

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
THURSDAY, MAY 5, 2016
8:30 A.M.**

Commissioners Present: Todd Wiltgen, Vice Chair
Larry Hudkins
Deb Schorr
Bill Avery

Commissioners Absent: Roma Amundson, Chair

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 May 4, 2016.

The Vice Chair noted the location of the Open Meetings Act and opened the meeting at 8:31 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE APRIL 28, 2016 STAFF MEETING

MOTION: Avery moved and Hudkins seconded approval of the April 28, 2016 Staff Meeting minutes. Avery, Hudkins and Wiltgen voted aye. Schorr abstained from voting. Amundson was absent. Motion carried 3-0, with one abstention.

2 ADDITIONS TO THE AGENDA

- A. Reappointment of Valdeen Nelsen to the Keno Human Services Prevention Fund to a Three-Year Term
- B. District Court Law Clerks' Salary
- C. Report on Tech Tour Luncheon

MOTION: Hudkins moved and Schorr seconded approval of the additions to the agenda. Schorr, Hudkins, Avery and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

3 A) CHANGE TITLE OF BUILDING ADMINISTRATOR TO FACILITIES AND PROPERTIES DIRECTOR; AND B) ASSISTANT DIRECTOR CLASS DESCRIPTION - Doug McDaniel, Lincoln-Lancaster County Human Resources Director; Don Killeen, Building Administrator

Doug McDaniel, Lincoln-Lancaster County Human Resources Director, said in working with Don Killeen, Building Administrator, to develop the Assistant Director position, it was felt the Building Administrator's title should be changed to Facilities and Properties Director for consistency and to more accurately reflect the duties of that position.

Killeen said adding an Assistant Director is due to succession planning.

In response to a question from Wiltgen, McDaniel said any change in salary would be at the Board's discretion.

MOTION: Hudkins moved and Schorr seconded to authorize the Human Resources Department to change the title of Building Administrator to Facilities and Properties Director. Hudkins, Avery, Schorr and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

4 BIDS FOR ADULT PROBATION SPACE - Don Killeen, Building Administrator; Jeff Curry, Chief Probation Officer, Adult Probation

Don Killeen, Building Administrator, noted plans to locate a reporting center for Adult Probation in the Municipal Services Center (901 West Bond Street). He said the budget for construction was \$100,000 but the bids came substantially higher (\$250,000). Killeen said Adult Probation will try to utilize the space with minimal changes to meet code requirements for the time being.

Wiltgen asked whether the work could be done in-house. Killeen said work crews are currently occupied but may have time available in the fall. He said the bidding environment may also be better by that time, adding the work could possibly be bundled with other projects.

NOTE: A formal recommendation to reject the bids will be brought forward at a County Board of Commissioners Meeting.

ADMINISTRATIVE OFFICER REPORT

A. Update on County Change of Zone No. 16010, Community Mental Health Center (CMHC) Property, 2201 South 17th Street

Killeen said he met with the Lincoln/Lancaster County Planning Department staff and Kent Seacrest, representing Bryan Medical Center West, to discuss the hospital's concerns regarding a proposed change of zone from R-4 (Single Family Residential/Duplexes) District to B-3 (Commercial) District for the Community Mental Health Center (CMHC) property. **NOTE:** The CMHC property is adjacent to the Bryan Medical Center West Campus. The County is planning to sell the property and without a change of zone, only a portion of the square footage could be appraised at market value (see March 21, 2016 County Board Staff Meeting minutes).

Tom Cajka, Planner, Lincoln/Lancaster County Planning Department, appeared and said Seacrest proposed the following (Exhibit A):

1. Change the zoning to O-2 (Office) District, with no additional uses
2. Height shall be 28 feet, the same as O-2 District. Height is 45 feet in B-3 District.
3. In the case of new construction, there shall be a 20 feet setback along South 17th Street for parking stalls. There is no setback for parking in the B-3 District.
4. Signs shall comply with the O-2 District. O-2 District is limited to 32 square feet and 8 feet tall and is not allowed within the front yard setback. The B-3 District allows 100 square feet and 25 feet tall signs outside the front yard setback. **NOTE:** The B-3 District also allows 50 square feet and 15 feet tall signs within the front yard setback. The current sign would be allowed to remain for a new tenant.
5. There shall be no 24-hour retail establishments.
6. No business shall have a drive-through.

Kerry Eagan, Chief Administrative Officer, said the President of the Irvingdale Neighborhood Association has also expressed concerns regarding the proposed change of zone. Cajka noted the President was representing the Irvingdale Neighborhood Association Board. He said they did not have any neighborhood residents at their meeting, nor did they send out notices.

Steve Henrichsen, Development Review Manager, Lincoln/Lancaster County Planning Department, appeared and said Bryan Medical Center West and the Irvingdale Neighborhood Association both want O-2 zoning. He asked the Board if there are

conditions it would like to propose to the Lincoln City/Lancaster County Planning Commission and Lincoln City Council as the change of zone application goes forward.

Hudkins said the parking and height significantly impact the value of the property. Henrichsen said he does not believe a height of 45 feet is inappropriate given the setbacks and height of surrounding buildings.

Eagan said the County Board is concerned with preserving the value of its asset.

NOTE: The County is planning to sell the property. Killeen suggested B-3 zoning with limiting conditions would be acceptable from the County's perspective.

Cajka noted the following parking requirements: 1 stall for 300 square feet in the O-2 District, 1 stall for 600 square feet in the B-3 District; and 1 stall for 225 square feet for a medical office, regardless of the zoning district. Henrichsen noted Bryan Medical Center West might be able to fully utilize a medical office building, including the basement, because it has parking garages.

MOTION: Hudkins moved and Avery seconded to authorize Don Killeen, Building Administrator, to testify on behalf of the County at the Lincoln City/Lancaster County Planning Commission's public hearing on County Change of Zone No. 16010 on May 11, 2016 and to indicate the County Board rejects Numbers 1, 2, 5 and 6 and accepts Numbers 3 and 4 (see Exhibit A). Hudkins, Avery, Schorr and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

5 SECURITY GUARD AND SECURITY MANAGER POSITIONS - Terry Wagner, Lancaster County Sheriff; Captain Jerry Witte, Lancaster Sheriff's Office (LSO); Jeff Bliemeister, Chief of Police; Dennis Meyer, Budget and Fiscal Officer

Terry Wagner, Lancaster County Sheriff, noted he submitted a request at mid-year to hire three additional full-time employees (FTE's) (Security Technician, Building Security Officer, and Deputy Sheriff-School Resource Officer), prioritizing the School Resource Officer position. He said when the Property Management's Security Manager retired, the Lancaster Sheriff's Office (LSO) tried to absorb those duties within its existing personnel structure but discovered it was more involved than they anticipated. Wagner said the Public Building Commission (PBC) has approved reimbursing LSO for a Security Technician and requested authority to proceed with the hiring. He said the position will be revenue neutral because the costs will be assessed to the rents of occupants of the County-City Building and Justice and Law Enforcement Center. Wagner added the occupants of the County-City Building have submitted a request to the PBC for additional security in their building and indicated plans to hire an additional Building Security Officer. That position will affect the rents of occupants of the County-City Building.

Captain Jerry Witte, Lancaster Sheriff's Office (LSO), gave an overview of the Security Technician duties, which will extend to several of the government buildings.

In response to a question from Schorr, Captain Witte said it is his understanding there will not be additional security in the 605 Building. **NOTE:** Public access to most of the building will be through the Justice and Law Enforcement Center which has security measures in place.

MOTION: Hudkins moved and Avery seconded to authorize the Lancaster Sheriff's Office (LSO) to proceed with the plan as outlined.

Jeff Bliemeister, Chief of Police, explained the new positions will not start until the new budget year.

ROLL CALL: Avery, Schorr, Hudkins and Wiltgen voted aye. Amundson was absent from voting. Motion carried 4-0.

6 BOARD OF EQUALIZATION REFEREE COORDINATOR CONTRACT -
Tom Kubert, Great Plains Appraisal, Inc; Dan Nolte, Lancaster County
Clerk; David Derbin, Deputy County Attorney

Tom Kubert, Great Plains Appraisal, Inc, said he was not present at the May 3rd County Board of Commissioners Meeting when the agreement with Great Plains Appraisal Company to provide the services of a referee coordinator for the 2016 tax year was discussed. He said Great Plains has removed the contract from the approval process based on the failure to have Board approval at that meeting (see Exhibit B). Kubert said it appeared there were some contract terms that were unacceptable and said Great Plains is open to working through them. He said Great Plains has a long-standing relationship with the County and has held this contract since 1994, adding to his knowledge, the contract has never gone to bid. The rates are based on a comparison with other similar contracts and agreements. Kubert noted Great Plains holds several professional services contracts with the County, including a contract for staff to serve as Board of Equalization (BOE) referees and a contract related to appeals to the Tax Equalization and Review Commission (TERC) for professional testimony, as well as consultation on those cases. He said the fees the referees are allowed to charge are based on their level of expertise and reflect their resources (sales knowledge, office space, etc.). Kubert noted some counties only allow their referees to charge flat rates and said he does not believe Lancaster County would be able to retain quality referees if it were to do so. That could create additional TERC cases, which are much more costly, and lead to an inadequate review. He said the County does not have the cheapest system but said it is very efficient, taxpayer friendly, and defensible.

Wiltgen inquired about the property valuation protest process. Dan Nolte, County Clerk, said property owners have the entire month of June to file a protest but said most of the filings take place during the last half of June. He said they are trying to cut down on the number of hearing dates to help keep costs down and said most of the referee hearings will take place during July.

Avery said the concerns he raised on Tuesday were related to not having a public bidding process for these services, not the quality of the firm's work or their contracts with the County. He said he believes it should be bid even though they are professional services and public bids are not required by law. Avery added his intent was to "get a conversation started." Wiltgen said the Board would need to take the initiative if it wants to change the contract and not wait until a month before the property valuation protest process starts to have that conversation. Avery said he raised this issue last year and it was ignored. Wiltgen said he believes the Board is committed to the process for 2016. Schorr said a request for proposal (RFP) would likely take several months and said the Board might want to form a working group to help decide how encompassing the bid would be. She said she is fully supportive of moving forward with the contract for 2016.

Nolte said the County has a system in place that is very responsive to property owners, He said that due in part to cooperation from Great Plains and the referees and said the Board should not "lose sight" of that fact.

Hudkins asked Kubert whether there is anything that can be done to improve the process to reduce the number of TERC filings. The Vice Chair said the TERC process is not the issue before the Board and that process can be discussed at a later time. Schorr felt Hudkins was asking whether there are things that can be done at this point as part of the referee process to reduce the TERC filings. Kubert said proactive action on the part of the County to assist taxpayers in resolving their TERC cases in a timely manner has been much stronger than past years. He noted a TERC settlement of 2014 cases provided information that allowed them to resolve cases from 2013. Kubert assured the Board the TERC cases are being dealt with in a very effective manner.

Kubert requested a meeting with Eagan and a Commissioner to make sure issues involving the coordinator contract are resolved before resubmitting it for approval. Schorr suggested the Board appoint the Vice Chair to serve as the Board's representative in that meeting, noting the Chair has not been a part of the past week's conversations regarding the contract. She said the County Clerk's Office could also be involved if the parties involved feel that would be appropriate. Nolte said the issues his office have are more process oriented.

Wiltgen said he believes each Commissioner should examine the contract and identify any issues they have. Avery said that was not what he was seeking to achieve, reiterating it is not the contract itself but the process that he has concerns with. He said he wanted to have a conversation about public bidding for all of those contracts.

Schorr asked Avery if he would be willing to take leadership in organizing a working group to prepare a RFP for the contract for the coming year. Eagan said it would require Board action.

MOTION: Schorr moved and Hudkins seconded to ask Todd Wiltgen, County Board Vice Chair; Kerry Eagan, Chief Administrative Officer, and Tom Kubert, Great Plains Appraisal, Inc., to meet either Friday, May 6th or Monday, May 9th to examine any areas of contract concerns and to return the contract to a County Board of Commissioners Meeting agenda as soon as possible for action.

Hudkins said if the Board decides to move forward with a RFP, it should be done immediately after the BOE process. Wiltgen asked that it be added to a tickler file. Eagan said he plans to have Scott Gaines, Chief Administrative Deputy Assessor/Register of Deeds, and Ryan Swaroff, Deputy County Attorney, give an overview of the BOE process and said that can serve as a reminder. Schorr suggested it would be more appropriate to have that overview before the process begins.

ROLL CALL: Avery, Schorr, Hudkins and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

ADMINISTRATIVE OFFICER REPORT

B. Aging Partners Advisory Board Appointment

MOTION: Schorr moved and Hudkins seconded to issue a press release requesting applications for two (2) upcoming openings on the Aging Partners Areawide Advisory Council.

Minette Genuchi, Administrative Assistant to the County Board, appeared and indicated she forwarded two applications that were submitted in 2015 requesting appointment to that body to Randy Jones, Aging Partners Director.

ROLL CALL: Schorr, Hudkins, Avery and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

G. National Institute of Corrections (NIC) Direct Supervision Training

Gwen Thorpe, Deputy Chief Administrative Officer and Interim Corrections Director, said she gave authorization for four Corrections staff to sign up to attend the training, noting the deadline was Wednesday, May 4th. She said NIC will pay all their expenses.

MOTION: Schorr moved and Hudkins seconded to authorize four (4) Corrections staff to attend the National Institute of Corrections Direct Supervision Training, at no cost to the County. Hudkins, Avery, Schorr and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

C. Management Team Meeting Agenda

Eagan said a presentation on identity theft will be given at a later time. He said David Cary, Planning Director, Lincoln/Lancaster County Planning Department, has agreed to give a presentation on his department.

D. Radiological Ingestion Pathway Training - Tuesday, May 17, 2016,
6:30 p.m., Emergency Operations Center (EOC)

Board members were asked to notify Jim Davidsaver, Emergency Management Director, if they plan to attend the training.

E. Surplus County Property - Vacated Portion of South 54th Street North
of the City of Hickman

Schorr noted the Board rejected the highest bid (\$3,000) submitted at the Sheriff's sale held March 31, 2016. **NOTE:** The property was appraised at \$116,000. She said the adjoining property owner who submitted the bid has since contacted Pam Dingman, County Engineer, about submitting a second offer. Schorr said Dingman would like authorization to have conversations with that individual and negotiate an amount. Eagan said he spoke to the individual as well and asked him to submit an email to the Board indicating his intent to submit an offer.

MOTION: Schorr moved and Hudkins seconded to authorize Pam Dingman, County Engineer, to begin preliminary negotiations regarding the vacated portion of South 54th Street. Avery, Schorr, Hudkins and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

F. Lancaster Event Center Anniversary and "Kiss the Pig" Contest

Informational only.

ADDITIONS TO THE AGENDA

- A. Reappointment of Valdeen Nelsen to the Keno Human Services Prevention Fund to a Three-Year Term

The Board scheduled the reappointment on the May 10, 2016 County Board of Commissioners Meeting agenda.

- 7 PERSONNEL MATTER (EXECUTIVE SESSION REQUESTED)** - Doug McDaniel, Lincoln-Lancaster County Human Resources Director; Kari Foote, Human Resources Coordinator; Doug Cyr, Chief Deputy County Attorney

MOTION: Schorr moved and Avery seconded to enter closed session at 10:00 a.m. for the evaluation of the job performance of a person to the extent it is necessary to prevent needless injury to the reputation of that person unless that person requests a public meeting.

The Vice Chair restated the motion adding the Board may hold a closed session unless that person requests a public meeting.

Doug Cyr, Chief Deputy County Attorney, said he spoke to the individual's attorney yesterday and said the individual chose to have the discussion in executive session.

ROLL CALL: Schorr, Hudkins, Avery and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

The Vice Chair restated the reason for the Board entering Executive Session.

MOTION: Schorr moved and Hudkins seconded to exit Executive Session at 11:14 a.m. Hudkins, Avery, Schorr and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.

- 8 ABBOTT MOTOCROSS TRACK FINANCIALS** - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, gave an overview of the Abbott Motocross Track financials (see agenda packet). He said he will also share the documents with the Lower Platte South Natural Resources District (NRD) and Nebraska Game and Parks Department. **NOTE:** The Lower Platte South NRD and the County were co-applicants for the Recreational Trails Program Grant that funded construction of the track. Under terms of their contract with the Nebraska Game and Parks Department for the project, they must operate and maintain the track for not less than 20 years following completion of the project (see County Contract No. C-08-0531).

ADDITIONS TO THE AGENDA

B. District Court Law Clerks' Salary

Eagan said all of the District Court Law Clerks are paid the same salary. He said one of the Law Clerks is leaving and Jennifer Kulwicki, District Court Administrator, is requesting authorization to offer that salary to the person who is offered the position (Exhibit C).

There was no objection to the request.

C. Report on Tech Tour Luncheon

Hudkins and Schorr reported on the event which featured Paul Singh, a nationally known investor/entrepreneur.

9 ACTION ITEMS

There were no action items.

10 CONSENT ITEMS

There were no consent items.

11 ADMINISTRATIVE OFFICER REPORT

- A. Update on County Change of Zone No. 16010, Community Mental Health Center (CMHC) Property, 2201 South 17th Street
- B. Aging Partners Advisory Board Appointment
- C. Management Team Meeting Agenda
- D. Radiological Ingestion Pathway Training - Tuesday, May 17, 2016, 6:30 p.m., Emergency Operations Center (EOC)
- E. Surplus County Property - Vacated Portion of South 54th Street North of the City of Hickman
- F. Lancaster Event Center Anniversary and "Kiss the Pig" Contest
- G. National Institute of Corrections (NIC) Direct Supervision Training

Items A-G were moved forward on the agenda.

12 PENDING

There were no pending items.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Air Pollution Control Advisory Board - Avery

Avery said they received a report on the increase in asthma cases in Lancaster County and briefing on the springtime prairie burning throughout the Kansas Flint Hills.

Schorr asked that a briefing on the burning also be provided at a County Board Staff Meeting.

B. Chamber Coffee - Schorr

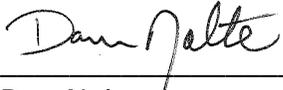
Schorr said she reported on the outcomes of the 2016 Legislative Session, the South Beltway Environmental Assessment Team, budget issues, and the issues the County is having with unregulated event centers. She said there were also reports on a variety of issues including upcoming tourism events, the City's Young Professionals Group luncheon, the Lincoln Public Schools (LPS) Backpack Walk, the Commit-to-Complete Initiative.

14 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

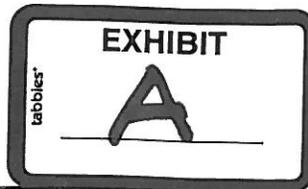
15 ADJOURNMENT

MOTION: Schorr moved and Hudkins seconded to adjourn the meeting 11:34 a.m. Avery, Schorr, Hudkins and Wiltgen voted aye. Amundson was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk





MEMORANDUM

TO: County Board

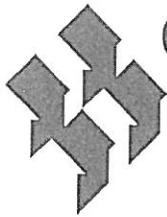
FROM: Tom Cajka, Planning Department

SUBJECT: 2201 S. 17th St. Change of Zone R-4 to B-3

DATE: May 5, 2016

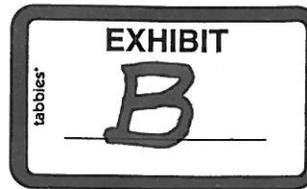
The Planning Department and the applicant's representative met with Kent Seacrest representing Bryan Medical Center West to discuss the change of zone at 2201 South 17th Street. Below are concerns addressed by Kent Seacrest.

1. Change the zoning to O-2 with no additional uses.
2. Height shall be 28 feet, the same as O-2 District. It is 45 feet in B-3.
3. In the case of new construction there shall be a 20' setback along S. 17th Street for parking stalls. There is no setback for parking in B-3.
4. Signs shall comply with the O-2 District. O-2 is limited to 32 sq. ft. and 8' tall. B-3 and not allowed in the front yard setback. The B-3 District allows 100 sq. ft. and 25' tall outside the front yard setback.
5. There shall be no 24 hour retail establishments.
6. No business shall have a drive-thru.



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Thomas W. Kubert, MAI, CCIM
Cody Gerdes, MAI
Lori L. Johnson, MAI
Wayne W. Kubert, MAI
Cay Lacey, MAI

Lancaster County Board of Commissioners
Roma Amundson, Chair
Kerry Eagan, Chief Administrative Officer

City County Building
555 South 10th Street, Room 110
Lincoln, NE 68508

Dear Madam/Sir,

Recent comments by the Board and the subsequent rejection of the professional services contract related to the 2016 Referee Coordinator Agreement have created confusion within the relationship between the Lancaster County Board of Equalization and Great Plains Appraisal Co., Inc.

Much of the discussion appears to have centered on the fee structure of the contract, as well as apparent confusion related to the appraisal services being provided by the firm.

To allow the County Board the opportunity to review the contractual rate structure and the scope of appraisal services needed, Great Plains Appraisal Co. Inc. has decided to remove the 2016 Referee Coordinator Agreement from the approval process.

This removal will allow Lancaster County to better define the scope of services and market rates associated with this contract for professional services. When the contractual scope of services and market rates are clarified by the County, Great Plains will reconsider submission of a revised proposal for the identified services at market rates.

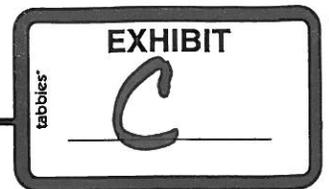
Because of the integrated relationship between the Coordinator Agreement and Referee Agreement, Great Plains Appraisal Co. Inc. will not be submitting a proposal for 2016 Referee services at this time.

We appreciate the long-term relationship between Lancaster County and Great Plains Appraisal, and look forward to working with you to provide quality appraisal services as we move forward on other existing and future contracts.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Kubert", written over a horizontal line.

Thomas W. Kubert



Kerry P. Eagan

From: Jennifer C. Kulwicki
Sent: Wednesday, May 04, 2016 3:02 PM
To: Kerry P. Eagan
Subject: Law Clerk Salary

Kerry,

As we discussed briefly on the phone, one of our law clerks (Mary Kate Millerd) will be leaving here as of May 20, 2016 for a similar position with the State of Nebraska. As such, we will be starting the process today to locate a suitable replacement. As per Resolution 16-0002, our understanding is that the salary for a Law Clerk position here is \$44,343, and when we are ready to make an offer of employment, our plan is to offer that salary absent some other instruction.

Thanks,

*Jennifer Borgerding Kulwicki
District Court Administrator
575 S. 10th Street, 3rd Floor
Lincoln, NE 68508
Ph: (402)441-9187*