

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MARCH 22, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Linda Steinman
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, MARCH 20, 2001

MOTION: Heier moved and Steinman seconded approval of the Staff Meeting minutes of March 20, 2001. Heier, Steinman, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- O LB 827 (provides for the sale or lease of dark fiber by governmental entities) was advanced. All of the amendments failed, but efforts to amend the bill continue.

Hudkins arrived at the meeting.

- O LB 170 (changes provisions for property tax valuation and appellate procedures for appeals to TERC) will be debated on Select File. A number of amendments have been filed.

- O LB 142 (authorizes creation of municipal counties) is scheduled for debate later in the afternoon.

Campbell said taxation and services issues need to be clarified. She also expressed concern about the impact to small communities.

Hudkins recommended that the Board go on record in opposition.

Steinman urged the Board to delay taking a position on the bill and to try to resolve issues through amendment.

Board consensus to continue to monitor the bill.

- O Senator Thompson has introduced an amendment to LB 598 (changes placement and treatment services provisions for juveniles) that would require case plans by the juvenile judge when a juvenile is adjudicated for traffic offenses, felony cases and child welfare issues. The Governor's Office is concerned that this will increase adjudication costs and has indicated that the amendment could hinder efforts in LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act).

**4 RETURN OF BIDS FOR ELECTION COMMISSIONER REMODEL;
ELECTION COMMISSIONER SYSTEMS FURNITURE** - Dave Shively, Election Commissioner; Bonnie Sittig, Deputy Election Commissioner; Don Killeen, County Property Manager; Chris Beardslee, Sinclair Hille & Associates Inc.

Return of Bids for Election Commissioner Remodel

Chris Beardslee, Sinclair Hille & Associates Inc., reviewed bids for the remodel and addition to the new Election Commissioner Building (Exhibit B). He recommended approval of the low bid of \$230,800 from Brester Construction Inc.

Eagan noted that the County has initiated a change of zone to have the designation changed to Public "P". He asked whether this must be finalized before construction can commence.

Beardslee said the Building & Safety Department understands that a use permit currently exists for the building and that a change of zone is in process. He said process review will proceed and a recommendation of denial is expected for that component, due to the use permit.

In response to a question from Eagan, Beardslee said he does not anticipate any setback problems.

MOTION: Hudkins moved and Workman seconded to have the award of bid to Brester Construction Inc. scheduled on the March 27th County Board of Commissioners Meeting agenda.

Dave Johnson, Deputy County Attorney, recommended inclusion of a provision in the contract to extend the time frame, at no cost to the County, in the event the change of zone is delayed.

ON CALL: Hudkins, Workman, Steinman, Heier and Campbell voted aye. Motion carried.

Election Commissioner Systems Furniture

Dave Shively, Election Commissioner, reported a bid in the amount of \$61,297.30 from All Makes Office Equipment for systems furniture (Exhibit C).

- 5 COMPREHENSIVE PLAN AMENDMENT 94-56; SOUTHEAST LINCOLN/HIGHWAY 2 SUBAREA PLAN** - Kathleen Sellman, Planning Director; Steve Henrichsen, Planning Department; Don Thomas, County Engineer; Larry Worrell, County Surveyor; Allan Abbott, City Public Works/Utilities Director

Campbell stated for the record that she has declared a conflict of interest for the Southeast Lincoln/Highway 2 Subarea Plan.

Sellman said the Planning Department has tried to find a way to accommodate what was shown as a major commercial center at 84th Street and Highway 2 in the 1994 Lincoln City-Lancaster County Comprehensive Plan. She said it became apparent that the scope of what was being looked at needed to be broadened because of the impact of a development of that size. The boundaries were extended east to 98th Street, west to 56th Street, south to Yankee Hill Road and north to Old Cheney Road as a result.

