

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, DECEMBER 6, 2012
8:30 A.M.**

Commissioners Present: Deb Schorr, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Jane Raybould
Brent Smoyer

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

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on December 5, 2012.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, NOVEMBER 29, 2012

MOTION: Hudkins moved and Smoyer seconded approval of the minutes of the November 29, 2012 Staff Meeting (morning session). Smoyer, Hudkins, Raybould, Heier and Schorr voted aye. Motion carried 5-0.

2 ADDITIONS TO THE AGENDA

None were stated.

3 OVERVIEW OF THE LINCOLN-LANCASTER COUNTY ECOLOGICAL ADVISORY COMMITTEE (EAC) - Terry Genrich, Natural Resources and Greenways Manager, Parks and Recreation Department; Sara Hartzell, Planner, Lincoln-Lancaster County Planning Department

Terry Genrich, Natural Resources and Greenways Manager, Parks and Recreation Department, said the Lincoln-Lancaster County Ecological Advisory Committee (EAC) was established in 1973 to help oversee Wilderness Park, a 1,472-acre conservancy owned by the County, and to serve in an advisory capacity to the County Board on ecological and natural resource matters. He disseminated copies of the EAC Bylaws (Exhibit A), noting the EAC is also charged with the responsibility of recommending to the Lancaster County Board of Commissioners, those policies and programs which would benefit the long-range ecological health of communities in Lancaster County or the City of Lincoln. The EAC currently has 13 members and includes a retired soil scientist, a former member of the Natural Resources District (NRD) Board; a wetlands specialist for the Nebraska Game and Parks Commission, a retired University of Nebraska-Lincoln (UNL) professor in the field of natural resources; two members of the Natural Resources Conservation Service; an acreage developer; a staff assistant to U.S. Senator Ben Nelson; and members of the community who have an interest in the environment. Genrich said the EAC most recently provided input on the Lincoln-Lancaster County 2040 Comprehensive Plan (LPlan 2040) and the Haines Branch Prairie Corridor.

Sara Hartzell, Planner, Lincoln-Lancaster County Planning Department, said the EAC is referenced in the Lincoln-Lancaster County Comprehensive Plan. She said the EAC reviews development plans in the County to determine impact on resources and evaluates parcels less than 20 acres in size that are split off from a farmstead and are being preserved for an environmental purpose. The EAC also prepared a Historical and Ecological Resources Survey and a County Wildlife Inventory and identified and ranked the quality of all the prairies in the county.

Kerry Eagan, Chief Administrative Officer, said he noticed some changes have been made to the EAC bylaws and said those must be submitted to the Board for approval.

4 EXECUTIVE SESSION (SECURITY ISSUE) - Sheli Schindler, Youth Services Center (YSC) Director; Richard Grabow, Deputy County Attorney

MOTION: Smoyer moved and Raybould seconded to enter Executive Session at 8:44 a.m. for the purpose of protecting the public interest with regards to a security issue.

The Chair restated the motion for the record.

ROLL CALL: Raybould, Heier, Hudkins, Smoyer and Schorr voted aye. Motion carried 5-0.

Hudkins and Raybould exited the meeting.

MOTION: Heier moved and Smoyer seconded to exit Executive Session at 9:30 a.m. Smoyer, Heier and Schorr voted aye. Hudkins and Raybould were absent from voting. Motion carried 5-0.

5 WAVERLY FARMLAND LEASE - Don Killeen, County Property Manager

Don Killeen, County Property Manager, said the lease for 14 acres of farmland the County owns near Interstate 80 and North 13th Street will expire April 30, 2013.

NOTE: The County sought proposals last year for lease of the land, stipulating a minimum bid of \$175 per acre. The successful bid was \$186 per acre. He said a couple of farmers have expressed interest in leasing the farmland next year so the Board will need to go out for bids again.

Raybould returned to the meeting at 9:32 a.m.

Killeen said the current tenant has suggested the lease start February 1st, rather than May 1st, to allow the tenant time to prepare the field. Heier suggested it be moved to the end of the harvest season to allow the tenant an opportunity to apply fertilizer.

Hudkins returned to the meeting at 9:35 a.m.

The Board decided not to set a minimum bid and to have the new lease cover the period of May 1st through September 30th.

6 ACTION ITEMS

There were no action items.

7 CONSENT ITEMS

There were no consent items.

8 ADMINISTRATIVE OFFICER REPORT

A. Pension Review Committee (PRC) Addition (Scott Gaines)

There was general consensus to proceed with the appointment. Other potential appointments were also discussed.

B. Bryan/LGH Medical Services Contract

Eagan noted the contract will expire at the end of 2013 and suggested the County initiate discussions with Bryan Health. The Chair indicated she will contact Kim Russel, President and Chief Executive Officer (CEO), Bryan Health.

C. Meeting with Governor on Inheritance Tax (February 4, 2013)

Eagan said the meeting was moved from February 11th to February 4th, due to a scheduling conflict.

D. Surplus City Property (1245 South Folsom Street)

Informational only.

E. Amendment of Visitors Improvement Fund Contract with Lincoln Area Railway Historical Society

Eagan said materials had been purchased prior to the grant's start date and suggested the contract be amended to adjust the grant period.

F. 2013 County Board Meeting Schedule

Raybould asked that the Board consider holding certain Tuesday County Board of Commissioners Meetings in the evening, instead of the morning, to accommodate a scheduling conflict. An alternative would be to begin the meeting at 10:30 a.m., rather than 9:30 a.m.

Hudkins suggested that the Board hold both the County Board of Commissioners Meeting and the Staff Meeting on Thursdays, with one in the morning and the other in the afternoon.

Board consensus was to schedule further discussion on the December 20th meeting. Raybould was asked to bring a list of dates on which she has a scheduling conflict to that meeting.

G. Abbott Motocross Track Annual Meeting

Eagan said he and Dennis Meyer, Budget and Fiscal Officer, attended the meeting. He said one of the topics discussed was the in-kind contribution that was required for the Recreational Trail Program (RTP) grant used to fund the Abbott Motocross Track, noting Dr. David Samani (Husker Off Road Club) had indicated from the beginning that

he would cover that cost (see Exhibit B). **NOTE:** It was originally determined that an in-kind contribution of \$111,000 would be required. Since the project did not cost as much as originally anticipated, that figure was revised to \$33,774.41.

Schorr exited the meeting at 9:54 a.m.

Eagan said Dr. Samani indicated he wanted to pay the funds through the Abbott Foundation so he would qualify for a tax deduction. He was informed he could do so, provided the Abbott Foundation then forward the funds to the County. Dr. Samani subsequently made two contributions to the Abbott Foundation totaling \$20,877.71 (see Exhibit B). Those funds were used for starting gates and a scoring tower, which were not part of the original grant, rather than forwarded to the County.

Schorr returned to the meeting at 9:57 a.m.

Eagan noted that the Abbott Foundation is now requesting a \$10,000 grant from the County's Visitors Improvement Fund for additional improvements.

Hudkins said Dr. Samani contacted him and confirmed that he had agreed to pick up the in-kind contribution and was surprised to learn that the funds were not applied in the proper fashion.

Hudkins asked Eagan what legal remedies are available. Eagan said he is not sure. He said Dr. Samani's pledge was evidenced in writing in correspondence to the Lower Platte South Natural Resources District (NRD), a party to the grant (see Exhibit B). Eagan said it was understood from the beginning that no County funds would go into the project, noting Lancaster County was a nominee applicant because the applicant had to be a governmental entity. The County subsequently agreed, at a critical time, to contribute \$50,000 from the Keno Fund to the project and also made improvements to Arbor Road at a cost of almost \$400,000. In addition, the County approved \$10,000 from the Visitors Improvement Fund to make improvements to the parking lot.

In response to a question from Hudkins, Eagan said \$33,774.41 is required to close out the grant. He said although the County did not have a contract with Dr. Samani there are indications in writing that he intended to make the in-kind contributions.

Raybould said she believes the County's grievance is with the Abbott Foundation because they did not forward the payment to the County.

Board consensus was to direct Eagan and Meyer, in consultation with the County Attorney's Office, to look at the ramifications and bring back a recommendation on how to resolve the issue.

H. Staff Meeting (Tuesday, December 11, 2012)

It was noted the meeting will be held at 10:30 a.m. in the City Council/County Commissioners Hearing Room.

9 PENDING

There were no pending items.

10 DISCUSSION OF BOARD MEMBER MEETINGS

A. Adult Drug Court Sustainability - Schorr

Schorr said she attended a meeting with Kim Etherton, Community Corrections Director; Jerod Gavin, Drug Court Coordinator; District Court Judges Karen Flowers and Paul Merritt, Jr.; Scott Carlson, Statewide Coordinator for Problem-Solving Courts at Nebraska Supreme Court; Janice Walker, State Court Administrator; and Deb Minardi, Deputy Probation Administrator; to discuss sustainability for the Adult Drug Court and a possible pilot program using State voucher funds for treatment programs.

B. Chamber Coffee - Raybould, Smoyer

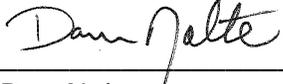
Smoyer said it was a community consensus meeting, noting roads/infrastructure and community career academies (schools within schools that link students with peers, teachers, and community partners to foster academic success) were identified as the top priorities.

11 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

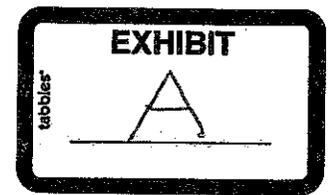
12 ADJOURNMENT

MOTION: Smoyer moved and Raybould seconded to adjourn the meeting at 10:16 a.m. Raybould, Heier, Hudkins, Smoyer and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





LINCOLN-LANCASTER COUNTY ECOLOGICAL ADVISORY COMMITTEE

BYLAWS:

ARTICLE I - NAME

The Official name of the committee shall be the Lincoln-Lancaster County Ecological Advisory Committee.

ARTICLE II

The members of the committee will serve in an advisory capacity to the Lancaster County Board of Commissioners, related departments and others which might solicit their advice. The program as outlined in the Lincoln-Lancaster County Comprehensive Plan. The committee is also charged with the responsibility of recommending to the Lancaster County Board of Commissioners, those policies and programs which would benefit the long range ecological health of communities in Lancaster County or the City of Lincoln.

ARTICLE III

The membership of the committee shall consist of a maximum of 18 members appointed by the Lancaster County Board of Commissioners. Members of the Board of Commissioners, Directors of the Planning Department, Parks and Recreation Department and the Natural Resources District shall serve as ex-officio members with non-voting privileges.

ARTICLE IV - TERMINATION OF MEMBERSHIP

An individual's membership may be terminated at his/her request. The Board of Commissioner's will terminate non-active members.

ARTICLE V - APPOINTMENTS

Committee appointments shall be on a calendar year basis for three years terms.

ARTICLE VI - VACANCIES

Appointments to fill vacancies, for the balance of a term will be made by the Board of Commissioners. Nominations may be recommended by a majority of the Advisory Committee members of the Board of Commissioners.

ARTICLE VII - OFFICERS

The officers of the committee shall be elected annually at the January meeting of the committee. The officers shall be Chairperson and Vice Chairperson and shall be elected for a one (1) year term. The secretary for the committee will be appointed. The Chairperson shall appoint a Nominations Committee 90 days prior to the election of officers.

ARTICLE VIII - ATTENDANCE REQUIREMENTS

The committee members will be notified by mail of each meeting. Any members with three consecutive, unexcused absences will be contacted and advised that an additional, unexcused absence will be cause for termination. Excused absences may be obtained by calling the Secretary, Lincoln Parks and Recreation Department at 402-441-7847.

ARTICLE IX

The Advisory Committee shall meet at least quarterly at a time and place designated by the majority of the committee. Special meetings may be called by the Chairperson of the Board of Commissioners.

ARTICLE X – PUBLIC ACCOUNTABILITY

The committee meetings are public meetings and copies of the agenda and the official minutes will be made available to the press and public upon request.

ARTICLE XI – ADOPTION & AMENDMENT OF BYLAWS

The Bylaws may be amended by a majority vote of committee members present at a committee meeting subject to approval by the Board of Commissioners.

These Bylaws shall be declared as being in effect upon receiving a majority vote by the membership voting.

The Board of Commissioners reserve the authority to waive any provisions of these Bylaws upon showing cause to do so.

ARTICLE XII – STATUS & DISSOLUTION

This committee is dedicated to the furtherance of the Mission and Goals Statement principles for the benefit of the general public.

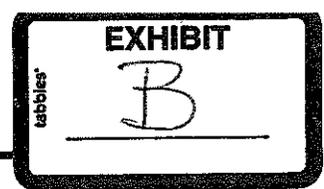
This committee may be dissolved by a resolution requesting dissolution passed by a majority vote at a meeting called for this purpose.

The Board of Commissioners may take action to dissolve this committee.

It is hereby certified that these Bylaws were unanimously adopted by the committee at a duly called meeting held the 9th of October, 1982.

Article II, Amended by unanimous vote of the committee 6-4-85.
Article XII, Amended by unanimous vote of the committee 10-6-92.
Article VII & II, Amended by unanimous vote of the committee 12-6-94.
Article II, V and XI, Amended by unanimous vote of the committee 4-3-01.

042501mes



Kerry P. Eagan

From: Ariana Kennedy [ariana.kennedy@lpsnrd.org]
Sent: Thursday, March 22, 2012 1:54 PM
To: Rhonda G. Ryan; Kerry P. Eagan
Cc: Glenn Johnson
Subject: motocross donation
Attachments: donation match letter.pdf; Samani_Abbott_donation_letters.pdf

Kerry and Rhonda-

In October of 2011, the NRD sent a letter to the Husker Off Road Club (David Samani) informing the Club the amount of money to be donated to Lancaster County for the motocross project (\$33,774.41). Dr. Samani was asked to inform the NRD of how the transaction was going to occur as well as an approximate time frame. Samani called the NRD and informed staff he would donate the money to Abbott by year end.

In early February, I contacted Rhonda requesting SoilTek invoice documents. At this time, Rhonda informed me Lancaster County had not received the donation. I followed up with an e-mail to David Samani and Abbott.

In mid-February the NRD had not received a response so I contacted Dr. Samani via telephone in regard to the donation. He informed me he had made two donations to Abbott and was aware he had approximately \$13,000 more to contribute to Abbott to fulfill his donation. He then faxed me copies of his donation letters from Abbott. These letters are attached.

I also spoke with Abbott staff in mid-February. I was informed by Abbott staff the donations referenced above made by Dr. Samani to Abbott were for the starting gate, scoring tower, etc. and not the donation to Lancaster County for the motocross project. Abbott staff indicated they would follow up with David Samani and clear up the situation.

I e-mailed Abbott staff on March 6 and received a reply. The reply stated, "I have another call into him, as soon as I speak with him I will let you know. Currently I don't know any more now than last time we spoke." This morning I spoke with Glenn Johnson on the matter. We both agreed this project needs to be wrapped up and felt it would be best if the County directly contacted the Husker Off Road Club (David Samani) in regard to the donation.

A copy of the letter written by NRD staff in October of 2011 is attached as well as the letter donation letter from David Samani in November of 2008. If either of you have any questions or would like more information feel free to contact me or Glenn.

Thanks

Ariana (Ari) Kennedy
Resources Conservationist
Lower Platte South Natural Resources District
Lincoln, Nebraska
402 476-2729 office
402 432-6836 cell
ariana.kennedy@lpsnrd.org

LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT



3125 PORTIA STREET
P.O. BOX 83581 · LINCOLN, NE 68501-3581
(402) 476-2729 · FAX (402) 476-6454
www.lpsnrd.org

October 18, 2011

Dr. David L. Samanj, Inc. – Husker Off Road Club
Bryan LGH West Medical Plaza
2222 South 16th Street, Suite 240
Lincoln, NE 68502

Dear David:

This morning, Michelle Stryker (Nebraska Game and Parks Commission), Rhonda Ryan (Lancaster County) and myself reviewed the financial spreadsheets for the motocross project. As you may remember, a majority of the cost of the project is covered by Recreational Trail Program (RTP) grant funds (80%) while the remaining funds (20%) must be match funding.

Based on a cost of \$700,122.02 for the motocross project, the total match required is \$140,024.41. Current contributions for the match on this project include; Lancaster County - \$50,000 of Keno funds, Abbott/Lincoln Sports Foundation - \$54,500 in easement land value, and the NRD - \$1,750 in eligible funds. After subtracting the amounts stated above from the required match amount, a balance of \$33,774.41 remains.

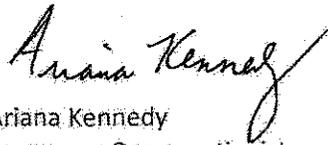
Fortunately, the project was not as expensive as the original cost estimate. Based on the original cost estimate in 2008, it was anticipated a donation of \$111,000 from the Husker Off Road Club would be needed to fulfill the 20% match for the project. In September of 2008, the Husker Off Road Club provided the NRD a letter stating the Club agreed to provide a donation to the project in the amount of \$111,000.00. However as stated in the previous paragraph, the match Husker Off Road Club will actually need to provide is \$33,774.41. The September 23, 2008 letter is attached for your reference.

The \$33,774.41 will need to be provided to Lancaster County. Husker Off Road Club may directly donate the funds to Lancaster County. Or as was stated in the September 2008 letter, the Husker Off Road Club will donate the money to the Abbott Foundation to allow the donation to be tax deductible. If the second option is chosen, Abbott Foundation would then be required to contribute the funds to Lancaster County. Documentation of the donation process will be necessary.

At your convenience, please notify the NRD and/or Abbott Foundation of the Husker Off Road Club's intentions for the donation process as well as an approximate timeframe. The NRD will then notify Lancaster County, Abbott Foundation as well as the Nebraska Game and Parks Commission of this information. If you have any questions, you may contact me at (402) 476-2729 or ariana.kennedy@lpsnrd.org

Sincerely,





Ariana Kennedy
Resources Conservationist

Enclosure

PC: Motocross File

Glenn D. Johnson

Kerry Eagan (Chief Administrative Operator Lancaster County Board of Commissioners, County-City Bldg.,
555 S. 10th Street, Rm 110, Lincoln, NE 68508)

Brian P. Clark and Dan Soltys (Abbott Sports Complex, 7600 N. 70th Street, Lincoln, NE 68507)

Rhonda Ryan 555 (County-City Bldg., 555 S. 10th Street, Rm 110, Lincoln, NE 68508)

Dr. David L. Samani, Inc.

BryanLGH West Medical Plaza
2222 South 16th Street, Suite 240
Lincoln, NE 68502
Phone: (402) 323-7260
Fax: (402) 323-7266

September 23, 2008

Ariana Kennedy
Resources Conservationist
Lower Platte South Natural Resources District
Lincoln, NE

RE: Donation

Dear Ari,

I received your letter requiring a donation for a matching grant from the RTP and the federal government.

I understand that approximately \$111,000.00 will need to be donated to the Abbott Foundation and through Husker Off Road which is a 501C3 corporation. These donations will be tax deductible. We will approach the members of the Husker Off Road Club to raise these funds for the matching grant.

As you know this project has been in the process for approximately 5 years. We hope that we can continue to move forward with the project and the RTP will grant us the further funds for the completion of this very worth while project.

Should you have any further questions please do not hesitate to contact me at any time.

Yours truly,


David L. Samani, M.D.

DLS/mev



The Lincoln Sports Foundation, Inc.
The Ethel S. Abbott Sports Complex
7600 North 70th Street, Lincoln, Nebraska 68517
Phone: (402) 464-2255 Fax: (402) 464-5335

November 8, 2011

Dr. David Samani
2222 S.16th St., #240
Lincoln, NE. 68506

Dear Dr Samani,

The Lincoln Sports Foundation, Inc. is very grateful for your generous cash contribution in the amount of \$11,000.00, on November 8, 2011. The money will go a long ways in the future development of the complex and your vested interest is greatly appreciated.

The Lincoln Sports Foundation, Inc. is a non-profit 501 (c)3 organization. No goods or services were provided by the Lincoln Sports Foundation, Inc. in exchange for this gift. Please retain this letter with your tax records to substantiate your charitable contribution.

If you have any questions or concerns, please give me a call at 464-2255.

Sincerely,

Dan Saltys
Executive Director



The Lincoln Sports Foundation, Inc.
The Ethel S. Abbott Sports Complex
7600 North 70th Street, Lincoln, Nebraska 68517
Phone: (402) 464-2255 Fax: (402) 464-5335

December 1, 2011

Dr. David Samani
2222 S.16th St., #240
Lincoln, NE. 68506

Dear Dr Samani,

The Lincoln Sports Foundation, Inc. is very grateful for your generous cash contribution in the amount of \$9,877.71, on December 1, 2011. The money will go a long ways in the future development of the complex and your vested interest is greatly appreciated.

The Lincoln Sports Foundation, Inc. is a non-profit 501 (c)3 organization. No goods or services were provided by the Lincoln Sports Foundation, Inc. in exchange for this gift. Please retain this letter with your tax records to substantiate your charitable contribution.

If you have any questions or concerns, please give me a call at 464-2255.

Sincerely,

Dan Solrys
Executive Director