

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, DECEMBER 2, 2010
8:30 A.M.**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins
Deb Schorr

Commissioners Absent: Bob Workman

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 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE MINUTES OF THE THURSDAY, NOVEMBER 18, 2010 STAFF MEETING

MOTION: Stevens moved and Hudkins seconded approval of the November 18, 2010 Staff Meeting minutes. Stevens, Schorr and Hudkins voted aye. Heier abstained from voting. Motion carried 3-0, with one abstention.

2 ADDITIONS TO THE AGENDA

- A. Budget Update from County Attorney
- B. Report on Meeting Commissioners Heier and Hudkins had with Kim Kaspar, American Federation of State, County & Municipal Employees (AFSCME) President, and Melvin Moore, former AFSCME President

MOTION: Schorr moved and Hudkins seconded approval of the additions to the agenda. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried 4-0.

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

Chuck Richter, Sampson Construction Company, gave an update on construction of the new jail facility (see Exhibit A for progress photographs). He said an average of 110 workers, from various trades, are working on the job site every day. An additional 63 workers are currently working on the District Energy Corporation (DEC) project.

Heier asked where the project is in terms of the schedule.

Richter said they have made progress on making up the days that were lost due to weather.

Hudkins inquired about plans for warehouse space in connection with the DEC Building.

Mike Thurber, Corrections Director, said they are contingent upon how much is received from DEC for energy efficiencies.

In response to a question from Heier, Thurber said the County, City, DEC, Lincoln Electric System (LES) and Unite Private Network (a company that supplies broadband fiber communications to Lincoln Public Schools, the University of Nebraska Technology Park and several Lincoln businesses) will share in the cost to develop a fiber optic communications network which will reduce rates for the facility.

Greg Newport, The Clark Enersen Partners, displayed the merit award that PSA-Dewberry and his firm received from the 2010 American Institute of Architects (AIA)/American Association of Justice (AAJ) Justice Facilities Review Awards Program for the design of the Lancaster County Adult Detention Facility.

Board consensus was to schedule a special presentation on the award on the December 7th County Board of Commissioners Meeting agenda.

4 A) BUDGET UPDATE (YOUTH SERVICES CENTER (YSC) AND COUNTY ENGINEERING); AND B) SECTION 23-120 BOND LEVY - Dennis Meyer, Budget and Fiscal Officer; Sheli Schindler, Youth Services Center (YSC) Director; Melissa Hood, Administrative Aide, YSC; Don Thomas, County Engineer

A) Budget Update

Youth Services Center (YSC)

Sheli Schindler, Youth Services Center (YSC) Director, said her department's budget is currently underspent by 2.5%. She noted they did not budget for salary increases but said they will be able to cover that expense. Schindler said over 50% of their population for the last five months has generated revenue and said they can control those numbers if necessary. She said the adult court and juvenile court (non-billable) care days have decreased significantly and said she hopes to be able to reduce one full-time equivalent (FTE) direct-line staff position next year if population numbers stay the same. Schindler noted there are a number of changes occurring at the State level and said YSC and other staff secure facilities have been asked to look at potential changes. She said she believes discussions need to take place regarding the future of residential care for youth who are in the criminal justice system and said Region V should be included in those discussions because they received funds for youth who are at risk as part of Legislative Bill (LB) 603 (Change medical assistance and behavioral health provisions).

Commissioners Schorr and Heier indicated they would also be willing to participate in those discussions.

In response to a question from Dennis Meyer, Budget and Fiscal Officer, Schindler said a large portion of the \$300,000 that was budgeted as revenue from the State was for past services.

Schorr asked whether there is a difference in the daily rate from the secure to staff secure side.

Schindler said there is not.

County Engineering

Don Thomas, County Engineer, said his primary concerns are costs for fuel, rock and gravel, and motor vehicle repairs. He also reported the following: 1) The highway allocation has increased slightly from last year; and 2) County Engineering is still waiting on a Federal Emergency Management Agency (FEMA) reimbursement for last winter's storms and a reimbursement from the Nebraska Department of Roads (NDOR) for work on a the recreational road around Branched Oak Lake (approximately \$380,000).

Meyer inquired about road projects funded through the Keno Fund.

Thomas said the project on Arbor Road is completed.

Meyer said he will also be making a final payment to the City for the Alvo Road Project (\$450,000).

Hudkins asked whether the County has any further obligations related to acquisition of right-of-way near North 134th Street and Interstate-80.

