

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, FEBRUARY 2, 2006
8:30 A.M.**

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

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

The Chair opened the meeting at 8:31 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
JANUARY 26, 2006**

MOTION: Stevens moved and Workman seconded approval of the Staff Meeting minutes of January 26, 2006. Stevens, Workman and Schorr voted aye. Heier abstained from voting. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Letter Regarding Property at 1905 West Princeton Road (Exhibit A)
- B. Executive Session (Pending Litigation)

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

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

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit B).

Hudkins arrived at 8:36 a.m.

Board consensus was to have:

- ▶ Commissioner Hudkins testify on LB 814 (Change motor fuel taxes and reallocate certain sales tax revenue)
- ▶ Kerry Eagan, Chief Administrative Officer, testify on LB 1106 (Change county zoning regulation provisions) and LB 1185 (Authorize counties to enact certain ordinances)
- ▶ Commissioner Workman be prepared to testify on LB 1121 (Appropriate funds to the Department of Economic Development to contract for an environmental study relating to a hydroelectric dam project)
- ▶ Kerry Eagan, Chief Administrative Officer, and Dave Kroeker, Budget and Fiscal Officer, be prepared to testify on LB 1025 (Remove a limitation on appropriations for county jail reimbursement assistance) and LB 1015 (Appropriate funds for county jail reimbursement assistance)
- ▶ Don Killeen, County Property Manager, and Dave Kroeker, Budget and Fiscal Officer, review LB 1030 (Provide for notice of inspection of public park buildings)
- ▶ Dave Shively, Election Commissioner, review LB 1246 (Change provisions relating to prohibited acts near polling places)

Heier said there appears to be confusion with regards to LB 979 (Provide for regulation and restriction of development rights related to county zoning).

Kroeker appeared and expressed concern regarding LB 806 (Adopt the Car Tax Reduction Act).

Kissel advised against taking a position at this time. He will continue to monitor the bill.

Schorr inquired about LB 1130 (Authorize creation of transportation development districts and grant powers).

Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, agreed to provide an analysis of the bill.

ADDITIONS TO THE AGENDA

A. Letter Regarding Property at 1905 West Princeton Road (Exhibit A)

Gwen Thorpe, Deputy Chief Administrative Officer, said Building and Safety has looked at the property and said she will provide Board members a copy of their findings.

Hudkins expressed concern regarding claims that the owners are piling junk and garbage on the property and asked the Lincoln-Lancaster County Health Department to look into the matter.

Stevens said there is a mobile home on the property that does not meet code and said the owners are applying for a special permit to place another mobile home on the property as a temporary residence for a relative. He said it is his understanding that some of the junk has been removed.

Thorpe will respond to the constituent's letter and indicate that the situation is being reviewed.

4 PROPERTY TRANSFER RESOLUTION - Scott Holmes, Environmental Health Division Chief for the Lincoln-Lancaster County Health Department; John Chess, Environmental Health Supervisor; and Kristy Mundt, Deputy County Attorney

Scott Holmes, Environmental Health Division Chief for the Lincoln-Lancaster County Health Department, and John Chess, Environmental Health Supervisor, gave an overview of the proposed property transfer resolution that relates to on-site waste water (sewage) treatment systems and water wells prior to the sale of property (Exhibit C).

A letter from the Realtors Association of Lincoln expressing their concerns and a written response from the Health Department were presented (Exhibits D & E). It was noted that Holmes and Chess will be meeting with the Realtors Association later in the day.

The Board asked Holmes and Chess to give a presentation on this issue at a Nebraska Association of County Officials (NACO) workshop and to work with Thorpe on a press release.

Heier exited the meeting at 9:33 a.m.

5 EXTRA SPLITS FOR FAMILY MEMBERS - Marvin Krout, Planning Director; Mike DeKalb and Sara Hartzell, Planning Department

Mike DeKalb, Planning Department, noted that the Board took action in November, 2005 to place County Change of Zone No. 05063, a request for a change of zone from Agricultural (AG) District to Agricultural Residential (AGR) District to allow the creation of lots for members of the family, on Pending and asked the Planning Department to look at other options.

Sara Hartzell, Planning Department, gave an overview of current Lancaster County zoning exceptions to the minimum lot size of 20 acres, zoning ordinances in surrounding counties, and ordinances, legislation and commentary from other states with family subdivision exceptions (Exhibit F). She said she also contacted David Ptak, Attorney and 2005 President of the Nebraska Planning and Zoning Association (NPZA), and said he believes agricultural zoning needs to preserve agricultural land and that allowing smaller subdivisions increases density and reduces agricultural uses. Ptak also pointed out the problem that occurs when the child can't make a living on the farm and moves to an urban area, leaving the farmer with a vacant dwelling.

Hartzell identified the following issues: 1) Defining family; 2) Increasing density in rural areas; 3) Minimum lot size to be allowed; 3) How to control the transfer lots to a party outside the family; 4) Whether the policy will apply to areas outside the AG District; and 5) How to guard against abuse. She said there are a variety of ways that AG property in Lancaster County can be legally subdivided and still preserve agricultural land and a number of allowances for families with special circumstances. Hartzell said subdivision of property in the AG District exclusively for use of family members could be viewed as discriminatory and unfair, because it would create lots that would not be legal under normal circumstances. It would also leave room for abuse and circumvention of the subdivision and zoning codes. She recommended that the family subdivision option not be pursued.

Hudkins said he disagrees with Hartzell's conclusion and urged the Board to pursue ways to provide farmers the ability to bring their children back and allow them to build homes on their family farms.

Stevens suggested that it might be better achieved through Transfer of Development Rights (TDR).

Workman said accessory dwellings might be another option.

Hudkins suggested limiting lot size to ten acres, with less benefits than AGR zoning.

Workman asked Hartzell to give a presentation on this issue at a Nebraska Association of County Officials (NACO) workshop.

Marvin Krout, Planning Director, suggested that Ptak be asked to give a joint presentation to the County Board and Planning Commission.

6 PARKING REQUIREMENTS FOR MINI-WAREHOUSING IN THE BUSINESS (B) DISTRICT - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, gave an overview of County Change of Zone No. 05086, a request for a text amendment to Article 7.007 of the Lancaster County Zoning Resolution by the Planning Director, at the request of the Lancaster County Board of Commissioners, to provide a specific parking requirement for "mini-storage" use in the County Business (B) District. Planning staff and the Planning Commission have recommended approval.

7 LANCASTER COUNTY AGRICULTURAL SOCIETY UPDATE - Alan Wood and Ron Snover, Lancaster County Agricultural Society

The Board received the following (Exhibits G, H & I):

- ▶ The Economic Impact of Phase 2 Lancaster Event Center (LEC) Construction and Operations on the Area Economy by Ernie Goss, Ph.D.
- ▶ Operating the Lancaster Event Center after Phase 2 Construction: Estimated Impact on Results of Operations, Net Assets and Cash Flows by Mark H. Taylor, Ph.D.
- ▶ A schematic floor plan of the Lancaster Event Center

Alan Wood, Lancaster County Agricultural Society, noted that the Ag Society failed to receive a Commercial (C) zoning designation and said the Event Center's electronic sign will only be used for on-premise event advertising. Off-premise advertising has been removed entirely from the sign. The loss of revenue is estimated to be \$200,000.

In response to a question from Stevens, Ron Snover, Lancaster County Agricultural Society, said the Ag Society had received contradictory information from the Nebraska Department of Roads as to what type of advertising was permitted.

Stevens said Dr. Taylor's report indicates a \$15 million bond issue is needed to pay for Phase 2 construction and asked whether the Ag Society will issue the bonds.

Snover said, no, it will be the Lancaster County Fairgrounds Joint Public Agency (JPA).

Wood said the original bonds are due to be paid off in 2010 and said the intent is to refinance those bonds and wrap them into the new bonds. The existing levy could be used, with no tax increase, if the bonds are amortized over thirty years. He said if the Event Center generates the income that is anticipated, the bonds could be retired early.

Workman asked whether there will be an effort to privately fund Phase 2.

Wood said it is in the plan, noting the commercial corner. He said private contributions and participation and naming rights can also be pursued.

Snover said the Ag Society is still working on a marketing plan.

Hudkins inquired about the status of a request for a stop light at 84th Street and Havelock Avenue.

Snover said the light was tied to the zoning request. **NOTE:** The City Council placed the zoning request on Pending.

Plans to create a Lancaster Event Center Advisory Panel were also outlined (Exhibit J).

8 DRAFT LETTER TO LINCOLN HOUSING AUTHORITY TO OPEN WEST SUPERIOR STREET FOR CONSTRUCTION ACCESS

Item was addressed later in the meeting.

9 PUBLIC DEFENDER STAFFING AND CHILD SUPPORT (PATERNITY CASELOAD) - Dennis Keefe, Public Defender

General discussion was held with Dennis Keefe, Public Defender, regarding his proposal relating to the child support/paternity contract (Exhibit K). Keefe would like to add an entry level attorney to his staff as of June 30, 2006 to assume responsibility for the Child Support/Paternity cases when the contract expires on July 1, 2006. This attorney would also assist with the felony caseload.

Heier returned to the meeting at 10:59 a.m.

Brief discussion also took place regarding his intent to present a proposal during the upcoming budget process to eliminate the part-time attorney position and the indigence screening function (the indigence screening function is budgeted in Community Corrections) and apply those budget amounts to another entry level attorney position.

Schorr said she is uncomfortable adding two attorneys in one year and expressed concern that the County Attorney will make a similar request to increase staffing.

Gary Lacey, County Attorney, appeared and presented an attorney breakdown of cases pending in District Court (Exhibit L).

MOTION: Workman moved to terminate the child support/paternity contract, effective July 1, 2006, and hire one new attorney, effective June 1, 2006, to cover those obligations.

Stevens said it would be more appropriate to make a motion to reconsider action taken at the January 26, 2006 Staff Meeting.

MOTION: Workman moved and Stevens seconded to reconsider action taken at the January 26, 2006 Staff Meeting. Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

MOTION: Workman moved and Stevens seconded to allow the child support/paternity contract to expire on July 1, 2006 and to hire one new attorney in the Public Defender's Office, effective June 1, 2006. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

The Board asked that discussion of the indigence screening function be scheduled with Kim Etherton, Community Corrections Director. Information was also requested as to whether the Judges follow the Indigence Screener's recommendations.

10 CEMETERY SIGNS UPDATE - Russ Shultz, Noxious Weed Control Authority Superintendent

Russ Shultz, Noxious Weed Control Authority Superintendent, presented diagrams of the proposed cemetery historical markers. He said the County Sign Shop will not be able to produce the markers, as there is too much detail in the design.

Board members expressed a preference for the design with the larger seal.

It was noted that the Board will hold a press conference when the first marker is placed.

Shultz also presented a copy of testimony he would like to present to the Nebraska Legislature's Agriculture Committee regarding LB 1081 (Change provisions of the Noxious Weed Control Act) (Exhibit M).

MOTION: Hudkins moved and Heier seconded to authorize Russ Shultz, Noxious Weed Control Authority Superintendent, to present testimony on LB 1081. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

ADDITIONS TO THE AGENDA

B. Executive Session (Pending Litigation)

MOTION: Hudkins moved and Heier seconded to enter Executive Session at 11:29 a.m. for discussion of pending litigation. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 11:48 a.m. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

ACTION ITEMS

B. Draft Letter to Mayor Seng Requesting Copy of Appraisal of the "K" Street Facility

Mike Thew, Chief Deputy County Attorney, appeared and reported on the status of Tax Equalization and Review Commission (TERC) proceedings related to this property. He said he requested a copy of the appraisal as part of those proceedings but has not received it, to date.

MOTION: Heier moved and Hudkins seconded to send a letter to the Mayor requesting a copy of the appraisal.

The Chair and Vice Chair will also relay the request to the Mayor during their meeting later in the day.

FRIENDLY AMENDMENT: Schorr offered a friendly amendment to authorize Mike Thew, Chief Deputy County Attorney, to proceed with filing a Motion to Compel Discovery, should the Board receive correspondence back that the City will not release a copy of the appraisal.

The maker of the motion and the seconder accepted the friendly amendment.

FRIENDLY AMENDMENT: The seconder offered a friendly amendment to authorize the Chair to sign the letter.

The maker of the motion accepted the friendly amendment.

ROLL CALL ON THE MOTION AS AMENDED: Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

- 11 **DETENTION AGREEMENT WITH NEBRASKA HEALTH AND HUMAN SERVICES (HHS)** - Michelle Schindler, Youth Services Center Director; Dave Kroeker, Budget and Fiscal Officer, Kristy Mundt, Deputy County Attorney

Michelle Schindler, Youth Services Center Director, said she sent the contract to Kim Hawekotte, Nebraska Department of Health and Human Services (HHS), for review. She responded that she can not sign, or agree, to any contractual amount without justification as to how that amount was completed. Hawekotte also stated that the State cannot pay based upon depreciation costs.

Kroeker said federal guidelines allow two methods of depreciation and questioned whether HHS' attorneys have a proper understanding of the term. He said he also spoke to Hawekotte and she indicated that housing is an allowable cost. Kroeker said the County can easiliy "couch" the depreciation cost in terms of housing.

MOTION: Stevens moved and Hudkins seconded to authorize the Chair to draft, write and send a letter to the Nebraska Department of Health and Human Services (HHS), with a copy to Governor Heineman, indicating that the State is to have its youth removed from the Youth Services Center unless there is a signed contract in place by February 17, 2006.

Workman suggested that it might be more appropriate to address the letter to the Governor and copy HHS.

The maker of the motion and the seconder agreed to accept the change as a friendly amendment.

Heier said he believes the contract counties should receive the same rate as HHS.

ROLL CALL: Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

ADDITIONS TO THE AGENDA

MOTION: Heier moved and Hudkins seconded to add discussion of a letter claiming lack of adequate medical care at the Youth Services Center to the agenda. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

Michelle Schindler, Youth Services Center Director, addressed the concerns stated in the letter (Exhibit N) and gave an explanation of protocols.

Board consensus was to have the Chair send a letter of response. Medical staff was asked to provide a written report that will be attached to the letter.

The Board also asked that the Health Department provide general information on diabetes to all line staff at the Youth Services Center.

DRAFT LETTER TO LINCOLN HOUSING AUTHORITY TO OPEN WEST SUPERIOR STREET FOR CONSTRUCTION ACCESS

Thorpe distributed copies of an aerial map of the area (Exhibit O).

Stevens suggested that the University of Nebraska at Lincoln (UNL) restrict use of its property while Northwest 70th Street is closed.

MOTION: Hudkins moved and Workman seconded to send the letter. Hudkins, Stevens, Heier, Workman and Schorr voted aye. Motion carried.

12 ACTION ITEMS

A. Microcomputer Requests:

- 1) C#2006-035, \$894.45 from the District Court Budget for a Flat Panel Monitor, Stand and Cables

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

- 2) C#2006-042, \$1,033.29 from the County Treasurer's Budget for a Computer

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

- B. Draft Letter to Mayor Seng Requesting Copy of Appraisal of the "K" Street Facility

Item moved forward on the agenda.

13 ADMINISTRATIVE OFFICER REPORT

A. Credit Card Application with Union Bank

Item was held for additional information.

Commissioners Workman and Stevens will work with Thorpe on development of a policy for credit card use.

- B. Upper Southeast Salt Creek Trunk Sewer Construction Partnering Session

The Board declined the invitation to attend the session.

C. Microcomputer Policy Update

Board consensus was to remove the following language:

If approved by the County Board, Agencies may purchase monitors without going through Information Services. Such monitors shall be reported to Information Services, have an inventory tag attached and a disposal fee paid.

The Board scheduled discussion of the policy on the February 16, 2006 Management Team Meeting agenda.

D. Keno Human Services Prevention Fund Advisory Board Appointment

The Board scheduled the item on the Tuesday, February 7, 2006 Board of Commissioners Meeting agenda.

14 DISCUSSION OF BOARD MEMBER MEETINGS

A. Lancaster Manor Advisory Committee - Hudkins

Hudkins said the Manor is functioning well, with few deficiencies.

B. Arena Task Force - Schorr

No report.

C. Nebraska Association of County Officials (NACO) Legislative Committee - Workman

Workman said legislation was reviewed and support was given to Lancaster County's bills.

D. Lincoln Independent Business Association (LIBA) Monthly Meeting - Workman, Schorr

Schorr said concerns were expressed regarding the ambulance issue, funding of the Health Department expansion and a new Jail, and growth of government in general.

E. Public Building Commission (PBC) Planning Session - Hudkins, Workman

Hudkins said Sinclair Hille Architects presented three proposals for relocation of the Public Defender, Personnel, Human Services and Community Corrections.

F. Chamber of Commerce Council/County Coffee - Stevens, Schorr

Schorr said the coffee is open to all City Council and County Board members and is an opportunity to get input on issues.

15 ADJOURNMENT

MOTION: Stevens moved and Hudkins seconded to adjourn the meeting at 12:36 p.m. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk