

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, DECEMBER 20, 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

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 19, 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 (P.M. SESSION) AND DECEMBER 11, 2012

MOTION: Heier moved and Raybould seconded approval of the minutes of the November 29 (p.m. session) and December 11, 2012 Staff Meetings. Heier, Raybould and Schorr voted aye. Hudkins and Smoyer were absent from voting. Motion carried 3-0.

2 ADDITIONS TO THE AGENDA

A. Personal Remarks by Commissioner Bernie Heier

MOTION: Raybould moved and Heier seconded approval of the addition to the agenda. Raybould, Heier and Schorr voted aye. Hudkins and Smoyer were absent from voting. Motion carried 3-0.

3 MID-YEAR BUDGET RETREAT - Dennis Meyer, Budget & Fiscal Officer

Dennis Meyer, Budget & Fiscal Officer, appeared and asked for the Board's approval to send the budget review letter (see agenda packet). It was noted the Mid-Year Budget Retreat was scheduled for Thursday, February 21, 2013. The Board's consensus was to have the Chair initial the letter as presented.

In response to Raybould's inquiry, Meyer said he would prepare a budget forecast for the retreat.

ACTION ITEMS

A. Addendum Two to the Electronic Government Service Level Agreement Between Nebraska Interactive, LLC, Nebraska State Records Board and Lancaster County

MOTION: Heier moved and Raybould seconded approval of the addendum. Heier, Raybould and Schorr voted aye. Hudkins and Smoyer were absent. Motion carried 3-0.

4 (A) SUBMIT NEBRASKA CRIME COMMISSION GRANT APPLICATIONS; AND (B) EARLY ASSESSMENT SPECIALIST POSITION - Kit Boesch, Human Services Director

A. Submit Nebraska Crime Commission Grant Applications

Kit Boesch, Human Services Director, appeared and asked for approval to submit the grant applications as outlined (see agenda packet). She noted the County's match funding would remain the same as last year - a little over \$500,000.

MOTION: Raybould moved and Heier seconded to submit the grant applications as presented. Raybould, Heier and Schorr voted aye. Hudkins, and Smoyer were absent from voting. Motion carried 3-0.

B. Early Assessment Specialist Position

Boesch said the early assessment specialist is currently a contract position with Cedars. She would like to discuss the possibility of making this a County position at the Mid-Year Budget Retreat as it saves the County money. Schorr suggested this also be discussed at the next Joint Budget Committee (JBC) meeting.

ADMINISTRATIVE OFFICER REPORT

A. 2013 County Board Meeting Schedule

Discussion was postponed until January, 17, 2013.

B. Agricultural Society Improvement Fund Contract

Eagan noted that changes were requested addressing the project phases and partial payments. He added some of these would need to be discussed with the County Attorney's Office. In response to Schorr's inquiry about including payment parameters, i.e., monthly, biannually, etc., Eagan said the contract is worded in such a way that the County Board has total discretion with regard to disbursements and felt such limitations were not necessary. It was noted the Board will be addressing the contract with the Agricultural Society in January.

C. Improvement Fund Grant Request from Lincoln Parks and Recreation for Helen Boosalis Trail (\$300,000)

Eagan said in order to accommodate additional runners for the Lincoln Marathon, improvements to the Helen Boosalis Trail are needed. He noted the idea of temporarily closing Highway 2 during the marathon was explored but found not to be a viable option. It was projected that the one-time trail improvement would allow for an additional 5,000 runners which, in turn, could increase lodging tax revenue.

It was the Board's consensus to forward the request to the Visitors Promotion Committee (VPC) for consideration.

Smoyer arrived at 8:45 a.m.

5 ATTORNEY II SALARIES - Doug McDaniel, Personnel Director; Nicole Gross, Compensation Technician

Doug McDaniel, Personnel Director, said a merit plan concept for Attorney IIs was previously discussed with the County Board (see November 29, 2012, staff meeting minutes) at which time the Board had some budgetary concerns. After further review, a new concept was developed creating a merit pool of 2.5% of all Attorney II salaries (including FICA and pension) which would then be allocated to these employees in 0-3% increments based on annual performance evaluations. It was noted the projected pool amount would currently be \$54,169 (\$32,907 for county attorneys and \$21,262 for public defenders). McDaniel noted that annual merit awards could not exceed the budgeted merit pool. The plan would go into effect in January, 2014.

In response to Schorr's inquiry on how the 2.5% figure was selected, McDaniel said he looked at what he thought might be palatable. He added there will be some growth to the merit pool over time as salaries change but estimated it to be very modest.

Raybould inquired about budgetary impacts. Doug Cyr, Chief Deputy County Attorney, said to stay within budget, they would have to cut expenses elsewhere. He added that the County Attorney's Office has historically been a good steward of tax dollars and oftentimes ends the year under budget.

Hudkins arrived at 8:55 a.m.

Raybould questioned a cost-of-living adjustment (COLA). McDaniel said the Board typically approves COLAs in late summer based off of information provided by the Personnel Department. Cyr added that in the past, the County Attorney's Office received a percentage salary increase and this was split among the attorneys as seen fit. Adding the merit component would bring the attorneys in line with other employees who get merit and COLA increases. It was noted the majority of employees on the merit step plan receive 3.6% increases.

MOTION: Heier moved and Smoyer seconded to proceed with the merit plan for Attorney IIs as presented.

For the record, Smoyer inquired about the average years of service of these attorneys. Dennis Keefe, Public Defender, estimated his attorneys at 10-12 years. Cyr said Attorney IIs in the County Attorney's Office range from 15-30 years of experience.

Smoyer added that County Attorney Joe Kelly mentioned to him that this plan would also provide flexibility in lean budget years to award little or no merit increases.

Schorr asked McDaniel to come back in the next month with a similar plan for the unrepresented employees. Eagan said further salary discussion will be scheduled at the Thursday, January 27, 2013 staff meeting. He clarified that it is the "unclassified" employees who do not have a merit plan. McDaniel said the Personnel Department will also be reviewing salaries for the unrepresented employees in the near future.

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

RETURNING TO ADMINISTRATIVE OFFICER REPORT

D. Surplus City Property (Near 18th & Q)

Hudkins recommended that Don Killeen, County Property Manager, be contacted. Schorr assumed there was no interest unless the Board hears back from Killeen.

F. Common Meeting Agenda Items (Tuesday, January 8, 2013)

Due to the County Board's swearing in ceremony, it was suggested the Common Meeting be moved to Tuesday, January 15, 2013 at 8:15 a.m. It was noted the City Council would like to discuss the consolidation task force.

In response to the recent school shooting in Connecticut, gun control was discussed. It was noted the County Board would have virtually no authority over the issue. Raybould suggested a letter be sent to the Legislature in support of increased gun control and school safety. Hudkins felt more comprehensive societal changes were necessary, not just a focus on gun control. He also recommended discussing building safeguards during a future executive session.

Schorr suggested agenda items be forwarded to Minette Genuchi, County Board Administrative Assistant.

G. Request for Historical Signage for Prairie Creek Inn

Eagan said the County has never paid for signage for a private business. Schorr asked that the request be forwarded to the Visitors Promotion Committee (VPC) for Visitors Improvement Fund grant consideration.

H. Juvenile Court Appointed Counsel Legislation

Eagan indicated that the original projected cost-savings of the legislation was about \$125,000. He said this amount is now thought to be closer to \$46,000. Dennis Keefe, Public Defender, said this was originally brought forward by the Juvenile Court judges who pointed out that counsel is being appointed in situations where the individuals are not parents or step-parents and there are no allegations against them. He felt there was some miscommunication when the bill was drafted that the County was referring to non-custodial parents. Under the current statute's wording, judges feel obligated to appoint counsel for any adult (i.e., a boyfriend) inhabiting the same residence as the juvenile even when there are no allegations against such person. Keefe said the Juvenile Court Administrator estimated the savings to the County to be around \$60,000 with the language clarification. He said, moving forward, there will likely be discussion on the constitutionality of denying counsel to non-custodial parents.

- 6 (A) PENDING AND POTENTIAL LITIGATION; AND (B) SECURITY ISSUE** - Doug Cyr, Chief Deputy County Attorney; Richard Grabow, Deputy County Attorney; Sheriff Terry Wagner; Chief Deputy Sheriff Jeff Bliemeister

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 9:20 a.m. for the purpose of protecting the public interest with regards to pending and potential litigation and a security issue.

The Chair restated the motion for the record.

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

MOTION: Heier moved and Hudkins seconded to exit Executive Session at 9:55 a.m. Heier, Hudkins, Smoyer, Raybould and Schorr voted aye. Motion carried 5-0.

RETURNING TO ADMINISTRATIVE OFFICER REPORT

I. Grant Application to Community Health Endowment for Community Mental Health Center Renovation

Eagan said Judy Halstead, Director of the Lincoln-Lancaster County Health Department, would like to apply for a grant in the amount of \$40,000 to remodel the Community Mental Health Center to accommodate primary healthcare. It was noted the grant deadline is January 4, 2013.

MOTION: Hudkins moved and Heier seconded to authorize submittal of the grant application. Hudkins, Heier, Raybould, Smoyer and Schorr voted aye. Motion carried 5-0.

J. Recycling Project

Eagan distributed an email from Gene Hanlon, Recycling Coordinator, regarding waste assessment/recycling program development (**see Exhibit A**). The Board's consensus was for Eagan to contact Don Killeen, County Property Manager, and Dave Shively, Election Commissioner, about possible participation.

7 COMPREHENSIVE PLAN CONFORMANCE NO. 12021, NATURE CONSERVANCY CONSERVATION EASEMENT AT N. 1ST STREET AND RAYMOND ROAD - Sara Hartzell, Planner

Sara Hartzell, Planner, said this conservation easement is over an area of the Salt Creek tiger beetle habitat which has been in the ownership of The Nature Conservancy but soon to be transferred to the Lower Platte South Natural Resource District (LPSNRD). The area consists of three lots on the corner of N. 1st Street and Raymond Road. She said it is The Nature Conservancy's policy when transferring land to maintain a conservation easement.

Hartzell noted the legal description of the property caused some concern with future road improvements as the lots are described to the center of N. 1st Street and to within 50' of the centerline of Raymond Road (60' is preferred). She added as originally worded, if/when the roads would need to be widened, the County would need to go through eminent domain. She said Richard Grabow, Deputy County Attorney, worked with the LPSNRD's attorney on an amended easement agreement which would eliminate such need.

In response to Hudkins' inquiry, Grabow said the County will have as much right-of-way as it needs. The issue was more about going through the process.

Heier said he thought typically when land is developed or a community unit plan (CUP) is approved, the owners have to give up the right-of-way and the easement would be in place. He wondered why this case is different.

Doug Pillard, County Engineer's Office, said his interpretation of the zoning requirements is that when a plat is done, it would require eventual road improvement. In this instance, an easement is being done to preserve environmental interests and he felt impact to the road is negligible as it may never be improved. Hudkins disagreed.

Smoyer questioned whether an easement can be established without a plat. Pillard didn't think the County had any legal ability to make that happen. He added that The Nature Conservancy was asked to adjust the legal description of the easement to provide for future right-of-way acquisition but they were unwilling to do so.

Grabow said The Nature Conservancy was asked to amend their easement so that the legal description would not infringe upon land needed for future right-of-way. They indicated that this would be too cumbersome so, in trying to find a compromise, the easement agreement was crafted so that it would not get in the way of future road widening. While it was not the most ideal situation, he felt comfortable with the new agreement. He added worst case scenario, the County would have to institute formal condemnation in the future.

Hartzell added the easement agreement was reworded to allow for widening and improvements. She felt the issue would be what to do to get the land from the LPSNRD who has always been cooperative in the past with similar situations.

Pillard noted there is currently a bridge project on Raymond Road within the easement area. Hartzell said without going through the platting process, she wasn't sure the County has the ability to require the landowners to donate the easement. Eagan thought the County could immediately take the land it needs for the bridge project.

Heier questioned the harm in having the right-of-way now. Hartzell said the purpose of this application is to determine whether it conforms to the Comprehensive Plan. She noted it is not going to be an impediment to further development. As far as getting the right-of-way, Hartzell said it could be dedicated through a platting process whereby it doesn't cost the County anything or the County could purchase it. She added the Comprehensive Plan Conformity application does not provide for the dedication of right-of-way which is a requirement in the platting process.

Hudkins said the County should ask the landowner to dedicate 120'. Hartzell said the County needs to follow State Statutes and this is not one of the statutory options.

Schorr recommended that the Board's concerns be shared with the landowner. Pillard questioned whether the Board would be agreeable to adjustment of the easement if the landowners are not ready to donate the right-of-way. Hartzell thought the language change already allows for widening and future acquisition. Grabow concurred. He said the problem really exists in hypotheticals at this point.

Raybould said she doesn't want to restrict options going forward to acquire right-of-way. Hartzell said removing the easement won't exempt the County from other options in the future.

Hudkins suggested Grabow ask the LPSNRD to dedicate whatever land is needed. Grabow questioned if the County Board was supportive of acquisition through purchase. The Board did not support the purchase the right-of-way at this time.

RETURNING TO ADMINISTRATIVE OFFICE REPORT

E. County Road Access Request from Amy Keetle (20555 SW 21st Street)

Doug Pillard, County Engineer's Office, distributed a map of the area in question (**see Exhibit B**). Pillard said he was unsure of any related application, although, the original plat relinquished access to W. Stagecoach Road. He said the owner could apply for an accessory drive in addition to the residence drive. Eagan noted this was a preliminary inquiry from the property owner and that he would refer her to the County Engineer's Office for further consideration.

8 ACTION ITEMS

A. Addendum Two to the Electronic Government Service Level Agreement Between Nebraska Interactive, LLC, Nebraska State Records Board and Lancaster County

Item 8a was moved forward on the agenda.

9 CONSENT ITEMS

There were no consent items.

10 ADMINISTRATIVE OFFICER REPORT

- A. 2013 County Board Meeting Schedule**
- B. Agricultural Society Improvement Fund Contract**
- C. Improvement Fund Grant Request from Lincoln Parks and Recreation for Helen Boosalis Trail (\$300,000)**
- D. Surplus City Property (Near 18th & Q)**
- E. County Road Access Request from Amy Keetle (20555 SW 21st Street)**
- F. Common Meeting Agenda Items (Tuesday, January 8, 2013)**
- G. Request for Historical Signage for Prairie Creek Inn**
- H. Juvenile Court Appointed Counsel Legislation**
- I. Grant Application to Community Health Endowment for Community Mental Health Center Renovation**
- J. Recycling Project**

Items 10A-10J were moved forward on the agenda.

11 PENDING

There were no pending items.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Meeting with Rural Water District No. 1 - Raybould

Marvin Krout, Planning Director, indicated the City of Lincoln hired a consultant to review rural water district fees. He explained that when the City annexes, fees are charged by rural water districts to reimburse them for the loss of customer base. These fees are sometimes passed on to developers. Previously, the fee was \$5,000 per acreage or every 20 acres of raw land. In June, 2009, the fee increased to \$12,000 per existing home or \$12,000+ per 3 acres. Subsequently, this increase was appealed by a local developer who would have to pay \$1.1 million to develop 200 acres under the new fee structure.

Krout said the consultant's report was recently released (a copy will be forwarded to the Board office) which proposed a fee in the range of \$3,600-\$4,700 per 20 acres - lower than the previous fee. Krout felt the developers would be receptive with going back to the old fee (\$5,000). The Rural Water District No. 1 Board will be meeting in January at which time he hoped a resolution could be reached.

B. RTSD - Schorr/Hudkins

Schorr said the RTSD approved funding for a portion of fencing around railroad tracks near the West Haymarket arena and for a roadway near 1st and J Street to provide emergency access. They also received an update of the Waverly and Hickman quiet zones. Heier added that he heard the State now wants to do improvements at the intersection of SW 40th Street and W. "O" Street.

C. Public Building Commission - Hudkins/Raybould

Raybould said they discussed the relocation of Juvenile Probation, building energy consumption and the savings obtained from installing LED lighting. Hudkins added a new art exhibit will be on display in the County-City Building.

D. Board of Health - Smoyer

Smoyer said they discussed expanding the City's Wellness Program to the County, healthy vending machine options and the smoke-free parks program.

E. NACO Conference - Schorr, Hudkins, Heier

Schorr said there were discussions on the importance of Medicaid expansion, online video conferencing and employee activity in the electronic age. She suggested having Bill Harding, a local labor-employment attorney, attend a future Management Team meeting to discuss the latter.

Hudkins said he attended sessions on the Board of Equalization and inheritance tax.

Heier said the NACO bylaws were amended stipulating that former NACO Board members cannot run again unless they have been off the Board for four years. Chris Rogers also made a plea for counties to join the National Association of County Officials (NACo). Heier added that Deb Schorr will be his replacement on the NACO Board starting in January.

F. Parks and Recreation Advisory Board - Raybould

Raybould said they discussed urban and botanical gardens, surplus property and pool finances.

G. LIBA - Budget Monitoring Committee - Smoyer

Smoyer indicated various presentations were given.

H. JPA - Corrections - Schorr, Hudkins

Schorr said the meeting was routine in nature.

I. CMHC-ITN Committee Meeting - Smoyer/Raybould

Raybould said the ITN Committee discussed its time line, the consumer and provider input process and the request for qualifications (RFQ) process. Eagan said there was emphasis placed on the core set of services to be provided by the Community Mental Health Center. He said the RFQ will be discussed with the County Board in January.

J. Community Mental Health Center Advisory Committee - Raybould

Raybould said they reviewed next year's strategic plan and transition and transportation issues raised by consumers. Staff is also working on CARF accreditation.

13 EMERGENCY ITEMS AND OTHER BUSINESS

Raybould said she attended a solid waste comprehensive plan meeting. The group is looking at ways to reduce waste in landfills.

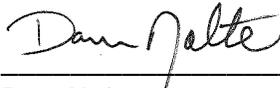
ADDITIONS TO THE AGENDA

A. Personal Remarks by Commissioner Bernie Heier

Commissioner Heier thanked the Board for their good working relationship, his retirement party and the commemorative clock. He said the Board's actions over the last six years, including decisions on acreages, rural addressing, juvenile detention, Lancaster Manor, the Community Mental Health Center and the new jail, have been some of the most beneficial for Lancaster County.

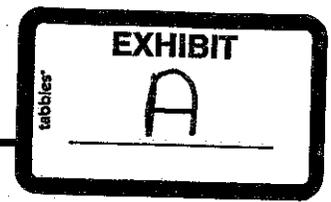
14 ADJOURNMENT

MOTION: Heier moved and Raybould seconded to adjourn the meeting at 11:23 a.m. Hudkins, Heier, Smoyer, Raybould and Schorr voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





Kerry P. Eagan

From: Gene M. Hanlon
Sent: Tuesday, December 18, 2012 4:34 PM
To: Kerry P. Eagan
Cc: Milo D. Mumgaard; Karla M. Welding
Subject: Waste Assessment/recycling program development

Kerry,

Thanks for taking the time to visit with me regarding the possibility of working with one or more county agency to work on a project that will start in January and continue through mid-May. The Recycling Office is working with Milo Mumgaard, Cleaner Greener Lincoln in an effort to maximize our internal solid waste management and recycling program.

We are also working with WasteCap Nebraska and UNL Environmental Studies Department on this project. We will be evaluating tools to aid in tracking recycling information; establish a baseline on what selected City and County departments are doing regarding solid waste management and recycling; identify best management practices from other local governments and develop a plan of action to increase recycling efforts. The Environmental Studies Department will have students work on this project the spring semester. We plan on identifying at least three facilities for this project. One would be a county agency, another would be a City department and a third would be a Joint agency in a facility managed by the Building Commission. The Lincoln-Lancaster County Health Department will be one participant. We will identify a City facility and hope that you might be able to help with a County Agency.

We would like to identify an agency that manages a building that would not have a number of other county agencies represented in it. Two facilities/agencies that come to my mind is the Election Commission or Motor Vehicles at 46th & R Street. There will be a time commitment related to this project. A lead Agency representative would need to be identified. It is likely that we would recommend the formation of an agency "green team" be formed to help promote recycling. If the green team would like there might be opportunities to look at other sustainable issues such as energy usage in the future. There would be some time that the Agency representative would need to interact with the about 4 students from UNL's Environmental Engagement in the Community class. These students would be conducting the waste assessment, evaluating tools to data tracking, researching best management practices and recommending strategies to improve recycling efforts. We estimate that the agency representative would need to interact with the students about one hour per week for two or three months.

We need to provide the agencies that will be participating in the project by January 8th with project commencing the end of January or first of February. Should you have any questions, please contact me.

Gene Hanlon
Recycling Coordinator
2400 Theresa Street
Lincoln, NE 68521
(402) 441-7043





Lancaster County/City of Lincoln GIS Map



Printed: Dec 19, 2012

DISCLAIMER: The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments. If you have questions or comments regarding the data displayed on this map, please email ags@lincoln.ne.gov and you will be directed to the appropriate department.