Thomas said it does not.

Stevens inquired about the status of the North 84th Street Bridge (see October 28, 2010 Staff Meeting minutes).

Thomas said hopefully it will be completed this week.

Stevens asked Thomas whether the County has any say on whether NDOR can close the North 98th Street Bridge before the North 84th Street Bridge is completed.

Thomas said it does and said he will follow up with NDOR on that matter.

ADDITIONS TO THE AGENDA

A. Budget Update from County Attorney

Gary Lacey, County Attorney, appeared and said his department is currently \$30,000 under budget.

Hudkins asked Lacey whether he anticipates adding staff.

Lacey said he is not sure what Joe Kelly has planned. **NOTE:** Kelly will be sworn in as the new County Attorney in January, 2011.

Lacey also expressed concerns about the Nebraska Department of Health and Human Services (HHS), stating it appears to be in a dysfunctional state. Lacey said KVC workers have told his attorneys that they are not allowed to give them information, despite assurances from Todd Reckling, Director of the Nebraska Department of Health and Human Services (HHS) Division of Children and Family Services, that they are not prohibited from doing so. **NOTE:** KVC is a private foster care provider that is doing work for HHS.

RETURNING TO ITEM 4

A) Budget Update

Meyer said General Fund expenditures are slightly down and revenues are up by approximately \$1,200,000, compared to this quarter last year. He said those could be related to timing issues. Meyer also reported that Inheritance Tax collections are up this quarter.

Hudkins inquired about the County's self-insured liability deductible amounts.

Kerry Eagan, Chief Administrative Officer, said it is \$500,000 for vehicle pursuits and \$250,000 on regular general liability claims.

B) Section 23-120 Bond Levy

Meyer said he will schedule a resolution on the December 7th County Board of Commissioners Meeting agenda to impose a levy for the following projects pursuant to Nebraska Revised Statute §23-120: 1) The 2004 bond issue for various County projects; 2) 50 percent of the debt service for the Lincoln/Lancaster County Health Department addition; and 3) The Building Fund levy.

ADMINISTRATIVE OFFICER REPORT

A. Review of County Board Committee Assignments

Schorr questioned whether there is value in having a County Commissioner assigned to certain meetings or whether the assignment could be eliminated or a staff member assigned instead.

There was general consensus to eliminate the following County Board assignments:

- Air Pollution Advisory Committee
- Lincoln-Lancaster County Ecological Advisory Committee (EAC)
- Nebraska Innovation Zone Commission (NIZC)
- Downtown Lincoln Association (DLA) Board of Directors

There was also consensus to: 1) Assign a staff member to represent the Board at the Lincoln Partnership for Economic Development (LPED) meetings; 2) Check with Doug Ahlberg, Emergency Management Director, to see whether the Local Emergency Planning Committee and Homeland Security Advisory Committee are active and whether a commissioner is required to serve on those committees; 3) Check whether the Wilderness Park Advisory Committee is active and if so, assign a staff member to serve as the representative; 4) Limit attendance at the Lincoln Independent Business Association (LIBA) Monthly Meeting to one commissioner each month.

The Emergency Medical Services (EMS) Oversight Committee was added to the list of Commissioner Schorr's committee assignments. Schorr advised against adding the Nebraska Association of County Officials (NACO) 2020 Task Force to the list because it will be meeting infrequently in the coming year.

5 WIND ENERGY CONSERVATION SYSTEMS/TURBINES - Mike DeKalb, Planner; Scott Holmes, Environmental Health Division Chief, Lincoln-Lancaster County Health Department (LLCHD); Brittany Behrens, Deputy County Attorney

Mike DeKalb, Planner, presented a draft county zoning text amendment that would allow Commercial Wind Energy Conversion System(s) (CWECS) in the Agricultural (AG) District by special permit (see agenda packet).

Heier noted Condition No. 3 states a noise study may be required and asked who would make that determination.

DeKalb said applications would be routed to the Lincoln-Lancaster County Health Department (LLCHD) for a recommendation and said if they have concerns, the applicant would be asked to supply additional information. He said the Planning Commission could also request a study if they believe noise is an issue.

Stevens said a group called the Nebraska Wind and Wildlife Working Group has established draft guidelines for wind energy and wildlife resource management. He said he believes consideration should be given to the impact on wildlife, especially migratory birds that can be killed by the rotating blades.

DeKalb concurred and said the practice would be to advise the Nebraska Game and Parks Commission and Lower Platte South Natural Resources District (NRD) if the area of application was in close proximity to a resource.

Heier requested further information on how CWECS are working in other states, particularly in wetlands and migratory areas.

Board consensus was to direct staff to initiate the text amendment.

6 TRACKING PERSONAL HOLIDAYS - Tim Genuchi, Accounting Operations Manager, County Clerk's Office

Tim Genuchi, Accounting Operations Manager, County Clerk's Office, noted a recent policy change that allows employees to use personal holidays in two-hour increments and said his office has received a request to include personal holiday balances on the payroll checks. He said Information Services (IS) has estimated it will take approximately 24 hours to program the change. Genuchi said those hours would not be charged directly to the County Clerk's Office but would come from the estimated System Development hours in the current year's budget. He said that could impact next year's budget if more hours are used than estimated.

MOTION: Schorr moved and Stevens seconded to ask the County Clerk's Office to initiate the change to have personal holiday hours shown on the payroll checks. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried 4-0.

7 VISITORS PROMOTION COMMITTEE (VPC) GRANT RECOMMENDATIONS: A) UNIVERSITY OF NEBRASKA MILITARY MUSEUM; B) LINCOLN AREA MODEL RAILROAD CLUB (ROCA DEPOT); C) LINCOLN CHILDREN'S MUSEUM (BALLWORKS EXHIBIT); AND D) NEBRASKA SPORTS COUNCIL (2011 CORNHUSKER STATE GAMES SPORTFEST/OPENING CEREMONIES) - Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director; Steve Hilton, Visitors Promotion Committee (VPC) Chair

Steve Hilton, Visitors Promotion Committee (VPC) Chair, reported on a recommendation from the VPC to fund the following requests for grants from the Lancaster County Visitors Improvement Fund:

- \$10,000 - University of Nebraska Board of Regents for creation of a memorial timeline in honor of General John J. Pershing in the lobby of the Pershing Military and Naval Science Building
- \$5,845 - Lincoln Area Model Railroad Club & Museum to replace the roof of Roca Depot, which is located at the Lancaster Event Center, with historically accurate metal shingles
- \$10,000 - Lincoln Children's Museum for a temporary exhibit titled BallWorks
- \$10,000 - Nebraska Sports Council for enhancements for the Cornhusker State Games SportFest/Opening Ceremonies at Seacrest Field

Schorr asked that the Nebraska Sports Council be informed that it is not the Board's intent to fund on-going events.

Maul noted that a grant request from the Updowntowners was denied, based on a similar thought process.

Eagan said an argument could be made that the opening ceremonies are a tourism destination, although temporary in nature. He added that funds can be used for promotion if tourism facilities are deemed adequate.

Stevens said he favors funding facilities, rather than events.

MOTION: Hudkins moved and Schorr seconded to direct the County Attorney's Office to prepare grant contracts for the four funding requests. Hudkins, Schorr and Heier voted aye. Stevens voted nay. Motion carried 3-1.

ADMINISTRATIVE OFFICER REPORT

B. Keno Application for New Owner of Ron's Pub (Jasper's LLC)

The Board scheduled the item on the December 7th County Board of Commissioners Meeting agenda.

C. Public Participation Rules

Eagan said he has reviewed the rules and doesn't believe additional language is needed.

D. Temporary County Board Chair for January 6, 2011 Staff Meeting

MOTION: Schorr moved and Heier seconded to appoint Commissioner Schorr the Temporary Board Chair for the January 6, 2011 Staff Meeting. Stevens, Schorr and Heier voted aye. Hudkins voted nay. Motion carried 3-1.

E. City-County Common Meeting Agenda (December 7, 2010)

It was noted the meeting will begin at 8:15 a.m.

F. Mid-Year Budget Review Location (February 17, 2011)

There was general consensus to hold the Mid-Year Budget Review in the Lincoln Independent Business Association's (LIBA's) Boardroom (620 North 48th Street, Suite 205).

G. County Special Permit No. 05047 (Dr. David Samani)

Eagan said Dr. David Samani has submitted a request to make permanent the special permit that allowed a private recreation cabin to be located on his property on Kolbrook Road.

The Board scheduled his request on the December 7th County Board of Commissioners Meeting agenda for action.

H. Putnam Settlement Proceeds (Hartford Deferred Compensation Plan)

Eagan recommended that the Board return the unendorsed \$20.62 settlement check to The Hartford and direct them to allocate settlement proceeds to current participants in the plan, proportionately based on their account balances.

MOTION: Hudkins moved and Schorr seconded to follow the recommendation of Kerry Eagan, Chief Administrative Officer, and return the unendorsed settlement check to The Hartford, as outlined. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

I. Reception for Outgoing Elected Officials (January 4, 2011)

Board consensus was to hold the reception following the Lancaster County Board of Commissioners Meeting.

J. Swearing In of New Officials (January 11, 2011)

Eagan said he will ask Nebraska Supreme Court Chief Justice Michael Heavican to swear in the new officials.

8 EQUAL OPPORTUNITY PLAN - Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, said the County's Equal Opportunity Plan needs to be updated. He said City has provided equal employment opportunity and affirmative action services to the County through an interlocal agreement. He said the City's Equal Opportunity Officer recently retired and Milo Mumgaard, Senior Policy Aide for Sustainability in the Mayor's Office, is performing those duties for the City on a temporary basis. Fox asked the Board who they would like to name as the County's Equal Opportunity Officer. He also asked the Board whether it would like to include proposed regulations related to the Americans with Disabilities Amendment Act in the County's Equal Opportunity Plan.

Board consensus was to include the proposed regulations in the Plan and have the Chair and Vice Chair talk to the Mayor about having Mumgaard serve as the County's Equal Opportunity Officer and long-term plans for the position.

9 POTENTIAL LITIGATION - Brittany Behrens, Deputy County Attorney

MOTION: Schorr moved and Stevens seconded to enter Executive Session at 10:37 a.m. for the purpose of protecting the public interest with regards to potential litigation. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried 4-0.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 10:48 a.m. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried 4-0.

DISCUSSION OF BOARD MEMBER MEETINGS

A. Information Services Policy Committee (ISPC) - Stevens

Stevens said discussion focused on IS's strategic plan, the Voice over Internet Protocol (VoIP) proposal, the City's new budgeting process and archiving of emails.

10 REPLACEMENT SERVERS FOR EAGLE SOFTWARE SYSTEM - Norm Agena, County Assessor/Register of Deeds; Rob Ogden, Chief Field Deputy Assessor/Register of Deeds; Dennis Meyer, Budget and Fiscal Officer

Norm Agena, County Assessor/Register of Deeds, said three servers in the Register of Deeds Office that are used for the Eagle Software System need to be replaced at a cost of \$17,113.75.

Rob Ogden, Chief Field Deputy Assessor/Register of Deeds, explained that they are replacing the servers because their maintenance will run out the first of January and they lack sufficient storage space.

Agena said he has \$9,000 remaining in his budget for computer equipment that could be used towards the purchase of new servers. Agena asked the Board to place the \$6,618 in earmarked funds remaining from the project to digitize Register of Deeds microfilm records dating from 1987 through 1994 back into his budget and to allocate \$1,495 from the Microcomputer Fund to pay the remainder of the expense.

Dennis Meyer, Budget and Fiscal Officer, explained that unspent encumbered funds revert to the County's General Fund and said the Board would have to agree to place the funds back into the County Assessor/Register of Deeds budget for him to have spending authority.

MOTION: Schorr moved and Hudkins seconded to allocate \$6,000 out of the Microcomputer Fund for replacement of the servers and ask the County Assessor/Register of Deeds to pay the remainder out of his budget.

FRIENDLY AMENDMENT: Schorr offered a friendly amendment to allocate \$6,600, rather than \$6,000, out of the Microcomputer Fund for replacement of the servers.

The seconder accepted the friendly amendment.

AMENDMENT: Stevens moved to amend the motion to allocate \$8,000, rather than \$6,600, out of the Microcomputer Fund for replacement of the servers.

The motion died for the lack of a second.

ROLL CALL ON THE ORIGINAL MOTION AS AMENDED: Hudkins, Schorr, Stevens and Heier voted aye. Motion carried 4-0.

11 ACTION ITEMS

There were no action items.

12 CONSENT ITEMS

There were no consent items.

13 ADMINISTRATIVE OFFICER REPORT

- A. Review of County Board Committee Assignments
- B. Keno Application for New Owner of Ron's Pub (Jasper's LLC)
- C. Public Participation Rules
- D. Temporary County Board Chair for January 6, 2011 Staff Meeting
- E. City-County Common Meeting Agenda (December 7, 2010)
- F. Mid-Year Budget Review Location (February 17, 2011)
- G. County Special Permit No. 05047 (Dr. David Samani)
- H. Putnam Settlement Proceeds (Hartford Deferred Compensation Plan)
- I. Reception for Outgoing Elected Officials (January 4, 2011)
- J. Swearing In of New Officials (January 11, 2011)

Items A-J were moved forward on the agenda.

14 PENDING

There were no pending items.

15 DISCUSSION OF BOARD MEMBER MEETINGS

A. Information Services Policy Committee (ISPC) - Stevens

Item was moved forward on the agenda.

B. Parks & Recreation Advisory Board - Stevens

Stevens said they met jointly with the Parks and Recreation Foundation and discussed projects within the community.

C. Nebraska Association of County Officials (NACO) 2020 Task Force Meeting - Schorr

Schorr said they discussed funding mechanisms for county government.

D. Downtown Lincoln Association (DLA) Board of Directors - Stevens

Stevens said there was an update on the Haymarket Arena Project.

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

Stevens said they were told the national trend is for caseloads to double or triple. He said part of the problem is that health practitioners are refusing to accept Medicaid patients. Stevens said another concern is that the Nebraska Department of Correctional Services is planning to release inmates more quickly to cut prison costs and relieve overcrowding. He said many will need mental health services and there has been no discharge planning.

F. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Schorr

Schorr said they were asked whether the Lancaster Manor Proceeds Committee received a copy of LIBA's recommendations for the future use of the Lancaster Manor proceeds. She said she assured them that copies were provided to the Committee.

Heier said concerns were also expressed regarding the cost of the new jail.

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

Stevens said they approved claims from Wells Fargo for bank fees, Sampson Construction Company, the contractor, and The Clark Enersen Partners, the architect totaling \$1,803,214.04. There was also a principal and interest payment on the bonds in the amount of \$3,647,340.00.

H. General Assistance (GA) Monitoring Committee - Workman, Stevens

Stevens said they are "back billing" to 2008 for Medicaid reimbursement for the Health Department. The billings are for medical and dental services. He also reported that drug assistance is running about \$25,000 a month.

I. Chamber Coffee - Stevens

Stevens said it was a community consensus meeting to define priorities for the community. He said reform of the Commission on Industrial Relations (CIR), funding of roads and infrastructure, and economic development were among those cited.

BACK TO ITEM 15B

Hudkins said the Waverly City Council has indicated it is waiting on a recommendation from the Lincoln-Lancaster County Planning Department and Lincoln Parks and Recreation on a proposed trail along Amberly Road in Waverly.

Stevens said he will check into it.

ADDITIONS TO THE AGENDA

B. Report on Meeting Commissioners Heier and Hudkins had with Kim Kaspar, American Federation of State, County & Municipal Employees (AFSCME) President, and Melvin Moore, former AFSCME President

Heier said he and Commissioner Hudkins met, at the request of Commissioner Hudkins, with Kim Kaspar, American Federation of State, County & Municipal Employees (AFSCME) President, and Melvin Moore, former AFSCME President, following the November 30th County Board of Commissioners to discuss Kaspar's statement at the meeting that the Board was "sweeping everything under the carpet". He said Kaspar and Moore wished to discuss current and past personnel issues which they said were not being addressed. Heier said he checked into it following the meeting and was told those issues had never been reported.

Heier also noted that Hudkins had reported he had been contacted by Russ Shultz, Noxious Weed Control Authority Superintendent, who asked to discuss a personnel matter in Executive Session (see November 18th Staff Meeting minutes). He said he spoke to Shultz this earlier this morning and said Shultz said Hudkins had contacted him regarding the matter and asked him to call him back, which he did.

Hudkins said that is not correct.

Heier said Shultz also told him that a document he brought with him to the November 18th Staff Meeting was provided to the County Attorney's Office.

Hudkins said Shultz called him at 11:00 p.m. on November 17th and said he did not call him back until the morning of November 18th. He said he has also visited with the County Attorney's Office regarding this matter.

Heier suggested that Shultz be asked to appear before the Board to clarify the matter on the record. He said he also talked to Don Thomas, County Engineer, regarding another personnel matter and said Thomas has declined to accept a suggestion offered by the Board.

16 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items and other business.

17 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 11:15 a.m. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried 4-0.

/s/ Dan Nolte

Dan Nolte
Lancaster County Clerk