

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, APRIL 22, 2004
8:15 A.M.**

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

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

The Chair opened the meeting at 8:16 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, APRIL 15, 2004

MOTION: Schorr moved and Heier seconded approval of the Staff Meeting minutes of April 15, 2004. Schorr, Heier and Stevens voted aye. Hudkins and Workman were absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Pending Litigation (Executive Session)
- B. Letterhead
- C. Additional Appropriations Letter (Exhibit A)
- D. Special Designated License and Amusement License for Foster's Tap Inc.
- E. Letter to Marvin Krout, Planning Director (Exhibit B)
- F. Memorandum from Marvin Krout, Planning Director, Regarding a Presentation at the April 27, 2004 Lincoln Independent Business Association (LIBA) Meeting (Exhibit C)

Workman arrived at 8:18 a.m.

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

3 COMMISSIONER MEETING REPORTS

A. Parking Committee - Hudkins

Item held.

B. Lincoln Independent Business Association (LIBA) Budget Monitoring - Workman, Stevens

Stevens said the County's bond issue and Lincoln Public Schools (LPS) staffing were discussed.

ACTION ITEMS

A. Hiring Requests:

1. County Engineer - District Maintenance Supervisor (Replacement)
2. Lancaster Manor - Building Cleaner (Replacement)
3. Corrections - Administrative Services Officer (Replacement)

MOTION: Workman moved and Schorr seconded approval. Workman, Stevens, Schorr and Heier voted aye. Hudkins was absent from voting. Motion carried.

B. City-County Common Agenda Items (May 4, 2004)

The Board recommended that the following items be held: Parking Policy and Lot Availability.

Hudkins arrived at 8:24 a.m.

4 COUNTY ATTORNEY PERSONNEL CHANGES - Mike Thew, Chief Deputy County Attorney

Mike Thew, Chief Deputy County Attorney, introduced Tom Fox, Deputy County Attorney, and said he will be assuming Diane Carlson's duties and cross-training with Kristy Mundt.

5 EXECUTIVE SESSION (SALE OF REAL PROPERTY & POTENTIAL LITIGATION) - Don Killeen, County Property Manager; Mike Thew, Chief Deputy County Attorney

MOTION: Schorr moved and Workman seconded to enter Executive Session at 8:35 a.m. to discuss the sale of real property and pending and potential litigation. Hudkins, Heier, Schorr, Stevens and Workman voted aye. Motion carried.

Schorr exited the meeting.

MOTION: Heier moved and Hudkins seconded to exit Executive Session at 9:20 a.m. Workman, Stevens, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 9:22 a.m.

6 JUVENILE DETENTION EDUCATION PROGRAM (PATHFINDER) - Dennis Banks, Lancaster County Juvenile Detention Center Director; Dr. Richard Krause, Education Coordinator at the Lancaster County Juvenile Detention Center

Dr. Richard Krause, Education Coordinator at the Lancaster County Juvenile Detention Center, presented the following (Exhibits D, E, F & G): 1) An Assessment of the Pathfinder Education Program: The School Program for Youth at the Lancaster County Youth Services Center Operated by the Lincoln Public Schools by the Center for Research and Professional Development; 2) A memorandum from Peter Leone, Director of National Center on Education, Disability and Juvenile Justice; 3) Pathfinder Students in School vs. in the Program (September 2000 to December 2002) (graph); and 4) Nebraska Department of Education Rule 18, Title 92, Nebraska Administrative Code, Chapter 18, Interim-Program Schools in County Detention Homes, Institutions and Juvenile Emergency Shelters (Hearing Draft).

Dennis Banks, Lancaster County Juvenile Detention Center Director, said he received a letter from the Center for Research and Professional Development which commended Dr. Krause's efforts and rated the Pathfinder Education Program the best in juvenile detention.

The Board asked Krause to give a presentation on the program at a joint meeting of the County Board, City Council and Lincoln Public Schools (LPS) Board of Education.

- 7 A) COUNTY FINAL PLAT NO. 03015, STEVENS CREEK ESTATES, 190TH STREET & HAVELOCK AVENUE; B) COUNTY CHANGE OF ZONE NO. 04020, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR) AT NORTHWEST 105TH & SUPERIOR STREETS; C) COMPREHENSIVE PLAN AMENDMENT NO. 03007 (ELIMINATION OF IMPACT FEES LANGUAGE); D) DISCUSSION REGARDING REVISED BONUS SYSTEM, TWO, THREE ACRE LOTS PER 40 ACRES AND TRANSFER OF DEVELOPMENT RIGHTS - Marvin Krout, Planning Director; Mike DeKalb, Planning Department**

A) County Final Plat No. 03015

Mike DeKalb, Planning Department, gave an overview of County Final Plat No. 03015, Stevens Creek Estates, consisting of four lots and two outlots on property at 190th Street and Havelock Avenue (Exhibit H). He said the final plat is in conformance with the approved preliminary plat and community plan and conditions have been met.

In response to a question from Hudkins, DeKalb said there are four options to get the numbers for lots on a short parcel: 1) 1/2 of 1/4 of 1/4 of a section; 2) Protected parcel where the County has acquired right-of-way; 3) Count adjacent mile and 1/2 mile of road right-of-way; 4) Community Unit Plan (CUP).

B) County Change of Zone No. 04020

DeKalb gave an overview of County Change of Zone No. 04020, from Agricultural (AG) to Agricultural Residential (AGR) on property at Northwest 105th & Superior Streets (Exhibit I). He said staff recommended approval, finding that the request is in conformance with the 2025 Comprehensive Plan in that the parcel is shown as Low Density Residential on the Land Use Plan. Opposition at the Planning Commission hearing focused primarily on water quality and quantity. The Planning Commission disagreed with the staff recommendation and voted to recommend denial.

Heier expressed concern that people looking to purchase land assume that land shown as yellow (Low Density Residential) on the Land Use Plan map will be zoned AGR. He suggested it might be appropriate to pull the yellow areas that have not been zoned AGR.

DeKalb said the Comprehensive Plan is a guide and the specific facts have to be considered at the time of application.

Hudkins said he believes there are better places for "yellow" and said the Board should have had input in the process of identifying appropriate areas.

Stevens expressed concern regarding "leap frog" zoning, pointing out there is no AGR in close proximity to this property. He said the owner also owns the property across the road and will benefit substantially in terms of value if the zoning change is approved.

Heier said the Board should only be concerned with the land use.

Stevens asked what the impact would be on scoring under the proposed point system if this were prime farm land.

DeKalb said the owner received credit due to the fact that the land is already shown as "yellow".

Hudkins said he has advocated for placement of "yellow" along the paved road from Malcolm north to Branched Oak Lake for years and expressed frustration that this property, which has water issues, is being given consideration because it is shown as "yellow" on the Land Use Plan map.

Marvin Krout, Planning Director, said the map does not take water availability into account.

C) Comprehensive Plan Amendment No. 03007

Discussion took place regarding County Comprehensive Plan Amendment No. 03007, a request from the County Board of Commissioners to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to remove reference to determination of county impact fees and the alternative language submitted by the Planning Department (Exhibit J):

As called for in the adopted Comprehensive Plan, an independent study to quantify the economic impacts of acreage development has been completed. The study's conclusions and the subsequent public dialogue suggests the County and City continue to look at ways to contain public costs and coordinate public resource allocation, especially in the area of road construction. A variety of management techniques could be used, including the shared engineering and funding of road projects that aid urban expansion and adoption of rural land use policies that minimize future capital and operating costs.

DeKalb said the language reflects completion of the three studies that were called for in the Comprehensive Plan.

Discussion also focused on the Cost of Rural Services Study, with several members of the Board expressing their belief that Krout did not give a balanced presentation on the study during a recent radio program.

Krout acknowledged that the program could have been handled differently, but said it seemed, from the Planning Department's perspective, that the study was being "swept under the carpet".

Stevens offered another version of the statement, which removes the reference to the study (Exhibit K):

The County and City shall continue to look at ways to contain public costs and coordinate public resource allocation, especially in the area of road construction. A variety of management techniques could be used, including the shared engineering and funding of road projects that aid urban expansion and adoption of rural land use policies that minimize future capital and operating costs.

Board consensus was to continue to work on the language.

D) Discussion Regarding Revised Bonus System, Two, Three-Acre Lots Per 40 Acres and Transfer of Development Rights

Krout said his department is looking at wetland buffers and he is preparing a status report on saline wetlands.

The Board authorized the Planning Department to draft an administrative mechanism for two 3 acre lots per 40 acres.

Further discussion was postponed.

8 PUBLIC DEFENDER'S ANNUAL REPORT - Dennis Keefe, Public Defender

Dennis Keefe, Public Defender, presented 2003 Annual Report of the Lancaster County Public Defender (Exhibit L).

Keefe said he will assess whether it would be better to continue the child support/paternity contract in the coming fiscal year or have his office reassume that responsibility. He said his office may also be able to utilize federally-funded work study students through the University of Nebraska Law School.

9 LABOR NEGOTIATIONS - Don Taute, Personnel Director

MOTION: Heier moved and Schorr seconded to enter Executive Session at 11:19 a.m. for discussion of labor negotiations and pending litigation. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

MOTION: Workman moved and Heier seconded to exit Executive Session at 11:35 a.m. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

10 COPS IN SCHOOLS GRANT - Terry Wagner, Lancaster County Sheriff

Terry Wagner, Lancaster County Sheriff, requested authorization to apply for a Cops in Schools Grant for \$250,000 over a three year period for two deputies, benefits and two equipped patrol vehicles, with increasing county match each year (Exhibit M).

Gwen Thorpe, Deputy Chief Administrative Officer, said Randall Funding and Development, Inc. will need a letter of authorization to write the grant and submit it electronically (Exhibit N).

MOTION: Workman moved and Hudkins seconded to: 1) Authorize the Lancaster County Sheriff to apply for the Cops in Schools Grant with the understanding that, if successful, the Board will look at the appropriateness of expanding the department; and 2) Authorize the Chair to sign a letter of authorization for Randall Funding and Development, Inc. Hudkins, Heier, Schorr, Stevens and Workman voted aye. Motion carried.

11 ACTION ITEMS

A. Hiring Requests:

1. County Engineer - District Maintenance Supervisor (Replacement)
2. Lancaster Manor - Building Cleaner (Replacement)
3. Corrections - Administrative Services Officer (Replacement)

Item moved forward on the agenda.

B. City-County Common Agenda Items (May 4, 2004)

Item moved forward on the agenda.

C. Antelope Park Shelter and Special Park Use Application (Back on Track Picnic)

Kit Boesch, Human Services Administrator, appeared and said the Lancaster County Substance Abuse Coalition, a City/County task force, will hold a "Back on Track" picnic in Antelope Park on April 24, 2004.

Kristy Mundt, Deputy County Attorney, said she wanted to make the Board aware that it is co-sponsoring the event and that there are liability concerns.

12 ADMINISTRATIVE OFFICER REPORT

- A. Recommendation from Weed Control Regarding Designation of Salt Cedar as Noxious Weed

MOTION: Workman moved to designate Salt Cedar a noxious weed.

Brief discussion took place regarding the level of infestation in Lancaster County.

The maker of the motion withdrew the motion.

MOTION: Schorr moved and Stevens seconded to follow the recommendation of Russ Shultz, Weed Control Authority Superintendent, and designate Salt Cedar a noxious weed in Lancaster County.

AMENDMENT: Hudkins moved and Workman seconded to amend the motion to table the matter, pending a briefing by Russ Shultz, Weed Control Authority Superintendent, at a Staff Meeting. Hudkins, Heier, Schorr, and Workman voted aye. Stevens voted no. Motion carried.

- B. Long-Term Care Request for Proposals (RFP)

MOTION: Hudkins moved and Workman seconded to appoint Larry Van Hunnik, Lancaster Manor Administrator, and Gwen Thorpe, Deputy Chief Administrative Officer, to the Long-Term Care Request for Proposals (RFP) Selection Committee. Hudkins, Heier, Schorr, Stevens and Workman voted aye. Motion carried.

COMMISSIONER MEETING REPORTS

- A. Parking Committee - Hudkins

Hudkins said the Parking Committee has recommended that parking on "K" Street, between 9th and 10th Street, be converted to handicapped parking.

ADDITIONS TO THE AGENDA

- A. Pending Litigation (Executive Session)

See Items 5 and 9.

B. Letterhead

The Board viewed letterhead samples and discussed color options. Additional samples were requested.

C. Additional Appropriations Letter (Exhibit A)

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

D. Special Designated License and Amusement License for Foster's Tap Inc.

The Board agreed to allow separate public hearings on a special designated license and amusement license for Foster's Tap Inc. and asked the Lancaster County Sheriff to provide report at that time on an similar event held last year.

E. Letter to Marvin Krout, Planning Director (Exhibit B)

MOTION: Workman moved and Schorr seconded to not send the letter. Workman, Stevens and Schorr voted aye. Heier and Hudkins voted no. Motion carried.

F. Memorandum from Marvin Krout, Planning Director, Regarding a Presentation at the April 27, 2004 Lincoln Independent Business Association (LIBA) Meeting (Exhibit C)

Stevens said Krout has been asked to speak to the Government Caucus.

13 ADJOURNMENT

MOTION: Schorr moved and Workman seconded to adjourn the meeting at 12:28 p.m. Schorr, Workman, Stevens, Heier and Hudkins voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk