

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, JANUARY 18, 2007  
8:30 A.M.**

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

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Dan Nolte, County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:30 a.m.

**AGENDA ITEM**

**1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, JANUARY 11, 2007**

**MOTION:** Stevens moved and Heier seconded approval of the Staff Meeting minutes dated January 11, 2007. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**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 A).

Workman noted that Commissioner Hudkins would like someone to provide testimony in opposition to Legislative Bill (LB) 268 (Change election provisions for county board members). **NOTE:** The bill would require county commissioners to be elected by district. Lancaster County commissioners are currently nominated by district and elected by a countywide vote.

Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, explained that the legislation is not directed at Lancaster County, rather an effort to achieve uniformity. She added that Lancaster County will move to election of county commissioners by district once the County's population reaches three hundred thousand.

**MOTION:** Stevens moved and Schorr seconded to take a neutral position on Legislative Bill (LB) 268 and suggest that it be made permissive.

Heier asked that the item be held to allow input from Commissioner Hudkins.

The maker of the motion and the seconder withdrew their motion.

The Chair asked Kissel to notify the Board when the bill is scheduled for public hearing.

Schorr reported that the Lincoln Chamber of Commerce will likely oppose LB 41 (Change motor fuel tax and allocation of the revenue) because it is a tax increase and said there is a potential net loss to Lancaster County.

Kerry Eagan, Chief Administrative Officer, said Vince Mejer, Purchasing Agent, has concerns regarding potential legislation that relates to Nebraska Revised Statute §60-1417. He said he will research the matter further.

#### **4 POTENTIAL LITIGATION**

**MOTION:** Schorr moved and Heier seconded to enter Executive Session at 8:52 a.m. for discussion of potential litigation. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

**MOTION:** Stevens moved and Heier seconded to exit Executive Session at 9:03 a.m. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

#### **5 BOARD OF CORRECTIONS - Mike Thurber, Corrections Director**

Separate minutes.

#### **6 A) LINCOLN CONVENTION & VISITORS BUREAU (CVB) QUARTERLY MEETING WITH COUNTY BOARD; AND B) CVB REQUEST FOR ½ PERCENT OF THE VISITORS IMPROVEMENT FUND COLLECTED FOR PROMOTION (JANUARY 1, 2006 - JUNE 30, 2006) - Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director; Wendy Birdsall, Lincoln Chamber of Commerce President ; Tom Lorenz, Visitors Promotion Committee (VPC) Chair**

## **A) Lincoln Convention and Visitors Bureau (CVB) Quarterly Meeting with County Board**

Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, reported statistics relating to room nights and events in 2006 (Exhibit B).

## **B) CVB Request for ½ Percent of the Visitors Improvement Fund Collected for Promotion (January 1, 2006 - June 30, 2006)**

Maul resubmitted a request that the additional ½ percent lodging tax for the period of January 1, 2006 - June 30, 2006 be released to the CVB (Exhibit C). He said the intent is to use the funds for bid fees (see Exhibit C). **NOTE:** The Visitors Promotion Committee (VPC) has deemed attractions adequate and recommends release of the funds.

Heier said he had anticipated using the funds to attract new events.

Maul explained that it is a long-term planning process.

Birdsall said bid fees are escalating and said the CVB lacks the funds to go after new events.

In response to a question from Stevens, Maul said the bid fees shown in Exhibit C have already been committed (the bid fees total \$122,000).

**MOTION:** Stevens moved and Schorr seconded to approve the request for \$122,000, as outlined in the letter from Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, dated December 21, 2006.

Stevens asked Maul to provide the Board a estimate of the amount that would be required to accommodate the events that the CVB is working to secure in the future.

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

Schorr exited the meeting at 9:58 a.m.

## **7 EAST BELTWAY UPDATE - Don Thomas, County Engineer**

Don Thomas, County Engineer, said there were five responses to the Request for Proposals (RFP) to define corridor protection. Hoskins, Western, Sonderegger, Inc. and HDR was selected. He said the contract will be with the City of Lincoln (\$655,000). Lancaster County will not be a party to the contract. Corridor protection will be defined within two months and will be refined over the next six months.

In response to a question from Heier, Thomas said it will probably be less broad than presently defined (600').

Schorr returned to the meeting at 10:03 a.m.

Thomas said the City and County have each set aside \$300,000. There is also \$172,000 in federal aid available (an additional \$90,000 will be made available in February). He said there are indications that federal "earmarked funds" may be eliminated and said if that happens, the East Beltway will be without federal funding.

### **ADDITIONS TO THE AGENDA**

**MOTION:** Schorr moved and Heier seconded to add discussion of the Denton Road issue to the agenda. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Schorr noted that the City Council has pulled paving of West Denton Road out of the City's Capital Improvement Program (CIP) and said it is back to the original design with the roundabout.

Stevens said City Councilman Dan Marvin did not want the City to incur the cost of interest on the bonds for the period of time that it would take to be repaid, either by the State or the developer.

Schorr asked whether the County could offer to pay the interest.

Stevens estimated the cost at \$350,000.

Heier asked Thomas whether it would be advisable to place paving of Yankee Hill Road, between South 40<sup>th</sup> and South 56<sup>th</sup> Streets, on hold until after the mayoral election to see if the new administration would go along with paving the road to Rural to Urban Transportation System Program (RUTS) standards.

Thomas said he doesn't know. He said he is ready to go out for bids for the paving and said the award of bid could be held for 60 days if the Board wanted to wait on the mayoral election.

- 8 COUNTY SPECIAL PERMIT NO. 06058, U.S. CELLULAR WIRELESS FACILITY AT NORTHWEST 126<sup>TH</sup> STREET AND WEST ALVO ROAD -**  
Brian Will, Planner

Brian Will, Planner, gave an overview of County Special Permit No. 06058, a request by U.S. Cellular Wireless Communications for authority to construct a 199' tower for wireless facilities (could accommodate up to four (4) wireless carriers) on property southwest of the intersection of West Alvo Road and Northwest 126<sup>th</sup> Street (Exhibit D). The original staff recommendation of conditional approval was based on the conclusion that there are no other facilities in the area capable of accommodating this carrier's facilities while providing an acceptable level of coverage. The application was deferred, at the request of the applicant, on October 25 and November 8, 2006. Staff revised its recommendation to deferral on December 6, 2006, finding that the applicant should provide further information to support the elimination of co-location possibilities on the tower near Garland and the existing Valcom Wireless owned tower in Malcolm. The original staff recommendation of conditional approval was reconfirmed on January 3, 2007, finding that the applicant satisfied a "good faith" effort and demonstrated that co-location is not feasible. Testimony in opposition before the Planning Commission was based on the opinion that co-location on the Valcom Wireless owned tower or the Malcolm water tower would provide adequate coverage. Documentation in opposition was also submitted in the form of three letters, petitions signed by 51 Malcolm citizens and a resolution passed by the Village of Malcolm on December 11, 2006. The Planning Commission agreed with the staff recommendation and voted 7-0 on January 3, 2007 to recommend conditional approval.

Stevens noted there were arguments before the Planning Commission that, even if the requested tower is approved, U.S. Cellular would eventually have to put another tower along Highway 34 to get the desired coverage. He asked if U.S. Cellular has responded to that issue.

Will said he doesn't know that they did. He said he believes the issue was raised in response to Malcolm's concerns about getting coverage.

Eagan said there is some additional information that the Board needs to consider regarding emergency communications needs.

Doug Ahlberg, Emergency Management Director, said there are several dead spots along Branched Oak Lake for the 800 megahertz system that serves Emergency Management, the County Sheriff and the Rural Fire Districts. He said it is questionable whether the tower's height and coverage area would be sufficient to address that need (transmitting and receiving antennas would need to be placed on the tower). A new tower at North 70<sup>th</sup> Street and Alvo Road that will be operational within a couple of weeks could also be a solution.

Harvey Cooper, attorney for U.S. Cellular, appeared and presented a proposal to give the County, rent free, ten feet of vertical space on the tower (Exhibit E). He suggested that there be a limit on the amount of time that the space would be held for the County, maybe 12 months, and that U.S. Cellular then be allowed to make the space available to other commercial providers, on a "first come" basis.

Bill Jarrett, Chief Deputy Sheriff, appeared and voiced concern regarding the proposed time limit.

Stevens suggested language to provide the County the right of first refusal, rather than tying up space on the tower indefinitely.

Kristy Bauer, Deputy County Attorney, appeared and said providing law enforcement and Emergency Management space, at no cost, is a standard condition for cell tower special permits and said if the applicant is proposing to change the condition, or to offer a separate agreement, it will need to be reviewed before the public hearing.

**9      UPDATED LOCAL EMERGENCY OPERATIONS PLAN (LEOP) - Doug Ahlberg, Emergency Management Director**

Doug Ahlberg, Emergency Management Director, reported on an update of the Local Emergency Operations Plan (LEOP).

The Board scheduled a resolution adopting the updated LEOP on the Tuesday, January 23, 2007 Board of Commissioners Meeting agenda.

**10     GEOGRAPHIC INFORMATION SYSTEM (GIS) COORDINATOR - Kent Morgan, Assistant Planning Director; Rob Ogden, Chief Field Deputy Assessor/Register of Deeds; Jim Langtry, County Engineering GIS Mapping Division Head**

Eagan noted that the Board had agreed to participate in the funding process to create a Geographic Information System (GIS) Coordinator position. He said the intent was to make it a City position, housed in the Lincoln-Lancaster County Planning Department. The position was created and money was appropriated, but the City decided to institute a hiring freeze. It was then suggested that it be made a County position, which might require the County to create a new position.

Kent Morgan, Assistant Planning Director, said seven agencies are contributing funding: Lincoln-Lancaster County Planning Department, County Engineer, County Assessor/Register of Deeds, City Building and Safety Department, City Public Works/Utilities, Lincoln Electric System (LES) and the Lower Platte South Natural Resources District (NRD). Information Services (IS) is also involved.

It was noted that the intent is to: 1) Physically locate the position in the Planning Department; 2) Budget for the position through the County Engineer's GIS budget; and 3) Provide for joint evaluation by all contributing partners.

**MOTION:** Stevens moved and Schorr seconded to: 1) Direct the Personnel Department to run creation of the position through the Personnel Policy Board; and 2) Direct the Planning Department to develop a position description, in conjunction with the Committee, and to run it through the appropriate channels to approve the position. Heier, Workman, Stevens and Schorr voted aye. Motion carried.

**11 AGRICULTURAL LAND DEFINITION** - Rob Ogden, Chief Field Deputy Assessor/Register of Deeds; Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds

Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, said the Legislature revised the definition of agricultural or horticultural land found in Nebraska Revised Statute §77-1359 during the 2006 Legislative Session (LB 808). Parcels are now looked at as a whole, rather than the individual acres, to determine whether agricultural or horticultural use is primary or incidental to the parcel. Those that have less than a primary use will be valued according to market.

Rob Ogden, Chief Field Deputy Assessor/Register of Deeds, said letters and questionnaires were sent to owners of parcels less than 40 acres in size (Exhibits F & G).

Schorr said she would like to have seen more explanation in the letter, reference to a website, a list of frequently asked questions and examples.

Stevens asked whether this could lead to split parcels.

Ogden said there is that potential and said the Assessor's office will work to make sure it doesn't cause that to happen.

It was noted that there will be notification to the owner and appeal rights if there is a determination that a parcel has lost its agricultural or horticultural land status.

Gaines said legislation was adopted that provides for a "phased-out" recapture. LB 166 (Change provisions relating to property taxation and assessment) was introduced to clarify how the recapture will work. He said he would like to see the bill amended to eliminate recapture for any property disqualified because of the administrative change in LB 808.

**MOTION:** Schorr moved and Heier seconded to ask the County Assessor's Office to consult Gordon Kissel, Legislative Consultant, and to report back at the January 24, 2007 Staff Meeting on the probability of amending of LB 166. Schorr, Stevens, Workman and Heier voted aye. Motion carried.

