

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MAY 24, 2007
8:30 A.M.**

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

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

The Chair opened the meeting at 8:29 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, MAY 17, 2007 AND THE DEPARTMENTAL BUDGET HEARING MINUTES OF THURSDAY, MAY 17, 2007

MOTION: Heier moved and Schorr seconded approval of the Staff Meeting minutes dated May 17, 2007. Schorr, Heier, Workman and Stevens voted aye. Hudkins was absent from voting. Motion carried.

Hudkins arrived at 8:30 a.m.

MOTION: Heier moved and Stevens seconded approval of the Departmental Budget Hearing minutes of May 17, 2007. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Mayor's Opportunity for a Vibrant Economy (MOVE) Committee

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

NOTE: This item was not discussed during the meeting.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Kristin Crawford, Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A).

ADMINISTRATIVE OFFICER REPORT

- E. Set Date for Special Permit No. 06051 (Drag Strip on Highway 77 Between Branched Oak and Davey Roads) and Text Amendment No. 06050 (Race Tracks)

Board consensus was to schedule the public hearing on Text Amendment No. 06050 on July 17, 2007 and the public hearing on Special Permit No. 06051 on July 24, 2007.

There was also consensus to schedule a briefing by Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief, and a presentation by Dr. Dominique J. Chéenne, Ph.D., Director of Acoustics, Audio Arts and Acoustics Department, Columbia College Chicago in June.

4 A) SPECIAL PERMIT NO. 07011, WILD ACRES COMMUNITY UNIT PLAN, NORTH 14TH STREET AND ASHLAND ROAD; AND B) STREET AND ALLEY VACATION NO. 07006, SOUTH 88TH STREET AT PIONEERS BOULEVARD - Mike DeKalb, Planner

A) Special Permit No. 07011

Mike DeKalb, Planner, gave an overview of Special Permit No. 07011, Wild Acres Community Unit Plan, a request for an Agricultural (AG) community unit plan consisting of 16 residential acreage lots on 270.58 acres, with the 20 percent dwelling unit bonus being requested by preservation of agricultural land, on property at North 14th Street and Ashland Road (Exhibit B). Testimony in opposition before the Planning Commission was related to concerns about traffic flow in and out of the area, safety, the type and size of structures, conflicts with farming activities, stormwater detention and property values. Two key conditions were added: 1) A second access road to the north to tie in with the county road; and 2) Conversion of the two large lots (Lots 15 & 16) into two small parcels, with the balance turned into an extended outlot reserved for farming. He said the applicant has agreed to those conditions. Planning staff and the Planning Commission have recommended conditional approval.

The Board asked that the applicant provide a revised drawing prior to the public hearing.

DeKalb said he will notify Lyle Loth, ESP, who represents the applicant.

Stevens asked DeKalb to also ask the applicant to make sure that the road accessing North 14th Street meets the recommendations of the County Engineer.

It was noted that maintenance of the road that abuts the land is the responsibility of Saunders County and Schorr asked that discussion of the policy of alternating maintenance of county line roads be scheduled with the County Engineer.

B) Street and Alley Vacation No. 07006

DeKalb gave an overview of Street and Alley Vacation No. 07006, a request to vacate the north 530 feet of South 88th Street, north of Taliesin Drive (Exhibit C). The street vacation is requested to insure that a south connection does not occur along South 88th Street (the vacation is based on a prior private agreement between two parties that staff was not made aware of until after the Planning Commission hearings and is a "deal breaker" on the Firethorn annexation if not approved). Planning staff and the Planning Commission found the proposed vacation to be in conformance with the Comprehensive Plan. He said the street is within the City's three mile zoning jurisdiction and the vacation requires approval by both the City Council and County Board (the City Council approved the vacation on May 21st).

In response to a question from Hudkins, DeKalb said the City's position is that the opportunity to solve the Firethorn waste disposal issues is worth giving up the road access. He said Firethorn's property extends to Pine Lake Road and said there will be opportunity in the future to get another road connection.

Hudkins said he does not believe vacating the road is good planning policy and said the City should annex the entire piece out to the county road if they want to control it.

The Board requested: 1) An updated map showing the city limits and the area of annexation; 2) Clarification of whether the Lincoln Public Schools District still owns Lot 5 I.T.; and 3) Additional discussion with Marvin Krout, Planning Department, and Brian Will, the planner that worked on the Firethorn Annexation.

NOTE: The following real estate appraisal reports were also presented (Exhibit D): 1) Surplus Land Parcel Adjacent to Lot One (1) Ikiru East Subdivision, South 88th Street and East Pioneers Boulevard; 2) Surplus Land Parcel Adjacent to Lot Three (3) Ikiru East Subdivision, South 88th Street and East Pioneers Boulevard; and 3) Surplus Land Parcel, South 88th Street and East Pioneers Boulevard.

ADMINISTRATIVE OFFICER REPORT

F. Exemption Applications from Cornerstone Baptist Church

Stevens said he believes this is a Board of Equalization issue, not a Staff Meeting issue

Schorr concurred.

Hudkins said he requested the item because he wanted clarification from the County Attorney's Office on whether parsonages and vicarages are eligible for exemption.

Heier requested the definition of a parsonage on a taxation basis.

Mike Thew, Chief Deputy County Attorney, appeared and said the definition of a parsonages is not the controlling issue, rather how the property is used. He referred to Property Tax Exemption Regulations (Exhibit E):

005.03B(1) In the case of a private residence, an officer or employee of the organization shall be required to reside in the residence as part of his or her employment and for the convenience of the organization. The property is used for the convenience of the organization and its members to such a degree that the property is an integral part of the organization. The use of the property as a residence must be incidental to the use of the property as a part of the organization's mission.

005.03B(2) In the case of property that is separate from the main structure of the organization, the relative proximity may be considered in establishing that the property is used for exempt purposes by the organization, but, exclusive exempt use of the property must be proved.

Hudkins said he did not see what was different about this exemption application.

Thew said he was not present at the Board of Equalization hearing on May 22nd but the information that was presented to him indicated that the applicant stated one Bible study class was held there a month.

Schorr said infrequent counseling sessions were also held at the parsonage.

Thew said if the Board of Equalization finds that the office portion of the residence is an integral part of the church's operation, it can grant an exemption to that portion.

5 A) PURCHASE OF REAL ESTATE; AND B) PENDING LITIGATION -
Don Killeen, County Property Manager; Mike Thurber, Corrections
Director; Mike Thew, Chief Deputy County Attorney

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 9:29 a.m. to discuss the purchase of real estate and pending litigation. Hudkins, Heier, Schorr, Workman and Stevens voted aye. Motion carried.

The Chair exited the meeting and the Vice Chair assumed direction of the meeting.

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

6 A) SURPLUS LOT AT CHERRYCREEK ROAD; B) COUNTY ATTORNEY'S OFFICE REMODEL; AND C) COUNTY EXTENSION CLIMATE CONTROLS - Don Killeen, County Property Manager

A) Surplus Lot at Cherrycreek Road

Don Killeen, County Property Manager, presented Summary Appraisal Report for: Industrial Land Located at 831 Westgate Boulevard, Lincoln, Nebraska (Exhibit F).

Hudkins inquired about the procedure to declare the property surplus.

Kerry Eagan, Chief Administrative Officer, said the Board would hold a public hearing to determine whether the property is surplus and to determine the fair market value.

MOTION: Hudkins moved and Stevens seconded to direct Kerry Eagan, Chief Administrative Officer, to schedule a public hearing for disposition of the property. Stevens, Hudkins, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

B) County Attorney's Office Remodel

Killeen gave an overview of the plan to divide the County Attorney's conference room into two offices for new attorneys and to build a new conference room at the end of the open space. The conference room will be glassed in to prevent blocking natural light from the work area. Pricing is as follows: 1) \$18,000 for a hollow frame structure; and 2) \$23,854 for the nicer finished glass area that the County Attorney has requested.

MOTION: Hudkins moved and Schorr seconded to proceed with the remodeling project and ask the County Attorney whether he can contribute drug forfeiture funds, and if not, to fund the project up to \$18,000 and indicate that any additional enhancements will need to be funded out of the County Attorney's budget, preferably this fiscal year's budget.

Board consensus was to table the vote for discussion with the County Attorney.

C) County Extension Climate Controls

Killeen said a change order is needed for updates to County Extension's climate control system to accommodate a reconfiguration of space. The amount of the change order is \$1,753.

ADDITIONS TO THE AGENDA

MOTION: Schorr moved and Hudkins seconded to add discussion of air quality at the Youth Services Center to the agenda. Stevens, Hudkins, Schorr and Heier voted aye. Workman was absent from voting. Motion carried.

Killeen said the temperature loop runs too high and a fluid cooler is needed. He said the cost, estimated at \$25,000, can be covered under the unit price contract.

MOTION: Hudkins moved and Schorr seconded to direct Don Killeen, County Property Manger, to proceed under the existing unit price contract, after review by the County Attorney. Hudkins, Schorr, Stevens and Heier voted aye. Workman was absent from voting. Motion carried.

7 DRUG COURT EVALUATION - Gary Lacey, County Attorney; District Court Judge Karen Flowers; Kim Etherton, Community Corrections Director; Jared Gavin, Community Corrections Coordinator

Discussion took place regarding the County Attorney's offer to contribute \$20,000 in drug forfeiture funds for a Request for Proposals (RFP) for an independent evaluation of the Adult Drug Court. District Court Judge Karen Flowers said there are three types of evaluations typically performed on drug court programs: 1) Process; 2) Outcome; and 3) Cost benefit. She said the Community Corrections Council, in conjunction with the Office of Probation, is taking steps to get a process evaluation done that will eventually include all drug courts. One will be started this summer, through the University of Nebraska at Lincoln's (UNL's) Public Policy Center, focusing on drug courts that are probation based. Flowers said the Board needs to clearly state what it is looking for in the RFP. She said an outcome evaluation measures recidivism rates and compares them to a like population and said the data for the Adult Drug Court participants has been collected. Flowers said a cost benefit evaluation goes one step further and looks at other areas of savings.

MOTION: Hudkins moved and Schorr seconded to proceed with the project at the recommendation of Gary Lacey, County Attorney; District Court Judge Karen Flowers, and Kim Etherton, Community Corrections Director, and to ask Etherton to work on drafting the Request for Proposals (RFP), in conjunction with the Purchasing Department. Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

RETURNING TO ITEM 6C

Additional discussion of the remodeling project took place with Gary Lacey, County Attorney.

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

Lacey will discuss the matter further with Killeen.

8 BOARD OF EQUALIZATION PROTEST PROCESS - Dan Nolte, County Clerk; John Glynn, Deputy County Clerk; Tom Kubert, Great Plains Appraisal Company

Hearing Location

John Glynn, Deputy County Clerk, said the County will not be able to hold the property valuation protest hearings at any of the Lincoln Public Schools this year, due to liability concerns. He said efforts will be made to work out those issues for the future. Glynn said space is available at Southeast Community College until July 8th. The Lancaster Event Center is available after that date, if necessary, at a rate of \$425 per day. He said July 18th is the cutoff date for the hearings.

MOTION: Schorr moved and Hudkins seconded to proceed with holding the referee hearings at Southeast Community College, with the intent that they will be completed by July 8th, and to use the Lancaster Event Center as a backup location, at a rate of \$425 per day. Hudkins, Schorr, Stevens and Heier voted aye. Motion carried.

Temporary Staff

Glynn requested authorization to hire temporary help, if needed.

Board members indicated consent.

Extension of the Protest Process

Glynn said the Board can request an extension up to July 25th.

Greenbelt Disqualification Transcripts

Glynn said the County Assessor has requested of a review period of five days. He said the contract with Theresa Whisler for the preparation of transcripts relating to the greenbelt disqualifications states that services are to be completed by May 31st and penalties will be charged for each and every working day that the work remains incomplete. The completion deadline may be extended by the mutual written agreement of the parties. Glynn proposed that penalties not start until 25 days after the hearing date, which will still provide the County Assessor with a five day review period.

Thorpe said the County Attorney's Office will need to review the proposed amendment to the contract. Action will be taken at a regular County Board of Commissioners meeting.

Glynn said the County Clerk's Office has received a number of inquiries regarding greenbelt disqualification protests that were denied and suggested that those property owners be sent a copy of the hearing transcript.

Whether to Allow Additional Testimony Before the Board of Equalization of Property Valuation Protests

Glynn asked whether the Board wants to hear additional testimony or limit the process to referee hearings, with Referee Coordinator review and with the Board Equalization maintaining the required review and oversight of the process and conclusions.

Hudkins asked whether a decision can be delayed until filing numbers are known.

Tom Kubert, Great Plains Appraisal Company, said the decision can probably be delayed until the second week in June. He said protestors will need to be apprised of the protest process by the time of their referee hearings.

Hudkins said he believes the Board of Equalization should revert to the process used last year if a large number of protests filed.

Kubert suggested that the Board assume that additional testimony will be allowed before the Board of Equalization, for planning purposes. He said the process could be revised if a large number of protests are filed.

Stevens said it needs to be emphasized that only new information will be allowed and that strict time limits will be enforced.

The Board asked the County Clerk's Office to provide 1) A louder buzzer; and 2) Someone to place pictures of the properties being reviewed on the overhead projector.

Heier asked whether recordings of the hearings are necessary.

MOTION: Schorr moved and Hudkins seconded to request a legal opinion on whether audio recordings of the Board of Equalization and referee hearings are required.

A briefing by Mike Thew, Chief Deputy County Attorney, on the pros and cons of recording the sessions was also requested.

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

9 MEDICARE APPLICATION FOR LANCASTER MANOR (ACTION REQUIRED) - Ron Fetters, Lancaster Manor Interim Administrator

Ron Fetters, Lancaster Manor Interim Administrator, presented the Medicare application for signature.

MOTION: Hudkins moved and Schorr seconded to authorize signature by the Chair or Vice Chair, after review by the County Attorney. Stevens, Schorr, Hudkins and Heier voted aye. Motion carried.

10 ACTION ITEMS

A. City-County Common Agenda Items

There were no additions.

B. Grant Application to the Lincoln-Lancaster County Health Department for Trash Pick-Up by Corrections (Exhibit G)

MOTION: Schorr moved and Hudkins seconded to authorize the Vice Chair to sign the grant application. Hudkins, Schorr, Heier and Stevens voted aye. Workman was absent from voting. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

A. Dental and Vision Plans Renewal

Informational only.

B. Request from the Lower Platte South Natural Resources District (NRD) for Keno Funds (Motocross Track at Abbott Fields)

Board consensus was to schedule a public hearing on Keno Fund expenditures.

C. Resignation of Trish Owen from Budget Monitoring Committee

There was Board consensus to accept the resignation and to seek a nomination from the Lincoln Chamber of Commerce.

D. TRIM (Electronic Recordkeeping System) License Update

Gwen Thorpe, Deputy Chief Administrative Officer, said there had been a misunderstanding regarding the maintenance amount. The actual cost is \$48,325.

- E. Set Date for Special Permit No. 06051 (Drag Strip on Highway 77 Between Branched Oak and Davey Roads) and Text Amendment No. 06050 (Race Tracks)
- F. Exemption Applications from Cornerstone Baptist Church

Items E and F were moved forward on the agenda.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Visitors Promotion Committee (VPC) - Stevens

Stevens reported a \$40,000 reduction in the budget, primarily due to a reduction in event promotion fees. He also reported that the VPC will be bringing forward a new proposal for use of the extra 2% lodging tax.

B. Downtown Lincoln Association (DLA) - Stevens

Stevens said Monte Froelich, Lincoln Synergy Group, gave an overview of the Downtown Redevelopment Project.

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

Stevens said there was a briefing on the budget. Legislation and forensic housing were also discussed.

13 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 11:29 a.m. Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk