

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MAY 26, 2005
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, Lancaster County Clerk
Trish Owen, Chief 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 STAFF MEETING MINUTES OF TUESDAY, MAY 24, 2005 AND BUDGET HEARING MINUTES OF THURSDAY, MAY 19, 2005

Stevens requested correction of the Budget Hearing minutes of May 19, 2005 to reflect that Schorr is the Vice Chair.

MOTION: Heier moved and Stevens seconded approval of the Staff Meeting minutes dated May 24, 2005 and the Budget Hearing minutes of May 19, 2005, with the noted correction. Heier, Stevens and Hudkins voted aye. Workman and Schorr were absent from voting. Motion carried.

LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the failure to override the veto on jail reimbursement.

Workman and Schorr arrived at 8:39 a.m.

2 ADDITIONS TO THE AGENDA

- A. Surplus Property at 1929 North 57th Street
- B. "County Commissioners Hot Dog Festival" at Lancaster Manor on Thursday, July 14, 2005 (Exhibit B)
- C. Condition of 98th Street
- D. Region V Personnel Committee

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

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Item moved forward on the agenda.

4 PENDING LITIGATION - Tom Fox, Deputy County Attorney

MOTION: Schorr moved and Stevens seconded to enter Executive Session at 8:42 a.m. for discussion of pending litigation. Workman, Schorr, Stevens, Heier and Hudkins voted aye. Motion carried.

MOTION: Stevens moved and Heier seconded to exit Executive Session at 8:55 a.m. Schorr, Workman, Stevens, Heier and Hudkins voted aye. Motion carried.

5 A) COMPREHENSIVE PLAN AMENDMENTS: 1) NO. 05012, PRAIRIE VILLAGE NORTH, 84TH AND ADAMS STREETS; AND 2) NO. 04010, APPLE'S WAY, COMMERCIAL DESIGNATION AT 66TH STREET & HIGHWAY 2; B) COMPREHENSIVE PLAN CONFORMANCE NO. 05003, CONSERVATION EASEMENT AT SOUTHWEST 126TH AND WEST VAN DORN STREETS; C) FINAL PLAT NO. 05023, PRAIRIE LAKE ESTATES, SOUTH 54TH STREET AND GAGE ROAD; AND D) FINAL PLAT NO. 05030, NORTH BRANCHED OAK ESTATES, NORTHWEST 84TH STREET AND ROCK CREEK ROAD - Mike DeKalb, Steve Henrichsen and Brian Will, Planning Department

A1) Comprehensive Plan Amendment No. 05012

Steve Henrichsen, Planning Department, gave an overview of Comprehensive Plan Amendment No. 05012, submitted by the Planning Director, at the request of Prairie Homes, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change the land use from Urban Residential to Commercial and to change the commercial size designation from Neighborhood Center to Community Center, on land generally located at North 84th and Adams Streets (see map in Exhibit C). He gave a brief history, noting that the northeast corner of 84th and Adams was designated for a major commercial and industrial employment center in the Comprehensive Plan from 1996 to 2004. Prairie Village purchased the middle portion of what was three, 80-acre properties in 2004. A Comprehensive Plan amendment was approved eliminating the industrial and community-sized designations, at the request of the property owners. Prairie Homes then purchased the entire nearly 300 acre parcel and started work on a residential development with a neighborhood commercial center. Prairie Homes, also owns the southeast corner and that property came under contract with Wal-Mart, which turned in a request for a change of zone and use permit for an approximately 225,000 square foot center. The Planning Department initiated discussions with Prairie Homes in January and suggested that it might make more sense to have a single, larger retail center on the northeast corner. Prairie Homes agreed and put together a mixed use plan (apartments, town homes, office space and a larger retail center) and submitted a change of zone proposal that includes the southeast corner as office zoning, with a small amount of retail. Henrichsen said Wal-Mart decided to put its application on the southeast corner on hold to see how the application for the northeast corner fared. He said Planning Staff recommended approval of the application. The Planning Commission disagreed and recommended denial of the larger center on the northeast corner by a 5-4 vote. The City Council had its public hearing on May 23rd and continued its vote to June 6th.

Brief discussion of traffic concerns followed, with a suggestion that the City look at acquiring additional right-of-way for future widening of Havelock Avenue.

A2) Comprehensive Plan Amendment No. 04010

Brian Will, Planning Department, gave an overview of Comprehensive Plan Amendment No. 04010, submitted by the Planning Director, at the request of Apple's Way, LLC, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan, to change the land use designation from Urban Residential to Commercial on approximately 39.13 acres located at approximately South 66th Street and Highway 2 (Exhibit D). He said the amendment was submitted in conjunction with a change of zone for a Planned Unit Development (PUD) which includes 235,000 square feet of office and commercial floor area (including a 138,000 square foot "big box" store on the west 34 acres and 32 lots for residential development on the east 23 acres). Planning staff has recommended denial, as the request is inconsistent with the subarea plan for the Highway 2 corridor. Staff is also opposed to development at a level that will require a traffic signal on Highway 2. The Planning Commission voted 5-4 to recommend approval of the comprehensive plan amendment and voted 5-4 to recommend denial of the associated Apple's Way PUD.

