

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING, ROOM 113  
THURSDAY, MARCH 12, 2009  
8:30 A.M.**

Commissioners Present: Ray Stevens, Vice Chair  
Larry Hudkins  
Deb Schorr

Commissioners Absent: Bernie Heier, Chair  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
and Interim Lancaster Manor Administrator  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

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

**AGENDA ITEM**

**LEGISLATIVE UPDATE** - Gordon Kissel and Joe Kohout, Kissel/E&S Associates (Legislative Consultants)

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

Schorr said Senator Avery has suggested it may be beneficial to provide testimony on Legislative Bill (LB) 475 (Eliminate the position of county comptroller).

**MOTION:** Hudkins moved and Stevens seconded to authorize Commissioner Schorr to testify on behalf of the County Board in support of Legislative Bill (LB) 475. Hudkins, Schorr and Stevens voted aye. Motion carried.

Kerry Eagan, Chief Administrative Officer, inquired about the status of LB 173 (Provide for relabeling and redispensing of prescription drugs at certain correctional facilities).

Kissel said LB 288 (Change provisions relating to health and human services) will be amended to include provisions for a credit or relabeling of prescription drugs. He said the Pharmacy Association has agreed to the amendment.

**1 APPROVAL OF THE STAFF MEETING MINUTES, THURSDAY, MARCH 5, 2009**

**MOTION:** Hudkins moved and Schorr seconded approval of the March 5, 2009 Staff Meeting minutes. Hudkins and Stevens voted aye. Schorr abstained from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**3 LEGISLATIVE UPDATE - Gordon Kissel and Joe Kohout, Kissel/E&S Associates (Legislative Consultants)**

Item was moved forward on the agenda.

**4 A) COMMUNITY HEALTH ENDOWMENT GRANT REQUEST; \$5,000 FOR JAIL DIVERSION EVALUATION; AND B) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) GRANT REQUEST FOR \$350,000, PER YEAR, FOR FIVE (5) YEARS FOR HOMELESS SERVICES - Travis Parker, Deputy Community Mental Health Center Director**

**A) Community Health Endowment Grant Request**

Travis Parker, Deputy Community Mental Health Center Director, said the grant will be used to continue jail diversion evaluation efforts.

**B) Substance Abuse and Mental Health Services Administration (SAMHSA) Grant Request**

Parker said the grant will be used to create three (3) new positions to work with the homeless and to purchase other services in the community. Funds will also be earmarked for County overhead and administration costs and the evaluation component.

In response to a question from Stevens, Parker said there will be a small amount of flex funds to assist individuals with housing.

**MOTION:** Hudkins moved and Schorr seconded to authorize the Community Mental Health Center (CMHC) to proceed with the grant applications, with signature by the Chair. Hudkins, Schorr and Stevens voted aye. Motion carried.

## **ACTION ITEMS**

- A. Microcomputer Request, \$4,028.78 from Lancaster Manor Budget for Two (2) Computer Laptops, Accessories and Software

**MOTION:** Hudkins moved and Schorr seconded approval of the request. Schorr, Hudkins and Stevens voted aye. Motion carried.

- B. Letter to Vietnam Veterans of America from Lincoln Convention and Visitors Bureau (CVB) (See Agenda Packet)

**MOTION:** Schorr moved and Hudkins seconded to authorize the Vice Chair to sign the letter, on behalf of the Lincoln Convention and Visitors Bureau (CVB). Hudkins, Schorr and Stevens voted aye. Motion carried.

## **ADMINISTRATIVE OFFICER REPORT**

- A. Resolution Outlawing Trapping in County Rights-of-Way (Legislative Bill 5)

**MOTION:** Hudkins moved and Schorr seconded to direct the County Attorney's Office to prepare a resolution outlawing trapping in County rights-of-way. Schorr, Hudkins and Stevens voted aye. Motion carried.

- B. Update Letter to Lancaster Manor Residents

The Board reviewed a letter draft (Exhibit B).

**MOTION:** Schorr moved and Stevens seconded to authorize the letter to be sent to Lancaster Manor residents, with signature by the Chair. Schorr and Stevens voted aye. Hudkins abstained from voting. Motion carried.

- C. Request from City of Waverly to Place Recycling Center at District 1 County Shop

Stevens noted the Board has received correspondence from the County Engineer recommending denial of the request (see agenda packet).

**MOTION:** Schorr moved and Hudkins seconded to notify the City of Waverly that the County is unable to comply with the request and to include a copy of the correspondence from the County Engineer. Hudkins, Schorr and Stevens voted aye. Motion carried.

D. Nebraska Association of County Officials (NACO) Legislative Day - April 16, 2009

It was noted Heier plans to attend the event. Hudkins and Schorr indicated plans to attend the luncheon.

**DISCUSSION OF BOARD MEMBER MEETINGS**

A. Nebraska Innovation Zone Commission (NIZC) - Heier

No report.

B. Metro Planning Organization - Heier, Stevens

Stevens said the emphasis was on upgrading the Transportation Improvement Program (TIP) to coincide with requests for stimulus funding. Two County projects were included: 1) An overlay on Saltillo Road, from Highway 77 to 70<sup>th</sup> Street (4.4 miles); and 2) Southwest 14<sup>th</sup> Street (three quarters of a mile).

C. Railroad Transportation Safety District (RTSD) - Stevens, Schorr

Schorr said there were four significant issues: 1) Bids came in significantly higher than anticipated for the "quiet zone" (a railroad grade crossing at which trains are prohibited from sounding their horns in order to decrease the noise level for nearby residential communities) on Cornhusker Highway, from 33<sup>rd</sup> Street to 70<sup>th</sup> Street; 2) The RTSD decided to proceed with preliminary engineering on the next two "quiet zones" (South Salt Creek and 14<sup>th</sup> Street and Yankee Hill Road); 3) The City of Waverly submitted a request for a "quiet zone" in their community and the RTSD made preliminary plans to include it in fiscal planning for next year; and 4) The RTSD decided to not seek reimbursement from the City for lighting on the Harris Overpass.

Hudkins noted there was a significant difference in cost between ordinary lighting and the ornamental lighting that was used on the overpass.

Stevens also reported that the RTSD agreed to add approximately \$670,000 to the Southwest 40<sup>th</sup> Street Project to fund a modified Rural to Urban Transportation System (RUTS) road, approximately 850 feet in length.

**5 SCOPE OF SERVICES WITH SEGAL ADVISORS (PENSION PLAN CONSULTANT) - Doug Cyr, Chief Administrative Deputy County Attorney**

Doug Cyr, Chief Administrative Deputy County Attorney, said the agreement with Segal Advisors for pension consultation services included a provision that the County may contract with the consultant for additional investment advice (Phase 4 services). He said he spoke to Prudential about what services they provide for free and Prudential offered to meet with the Board. Prudential will review the first quarter performance of the funds and will give the Board an overview of the stock market in general.

The Board scheduled the briefing on April 23<sup>rd</sup>.

Cyr said he will develop a contract with Segal Advisors for Phase 4 services after that meeting.

Eagan suggested the following: 1) Development of an investment policy; 2) Review of the Fixed Account; and 3) Assessment of Prudential's financial stability.

**6 REQUEST FOR QUALIFICATIONS (RFQ) REVIEW COMMITTEE FOR LANCASTER MANOR - Vince Mejer, Purchasing Agent**

Vince Mejer, Purchasing Agent, said the Request for Qualifications (RFQ) went out Friday. An addendum will be added to include the appraisal that was done in June, 2008.

Schorr inquired about the response to the RFQ.

Mejer said two firms have requested a walk-through.

The following names were submitted for the RFQ Review Committee, which will have nine members:

- Reverend Jeffrey Bloom - Pastor at Immanuel Evangelical Lutheran Church and a member of the Lancaster Manor Advisory Committee
- Bob Chitwood - Chair of the Lancaster Manor Foundation Board
- Mark Intermill - Associate State Director of AARP (a nonprofit, nonpartisan membership organization for people age 50 and over)
- Bob Kerns - Lincoln Central Labor Union
- Marcia Malone - Former County Commissioner, Licensed Mental Health Practitioner (LMHP) and a former Licensed Nursing Home Administrator
- Dan Marvin - City Councilman

- John McHenry - A local attorney who is a member of the Lancaster Manor Advisory Committee and who has experience with another nursing home facility
- June Pederson, Lincoln Area Agency on Aging Director
- Marian Price - Former State Senator
- Becky Shedeed, Medical Manager at Cornhusker Place and a member of the Lancaster Manor Advisory Committee
- Jolene Zochol - Lancaster Manor Social Services Director

**NOTE:** The Board will make a decision on committee membership at the March 19<sup>th</sup> Staff Meeting. Four members have already been selected: Vince Mejer, Purchasing Agent; Dennis Meyer, Budget and Fiscal Officer; Deb Schorr, County Commissioner; and Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator.

**7 BOARD OF EQUALIZATION (BOE): A) GREENBELT TRANSCRIPTS; B) E-FILING OF PROTESTS; AND C) BOE TIME LINE** - Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk

**A) Greenbelt Transcripts**

Cori Beattie, Deputy County Clerk, said the County Clerk's Office needs assistance in preparing transcripts of the 2008 greenbelt disqualification hearings and requested authorization to contract with Theresa Whisler for these services.

The Board concurred with the request.

**B) E-Filing of Protests**

Dan Nolte, County Clerk, said the Board needs to pass a resolution to allow e-filing (electronic filing) of property valuation protests.

**C) BOE Time Line**

Nolte also indicated the need for a resolution to extend the date for final action by the BOE to August 10, 2009.

Hudkins asked whether the County Assessor/Register of Deeds has provided an estimate of the number of property valuation protests that may be filed this year or indicated plans to modify any values before June.

Nolte, said no, but said Tom Kubert, Referee Coordinator, has estimated there could be 15,000 protests filed this year.

Norm Agena, County Assessor/Register of Deeds, appeared and said he has no idea how many protests might be filed. He indicated his office held preliminary hearings with 7,300 property owners and said they resolved approximately half.

Schorr asked whether his office will be able to make a change from two years of back data to one year.

Agena said he probably won't know until sometime in April.

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

#### **D. Public Building Commission (PBC) Chair, Vice Chair and Mayor - Hudkins**

Hudkins said they discussed plans to remodel the second floor of the County-City Building. The Mayor asked the PBC to delay these plans until the City Council makes a decision on whether to proceed with a one-stop development services center.

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

Hudkins reported on a decision to proceed with remodeling of the County Clerk's Office, noting surplus furniture will be made available to the Clerk's Office. He said the PBC also discussed correspondence from Lancaster County Court Judge Susan Strong regarding plans for the old jail and requested an estimate of the cost for a third elevator in the County-City Building.

#### **F. Board of Health - Schorr**

Schorr said she did not attend the meeting.

Schorr also reported on the following meetings:

- Region V

Schorr said the State has decided to no longer utilize the Integrated Care Coordination Unit (ICCU) model to deliver services to state wards and high risk families. She said the ICCU housed at Region V was given a much shorter time frame than other ICCU's to transition families to interim services and said there will be significant layoffs at Region V, due to the loss of the contract. Schorr also reported the following: 1) The Nebraska Mental Health Association is considering a hospital diversion program that could help keep individuals out of jail and the Crisis Center; and 2) Region V is looking into altering the interlocal agreement to split the developmental disability and behavioral health components and to offer other services to counties, such as financial administration, General Assistance, personnel and purchasing.

- Lancaster Manor Advisory Committee

Schorr said selection of new bedside tables and the smoking policy were discussed. She also relayed information on the RFQ process.

Hudkins referred to a copy of the meeting minutes and said Schorr indicated the options are to sell, lease or retain the Manor. He said the minutes do not reflect that hiring a licensed administrator is an option.

Schorr said this was not her report, per se.

Gwen Thorpe, Deputy Chief Administrative Officer and Interim Lancaster Manor Administrator, said the minutes are not necessarily accurate.

Eagan noted that a licensed administrator would be required, if the Board retains the Manor.

Schorr assured the Board she has relayed all of the options to the Committee.

**8 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)  
REIMBURSEMENT FOR MAY, 2008 STORM - Doug Ahlberg,  
Emergency Management Director**

Doug Ahlberg, Emergency Management Director, said the County has received \$543,638.72 from the Federal Emergency Management Agency (FEMA) for claims related to the May, 2008 storms. He said those funds have gone to County Engineering for road repairs, materials and overtime. Ahlberg said the City's claims total \$109,096.96 and went primarily to Parks and Recreation and Public Works. He added that additional reimbursement is expected from the State.

The Vice Chair recessed the meeting at 10:32 a.m.

The Vice Chair reconvened the meeting at 11:18 a.m.

**9 COUNTY MISCELLANEOUS NO. 09002, PROPOSAL TO ACQUIRE LAND BY EMERALD S.I.D. NO. 6 FOR WATER WELL SITE - Mike DeKalb, Planner**

Mike DeKalb, Planner, gave an overview of County Miscellaneous No. 09002, a proposal by the Emerald Sanitary & Improvement District (S.I.D.) No. 6 to acquire approximately 1.5 acres, by condemnation, for a water well site on property at Southwest 98<sup>th</sup> and West "O" Streets. The property proposed to be acquired is located in both the City of Lincoln and Lancaster County's jurisdictions. He said State Statutes require the S.I.D. to get permission from the governing authority before they can condemn the land. Planning staff has recommended approval. **NOTE:** The proposal does not require review by the Lincoln-Lancaster County Planning Commission.

Hudkins noted the landowner had planned to develop the land and asked whether he will be able to use the wells for those lots and if the condemnation will lower the density.

DeKalb said he will notify the S.I.D.'s attorney that Hudkins has several questions and will ask him to provide additional details.

**10 DISCUSSION WITH VILLAGE BOARDS REGARDING EXPANSION OF HOME-BASED BUSINESSES IN THE COUNTY - Marvin Krout, Planning Director; Mike DeKalb, Planner; Fred Hoke, Building and Safety Director**

Also present were Ron Maas, Bennet Village Board; Bill Edwards, Denton Village Board; Sara Hartzell, Hallam Planning Commission; Vicky Polak, Hallam Village Clerk/Treasurer; Brett Baker, Hickman City Administrator; David Dykmann, Hickman City Council; Nadine Link, Malcolm Village Clerk; Denise Saathoff, Attorney for the Village of Malcolm; Kristi Janda, Roca Village Clerk; Doug Rix, Waverly City Administrator/Clerk; and Glenda Wood, Waverly Zoning Administrator.

Stevens said the County Board received a request several months ago from a property owner to start an outside storage business on property at Highway 77 and Hickman Road. He said that led to discussion of what is and is not permitted by right under Comprehensive Plan. Stevens said the Board asked the Planning Department to bring back options for expanding home businesses in the rural areas of the County and to share them with representatives of the incorporated villages in Lancaster County.

Marvin Krout, Planning Director, presented a report on options for expanding the allowable scope of home occupations in the County's Agricultural (AG) and Agricultural Residential (AGR) zoning districts (see Section 15.001 of the Lancaster County Zoning Resolution) (Exhibit C). He said the Lincoln City/Lancaster County Comprehensive Plan states business and industrial activity in the County should be directed to the incorporated parts of the County, noting cities are more likely to be equipped to handle those kinds of uses and are generally desirous of having those kinds of business activities. Krout said Lancaster County's cities and villages reaffirmed in 2002 that it should remain the policy in a survey that was done as part of an update of the Comprehensive Plan.

In response to a question from Hudkins, Krout said most communities have a home occupation provision that allows for certain kinds of business uses on residential lots to be operated by the resident of that lot. Examples are provided in the report (see Exhibit C). He said most communities utilize a special permit, with applications approved on a case-by-case basis.

Krout noted other departments responsible for enforcement in the County's zoning jurisdiction (Building and Safety, Health Department, County Engineer) have indicated concerns that they will need additional resources if the scope of home businesses is expanded.

Krout said the Planning Department does not support amending the codes to lift the current home business restrictions but has developed a set of recommendations, should the Board elect to make changes:

1. Limit business expansion in rural areas to home-based businesses.
2. Approve any expanded home businesses on a case-by-case basis, by special permit.
3. Limit the sites for these special permits to lots of at least ten (10) acres in the Agricultural (AG) District.
4. Specify other conditions of approval in the code to protect nearby residents, including a limitation on the number of non-family employees working on-site, place limitations on inside floor area and outside area for work, parking and storage, and require setbacks and screening from nearby properties and streets.

Krout suggested that if the Board wishes to proceed with the idea it would be appropriate to bring the City Council into the process, solicit the opinions of the smaller towns in the County and refer the issue to the Planning Department.

Hudkins questioned the recommendation for a 10-acre limit.

Krout explained it is a starting point for discussion. He said the Board could elect to not have a limitation and to decide on a case-by-case basis.

Mike DeKalb, Planning Department, said the point of discussion is whether to expand home-occupations and add conditions or expand the list of special permitted items.

Discussion followed with the village representatives indicating support for the current policy and use of a special permit to establish home-based businesses. Several indicated they have opportunities for small businesses in their communities.

**NOTE:** A map of zoning jurisdiction areas within Lancaster County was also disseminated (Exhibit D).

## **11 ACTION ITEMS**

- A. Microcomputer Request, \$4,028.78 from Lancaster Manor Budget for Two (2) Computer Laptops, Accessories and Software
- B. Letter to Vietnam Veterans of America from Lincoln Convention and Visitors Bureau (CVB)

Items A and B were moved forward on the agenda.

## **12 CONSENT ITEMS**

There were no consent items.

## **13 ADMINISTRATIVE OFFICER REPORT**

- A. Resolution Outlawing Trapping in County Rights-of-Way (Legislative Bill 5)
- B. Update Letter to Lancaster Manor Residents
- C. Request from City of Waverly to Place Recycling Center at District 1 County Shop
- D. Nebraska Association of County Officials (NACO) Legislative Day - April 16, 2009

Items A, B, C and D were moved forward on the agenda.

## **14 PENDING**

There were no pending items.

## **15 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Nebraska Innovation Zone Commission (NIZC) - Heier
- B. Metro Planning Organization - Heier, Stevens
- C. Railroad Transportation Safety District (RTSD) - Stevens, Schorr
- D. Meeting of Public Building Commission (PBC) Chair, Vice Chair and Mayor - Hudkins
- E. Public Building Commission (PBC) - Hudkins
- F. Board of Health - Schorr

Items A, B, C, D, E and F were moved forward on the agenda.

## **16 ADJOURNMENT**

The meeting was adjourned at 1:27 p.m. by direction of the Vice Chair.

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Dan Nolte  
Lancaster County Clerk