Steve Henrichsen, Planning Department, gave an overview of *Southeast Lincoln/Highway 2 Subarea Plan* (Exhibit D), noting major elements of the plan:

- Establish a land use pattern that takes into account impacts on the transportation network
- Provide for a regional commercial center of approximately 1.9 million square feet, in addition to 200,000 plus square feet at 70th Street and Highway 2
- Relocate 84th Street and Pine Lake Road to improve traffic flow and reduce the impact on adjacent residences of the future regional commercial center
- Identify appropriate transitional uses between commercial and residential uses
- Provide a transportation network and land uses which could aid in maintaining an attractive entryway corridor into Lincoln along Highway 2

- O Provide for new residential street connections between neighborhoods
- O Recommend the potential inclusion of the Village of Cheney and Sanitary Improvement District (S.I.D.) in the city limits, if issues of sewer capacity, access and the impact on the Cheney School District can be addressed

Henrichsen said there has been a great deal of discussion of the area at 84th and Highway 2. He said the Planning Commission's single change to the subarea plan was to include language indicating that an alternative plan was still under negotiation and a recommendation that if an agreement was worked out between the City, Pine Lake Association and the property owners, the subarea plan should be amended to reflect that. Henrichsen said it appears that a compromise has been reached that will preserve nearly a quarter of the site in wetlands and open space, preserve the drainage way, and provide a residential buffer adjacent to the neighborhood. Some office use is also provided for, with a road network through the site that will replace Pine Lake Road to some degree and will help with turning movements on the site.

Don Thomas, County Engineer, noted that the intersection at 98th Street and Pine Lake Road has been a concern.

Allan Abbott, City Public Works/Utilities Director, said traffic moving from the north to the east at the intersection, and the return traffic, needs to be made as free flow as possible. He added that estimations of traffic on Highway 2 were based on the assumption that the South Beltway will be built.

Workman asked whether any consideration was given to the East Beltway.

Abbott said the East Beltway does not have as much impact on that area. He added that an extension of 98th Street was assumed and said the East Beltway, depending on location, will draw traffic away from the 98th Street corridor.

Steinman noted that a significant amount of the traffic on Highway 2 is truck traffic and would be routed to the South Beltway.

Hudkins asked where the South Beltway would intersect with Highway 2.

Thomas said it would be close to 120th Street.

Hudkins asked whether 98th Street will have through access to Highway 2 or will be routed through the shopping center.

Henrichsen said that issue will need to be discussed further.

Thomas said access to Yankee Hill Road will be eliminated as the area develops.

Henrichsen noted possible location of an underpass at 87th Street.

Heier questioned whether that would cause traffic to slow down and said he believes consideration should be given to connecting 98th Street with the South Beltway. He also asked about incorporation of the Stevens Creek Plan.

Henrichsen said the sewer study shows there is not much more of the Stevens Creek area that can be picked up by the Antelope Creek sanitary sewer line because of downstream capacity.

Workman asked whether public dissension is anticipated.

Henrichsen most of the major issues have been worked out.

Campbell said one of the questions has been whether the County Board would need to vote on any portion of the subarea plan. She said it may be necessary for the County Board to hold a public hearing on the road network portion because some county road projects will be affected.

Thomas noted that 98th Street is not currently in the One and Six Year Road and Bridge Improvement Program. He said it also is questionable who will be responsible for the new alignment of Yankee Hill Road.

NOTE: These maps were referenced in the presentation: *Figure 2 - Proposed Southeast Lincoln/Highway 2 Subarea Plan, Revised February 22, 2001 and Existing Southeast Lincoln/Highway 2 Land Use Plan.*

6 COUNTY CHANGE OF ZONE NO. 203, TEXT AMENDMENT TO ALLOW CABLE AND FIBER OPTIC DISTRIBUTION SYSTEMS AS PERMITTED USES IN AGRICULTURE (AG) AND AGRICULTURE RESIDENTIAL (AGR) DISTRICTS - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, reviewed County Change of Zone No. 203, a text amendment to the Lancaster County Zoning Resolution to add cable and fiber optic communication distribution systems as a permitted use in the Agriculture (AG) and Agriculture Residential (AGR) zoning districts (Exhibit E).

7 SUBDIVISION REQUESTS FOR ROAD IMPROVEMENTS - Don Thomas, County Engineer; Larry Worrell, County Surveyor; Diane Staab, Deputy County Attorney; Bill Giovanni, Hidden Valley Acres

Campbell said Bill Giovanni has submitted a proposal for paving of a portion of the Hidden Valley Acres Subdivision (Exhibit F).

Don Thomas, County Engineer, explained that the County's policy has been to pave whole subdivisions and this proposal divides the subdivision, as platted. He said if we start looking at pieces there may be ramifications in other subdivisions.

Larry Worrell, County Surveyor, gave examples of how paving might occur in the following subdivisions (Exhibit G):

- O Hidden Valley Acres and 1st Addition
- O Hitching Post Hills and 1st, 2nd, & 3rd Additions
- O Leisure Lakes Estates and 1st, 2nd, 3rd & 4th Additions
- O Yankee Ridge and 1st & 2nd Additions, Harman's Subdivision
- O Countryland Addition & 1st Addition
- O Nealrene Acres & 1st Addition
- O High Ridge Acres & Mockenhaupt Acres, High Ridge West Acres & 1st Addition
- O Willard Estates & 2nd Addition
- O Ridgewood
- O Equestrian Estates & 1st Addition
- O Finigan's Subdivision, Finigan's Replat & 1st Addition

Thomas remarked that it would be difficult to determine a natural starting/stopping point for paving in many of these subdivisions. The proposal to pave Hidden Valley Acres includes Ellen Ridge Road over to Aspen Canyon Road so there would be a natural stopping place. He said the paving should include 190th Street, as well.

Thomas said the 1st Addition abuts 112th Street, a gravel road, so the motor grader that maintains that road could take care of that portion of the subdivision. A paved road abuts the other side of the subdivision so snow removal equipment there could take care of the paved portion of the subdivision. He noted that if 112th Street is paved it will become necessary to send two different types of equipment into one area.

Campbell added that it will be costly to maintain graveled subdivisions that become totally surrounded by paved roads. She suggested that criteria for paving of subdivisions be based on ease of maintenance, rather than requiring the whole subdivision to be paved. Campbell said "as long as there is a no net expense to the County, we'll look at it".

Steinman concurred, saying "it takes the arbitrariness out of it".

Workman suggested the following wording:

Continuity of maintenance with the adjoining county roads and the adjoining subdivisions must be acceptable.

Worrell cautioned against using the word “continuity” as deadheading of maintenance, ½ to ¾ of a mile in length, is already occurring in the Clarendon Hills and Amber Hills Subdivisions.

Campbell said that is another issue. She said this criteria would only apply to those subdivisions that want to pay for paving.

Steinman suggested that it may be beneficial for the County to share in paving costs for those subdivisions that are surrounded on all sides by paving.

Thomas said the subdivisions will be forced to pave when they are annexed.

Worrell said it is crucial that all roads within the area of paving be required to be paved, including the dead end streets.

Thomas said it is more expensive to maintain a paved road than a graveled road noting future overlay costs.

Bill Giovanni, Hidden Valley Acres, explained that his subdivision has explored several paving options over the past few years:

- O Rural Road Improvement Districts (R.I.D.): landowners petition and form a district, may request the County to finance all or a portion of the road improvements, County would enforce payment of assessments
- O Special Improvement Districts (S.I.D.): landowners petition, form their own district, finance road improvement costs and enforce assessment themselves
- O “Pass the Hat”: money is collected upfront from the individual landowners to pay the contractor upon completion of road improvements

Giovanni said this proposal is based on the “Pass the Hat” option as the property owners that desired paving did not want to impose a hardship on those that did not. He added that it was believed that this proposal would also work for maintenance.

Thomas said one advantage is that this is an established subdivision so heavy equipment needed for construction will not cause wear to the asphalt.

Campbell said perhaps the criteria should include a requirement that 85% to 100% of the lots must be sold. She suggested that subdivisions within the City's three-mile zoning jurisdiction also be required to be paved.

Heier suggested that consideration be given to providing Community Unit Plan's (CUP's) with a bonus of extra lots if streets are paved.

The Board asked Thomas and Worrell to work with Diane Staab, Deputy County Attorney, on development of criteria with a report back in a couple of weeks.

8 LABOR NEGOTIATIONS - Georgia Glass, Personnel Director; Diane Staab, Deputy County Attorney

MOTION: Steinman and Heier seconded to enter Executive Session at 10:45 a.m. for discussion of labor negotiations. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

MOTION: Steinman moved and Hudkins seconded to exit Executive Session at 11:17 a.m. Steinman, Hudkins, Heier, Campbell and Workman voted aye. Motion carried.

9 POSITION DESCRIPTION FOR FAMILIES FIRST AND FOREMOST (F3) DIRECTOR - Sheryl Schrepf, Families First & Foremost (F³) Grant Director; John Cripe, Classification and Pay Manager; Georgia Glass, Personnel Director

John Cripe, Classification and Pay Manager, reviewed the proposed job description for *Lancaster County Juvenile Mental Health Administrator* (Exhibit H).

Eagan noted that this position will continue to evolve.

MOTION: Hudkins moved and Steinman seconded to authorize the Chair to sign the job description, after review by Sheryl Schrepf, Families First & Foremost (F³) Grant Director.

Eagan suggested that Schrepf also sign the job description. He also suggested a review of job descriptions for the other directors.

ON CALL: Hudkins, Steinman, Heier, Workman and Campbell voted aye. Motion carried.

10 ACTION ITEMS

- A. Letter of Support for Southwest Rural Fire/Rescue District Grant Application

Campbell said Emergency Management did not receive a Federal Emergency Management Agency (FEMA) grant it had sought to fund a high band frequency radio system that would serve the rural fire departments. She said the rural fire districts may apply individually for the funding.

MOTION: Steinman moved and Workman seconded to authorize Doug Ahlberg, Emergency Management Director, to draft a letter of support that will be provided to each of Lancaster County's rural fire districts that wish to apply for the Federal Emergency Management Agency (FEMA) Grant. Steinman, Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

11 CONSENT ITEMS

A. Microcomputer Requests:

1. C#2001-106, \$1,584.37 from the Public Defender's Budget for a Pentium III, 17" Monitor, Etc.
2. C#2001-104, \$2,927.46 from the Mental Health Center Budget for Two (2) Pentium III's and One (1) 17" Monitor

MOTION: Heier moved and Steinman seconded approval of the Consent Items. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

A. Deputy Chief Administrative Officer

Item deferred one week. Board members will each bring a list of their top five candidates for the position to that meeting.

B. Letter to Kathleen Sellman, Planning Director, Regarding Elimination of Zoning Violations Under the County Zoning Regulations

Eagan said he has discussed the issue of whether the County Zoning Regulations could be amended to allow the County Board to enter into agreements with zoning violators to voluntarily eliminate illegal use in exchange for a grace period, during which criminal charges would not be filed, with Kathleen Sellman, Planning Director. Sellman indicated that she would oppose development of such language, as it could give a property right to an illegal use. He said Mike Thew, Chief Deputy County Attorney, has also expressed concern.

Workman said he is concerned that the County Board may be too restrictive to businesses in the County. He suggested that a special permit may be a solution for certain types of businesses.

Hudkins said he is also concerned with the fact that the County does not offer a commercial/industrial zoning in the rural areas.

The Board asked that an education session on the issue of industrial and commercial zoning in the County be scheduled with representatives of the Planning and Building and Safety Departments.

Brief discussion took place on the zoning violation at North 14th Street and Rock Creek Road, operation of a metal fabrication shop on Agricultural (AG) zoned property.

Dave Johnson, Deputy County Attorney, cautioned against making exceptions, noting fairness to competitors and other zoning violations.

The Board directed Eagan to send the letter (see agenda packet) to Kathleen Sellman, Planning Director, amending the language to indicate that the County Board is planning to hold an education session on the issue of industrial and commercial zoning in the County.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Meeting with City Attorney and Planning Department Regarding Comprehensive Plan Amendments - Campbell

Report given at a previous Staff Meeting.

B. Board of Health - Hudkins

Hudkins said the Breast-feeding Initiative was discussed, noting a request to provide space for a breast-feeding station in the County-City Building.

Board members suggested use of Conference Rooms 104 and 105 on the first floor or Conference Room 210 on the second floor.

Hudkins also reported on a budget meeting held March 17th, noting that the budget request for the Lincoln/Lancaster County Health Department far exceeds what the Mayor has said he will allow. He added that the cutoff point between the Lincoln/Lancaster County Health Department and the Lincoln Area Agency on Aging remains a problem.

C. Juvenile Detention Center Advisory Committee - Heier

Heier said the screening process is working well and Lincoln Police Officers are cooperating with that effort.

Campbell suggested that a presentation on developments in the area of juvenile justice be scheduled on a County Board of Commissioners Meeting agenda. She also suggested that 5-City TV be asked to film a 30 minute program on the Lancaster County Juvenile Detention Center, Assessment Center and the related efforts of the Families First & Foremost (F³) Grant Program.

Heier suggested that members of the County Board and other related officials spend a night in the Lancaster County Juvenile Detention Center, prior to opening of the facility.

14 ADJOURNMENT

MOTION: Heier moved and Steinman seconded to adjourn the meeting. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk