

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, OCTOBER 30, 2008  
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  
Cori Beattie, 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 THURSDAY, OCTOBER 23, 2008**

**MOTION:** Hudkins moved and Stevens seconded approval of the October 23, 2008 Staff Meeting minutes. Stevens, Hudkins, Heier, Schorr and Workman voted aye. Motion carried.

**2 ADDITIONS TO AGENDA**

A. Letter Regarding Dirt Mining Operation at Highway 77 and Branched Oak Road (Exhibit A)

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

**3 FLOODPLAIN REVISIONS** - Ben Higgins and Devin Biesecker, Watershed Management, Public Works/Utilities; Nicole Fleck-Tooze, Special Projects Administrator, Public Works/Utilities; Jeff McReynolds, Geographic Information System (GIS) Coordinator; Bill Jones, Nebraska Department of Natural Resources

Ben Higgins and Devin Biesecker, Watershed Management, Public Works/Utilities; and Jeff McReynolds, Geographic Information System (GIS) Coordinator, presented a Federal Emergency Management Agency (FEMA) floodplain map update and preliminary floodplain information, noting the following (Exhibits B & C):

- \* Floodplain Mapping
- \* FEMA Mapping Schedule
- \* Organizational Roles
  - \* FEMA
  - \* City of Lincoln
  - \* Lower Platte South Natural Resources District (NRD)
  - \* Study Consultants
- \* Floodplain Terminology
- \* Floodplain Mapping Objectives and Benefits
- \* Reasons to Update Floodplain Maps
- \* Data Collection
- \* Hydrology
- \* Hydraulics
- \* Floodplain Determination
- \* Floodplain Mapping History
- \* Watershed Master Plans
- \* City-Adopted Floodprone Area Map Updates
- \* Floodplain Mapping Schedule

Higgins said a letter was recently sent to the cities and villages regarding the Digital Flood Insurance Rate Map (DFIRM) and Flood Insurance Study (FIS) report FEMA produced showing the flood hazard information for the entire geographic area of the County, including both incorporated and unincorporated areas (Exhibit D).

Communities have 30 days to review the DFIRM and FIS report and identify changes or corrections to non-technical information, such as corporate limits, road names, bridges and stream labels. Comments or changes received during the 30-day review period will be assessed and incorporated, as appropriate, before the DFIRM and FIS report becomes effective. Base Flood Elevations (BFE's) were created or modified in preparation of the DFIRM and FIS report. FEMA will initiate a 90-day appeal period, following the 30-day review period, for new or modified BFE's. Community officials and/or other interested parties may submit technical information during the appeal period that would refute the new or modified BFE's.

McReynolds offered to help communities by providing maps.

Kerry Eagan, Chief Administrative Officer, noted some street names were changed in the unincorporated villages as part of the County's Rural Addressing Project.

Nicole Fleck-Tooze, Special Projects Administrator, Public Works/Utilities, said Lincoln is willing to include identified areas in its response to FEMA, but said it is a good idea for the cities and villages to also note them in their responses.

- \* Letter of Map Changes
- \* Little Salt Creek and Antelope Creek

Higgins said the Little Salt Creek Watershed is currently going through a watershed master planning process and the proposed floodplain map for Little Salt Creek that is being updated through that process will not be updated through the FEMA floodplain mapping process. Antelope Creek is currently under construction through the Antelope Valley Project and the future floodplain map for Antelope Creek will not be updated through the FEMA floodplain mapping process. The map revision will go through a separate process.

- \* Flood Insurance

Bill Jones, Nebraska Department of Natural Resources, said communities must participate in the National Flood Insurance Program for the sale of flood insurance. He said Davey, Hallam, Malcolm, Panama and Roca do not participate in the program, so flood insurance is not available in those communities. Jones noted there is a provision in the program for "grandfathering" (a preferential rating for people who built according to regulations when they were outside the floodplain).

The Flood Insurance Study was also made available (Exhibit E).

There was general consensus to hold another meeting with city and village representatives in late January or early February, 2009.

Gwen Thorpe, Deputy Chief Administrative Officer, asked that cities and villages contact her to update their pages on the County's website.

Also present were: Paula Dicero, Bennet Village Board; Patricia Rule, Bennet Village Clerk; Bill Edwards, Denton Village Board; Jill Hoefler, Firth Village Clerk; Emily Bausch, Hickman Utilities & Codes; Denise Saathoff, Malcolm Attorney; Kristi Janda, Roca Clerk; Ron Melbye, Waverly Mayor; John Hestermann, Waverly City Council; Glenda Wood, City of Waverly; Paul Zillig, Lower Platte South Natural Resources District (NRD); Scott Nelson, Nemaha NRD; Terry Kathe, Dale Stertz and Michele Williamson, Building & Safety Department; Tom Fox, Deputy County Attorney; Mike DeKalb, Planning Department; Doug Pillard, Design Division Head, County Engineering; Andre Mick, Lincoln Independent Business Association (LIBA), Al Laukaitis, Lincoln Journal Star Newspaper and Nancy Intermill and Karen Kurbis, citizens.

**4 HAVELOCK AVENUE BETWEEN 162<sup>ND</sup> AND 176<sup>TH</sup> STREETS** - Doug Pillard, Design Division Head, County Engineering; Bill Jarrett, Chief Deputy Sheriff; Jeff Earl, Citizen

Jeff Earl, who farms near Havelock Avenue between 162<sup>nd</sup> and 176<sup>th</sup> Streets, complained that “mudders” (individuals who spin tires and throw mud up on dirt roads) have damaged his fields, farm equipment and the roads near his farm (Exhibit F).

Bill Jarrett, Chief Deputy Sheriff, relayed a recent incident in which deputies taking a “mudder” into custody had to use a Taser to subdue him when he got one of the deputies in a headlock.

Heier said he believes all deputies need to be equipped with Tasers.

Jarrett estimated the cost at \$600 to \$700 each.

Schorr inquired about the cost to upgrade the road to rock.

Doug Pillard, Design Division Head, County Engineering, said it would need to be graded to standards. The cost is dependent on the grading work.

Schorr asked that County Engineering provide an estimate by the Mid-Year Budget Review and that Jarrett provide a list of problem roads.

Hudkins said he would like to have the estimate prior to the public hearing on the One and Six Year Road and Bridge Improvement Program on November 20, 2008.

**A) COMPUTER FOR FORENSIC SOFTWARE; AND B) RADAR AND IN-CAR CAMERA SYSTEM MINI-GRANTS** - Bill Jarrett, Chief Deputy Sheriff

**A) Computer for Forensic Software**

Bill Jarrett, Chief Deputy Sheriff, gave a brief explanation of the request (Exhibit G).

**MOTION:** Hudkins moved and Heier seconded to authorize the Sheriff’s Department to purchase the computer out of their budget, with the understanding that the Board will supplement their budget if there is a shortfall at the end of the year. Hudkins, Heier, Schorr, Stevens and Workman voted aye. Motion carried.

## **B) Radar and In-Car Camera System (Digital) Mini-Grants**

Jarrett gave an overview of the grants and said \$19,000 in overtime costs will be reimbursed by the State. He asked that the funds be restored to the Sheriff's budget. Jarrett noted Sheriff Wagner signed the grant applications on behalf of the County.

Thorpe pointed out that is not the proper procedure. The Board must approve the grant applications and signature should be by the Chair.

Jarrett said he will print off new forms for the Chair's signature.

### **5 SELF-INSURANCE STUDY FOR COUNTY VEHICLES - Sue Eckley, County Risk Manager**

Sue Eckley, County Risk Manager, presented information related to automobile coverage trends and the County's automobile coverage (Exhibit H). She suggested the County contract with Milliman USA for an actuarial study on self-insuring the County auto fleet (projected cost of the study is \$6,000). Eckley offered to fund the expense out of her budget, but said it will put her over budget on the Other Contracted Services line item.

Eagan said Continental Western, the business auto insurer, has contracts with several body shops and the County will lose that advantage if it self-insures.

Schorr expressed concern regarding the amount of additional overhead.

There was general consensus to schedule a review of insurance on the Mid-Year Budget Retreat agenda.

### **6 FOOD SERVICES CONTRACT FOR CORRECTIONS, COMMUNITY MENTAL HEALTH CENTER (CMHC) AND YOUTH SERVICES CENTER - Vince Mejer, Purchasing Agent; Bob Walla, Assistant Purchasing Agent; Mike Thurber, Corrections Director; Michelle Schindler, Youth Services Center (YSC) Director**

Bob Walla, Assistant Purchasing Agent, said the County received two proposals on the correctional food service contract (Exhibit I). One was from Aramark Correctional Services, the current vendor, and the other was from CBM Food Service, Inc. He said Aramark has had quality and service issues and did not meet the requirements in the specifications for Grade A fruits and vegetables and the amount of calories per day. Walla said the Selection Committee reviewed the proposals and recommended selection of CBM.

In response to a question from Workman, Walla said the quoted prices are good for one year. Any increases will be based on the Consumer Price Index (CPI).

Hudkins asked whether Nebraska Jail Standards has a calorie requirement.

Mike Thurber, Corrections Director, said Jail Standards does not have a specific calorie requirement. He said most jails require 2,800 (the contract will require a daily menu of 3,000 calories for adult meals and 3,200 calories for juvenile meals). Thurber said the problem was that Aramark was not providing enough food.

Michelle Schindler, Youth Services Center (YSC) Director, added that calorie intake affects moods and energy levels.

Walla said a downgrade to Grade B fruits and vegetables is an option and would reduce costs, but would also reduce the quality of food offered.

**MOTION:** Schorr moved and Hudkins seconded to follow the recommendation of the Selection Committee and accept the proposal from CBM Food Service, Inc. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

Vince Mejer, Purchasing Agent, noted Aramark has not agreed to a contract extension and requested authorization to bring CBM in on an emergency basis, if necessary.

**MOTION:** Heier moved and Schorr seconded to give authorization for CBM Food Service, Inc. to be brought in on an emergency basis, in the event there is no contract extension. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

**7 POTENTIAL LITIGATION** - Tom Fox, Deputy County Attorney

**MOTION:** Heier moved and Hudkins seconded to enter Executive Session at 11:04 a.m. for discussion of potential litigation involving payment of a tort claim. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

**MOTION:** Stevens moved and Heier seconded to exit Executive Session at 11:08 a.m. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

**8 A) COMPUTER FOR FORENSIC SOFTWARE; AND B) RADAR AND IN-CAR CAMERA SYSTEM MINI-GRANTS** - Bill Jarrett, Chief Deputy Sheriff

Item was moved forward on the agenda.

## **ADDITIONS TO AGENDA**

### **A. Letter Regarding Dirt Mining Operation at Highway 77 and Branched Oak Road (Exhibit A)**

Workman said Tim Limpka of LeGrande Excavating contacted him yesterday to discuss their intent to haul dirt, via gravel roads, from their dirt mining operation at Highway 77 and Branched Oak Road to a job near Waverly. He said Limpka stated there is conflicting language in the special permit for the dirt mining operation that would allow them to do so, whenever they want. Limpka went on to state they need to haul dirt on weekends to meet the requirements of the Waverly job. Workman said he would approach the Board about allowing LeGrande Excavating to transport dirt from the site, from sunrise to sunset, on the following Saturdays: November 1<sup>st</sup>, 8<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup>, 2008 (see draft letter in Exhibit A). He said Limpka was very receptive to the idea.

Tom Fox, Deputy County Attorney, appeared and said there are two issues: 1) The item was not on the agenda and does not meet the definition of an emergency item; and 2) Changing the provisions of the special permit. He said amendment of the special permit provisions would require a public hearing, with proper notice. Fox said the Board limited access from the site to Highway 77 in the special permit. However, a provision in the special permit conflicted with the limited access to Highway 77. The conflicting provision referenced access to the site from Branched Oak Road, pursuant to approval of the County Engineer and compliance with guidelines provided in a letter from the County Engineer that was written prior to the public hearing. Fox said the inconsistent language in the permit could be corrected. He said the days of operation are clearly defined in the permit, except when there is a government contract, then nighttime hours are permitted, seven days a week. Fox noted there is a provision in the Special Permit Section of the Lancaster County Zoning Regulations that allows for an administrative amendment by the Planning Director, but said the Planning Director must follow the intent of the Board regarding safety and the well being of the community.

Mike DeKalb, Planner, appeared and noted the dirt mining permit was a hotly contested issue and said administrative amendments generally involve minor issues and are consistent with the intent of the Board. He said a request for a driveway permit for access to Branched Oak Road was made to the County Engineer on Monday. DeKalb said Greg Sanford, the owner of the land and holder of the special permit, and Mark Hunzeker, his attorney, have had discussions with Mike Merwick, Building & Safety Director, regarding a compliance check for renewal of the special permit. He said Merwick informed him this morning that Sanford had contacted him and said they will follow the provisions and are not seeking amendment of the special permit.

Hudkins asked whether a Community Development Block Grant (CDBG) project could be considered a governmental contract.

Fox said probably not. He said the exception was made for government projects such as work on Interstate 80, bridges or the jail.

Stevens said he believes the item is out of place on the agenda, pointing out the holder of the special permit has not made a request for changes.

Karen Kurbis, a neighboring landowner, appeared and said LeGrande Excavating has two other dirt mining sites in closer proximity to Waverly, 120<sup>th</sup> and Alvo Road and North 56<sup>th</sup> Street (Highway 77) and Raymond Road, with no hours of restriction.

Doug Pillard, Design Division Head, County Engineering, appeared and asked for direction on the request for a driveway permit for access to Branched Oak Road.

Fox recommended that the language in the special permit be clarified before anything is done.

Workman said he will inform Limpka of the discussion.

## **9 ACTION ITEMS**

### **A. 2009 Legislative Priorities**

The Board reviewed a revised list of legislative priorities (Exhibit J). It was noted Authorize a Fee for Community Corrections has been moved ahead of Amend Nebraska Revised Statute §23-120(3)(b) to Authorize Twenty (20) Year Projects and Create the Position of Magistrate has been added to the list.

Stevens said he would be willing to support the concept of a magistrate, but would like to see someone else "champion" the issue.

Schorr said she would like to see the concept researched further, including hearing input from experts in the field.

There was general consensus to change the wording to Investigate the Creation of the Position of Magistrate.

Schorr requested the addition of language to protect state funding for Emergency Protective Custody (EPC).

**MOTION:** Hudkins moved and Schorr seconded to adopt the revised list of legislative priorities, with the requested changes. Hudkins, Stevens, Workman, Heier and Schorr voted aye. Motion carried.

## **10 ADMINISTRATIVE OFFICER REPORT**

### A. Pension Update and Group Sessions (Week of December 16, 2008)

Eagan said the investment directive needs to be amended to address money that was not properly mapped under Nationwide Retirement Solutions (NRS). He also stated Property Management would like a separate group session for its employees.

There was no objection to the request.

### B. LR 338 (Interim study to conduct research and develop recommendations relating to the implementation of the Nebraska Behavioral Health Services Act)

Informational only.

### C. TRIM Training Software Development Kit Custom Application

Gwen Thorpe, Deputy Chief Administrative Officer, said it will cost \$5,000 to build a custom application that can be utilized for the Crisis Center, Community Mental Health Center (CMHC), General Assistance (GA) and Community Corrections and to provide training so Information Services (IS) can customize it for future needs. She said there are sufficient funds in the budget for the expense.

Board consensus was to proceed with contract development.

## **11 DISCUSSION OF BOARD MEMBER MEETINGS**

### A. Nebraska Association of County Officials (NACO) Legislative Conference - Heier

Heier said he introduced Lancaster County's list of legislative priorities.

### B. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Schorr

Schorr said discussion focused on the upcoming election.

### C. Legacy Dairy Meeting - Workman

Workman reported on a meeting held with Saline State Bank representatives to discuss a prospective buyer for the Legacy Dairy (see October 16, 2008 Staff Meeting minutes). He said the prospective buyer may be able to create new jobs in Hallam.

Eagan said there is not enough collateral to satisfy the lienholders, including Lancaster County. He said the bank would like the County to excuse the debt obligations of the original borrower to pave the way for a new operator of the facility (see Exhibit K). Eagan said another option would be to give the new operator credit for jobs created so far and make \$125,000 forgivable if they create jobs in the future.

**MOTION:** Hudkins moved and Schorr seconded to authorize Kerry Eagan, Chief Administrative Officer, to contact Mike Lang, Administrative Assistant to the Mayor, Economic Development, with a counter response related to the job creation component. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

### 11 ADJOURNMENT

**MOTION:** Stevens moved and Hudkins seconded to adjourn the meeting at 12:04 p.m. Schorr, Heier, Workman, Stevens and Hudkins voted aye. Motion carried.

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Dan Nolte  
Lancaster County Clerk