## 12 ACTION ITEMS

A. Appointment of Sue Eckley, County Risk Manager, to Flu Shot Bid Review Committee

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

B. Replace Page 2 of County Resolution No. R-07-0004 (Effective Date January 16, 2007 Instead of November 1, 2006 and Replacing County Resolution No. R-06-0114 Instead of County Resolution No. 02-0053)

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

C. Request from Bill Kostner, City Risk Manager, to Include Payroll Insert from Blue Cross/Blue Shield

Stevens questioned whether Blue Cross/Blue Shield has the authority to make the change under the terms of the contract. **NOTE:** Blue Cross/Blue Shield has indicated that it is changing its reimbursement methodology for non-contracting providers in April, 2007, which will result in a reduction in payment to non-contracting providers. Blue Cross/Blue Shield will be sending a letter to members who have incurred claims of \$2,000 or more from non-contracting providers in the past year informing them of the change, advising them that their costs may increase and encouraging them to use contracting providers.

**MOTION:** Heier moved and Schorr seconded approval of the payroll insert.

**FRIENDLY AMENDMENT:** Stevens offered a friendly amendment to direct Blue Cross/Blue Shield to send the notification letter to members who have incurred claims of \$1,000 or more from non-contracting providers in the past year.

Brief discussion followed, with consensus to schedule further discussion with Bill Kostner, City Risk Manager.

The maker of the motion and the seconder withdrew their motion.

**MOTION:** Schorr moved and Heier seconded approval of the payroll insert. Heier, Workman and Schorr voted aye. Stevens voted no. Motion carried.

### **13 ADMINISTRATIVE OFFICER REPORT**

A. Appointment of Dennis Meyer, Budget and Fiscal Officer, to Government Access and Information Committee (GAIC) (Replacing Gwen Thorpe, Deputy Chief Administrative Officer)

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

B. Keno Monitoring Committee Report

Stevens said the City would like a greater percentage of the Keno proceeds (the current split is 70% for the City and 30% for the County). He said he suggested a 75/25 split and agreed to bring that proposal back to the Board for consideration (loss of revenue to the County is estimated at \$65,000).

Heier and Schorr indicated that they would like some time to think about the proposal.

C. Juvenile Detention Per Diem for Counties

Schorr noted that the vote at the January 16, 2007 Board of Commissioners Meeting to change the per diem for counties from \$244.50 to \$240.00 failed and asked whether the \$240.00 figure should be used as contracts come up for renewal, knowing that that figure is a more accurate reflection of actual costs.

Workman said Michelle Schindler, Youth Services Center Director, told the Board that costs can fluctuate.

Schorr suggested that costs be recalculated every month and that the County use a new figure every six months.

Stevens said he would prefer to recalculate costs at the end of the year and to give the counties credit for the next year.

Workman said he believes that would be a better approach.

D. Proposed Staff Meeting (Tuesday, January 23, 2007 at 8:30 a.m.)

Board consensus was to set the meeting time at 8:00 a.m.

E. Post Employment Health Plan (PEHP) Contract Update

Eagan said it is a complicated agreement and said he will continue to work on it.

## **14 DISCUSSION OF BOARD MEMBER MEETINGS**

### **A. Information Services Policy Committee (ISPC) - Stevens**

Stevens said the Geographic Information System (GIS) Coordinator position was discussed. He also reported that Information Services (IS) is experimenting with biometrics on PC support.

### **B. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens**

Stevens said the Lincoln Airport Authority was the main topic of discussion. He said he gave an update on the jail project and said there was a suggestion that the County look at leasing Lincoln Airport Authority land for the facility.

### **C. Monthly Meeting of Public Building Commission (PBC) Representatives and Mayor - Hudkins**

No report.

### **D. District Energy Corporation (DEC) - Hudkins, Heier**

Heier said the DEC can't justify meeting the Courthouse Plaza's heating and air conditioning needs at this time.

### **E. Public Building Commission (PBC) - Hudkins, Workman**

Workman said new security scanners were purchased for the Justice and Law Enforcement Center. A rail system for art work and an Art Display Policy were requested.

## **15 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 11:50 a.m. Stevens, Schorr, Workman and Heier voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk