

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, OCTOBER 25, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

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

The Staff Meeting was called to order at 8:16 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, OCTOBER 18, 2001

MOTION: Heier moved and Stevens seconded approval of the Staff Meeting minutes of October 18, 2001. Heier, Stevens, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Meeting with Judge Missouri, Administrative Judge of the Seventh Circuit Court of Maryland
- B. County Government Day, November 14, 2001

MOTION: Heier moved and Stevens seconded approval of the additions to the agenda. Heier, Stevens, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

ADDITIONS TO THE AGENDA

- A. Meeting with Judge Missouri, Administrative Judge of the Seventh Circuit Court of Maryland

The Board will host a dinner for Judge Missouri at 6:30 p.m. at the Cornhusker Hotel on October 30, 2001 (Exhibit A).

B. County Government Day, November 14, 2001

Hudkins will speak to participants on behalf of the Board.

ADDITIONS TO THE AGENDA

C. Northeast Kiwanis Breakfast

MOTION: Heier moved and Stevens seconded to add the item to the agenda. Heier, Stevens, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

Heier reported that the event will take place at 6:30 a.m. on November 20, 2001 at the Cotner Center.

3 REDISTRICTING - Kent Morgan, Assistant Planning Director; Cindy Dittman and Alan Griffin, Planning Department

Kent Morgan, Assistant Planning Director, presented *County Commissioner Districts - Preferred Alternate* (Exhibit B), which reflects the changes the Board requested at the October 16, 2001 Staff Meeting.

Hudkins arrived at 8:32 a.m.

Morgan said the districts meet the Board's goal of a 1% differential and urban and rural representation.

Board consensus was to schedule the setting of a public hearing on the proposed County Commissioner districts on the October 30, 2001 County Board of Commissioners Meeting agenda.

4 A) VILLAGE OF RAYMOND ZONING JURISDICTION; B) REVISION OF ARTICLE 13 OF THE COUNTY ZONING RESOLUTION REGARDING GROUP HOMES; C) INDUSTRIAL USE IN THE AGRICULTURAL (AG) ZONING DISTRICT BY SPECIAL PERMIT; D) GOVERNMENT PROVIDERS UNDER THE COMPREHENSIVE PLAN; E) VILLAGES AND ACREAGES; AND F) MEETING WITH OTHER COUNTIES AND VILLAGES - Kathleen Sellman, Planning Director; Mike DeKalb, Planning Department

Village of Raymond Zoning Jurisdiction

Mike DeKalb, Planning Department, said the Village of Raymond has informed Lancaster County of its intention to cease enforcement of zoning and planning authority for the area west of the centerline of Oak Creek (see agenda packet for proposed Raymond Village Ordinance). He also distributed the following (Exhibit C):

- O *Zoning for the Village of Raymond* (map)
- O *Zoning for the Village of Raymond, Including the One Mile Jurisdiction* (map)

O *County Zoning Resolution*
Article 3, Districts and Boundaries
3.007

All territory which may hereafter become a part of the unincorporated area of Lancaster County by the disincorporation of any village, town or city, or for some other reason may fall within the zoning jurisdiction of Lancaster County, shall automatically be classified in the "AG" District until within a reasonable time following disincorporation, or acquisition of zoning jurisdiction, the territory shall be appropriately classified by resolution in accordance with Article 22.003 of this resolution.

Dave Johnson, Deputy County Attorney, said there appears to be some underlying issues and said Raymond may view this as a way to "get out of some tough issues".

Hudkins asked whether the County is obligated to take the territory and whether there will be any negotiation on what the County takes. He also asked whether the County could "take over the entire town" if Raymond decides not to zone.

Johnson said he would have to research that issue. He said it appears that the County would have to accept the territory and said in terms of negotiation, he would recommend that the County Board send the Raymond Village Board a letter stating its position or have a representative testify at a public hearing on the proposed ordinance, scheduled for this evening.

DeKalb said it is his understanding that a lawsuit property owners filed against the Village of Raymond has been settled and that Raymond has revised its Comprehensive Plan and zoning of subdivisions as a result.

In response to a question from Hudkins, DeKalb said the property in question will automatically be classified in the "AG" District and lawful uses will be "grandfathered".

Stevens noted that existing zoning would be "hemmed in" during the interim period and would be prohibited from expanding or rebuilding. He asked whether Raymond would have the right to take the territory back, at some point in the future.

Johnson said Raymond could go back through the designation of jurisdiction process.

Eagan said Raymond could also annex it.

In response to a question from Stevens, DeKalb said "the County always gives up to a town if they chose to enforce".

Campbell said the territory in question was involved in a case before the County Board of Equalization and said the case may have been appealed to the Tax Equalization and Review Commission (TERC). She questioned whether Raymond has the right to take such action when there are legal issues pending and suggested asking the Raymond Village Board to defer the item for one month to allow time for legal review. **NOTE:** Norm Agena, County Assessor, appeared later in the meeting and reported that the case was not appealed.

DeKalb said the ordinance also impacts the Comprehensive Plan process.

Stevens remarked that legislation may be needed to “give us some say in what goes on here”.

- MOTION:** Workman moved and Hudkins seconded to draft a letter to the Village of Raymond Board with signature by the Chair for presentation at the Raymond Village Board meeting, indicating the following:
1. The County Board is opposed to the proposed transfer of zoning jurisdiction near Raymond
 2. If this transfer occurs the land will automatically revert to Agricultural (AG) zoning
 3. There is a possibility that the County Board would not act on rezoning and this land could remain in Agricultural (AG) zoning
 4. The County Board does not believe this action is appropriate if legal issues are pending in this area
 5. The County Board requests that the Village of Raymond Board not act on this proposal or, at the minimum, defer the item for one month

Heier said he believes the letter would limit the Board.

The maker and seconder of the motion withdrew their motion.

Brief discussion took place on wording changes to the letter.

- MOTION:** Workman moved and Hudkins seconded to draft a letter to the Village of Raymond Board with signature by the Chair for presentation at the Raymond Village Board meeting, indicating the following:
1. The County Board is opposed to the proposed transfer of zoning jurisdiction near Raymond
 2. The County Board requests that the Village of Raymond Board not act on this proposal or, at the minimum, defer the item for one month
 3. Authorize County Attorney and Planning Department staff to represent the County’s interests at the meeting, if needed
- Workman, Hudkins, Heier, Stevens and Campbell voted aye. Motion carried.

Eagan read a draft of the letter into the record.

Revision of Article 13 of the County Zoning Resolution

DeKalb noted that the County Board had requested a County Attorney’s opinion with regards to Special Permit No. 189 for the Christian Heritage Children’s Home. The County Attorney’s opinion states that some clarifying language in the County Zoning Resolution is appropriate (Exhibit D) and the following amendments are suggested:

Article 13, Special Permit

13.001

3) Health Care Facilities, hospitals, clinics and institutions, including educational, religious and philanthropic institutions, provided, however, that such buildings occupy not over forty (40) percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property and provided further, that the buildings shall be set back from all yard lines a distance of not less than one (1) foot for each foot of building height and that adequate off-street parking space will be provided;

Article 17, Additional Height and Area Regulations

17.023

Where a lot or tract is used for farming or for an institutional, commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

Heier requested further definition of health care facilities, and educational, religious, and philanthropic institutions. He also questioned the provision that *such buildings occupy not over forty (40) percent of the total area*.

Heier said, with respect to Special Permit No. 189, he is concerned that there are dual purposes on the land, although the County Board has only approved a special permit for one.

Hudkins said he is also concerned with the concentration and agreed that further definition of those terms is needed.

Workman said he believes the language gives the County Board latitude and provides for mixed use in the County.

DeKalb said he could provide the State's definition of "group home" for comparison.

Campbell said she does not want a "funding definition" in the County Zoning Resolution. She said "I also don't want to get into a situation in which we're changing definitions in order for people to not have a group home in their neighborhood."

Industrial Use in the Agricultural (AG) Zoning District by Special Permit

DeKalb said the County Board has also requested proposed language to allow business and industrial uses in the Agricultural (AG) zoning district by special permit (see Exhibit D). He said the current Comprehensive Plan calls for actively directing industrial and commercial opportunities to the incorporated and unincorporated towns of the County and all of the towns have indicated that they would like this to continue. DeKalb said the Planning Department does not support a change, but should the Board elect to proceed, the following amendments to the County Zoning Resolution are suggested:

Article 4, "AG" Agricultural District

4.007

bb) Commercial and Industrial uses that are related to or support the agricultural base of the County

Article 13, Special Permit

36) Commercial and Industrial uses that are related to or support the agricultural base of the County

Campbell said the County Board needs to consider what types of businesses it would want to allow next to clustered housing developments.

Hudkins said there needs to be a mechanism to allow the County Board some flexibility.

Campbell suggested continuing the item one week and asked the Planning Department to provide information at that time on what can be done by right.

Heier noted that a local attorney had made a statement at the Community Forum on the Comprehensive Plan that if an individual owns 20 acres and grosses \$1,000 income from that land, he/she may build a house on that land by right. He asked whether that statement is accurate.

Sellman said her department disagrees with the statement and is researching the issue.

Government Providers Under the Comprehensive Plan

DeKalb distributed copies of a letter sent to government providers inviting them to a Government Agency Workshop on the new Lincoln City-Lancaster County Comprehensive Plan to be held 9-11:30 a.m. on November 14, 2001 at the Lancaster County Extension Office (Exhibit E).

Villages and Acreages

Campbell said the Comprehensive Plan Committee is looking at the issue of acreages and suggested that members of the Board meet with Planning staff to review information that has come out of that committee and to provide input. Information will also be shared with the County Engineer and County Sheriff. She noted that a special meeting will also be held in the City of Hickman.

Hudkins asked whether there will be other quadrant meetings.

DeKalb explained that Hickman was asked to host a meeting of surrounding towns (Sprague, Bennet, Panama, Firth and Roca) and neighborhoods because it is located in an area that is likely to get most of the acreages, although Hickman is on record as opposing having acreage development around it.

Campbell suggested that Hickman also extend an invitation to the other villages in the County.

Hudkins said there is a perception that the Planning Department is pushing for a density of one per 80 acres.

Kathleen Sellman, Planning Director, responded that "You're certainly the group that will make the final decision and I really would like to emphasize to you that Planning isn't pushing anything. Planning is taking the testimony that has occurred, trying to summarize what issues are being brought up and coming up with solutions that meet the concerns that are being expressed by the public. At this point, we are the mechanism that is taking this information. We are not driving it and it is not our intention to drive it."

Meeting with Other Counties and Villages

DeKalb suggested that the meeting be held either November 20 or November 27, 2001.

5 LIFE INSURANCE; COUNTY EMPLOYEE ORIENTATION VIDEO; FLEXIBLE EMPLOYEE BENEFIT ACCOUNT (FEBA) YEARLY CONTRIBUTION INCREASE FROM \$2,000 TO \$2,500 - Georgia Glass, Personnel Director; Bill Kostner, City Risk Manager

Life Insurance Coverage

Bill Kostner, City Risk Manager, explained that ITT/Hartford's contract for life insurance will expire in January, 2002 and said UNICO Group, Inc. has offered to develop, at no cost, a joint Request for Proposals (RFP) for the City and County for the coverage (Exhibit F).

MOTION: Hudkins moved and Heier seconded to proceed with the UNICO Group, Inc. proposal and a Request for Proposals (RFP) for life insurance coverage. Hudkins, Workman, Stevens, Heier and Campbell voted aye. Motion carried.

County Employee Orientation Video

Georgia Glass, Personnel Director, requested authorization to update the County employee orientation video, estimating the cost at \$1,500 - \$2,000.

MOTION: Hudkins moved and Workman seconded to authorize the Personnel Department to update the County employee orientation video, at a cost not to exceed \$2,000. Hudkins, Workman, Heier, Stevens and Campbell voted aye. Motion carried.

Flexible Employee Benefit Account (FEBA)

MOTION: Hudkins moved and Stevens seconded to authorize the Personnel Department and County Attorney's Office to raise the maximum amount an employee can deposit in their Flexible Employee Benefit Account (FEBA) account from \$2,000 to \$2,500 and to schedule a resolution on the October 30, 2001 County Board of Commissioners Meeting agenda. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6 POTENTIAL LITIGATION - Doug Cyr and Dave Johnson, Deputy County Attorneys

MOTION: Hudkins moved and Heier seconded to enter Executive Session at 10:30 a.m. for discussion of potential litigation. Heier, Hudkins, Stevens, Workman and Campbell voted aye. Motion carried.

MOTION: Heier moved and Stevens seconded to exit Executive Session at 11:10 a.m. Heier, Stevens, Workman, Hudkins and Campbell voted aye. Motion carried.

7 BUDGET & FISCAL OFFICER REVIEW - Dave Kroeker, Budget and Fiscal Officer

The Board reviewed the job description with Dave Kroeker, Budget and Fiscal Officer, and suggested additional clean-up language.

Kroeker said future projects include:

- Governmental Accounting Standards Board (GASB) 34 capital asset and infrastructure inventory and valuation services
- Request for Proposals (RFP) for indirect cost and audit services
- Arbitrage rebate calculation for the Lancaster County Juvenile Detention Facility
- Computer software for fixed assets and major reporting

8 ACTION ITEMS

A. City-County Common Agenda Items

The Board requested that a follow-up on the Beltway be scheduled on the agenda for the January, 2002 meeting.

9 CONSENT ITEMS

- A. Authorize Kerry Eagan, Chief Administrative Officer, to Sign Proxy for Nationwide Fund
- B. Application for Public Officials Insurance with Coregis
- C. Microcomputer Request, C#2001-345, \$3,077.06 from the Microcomputer Fund for a Compaq Pentium IV, 19" Monitor and Scanner for County Records Management
- D. Microcomputer Request, C#2001-345, \$21,247.05 from the County Juvenile Grants/Families First & Foremost (F³) Budget for Eight (8) Compaq Pentium IV's, Eight (8) 17" Monitors, a Server, Compaq Smart Array, Three (3) 91.1g Hard Drives and Software

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

10 ADMINISTRATIVE OFFICER REPORT

A. November Management Team Meeting

The Board cancelled the meeting.

B. Government Access Information Committee Membership

MOTION: Workman moved and Heier seconded to propose that Gwen Thorpe, Deputy Chief Administrative Officer, serve on the Government Access Information Committee. Workman, Hudkins, Heier, Stevens and Campbell voted aye. Motion carried.

C. Region V Follow-Up

Campbell said minutes of a meeting held with three members of the Behavioral Health Advisory Committee (BHAC) will be sent to Doris Karloff, Region V Executive Committee Chair, and members of the Region V Executive Committee, with copies to State Senator Dennis Byars; George Hanigan, Director of Behavioral Health for the Nebraska Department of Health and Human Services; Ron Ross, Nebraska Department of Health and Human Services Director; and members of the County Board. A follow-up meeting will be requested.

Campbell reported that Sheryl Schrepf, Juvenile Mental Health Director, is preparing a history of the Families First & Foremost (F³) Grant Program and said this information will be shared with the Region V Executive Committee.

Campbell said a number of providers have also expressed concerns and said she and Heier plan to meet with the Region V Executive Committee to share these concerns.

It was noted that Stevens will attend the November 13, 2001 Region V Governing Board meeting in Heier's absence.

D. Martin Luther King Breakfast

The Board requested additional information on the cost of sponsorship and reserving a table for the event.

E. Phoenix Award

Heier and Stevens will attend the Lincoln Action Program's Phoenix Award Breakfast Reception on November 3, 2001.

F. Visit to Nationwide Retirement Solutions in Columbus, Ohio

The Board declined the invitation to visit the company's headquarters.

G. Salary Committee

Eagan reported that all of the members of the Salary Committee have agreed to serve again, with the exception of Doug Peterson.

Board consensus was to ask Sam Seever, MDS Harris, or Doug McDaniel, Bryan/LGH Medical Center, to serve on the committee.

H. County Board Phone Policy

Campbell reported on an incident in which an irate caller to the County Board of Commissioners Office swore at the staff person who answered the telephone.

MOTION: Workman moved and Heier seconded to request that a resolution be drafted for a County Board phone policy. Workman, Heier, Stevens, Hudkins and Campbell voted aye. Motion carried.

I. Olsson Associates/Radcliffe Road

Eagan presented a draft of a letter to Roger Severin, President of Olsson Associates, proposing that Olsson Associates take full responsibility for the cost of redesigning and reconstructing the Lincoln Mattress driveway (Exhibit G).

MOTION: Workman moved and Stevens seconded to submit the letter to Olsson Associates. Workman, Stevens, Heier, Hudkins and Campbell voted aye. Motion carried.

11 DISCUSSION OF BOARD MEMBER MEETINGS

A. Board of Health - Hudkins

Hudkins reported that Bruce Dart, Lincoln/Lancaster County Health Department Director, plans a reorganization of the Health Department.

12 ADJOURNMENT

MOTION: Heier moved and Stevens seconded to adjourn the meeting at 11:55 a.m. Heier, Stevens, Hudkins, Workman and Campbell voted aye. Motion carried.

Bruce Medcalf
County Clerk