NOTE: The County Board will hold a public hearing and only take action on the Comprehensive Plan Amendment.

B) Comprehensive Plan Conformance No. 05003

Mike DeKalb, Planning Commission, gave an overview of Comprehensive Plan Conformance No. 05003, requested by Prairie Solitude, LLC, adopting the proposed conservation easement for the preservation of native prairie (Exhibit E). The Lower Platte South Natural Resources District (NRD) will hold the conservation easement. Planning Staff and the Planning Commission have recommended to find the proposed conservation easement to be in conformance with the Comprehensive Plan.

C) Final Plat No. 05023

DeKalb gave an overview of Final Plat No. 05023, Prairie Lake Estates 1st Addition, a request to change an outlot to a plotted lot on property north and west of the corner of South 54th Street and Gage Road (Exhibit F). Planning staff and the Planning Commission have recommended conditional approval.

D) Final Plat No. 05030

DeKalb gave an overview of Final Plat No. 05030, North Branched Oak Estates, a request for three lots and one outlot on property southeast of the intersection of Northwest 84th Street and West Rock Creek Road (Exhibit G). Planning staff and the Planning Commission have recommended conditional approval.

Stevens noted that the County Engineer had initially asked the applicant to relinquish access onto Northwest 84th.

DeKalb said he believes the issue was resolved with amendments to the resolution for the preliminary plat and community unit plan, but will verify that.

6 HEALTH INSURANCE REQUEST FOR PROPOSALS (RFP) COMMITTEE REPORT - Bill Kostner, City Risk Manager; Daryl Bell, Milliman USA; Don Taute, Personnel Director; Sue Eckley, Workers' Compensation & Risk Management Manager; Vince Mejer, Purchasing Agent; Tom Fox, Deputy County Attorney

Daryl Bell, Milliman USA, gave an overview of 2005 Request for Proposals (RFP) for Health Insurance, Lancaster County (Exhibit H), reporting a recommendation from the RFP Review Committee to contract with Blue Cross and Blue Shield of Nebraska.

MOTION: Workman moved and Stevens seconded to: 1) Accept the recommendation of the Request for Proposals (RFP) Review Committee; and 2) Schedule action on the Tuesday, May 31, 2005 Board of Commissioners Meeting agenda to accept the proposal from Blue Cross and Blue Shield of Nebraska. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

Schorr exited the meeting at 10:33 a.m.

7 LABOR NEGOTIATIONS - Don Taute, Personnel Director; John Cripe, Classification and Pay Manager; Tom Fox, Deputy County Attorney

MOTION: Workman moved and Stevens seconded to enter Executive Session at 10:38 a.m. for discussion of labor negotiations. Workman, Stevens, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

MOTION: Stevens moved and Schorr seconded to exit Executive Session at 11:05 a.m. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

8 PROJECT MOTHER AND CHILD GRANT - Kit Boesch, Human Services Administrator

Kit Boesch, Human Services Administrator, said this is the third year of a five year Substance Abuse and Mental Health Services Administration (SAMHSA) grant for a joint project with Friendship Home to provide shelter for women who are victims of domestic violence and have substance abuse issues. Funding is \$500,000 for each of the five years. The County will receive \$10,000 for administration of the grant.

MOTION: Stevens moved and Heier seconded acceptance of the grant, with signature by the Chair. Workman, Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

ADDITIONS TO THE AGENDA

A. Surplus Property at 1929 North 57th Street

Kerry Eagan, Chief Administrative Officer, reported that no bids were received on the surplus property (a one foot strip of land valued at \$450).

The Board asked Eagan to contact Bill Langan, who has expressed interest in purchasing the strip of land, and to try to negotiate sale of the property.

B. "County Commissioners Hot Dog Festival" at Lancaster Manor on Thursday, July 14, 2005 (Exhibit B)

Stevens, Schorr and Hudkins indicated plans to attend the event.

C. Condition of 98th Street

Heier said he has contacted the County Engineer regarding the poor condition of the road.

- 9 SALE OF K STREET BUILDING** - Mark Bowen, Mayor's Chief of Staff; Dallas McGee, Urban Development; Vince Mejer, Purchasing Agent; Dave Kroeker, Budget and Fiscal Officer; Don Killeen, County Property Manager; Kristy Mundt, Deputy County Attorney; Joel Pedersen, Assistant City Attorney

The Chair expressed concern that the County Board and Public Building Commission (PBC) did not receive advance notice of the Mayor's press release regarding an offer from a local development group to purchase the "K" Street Building and redevelop it into residential housing and the City's intent to accept letters of interest from others interested in the purchasing the building for redevelopment purposes. He said the press release indicated a June 24, 2005 deadline but said it isn't clear how quickly the City might act.

Mark Bowen, Mayor's Chief of Staff, said the Mayor met with the Secretary of State, Department of Administrative Services and the PBC, prior to the announcement, to discuss the existing partnership for records storage and how much capacity the building has left. She decided to make the offer public and to see if there is other interest in the building. Bowen said the June 24th date provided a time frame for interested parties to look at the building and submit proposals.

Joel Pedersen, Assistant City Attorney, said the Mayor identified three goals: 1) Return the property to the tax rolls; 2) Conformity with the proposed Downtown Master Plan; and 3) Address the future needs for records storage. He stressed that sale of the building is not a foregone conclusion.

Bowen noted that records storage at the "K" Street Building will reach capacity in the next few years.

Hudkins said there is additional space in the building that could be converted to records storage (see Exhibit I) and stressed the importance of close accessibility to records, particularly for the courts.

Heier asked whether the City would be willing to sell the building to the County.

Bowen said the Mayor's envisions the building going to the private sector, if it is sold at all.

Hudkins asked whether the City plans to keep the proceeds from the sale or apply them towards the bonds.

Pedersen said there is no flexibility if they were funding bonds, the proceeds would be obligated towards the bonds. He recommended that Lauren Wismer, Bond Counsel, be consulted.

Dave Kroeker, Budget and Fiscal Officer, said the earliest date the bonds are callable is October 15, 2006.

Other items of discussion were:

- Appraisal of the building
- Options for fulfilling the lease
- Whether Tax Incremental Financing (TIF) will be made available
- Use of District Energy
- Cost to acquire property in the area of the Government Complex

MOTION: Heier moved and Stevens seconded to request a legal opinion regarding the County's rights to use eminent domain to acquire the "K" Street Building. Workman, Heier, Stevens, Schorr and Hudkins voted aye. Motion carried.

The Board also requested representation on the Request for Proposals (RFP) Review Committee.

10 ACTION ITEMS

A. Letter to Behavioral Health Oversight Committee

The Board reviewed a draft of the letter (Exhibit J).

MOTION: Stevens moved and Schorr seconded to: 1) Strike the last sentence from the letter; and 2) Authorize signature by the Chair. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

B. Letter to Juvenile Court Judges (Detention Population)

Item held.

C. City-County Common Agenda Items (June 6, 2005)

Items noted were: 1) Presentation on the Rural-to-Urban Transition Streets (RUTS) Program; 2) Comprehensive Plan Annual Review and Comprehensive Plan Long-Range Transportation Plan (LRTP) Update; and 3) Cardwell Branch update and other floodplain mapping efforts.

D. Microcomputer Request, ce2005-181, \$5,622.75 from Adult Probation Budget for Six (6) Pentium Computers and Software for Adult Probation

Item held for additional information.

11 ADMINISTRATIVE OFFICER REPORT

A. Budget Hearing Date

Board consensus was to schedule adoption of the budget on the Tuesday, August 16, 2005 Board of Commissioners Meeting agenda, following the public hearing.

It was also noted that the County Clerk's departmental budget hearing has been moved from 8:00 a.m. on Tuesday, May 31st to 2:00 p.m. this afternoon. Departmental budget hearings on Tuesday, May 31st will begin at 8:30 a.m.

B. Planning Commission Appointment (Dick Esseks)

The Board scheduled the item on the Tuesday, May 31, 2005 Board of Commissioners Meeting agenda.

C. Keno Request for Purchase of South Beltway Green Space

MOTION: Schorr moved and Workman seconded to have Commissioner Stevens, the County Board's representative to the Parks and Recreation Advisory Board, inform Terry Genrich, Parks & Recreation Natural Resources Manager, that the Board has decided to defer the request until it has completed the budget process. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

D. Appointments and Reappointment to Government Access and Information Committee (Patricia Owen, Michelle Zuhlke and Rita Dey)

E. Board of Equalization Contract

The Board scheduled Items D and E on the Tuesday, May 31, 2005 Board of Commissioners Meeting agenda.

F. County Seal

Workman gave a brief update, indicating that the cost is \$250, to date.

G. Joint Public Hearing with City Council on Comprehensive Plan Annual Review

The Board had no objection to scheduling the joint public hearing on Monday, June 20, 2005 at 4 p.m.

H. Allowance Modification No. 05, Adding \$1,400 to Contingency Allowance for Construction of Motor Vehicle Storage Facility

MOTION: Stevens moved and Heier seconded to request a letter from the Building and Safety Department, indicating whether the change in the gas piping system meets code. Stevens, Heier, Schorr, Workman and Hudkins voted aye. Motion carried.

I. Correspondence for Marsh, Inc. Regarding Settlement Agreement

MOTION: Heier moved and Stevens seconded to refer the correspondence to the County Attorney's Office for review and recommendation. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Downtown Lincoln Association (DLA) - Stevens

Report was given at the Tuesday, May 24, 2005 Staff Meeting.

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

Stevens said discussion focused on the Substance Abuse and Mental Health Services Administration (SAMHSA) grant for the Mental Health Jail Diversion Project, including the issue of sustainability.

ADDITIONS TO THE AGENDA

D. Region V Personnel Committee

Schorr said a step plan was instituted for C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program.

13 ADJOURNMENT

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

Bruce Medcalf
Lancaster County Clerk