with Disabilities (ADA) Coordinator, rather than Larry Williams, Equal Opportunity Officer, Commission on Human Rights (see March 4<sup>th</sup> Staff Meeting minutes).

**MOTION:** Schorr moved and Workman seconded to authorize Gwen Thorpe, Deputy Chief Administrative Officer, to serve as the County's Title VI and Americans with Disabilities (ADA) Coordinator. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried 5-0.

**B) Pending Litigation**

**MOTION:** Schorr moved and Workman seconded to enter Executive Session at 11:04 a.m. for the purpose of protecting the public interest with regards to pending litigation. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried 5-0.

**MOTION:** Stevens moved and Schorr seconded to exit Executive Session at 11:09 a.m. Schorr, Stevens, Workman, Hudkins and Heier voted aye. Motion carried 5-0.

**ACTION ITEMS**

A. Microcomputer Request C#61168, \$1,294.16 from Jury  
Commissioner's Budget for Three (3) Labelwriter Printers, Etc.

**MOTION:** Workman moved and Stevens seconded approval. Hudkins, Workman, Stevens, Schorr and Heier voted aye. Motion carried 5-0.

**9 COUNTY ROAD CONDITIONS** - Don Thomas, County Engineer; Bob Jacobs, Road Maintenance Division Head, County Engineering

Item was moved forward on the agenda.

**10 ACTION ITEMS**

A. Microcomputer Request C#61168, \$1,294.16 from Jury  
Commissioner's Budget for Three (3) Labelwriter Printers, Etc.

Item was moved forward on the agenda.

**11 CONSENT ITEMS**

There were no consent items.

**12 ADMINISTRATIVE OFFICER REPORT**

A. Board of Zoning Appeals Appointment

Hudkins said he has not received a response from Lyle Hermance as to whether he would be interested in serving.

B. County Board Volunteer Commitment to Special Olympics

The Chair asked staff to check whether Board members would be subject to volunteer screening. **NOTE:** The County Board has volunteered, as a team, for the 2010 Special Olympics CESSNA Airlift on July 17, 2010.

C. Hire of Asphalt Inspector for County Engineering

Item was moved forward on the agenda.

#### D. Amendment of Contract with Continuum

Eagan said Continuum has agreed to reduce its fees for employee assistance services from \$23,800 to \$19,500 annually to reflect the recent reduction in employee population. **NOTE:** The reduction resulted from the sale of Lancaster Manor (nursing home facility) to a private company.

Workman exited the meeting at 11:13 a.m.

#### E. Campaign Against Hunger Kick-Off Breakfast (June 24, 2010)

Heier indicated plans to attend the event.

#### F. Joint Receptionist Interlocal Agreement

Eagan said Tammy Grammar, Secretary to the City Council, recently resigned and Mary Meyer, the joint receptionist for the County Board/City Council, has been covering that position.

Minette Genuchi, Administrative Assistant, appeared and said Meyer is spending approximately 95% of her time on those duties and said she has been covering some of Meyer's duties, such as answering the phones and handling the mail.

Eagan said the City needs to reimburse the County for Meyer's time and bring in a temporary worker to cover those duties until the position is filled. It was suggested that Meyer be compensated through an exceptional circumstance award, with a one-step increase, or by creating and assigning Meyer to a temporary position that corresponds to the position previously held by Joan Ray in the City Council's Office. He said the County could be reimbursed for those costs through amendment of the interlocal agreement for the joint receptionist position to increase the percentage of reimbursement by the City.

#### G. Budget Update

Heier said Mike Thurber, Corrections Director, has indicated he will need additional Correctional Officers when the new jail opens and has agreed to make up the cost, estimated at \$350,000, by eliminating the out-of-county housing.

#### H. Southwest 40<sup>th</sup> Street Viaduct Update

Item was moved forward on the agenda.

## I. Salary Increase for Law Clerks

Eagan said the District Court's law clerks were omitted from County Resolution R-10-0008 that addressed salary increases for certain employees in the unclassified service. He said the District Court has asked that they receive an increase of 1.5%.

**MOTION:** Schorr moved and Hudkins seconded to authorize the 1.5% increase and direct the Personnel Department to include that position in salary information that is provided to the Board in the future. Schorr, Stevens, Hudkins and Heier voted aye. Workman was absent from voting. Motion carried 4-0.

**NOTE:** The Board will take formal action on the salary increase at the March 16<sup>th</sup> County Board of Commissioners Meeting.

### **13 PENDING**

There were no pending items.

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

#### A. Nebraska Innovation Zone Commission (NIZC) - Hudkins

The meeting was cancelled.

Hudkins exited the meeting at 11:24 a.m.

#### B. Railroad Transportation Safety District (RTSD) - Workman, Stevens, Schorr

Schorr said they reviewed the preliminary budget and received an update on projects.

#### C. Meeting of Public Building Commission (PBC) Chair/Vice Chair/Mayor - Hudkins

Meeting was cancelled.

#### D. Board of Health - Schorr

Schorr said they received an update on the Medicaid Assistance Program and said she will copy Board members on a letter from Governor Heineman and Kerry Winterer, Chief Executive Officer, Nebraska Department of Health and Human Services (HHS), which discusses the number of cases that are still in dispute. She also reported that Lancaster County ranked third in health factors and 15<sup>th</sup> in health outcomes in a comparison with 75 other counties in the State.

## **15 EMERGENCY ITEMS AND OTHER BUSINESS**

Schorr reported that the Lancaster Manor Advisory Committee was disbanded. She said Keith Fickenscher, Lancaster Manor Rehabilitation Center Administrator, would like to have a community advisory group and will contact the committee members to see if they have an interest in serving. Schorr said she has agreed to serve for one year as a community member.

## **16 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 11:29 a.m. Schorr, Stevens and Heier voted aye. Workman and Hudkins were absent from voting. Motion carried.

---

Dan Nolte  
Lancaster County Clerk