

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JUNE 7, 2007
8:30 A.M.**

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

Commissioners Absent: Deb Schorr

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

The Chair opened the meeting at 8:33 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, MAY 31, 2007 AND DEPARTMENTAL BUDGET HEARING MINUTES OF THURSDAY, MAY 24, 2007 AND THURSDAY, MAY 31, 2007

MOTION: Stevens moved and Hudkins seconded approval of the Staff Meeting minutes dated May 31, 2007 and the Departmental Budget Hearing minutes of May 24, 2007 and May 31, 2007. Hudkins, Workman and Stevens voted aye. Heier was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Furniture in Trabert Hall
- B. Burn Permit for Raymond Rural Fire District

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

3 STREET AND ALLEY VACATION NO. 07006, SOUTH 88TH STREET (NORTH OF TALIESIN DRIVE) - Marvin Krout, Planning Director; Brian Will and Mike DeKalb, Planners

Marvin Krout, Planning Director, said the applicant learned that the County Engineer has objected to the vacation and that County Board members have expressed strong reservations. As a result, the applicant submitted amendments to the community unit plan at the City Council's public hearing creating two outlots, the width of a right-of-way, just north of the end of 88th Street on Firethorn property. The outlots would be placed in the control of two property owners who object to the street vacation. Those property owners are requesting that the vacation request proceed and will have an opportunity to appeal to the County Board at the public hearing on June 19th. He said if the County Board decides to not approve the vacation request, the outlots will serve as a fallback position for the owners who are concerned about the street connection and said they will probably permit the access to 84th Street, which is the "key" to the Firethorn development.

Heier arrived at the meeting at 8:39 a.m.

Krout said it is anticipated that there will be at least one additional connection to 84th Street in the future. There could also be indirect access through the back of the St. Mark's Church property, which is at the corner of 84th Street and Pioneers Boulevard.

Hudkins asked whether the proposed amendments satisfy the County Engineer's concerns.

Krout said no, because he opposes anything that blocks the connection.

Stevens asked whether the golf course is included in the annexation.

Brian Will, Planner, said the majority has been left out.

Tom Fox, Deputy County Attorney, appeared and said there was an error in the legal description of the resolution that set the hearing date. A resolution to rescind the old resolution and correct the error will be scheduled on the June 12th County Board of Commissioners Meeting agenda. He said that will require the public hearing date to be moved to July 10th.

4 LANCASTER COUNTY AGRICULTURAL SOCIETY'S EVENT CENTER PHASE II - Alan Wood, Lancaster County Agricultural Society Counsel; Ron Snover, Lancaster Event Center Managing Director; Bruce Bailey, Design Associates of Lincoln, Inc.; Lauren Wismer, Bond Counsel; Scott Keene, Ameritas Investment Corporation

Bruce Bailey, Design Associates of Lincoln, Inc., gave a brief overview of the Lancaster Event Center Phase II Project.

Hudkins inquired about the size of the Amy Countryman open-air arena.

Bailey said it will have 105,000 square feet with the connection to Pavilion No. 1. It will have seating for 1,200 to 1,500 which should be adequate for the type of events that are anticipated.

Hudkins asked whether it will need to have fire sprinklers.

Bailey said no, but said the building will be fireproofed.

Heier asked how much more it would cost to have a ClearSpan covering.

Bailey estimated that it would cost an additional \$150,000.

Andrew Goodman and Will Rogers, Iowa-Nebraska Equipment Dealers Association, appeared and gave a video presentation on the Iowa Power Farming Show. Goodman said this is the scale of show that his organization would like to bring into the Event Center. He said holding the Nebraska Power Farming Show and Husker Lawn and Leisure Store at the Event Center could potentially bring millions of dollars in economic activity to the community.

Heier asked whether Omaha's Quest Center is also a consideration.

Goodman said yes, but said availability, staging capability and location are issues. He said the Event Center is preferable because it is located further from the Iowa Power Farming Show that is held in Des Moines, Iowa.

Debby Brehm, Nebraska Quarter Horse Youth Association, appeared and said her organization would like to see regional horse shows held at the Event Center. She said stalling capacity is the main issue. The practice arena (Amy Countryman open-air arena) would also need to be covered.

Workman asked whether there are plans to enclose the arena in the future.

Bailey said there are floodplain issues.

Heier asked how much it would cost to get the arena out of the floodplain.

Bailey estimated the cost at \$1.5 million.

Mike Hershberger, Watts and Hershberger, P.C., appeared and said the expansion is projected to produce a cash flow of \$600,000 (a \$90,000 loss, after depreciation). He said the facility is currently losing \$487,000, including depreciation charges. **NOTE:** The Projected Statement of Revenue, Expenses & Cash Flow is filed as an attachment to the May 31, 2007 Staff Meeting minutes.

Hudkins said he believes the report should include a line for appreciation and asked whether the facility has been appraised.

Wood said there has not been an appraisal of the entire facility but the corner was appraised two years ago. He said the appraiser projected \$200,000 in annual rental income for the corner at that time.

Questions were raised regarding the impact to taxpayers.

Scott Keene, Ameritas Investment Corporation, said the mil levy is currently 0.3708 cents and said \$8.8 million of debt could be funded, assuming twenty year financing and refunding of the outstanding bonds with level debt service. He said if the refunding of the outstanding bonds is pulled out, it would leave approximately \$6.6 million that could be applied to the construction. Investment of those funds over the construction period, at current interest rates, would get a facility of approximately \$6.7 million dollars. That is \$1.3 million less than what is proposed.

Hudkins asked what levy would be required to get the \$8 million requested.

Keene said it would take a levy of 0.427 cents.

Alan Wood, Lancaster County Agricultural Society Counsel, said the Visitors Improvement Fund is also an option and said the Ag Society is prepared to make an appropriation request.

Workman noted the risk to taxpayers if the facility does not generate enough income.

Heier pointed out that there will also be income generated in terms of hotel nights, restaurants, etc.

Stevens said he views a new jail as a higher need in the community and said he is not willing to invest additional tax dollars in the Event Center until the State Fair location issue is resolved. He also stated that he favors paying off the existing bonds before starting any new venture and expressed a lack of confidence in the Ag Society's ability to manage the facility in a financially prudent manner.

NOTE: Letters were also received from the following (Exhibits A & B): 1) Jeff Maul, Lincoln Convention and Visitors Bureau Executive Director; and 2) Chris Stubblefield, Ritchie Bros. Auctioneers.

Also present were: Ron Dowding, Lancaster County Agricultural Society President; Trudy Pedley and Nancy Moser, Lancaster County Agricultural Society Board Members; Mike DeKalb, Planning Department; and Coby Mach, Lincoln Independent Business Association (LIBA) Executive Director.

5 AIR POLLUTION REGULATIONS AND STANDARDS UPDATE - Rick Thorson, Environmental Health Supervisor

Rick Thorson, Environmental Health Supervisor, discussed proposed revisions to the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards.

Thorson also reported a recommendation to appoint Jan Snyder and to reappoint Wayne Heyen and Carol Swigart to the Air Pollution Control Advisory Board. **NOTE:** The Air Pollution Control Advisory Board's bylaws were amended to permit the reappointments.

ADDITIONS TO THE AGENDA

B. Burn Permit for Raymond Rural Fire District

Discussion took place regarding a request from the Raymond Rural Fire District for a burn permit to burn a rural house as a training exercise.

Thorson said his department has concerns regarding toxic emissions and is seeking a legal opinion as to whether the Health Department Director can grant a waiver.

6 EMERGENCY MEDICAL SERVICES REPORT - Doug Ahlberg, Emergency Management Director

Doug Ahlberg, Emergency Management Director, reported on a meeting held with representatives of the rural fire districts and Lincoln Fire and Rescue to discuss Emergency Medical Services (EMS) issues (see Exhibit C for data regarding Lincoln Fire and Rescue calls that are outside the city limits). He said the five rural fire districts that were in attendance agreed to go back to their respective boards and recommend that they: 1) Make a contribution over the next year, equally distributed amongst the rural fire districts, to Lincoln Fire and Rescue's operating costs for coming out into the county; or 2) Pay their percentage of calls for service. Ahlberg noted that the rural fire districts have budget time restraints and said some may have to ask the County Board to increase their mil levy.

Ahlberg was asked to notify the other rural fire districts of what transpired at the meeting.

7 A) GRANTS FUND; AND B) ADDITIONAL APPROPRIATIONS FOR FISCAL YEAR 2006-07 - Dennis Meyer, Budget and Fiscal Officer; Kit Boesch, Human Services Administrator; Rebecca Leapley, County Grants Coordinator

A) Grants Fund

Dennis Meyer, Budget and Fiscal Officer, presented Human Services Final Grant Reconciliations to 6/30/2007 (Exhibit D), noting a shortfall of \$14,751.78. He recommended that funds be transferred from the General Fund to “clean up” the fund preferably before July 1st, the beginning of the fiscal year. **NOTE:** The County Attorney's Office is researching the matter.

In response to a question from Stevens, Meyer said he hasn't seen any evidence of gross negligence. He said it appeared to involve accounting issues and lack of reconciliation.

MOTION: Hudkins moved and Stevens seconded to schedule action to transfer the funds on a regular County Board of Commissioners Meeting agenda, subject to review by the County Attorney's Office. Heier, Hudkins, Workman and Stevens voted aye. Motion carried.

B) Additional Appropriations for Fiscal Year 2006-07

Meyer presented Lancaster County, FY07 Projected Additional Appropriations, Mid-Year FY07 Budget Review (Exhibit E). He said amendment of the budgets of the general fund agencies can be handled with a resolution and the others will require a public hearing.

8 PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 10:45 a.m. for discussion of pending litigation.

Hudkins asked that John Glynn, Deputy County Clerk, be allowed to remain in the room during the Executive Session.

There was no objection to the request.

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

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 11:07 a.m. Heier, Hudkins, Workman and Stevens voted aye. Motion carried.

9 VIDEO ACCESS - District Court Judge Jeffre Chevront; Richard Diegel, Cleaning and Security Manager; Doug Ahlberg, Emergency Management Director

Discussion took place regarding the request for installation of an electronic access system for the District Court's secured hallways in the Justice and Law Enforcement Center. It was noted that the District Court Clerk would also like the system, which would increase the total cost to about \$10,000.

Doug Ahlberg, Emergency Management Director, said he has Disaster Recovery Funds remaining that could be used to fund the expense, but said there aren't sufficient funds remaining to fund the additional request from the District Court Clerk.

Hudkins suggested that the Keno Fund may be an appropriate funding source for that portion.

MOTION: Heier moved and Stevens seconded to approve the project, including the request from the District Court Clerk, and to forward the matter to the Public Building Commission for review and approval. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

10 PURCHASE OF REAL ESTATE - Don Killeen, County Property Manager; Mike Thurber, Corrections Director

MOTION: Hudkins moved and Heier seconded to enter Executive Session at 11:22 a.m. to discuss the purchase of real estate. Heier, Hudkins, Stevens and Workman voted aye. Motion carried.

There was Board consensus to allow Doug Ahlberg, Emergency Management Director, and Terry Wagner, Lancaster County Sheriff, to remain in the room during the Executive Session.

MOTION: Heier moved and Stevens seconded to exit Executive Session at 11:59 a.m. Heier, Hudkins, Workman and Stevens voted aye. Motion carried.

11 ACTION ITEMS

- A. Microcomputer Request C#2007-199, \$5,077.40 from Veterans Service/General Assistance Budget for Eight (8) 17" LCD Monitors; Two (2) 19" Monitors and VIMS Service Office Model M6 Software

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

- B. County Resolution No. R-07-0038 Approving Submittal of a Coordinated Grant Application to the Nebraska Emergency Management Agency (NEMA) for First Responders in Lancaster County

MOTION: Hudkins moved and Stevens seconded to authorize signature by the Chair. Heier, Hudkins, Workman and Stevens voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Emergency Protection Cost Study

There was Board consensus to proceed with the study.

- B. Guidelines for Drag Strip Public Hearing (County Special Permit No. 06051)

Extensive discussion took place with general consensus to:

- * Invite the Motorsports Task Force to the presentation by Dr. Dominique J. Chéenne, Ph.D., Director of Acoustics, Audio Arts and Acoustics Department, Columbia College Chicago.
- * Start the meeting at the regular time and conduct regular business first, recess the regular meeting to conduct the Board of Equalization Meeting and reconvene the regular meeting to begin the public hearing.
- * Schedule a 45 minutes lunch break. Other breaks will be called as needed.
- * Allow each side 30 minutes for audio/visual presentations.
- * Alternate pro and con testimony in 30 minute increments, allowing a coordinated presentation within that time period (individual testimony is limited to 4 minutes).
- * Allow individuals to cede their time to someone else.
- * Provide sign-in sheets for those wishing to testify with places to indicate: 1) Name and address; 2) Whether their testimony will be pro or con in nature; and 3) Whether they will be providing a coordinated presentation.
- * Ask individuals providing testimony to indicate on a map where they live in relation to the area of application.
- * Encourage those providing testimony to limit it to new points or information.
- * Provide the applicant an opportunity to summarize or rebut testimony at the end of the public hearing.
- * Issue a press release on the procedures.

C. July County Board Schedule

Board members discussed the meeting schedule for the month of July.

D. TRIM (Electronic Recordkeeping System) Seminar

Board consensus was to schedule the session during the August 9th Management Team Meeting, which will be extended to two hours, and to hold the Staff Meeting following the Management Team Meeting.

E. Emerald Flooding Update

Hudkins said the Lower Platte South Natural Resources District (NRD) has agreed to fund an initial study of water diversion.

F. Amendment of Contract with Dr. Daniel Leggiadro, PhD

Eagan said the Community Mental Health Center would like to make Leggiadro an employee, rather than a contractor, and would like to amend his contract so that it ends on June 28th, rather July 30th. That will enable Leggiadro to qualify for insurance benefits earlier.

Board consensus was to schedule a briefing by Scott Etherton, Crisis Center Program Manager, on the June 14th Staff Meeting agenda.

G. Claim for Review, PV124000, \$25 to Victoria Welles for Interpreting Services on November 2, 2005 (More Than 90 Days)

Eagan gave an overview of the claim.

MOTION: Heier moved and Hudkins seconded to handle the claim through the regular claims process at the June 12, 2007 Board of Commissioners Meeting. Heier, Hudkins and Workman voted aye. Stevens voted no. Motion carried.

ADDITIONS TO THE AGENDA

A. Furniture in Trabert Hall

Board consensus was to let Adult Probation use the furniture in Trabert Hall that was previously used by the Integrated Care Coordination Unit (ICCU).

13 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

Heier said water issues were discussed.

- B. District Energy Corporation - Hudkins, Heier

Hudkins said authorization was given to purchase a new chiller that will have a redundant loop. There was also discussion of whether to refinance the bonds.

- C. Lincoln Chamber Coffee - Stevens

Stevens reported discussion of the following: Antelope Valley and South Beltway funding, budgets, Firethorn annexation and a related road vacation request, greenbelt disqualification appeals, jail reimbursement and the financial impact of federal and state mandates.

- D. Juvenile Justice Review Committee - Heier

No report.

14 EMERGENCY ITEMS AND OTHER BUSINESS

Heier asked that discussion of 120' right-of-way and booking fees be scheduled on a future agenda.

15 ADJOURNMENT

MOTION: Heier moved and Stevens seconded to adjourn the meeting at 12:55 p.m. Heier, Hudkins, Workman and Stevens voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk