

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
MEETING ROOM #113
THURSDAY, JANUARY 14, 1999
8:30 A.M.**

Commissioners Present: Kathy Campbell, Chair
Linda Steinman
Larry Hudkins
Bob Workman

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Diane Staab, Deputy County Attorney
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF MINUTES OF COUNTY BOARD OF COMMISSIONERS MEETING OF JANUARY 5 (A.M. SESSION) AND THURSDAY, JANUARY 7, 1999

MOTION: Hudkins moved and Steinman seconded approval of both sets of minutes. On call Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- a. Letter from Seward County Juvenile Court Judge Rouse
- b. County Board Staff Meeting Minutes of January 5th and Letter on Juvenile Issues
- c. Assessment Center

MOTION: Hudkins moved and Steinman seconded approval of the additions to the agenda. On call Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

3 LEGISLATIVE REPORT - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, presented a brief legislative update and review of bills of interest to Lancaster County (Exhibit A).

Kerry Eagan, Chief Administrative Officer, reported there could be a significant fiscal impact to the County if LB24, which provides for an appointment of counsel in certain divorce proceedings, is passed.

Hudkins noted that LB87, which authorizes creation of joint public agencies under the Interlocal Cooperation Act, could serve as a mechanism for future merger of elected offices.

The Board requested Kissel to research how LB87 would fit with LB1085 from the 1998 Legislative Session, which addressed procedures for intercounty and intracounty consolidation.

In response to a question from Dave Kroeker, Budget & Fiscal Officer, Kissel stated that he did not anticipate any changes in the 2.5% lid.

Mike Thurber, Corrections Director, recommended the County monitor adjustments to LB695 from the 1998 Legislative Session, which changed provisions relating to county property tax relief and county criminal detention costs, for fiscal impact.

Campbell noted the Board will be setting legislative priorities at the Mid-Year Budget Review Retreat, scheduled for February 4, 1999.

MOTION: Hudkins moved and Steinman seconded to direct Kerry Eagan, Chief Administrative Officer, to send a letter to all County agencies and department heads requesting that legislative bills with potential impact to Lancaster County be reported to the County Board, prior to January 28th, with an indication of whether those bills are supported by respective associations, noting that the Board would prefer that this information be received prior to January 21st so that it may be reported at the Nebraska Association of County Officials Legislative Committee meeting. On call Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

Reba Schafer, Lincoln Area Agency on Aging Administrator, stated that a County Board representative needs to be named to the Nebraska Association of County Officials (NACO) Committee on Health & Human Services.

Steinman agreed to serve on the committee.

Eagan reported that the County is responsible for statewide publication costs related to a certified class action suit filed by inmates in the Nebraska State Penitentiary.

Mike Thew, Deputy County Attorney, presented a draft of proposed changes to Nebraska Revised Statutes - Annotated Chapter 25. Courts; Civil Procedure Article 23. Proceedings In Forma Pauperis (Exhibit B), which would transfer the responsibility for publication, subpoenas fees, witness fees and preparation of transcripts related to lawsuits filed by individuals in State institutions to the State.

The Board requested Thew to brief State Senator Vrtiska on the issue, to gauge out-state support.

Eagan noted that this issue could also tie in with the County's support of State prison tort reform legislation.

Thew recommended that language be added to proposed mental health legislation, specifying that the Department of Public Institutions (DPI) be responsible for assuming custody of mental health commitments within 24 hours.

The Board requested that Thew and George Hanigan, Community Mental Health Center Director, provide testimony on the bill at the Legislative hearing.

a. Representation Letter

Steinman inquired whether Kissel's representation of the Nebraska Pork Producers Association would require him to advocate large hog confinement facilities (Commissioners' Information Packet).

Kissel indicated that he would only be representing small hog producers, noting that any potential conflicts would be reported to the Board.

b. LB 142 (Allocation of Motor Vehicle Tax)

Dave Kroeker, Budget & Fiscal Officer, reported briefly on a letter received from Bill Austin, City Attorney, regarding the effect of an amendment to Article VIII, Section 1, of the Nebraska Constitution on Public Building Commission bonds (Commissioners' Information Packet). He also reviewed Lancaster County Treasurer Motor Vehicle Tax Collections, Calendar Year 1998 (Exhibit C). Kroeker noted that LB142 would change the motor vehicle tax allocation formula, but the County could assist the Public Building Commission with their portion.

Thew indicated that the amendment is not self-executing and legislation directing the distribution of the motor vehicle tax is needed. He noted that questions remain as to whether or not the constitutional amendment and implementing legislation can be put into practice without violating federal constitutional provisions prohibiting impairment of existing contracts and what effect there may be on the amount the City and County can levy under the lid.

The Board requested that Kroeker and Terry Adams, Deputy County Treasurer, review LB142 and report to the Board at the January 21st County Board Staff Meeting.

The Board also requested Kissel to coordinate testimony on the bill with Allen Graves, Bond Counsel, and requested that either Kroeker or Adams provide testimony on behalf of Lancaster County.

4 COMPREHENSIVE PLAN AMENDMENT 94-31, S-1 & S-2 SUBAREA PLANS; STEVENS CREEK UPDATE - John Bradley, Interim Planning Director; Kent Morgan, Assistant Planning Director; Mike DeKalb and Nicole Fleck-Tooze, Planning Department

Comprehensive Plan Amendment 94-31, S-1 & S-2 Subarea Plans

Mike DeKalb, Planning Department, provided a brief overview of Comprehensive Plan Amendment 94-31, and the S-1 and S-2 Subarea Plans, referring to the following maps:

- * South Lincoln Urban Planning Zones S-1 and S-2 (Exhibit D)
- * Directional Growth Urban Planning Zones
- * Urban Planning Zones S-1 & S-2: Aerial View with Flood Plain and Contours

DeKalb indicated that the 1998 Comprehensive Plan Review had resulted in approval of urban planning zones, expansion of S-1, S-2, N-1 and N2 and initiation of the Wilderness Park Subarea Study. He noted that the S-1 and S-2 Subarea Plans were designed as prototype models for future subarea plans and include integration of land use decisions, infrastructure and environmental concerns.

DeKalb noted there is pressure for continued development in south Lincoln, as evidenced by Change of Zones for the Northeast and Southwest corners of 27th & Yankee Hill Road and annexation of approximately 700 acres of land by the City.

DeKalb also reviewed the working time line for the Wilderness Park Subarea Study (Exhibit E), referring to a map of the Wilderness Park Subarea Plan.

Nicole Fleck-Tooze, Planning Department, briefly reviewed the environmental elements of S-1 and S-2, noting areas of topography, soils, floodplain, tree masses and other natural features while referencing a map of Urban Planning Zones S-1 & S-2: Natural Resources. She noted that in developing the S-1 and S-2 Subarea Plans, the Planning Department sought to identify important natural resources and establish guidelines to encourage early consideration of these elements as development in the area proceeds.

DeKalb briefly reported on two proposed areas of zoning (Exhibit F):

- * Change of Zone No. 3105, S 14th Street & Yankee Hill Rd
- * Change of Zone No. 3105, 27th & 40th & Yankee Hill Rd

Hudkins noted concern regarding the Seacrest Proposal for Office Park District (O-3) development in the floodplain area abutting Wilderness Park.

DeKalb indicated there will be some refinement as the plat moves through the zoning process.

Stevens Creek Update

John Bradley, Interim Planning Director, confirmed that the Planning Department had received a directive from the Commons to prepare a subarea plan for the Stevens Creek area. He noted, however, that prior projects and limited staff resources will delay the project.

Hudkins noted that placement of sewer line from 70th Street will have a major impact on Stevens Creek development.

Bradley indicated that discussions on the sewer issue have been held with the Public Works Department, reporting that the estimated cost for roadway, water and sewer for the E-1 through E-5 basin areas is 160 million dollars.

In response to a question from Eagan, Bradley stated that current staff time commitments to the Wilderness Park Subarea Study would preclude development of an informal community consensus building process with regards to the Stevens Creek area.

Campbell suggested that the Board schedule a special session on land use with Planning Department Staff prior to the time issues on the Stevens Creek area are scheduled for Board action, noting concern that development in the Stevens Creek area not take place piecemeal.

Steinman suggested that discussion be scheduled at a Commons meeting on assigning the Stevens Creek Subarea Plan as a priority status.

5 REVIEW OF OFFICIALS BONDS - Sue Eckley, Worker's Compensation and Risk Manager; Mike Herring, UNICO Insurance

This item was deferred one week to January 21, 1999.

6 JURY COMMISSIONER - Kelly Guenzel, District Court Clerk; Elly Carrico, Deputy District Court Clerk; Patty Hansen, Election Commissioner; Brian Hensley, Deputy Election Commissioner; Doug Cyr, Deputy County Attorney; John Cripe, Classification and Pay Manager

Doug Cyr, Deputy County Attorney, briefly reviewed an opinion from the County Attorney's Office with regards to the position of Deputy Jury Commissioner (Commissioners' Information Packet).

John Cripe, Classification and Pay Manager, stated that Shirley Crocker, Deputy District Court Clerk, could accept a lateral transfer of her position, as it now exists, to the Election Commissioner's Office. A new job classification would be developed, in accordance with Lancaster County Personnel Rules, with adjustments to the current job description to accurately reflect new duties. He noted the pay scale for that position would need to be negotiated with the American Federation of State, County & Municipal Employees (AFSCME) union, with a slight variance possible.

Kelly Guenzel, District Court Clerk, requested that transfer be delayed until the end of the current jury term, which is scheduled to end January 25, 1999.

In response to a question from Eagan, Guenzel stated that the transfer of jury duties to the Election Commissioner's Office could help to alleviate overtime demands in the District Court Clerk's Office.

Patty Hansen, Election Commissioner reviewed Budgetary Items for Transferring Jury to Election Commission (Exhibit G).

MOTION: Steinman moved and Hudkins seconded to approve the transfer of jury duties to the Election Commissioner's Office, effective January 25, 1999, provided the District Court Judges are in concurrence, and to direct Dave Kroeker, Budget & Fiscal Officer, to assign the appropriate budget for personnel costs.

Hudkins left the meeting.

Guenzel requested authorization to proceed with hiring a replacement for Crocker, and the Board concurred.

Cripe suggested that the position be opened on January 28th to correspond with the start of a new payroll period. He also indicated that the position could be opened prior to the transfer.

ON CALL: Steinman, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

Hansen and Guenzel agreed to coordinate vacation of the existing court order, which directed the District Court Clerk to assist with jury duties, with the District Court Judges.

7 EMERGENCY SERVICES EXECUTIVE COMMITTEE REPORT - Doug Ahlberg, Interim Emergency Services Director; Steve Hubka, Interim Finance Director

Doug Ahlberg, Interim Emergency Services Director, reported the following recommendations from the Emergency Services Executive Committee:

- * Emergency Services be renamed "Emergency Management" and remain a stand alone agency under Lancaster County
- * Review interlocal agreement with the City of Lincoln in order to establish a stronger working relationship between the offices of "Emergency Management" and Emergency Communications (911), including designating the Emergency Communications Director as back-up to the Emergency Management Director (with the chain of command extending through other Emergency Communications employees) and including necessary clerical support to be provided by the Office of Emergency Communications
- * Establish interlocal agreements with all cities and incorporated villages in Lancaster County
- * Establish an Advisory Committee of Emergency Management users
- * Review the make-up and function of all existing committees affiliated with the Office of Emergency Services

Campbell requested that language be included in the interlocal agreement insuring that clerical staff will be provided to the agency.

Steve Hubka, Interim Finance Director, noted that the interlocal agreement needs to reflect that Emergency Communications staff will be assuming additional responsibilities.

Eagan indicated that the County Board and City Council will need to direct their respective attorneys to develop an interlocal agreement.

MOTION: Steinman moved and Workman seconded to accept the report from the Emergency Services Executive Committee and proceed with a local search for a permanent director. On call Steinman, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

ADDITIONS TO THE AGENDA

- b. County Board Staff Meeting Minutes of January 5th and Letter on Juvenile Issues

Campbell requested Eagan to direct Kit Boesch, Human Services Director, to send a copy of the minutes from the January 5th County Board Staff Meeting, in which potential sites for the new Juvenile Detention Center were discussed, with a cover letter to members of the Assessment Center Team.

- c. Assessment Center

Campbell reported that correspondence received from Jim Hille, Architect for the new Juvenile Detention Center, indicated that Dennis Banks, Attention Center Director, had requested a delay in design until selection of an individual to run the Assessment Center is completed. She noted that it was Hille's belief that Kit Boesch, Human Services Director, was developing a Request for Proposals (RFP) for that position.

The Board directed Eagan to notify Boesch and Hille that the Board had not authorized development of an RFP for the Assessment Center, but would be discussing alternatives and management of the Assessment Center at the February meeting of the Attention Center Team.

Hudkins returned to the meeting.

8 NOXIOUS WEED CONTROL AUTHORITY ANNUAL REPORT & PLAN FOR UPCOMING YEAR - Russ Shultz, Noxious Weed Control Authority Superintendent

Russ Shultz, Noxious Weed Control Authority Superintendent, briefly reviewed the Noxious Weed Control Authority Annual Report and 1999 Noxious Weed Control Plan (Exhibit I).

In response to a question from Hudkins, Shultz stated that the City of Lincoln is not currently covering overhead costs incurred by Noxious Weed Control Authority for work under their contract.

NOTE: The Board will formally receive this report at the Tuesday, January 19th County Board of Commissioners Meeting.

ADDITIONS TO THE AGENDA

- a. Letter from Seward County Juvenile Court Judge Rouse

Eagan reported on a letter received from Seward County Juvenile Court Judge Rouse advocating that Seward County share in up-front construction costs for the new Juvenile Detention Center, in consideration for lower per-diem rates.

The Board requested Eagan to contact Judge Rouse and inform him that a formal proposal would need to be submitted by the Seward County Board.

9 ADMINISTRATIVE OFFICER REPORT

a. County Board Meeting Policy

Eagan reported that the County Board conducts an annual review of its meeting policy each January.

Board consensus to schedule a discussion of County Board meeting policy and changes in meeting structure with Bruce Medcalf, County Clerk and Gwen Thorpe, Deputy County Clerk at the Tuesday, January 19th County Board of Commissioners meeting.

The following issues were suggested for further discussion at that meeting:

- * Change meeting time for Staff Meetings from 8:00 a.m. to 8:15 a.m.
- * Plan for educational sessions/tours
- * Move Consent Items forward on the Staff Meeting agenda
- * Placement of items on the County Board agenda
- * Reinststitute meetings with the Mayor
- * Press relations
- * Change regular and staff meeting schedules to allow sufficient time for issue briefings
- * Expand length and scope of the regular County Board meetings

b. Request from Rich Meginnis to act as Buyer's Agent for the County for Potential Purchase of Land

Eagan reported that Rich Meginnis, Realtor, had requested to serve as buyer's agent for the County for Site 1 (property located south of the Nebraska State Penitentiary) which is under consideration as a location for the new Juvenile Detention Center.

Board consensus to request that Don Killeen, County Property Manager, serve as the primary buyer's agent for the County in negotiating for the purchase of property. Killeen will consult with Meginnis, if Site 1 is selected.

Eagan agreed to make the initial contact with the Nebraska Department of Correctional Services with regards to Site 1, with Killeen participating in any further discussions.

c. Election of Commons Officers

Steinman agreed to serve as Vice-Chair of the Commons. Jeff Fortenberry, City Council, will serve as Chair.

10 DISCUSSION OF BOARD MEMBER MEETINGS

a. Master Plan Steering Committee - Hudkins

Hudkins reported on a request for a front office counter and permanent wall structure for an office in the County Clerk's Office.

Hudkins also reported that changes to the dais area in the City Council/County Commissioners Hearing Room will initially be constructed in plywood to assess workability.

Steinman suggested that the County Clerk's desk in the City Council/County Commissioners Hearing Room may also need to be raised for greater visibility.

b. Joint Budget Committee - Campbell, Steinman

Steinman reported on the availability of \$15,000 in youth development funds. She noted that development of a separate youth foundation to provide youth with education about philanthropic activities and funding was suggested as one use for those funds.

Steinman also reported the following:

- * The Joint Budget Committee and the United Way of Lincoln and Lancaster County will be sending a joint letter to agencies receiving funding informing them that both entities plan to freeze funding allocations and will not be accepting new funding applications.
- * A Funders Group will review all capital campaigns for Lincoln and Lancaster County

a. Keno Prevention Fund - Campbell

Campbell reported that Kit Boesch, Human Services Director, will present a report on funding recommendations at a Tuesday County Board of Commissioners meeting.

b. General Assistance Monitoring Committee - Campbell, Heier

Campbell reported that the quarterly statistics and pharmacy costs were reviewed. Additional information was requested regarding individuals denied General Assistance funding.

c. Public Building Commission - Campbell, Hudkins

Hudkins reported that discussion took place on the heating system in the County-City Building and security issues. The Lancaster County Sheriff's Department has offered to provide security detail in the Hall of Justice and Law Enforcement Center, with at least one armed officer at the security checkpoint.

Campbell reported that discussion took place on the possible sale of Trabert Hall, Police Station, Election Commissioner's Building and the Old Federal Building once permanent relocation of departments is completed. Authorization was given to develop Request for Proposals (RFP) for their sale. She noted that both the City Council and County Board will be asked to consider donating proceeds from the sale of the buildings to the Public Building Commission for future projects.

The Board requested that Don Killeen, County Property Manager, give a presentation on property management to the Board.

d. District Energy Corporation - Hudkins, Heier

Hudkins reported that the new heating/cooling plant for the State of Nebraska is operational.

Hudkins all reported that cost of energy this year is less than the amount in the Natural Gas Purchase Consortium contract.

e. Board of Health - Hudkins

Hudkins reported that air pollution fees were increased to fund a \$46,000 shortfall resulting from a decrease in funds paid on emissions.

f. Government Access & Information Committee - Steinman

Steinman reported that the Information Services Policy Committee (ISPC) will serve as the oversight and policy making committee for the following technical subcommittees:

- * Government Access & Information Committee (GAIC)
- * Criminal Justice Information Services (CJIS)
- * Geographic Information System (GIS)

Steinman noted that the ISPC will include City Council and County Board representation.

17 ADJOURNMENT

At the direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk