

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, APRIL 6, 2000  
8:15 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, APRIL 4, 2000**

Workman requested that Paragraph 1 on Page 3 of the minutes be corrected to read as follows:

Workman asked whether the County would have better control of 20 acre parcels if clustered development was allowed on less than 75 acre parcels.

**MOTION:** Steinman moved and Workman seconded approval of the Staff Meeting minutes dated April 4, 2000, with the noted correction. Steinman, Workman, Heier and Campbell voted aye. Hudkins was absent from voting. Motion carried.

Campbell requested the following correction to Item 10c, Paragraph 1, Sentence 3 of the Staff Meeting minutes of March 30, 2000:

Campbell noted that the Burlington Northern & Santa Fe Railway anticipates a 20 percent increase in railway traffic to Lincoln in the next five years, with 30-40 percent of that increase in the southern portion of the county.

## **2 ADDITIONS TO THE AGENDA**

- a. Tour of Lincoln Area Agency on Aging
- b. Request for Easement Through Wilderness Park from Peoples Natural Gas
- c. Security in the Justice and Law Enforcement Center
- d. Agricultural & Horticultural Land Valuation Board Meeting
- e. Dry Water Hydrants in New Developments

**MOTION:** Heier moved and Steinman seconded to approve the additions to the agenda. Heier, Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

## **3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant**

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- LB 1138, which changes provisions relating to State aid to political subdivisions, was killed. Changes to the distribution formula will be worked on over the summer months.
- LB 652, which provides for a juvenile correctional facilities master plan and payment of juvenile boarding costs by the State, was passed on Final Reading. Sustaining a veto of this bill is a priority issue for the Governor and pressure is being exerted on senators with bills on Final Reading.

Kissel said there are ongoing discussions with Senator Thompson on how to convince the Governor to let the bill stand on its merits.

Board members were assigned a list of senators to call urging support of the bill.

## **4 ELECTION COMMISSION WAREHOUSE SPACE - Dave Shively, Election Commissioner; Don Killeen, County Property Manager**

Dave Shively, Election Commissioner, briefly reported on a building on 11<sup>th</sup> and Saunders Avenue that has 4000 square feet of space available which could be used for storage of election supplies.

Don Killeen, County Property Manager, said this property is available on an eighteen month sub-lease at a rate of \$4.00 per square foot.

Killeen also reported that the owner of a building near the Motor Vehicles Facility at 625 N 46<sup>th</sup> Street has indicated a willingness to renegotiate for space suitable for relocation of the Election Commission office.

**MOTION:** Steinman moved and Workman seconded to proceed with negotiation of a lease for the property at 11<sup>th</sup> and Saunders Avenue. Workman, Steinman, Heier, Hudkins and Campbell voted aye. Motion carried.

### **ADDITIONS TO THE AGENDA**

a. Tour of Lincoln Area Agency on Aging

The Board scheduled the tour for 9:30 a.m. on April 25<sup>th</sup>.

b. Request for Easement Through Wilderness Park from Peoples Natural Gas

Eagan said the County Attorney's office is reviewing the easement agreement.

### **5 AMBULANCE UPDATE - Doug Ahlberg, Emergency Management Director**

Doug Ahlberg, Emergency Management Director, reported that Mayor Wesely has rejected resolutions on ambulance service that the Lancaster County Medical Society has proposed the City and County adopt.

Board consensus to review a packet of information on ambulance service, including the proposed resolutions, and to schedule discussion of ambulance service on the April 13<sup>th</sup> County Board Staff Meeting agenda.

Campbell said she will indicate that this item has been scheduled for discussion to the Mayor in their weekly meeting.

Heier asked whether the rural fire districts have had input into the process.

Ahlberg said yes, through Jim Densberger, Mutual Aid Association. He added that discussion of the issue has been scheduled on the April 17<sup>th</sup> Mutual Aid Association Meeting agenda.

**MOTION:** Heier moved and Hudkins seconded to authorize Doug Ahlberg, Emergency Management Director, to draft a letter for signature by the Ahlberg and the County Board Chair to be sent to the chiefs of the rural fire districts, with copies of the Lancaster County Medical Society's proposed resolutions and other pertinent information, requesting comment and urging attendance at the Mutual Aid Association Meeting on April 17<sup>th</sup>. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

**6 EFFECT OF ROAD WIDENING PROJECT ON REAL PROPERTY OF JOAN TILL** - Don Thomas, County Engineer; Larry Worrell, County Surveyor; Mike DeKalb, Planning Department; Rodger Harris, Building & Safety; Mike Rierden, Attorney for Joan Till; Joan Till; Tom Kumke

Campbell said the County Engineer has been involved in discussions with Joan Till regarding right-of-way acquisition on her property at 10455 Pioneer Boulevard.

Mike Rierden, Attorney for Joan Till, explained that Till owns 2 lots, at this location which total 20.2 acres. He said the County Engineer approached Till about acquiring right-of-way on this property, with an original offer of a permanent easement of approximately 1 acre. Till subsequently received a letter from the County Assessor's office regarding the effects of a permanent easement and the effect of a taking by deed on greenbelt status. The County's offer then changed to a taking by deed. Rierden said Till is concerned about the marketability of the property if the lot size is reduced. He added that he knows of another instance in which a permanent easement was granted because the property owner did not wish to lose the property for purposes of calculating the density.

Campbell noted that the County has traditionally acquired right-of-way through a fee simple deed.

Heier asked whether this has been by the owner's choice.

Don Thomas, County Engineer, said that has been the County's preference, as it is felt that ownership is important for the \$300,000 per mile the County is investing in the road construction. He added that his department has researched the issue and can not find that Till would be harmed by a fee simple taking.

Mike DeKalb, Planning Department, said Till is protected under Section 17.029 of the County Zoning Regulations which states:

*The acquisition of said right-of-way shall not affect the status of said lot as a buildable lot with respect to minimum lot area, width or frontage requirements.*

Heier and Hudkins said they thought that County Resolution No. R-00-16, which was passed February 22, 2000, had protected density in a taking by easement or deed.

DeKalb said no, the resolution covers 1/4, 1/4's and provides for county section and half section line road right-of-way to be included for the purpose of determining area or density. He said Till's lots, approximately 6 acres and 14 acres in size, are considered buildable lots. If she reconfigures the lots into one, a building permit will be required.

Campbell noted that the County Board supported legislation this year that would require building permits for farmstead residences. She said the bill was not passed but will be re-introduced next year.

Joan Till said she wants written assurances that her farm status will not be affected and is transferable to subsequent owners.

Eagan said the fact that the combined size of the two lots, after the right-of-way acquisition, is less than 20 acres does not make the property less of a farm for farming purposes or affect its greenbelt status. He said the Federal Farm Agency has verified that Till will not be disqualified from participation in federal farm programs.

Till said the property was purchased as a 20.2 acre parcel, not as two separate lots.

Larry Worrell, County Surveyor, presented a packet of materials detailing the transfer of deed for the two lots to Till (Exhibit B). He added that a transfer must take place for lots to be created.

Campbell asked Till whether her farm status has ever been questioned by any state or federal agency, since it has been shown for many years to be two lots.

Till said it has not.

Heier asked what impact there would be on inheritance.

Eagan said that issue has not been researched.

Heier asked how the County would be harmed by granting Till a permanent easement.

Eagan said it would contradict the County's policy of acquiring right-of-way through fee simple and create issues of application. He said if it is the desire of the County Board to count roadway in the density then it needs to be addressed as a central policy issue.

Thomas said the County would have less control of the right-of-way with a permanent easement.

The Board requested that Rierden meet with Dave Johnson, Deputy County Attorney, to try to resolve the issue.

Heier and Hudkins also indicated that they would like the County Attorney's office to research the inheritance issue.

**7 AIR POLLUTION ADVISORY COMMITTEE RECOMMENDATIONS ON ASBESTOS REGULATIONS** - Leon Vinci, Lincoln/Lancaster County Health Department Director; Scott Holmes, Environmental Health Division Chief; Marcia Wilhite, Air Quality Supervisor

Item deferred one week.

**8 CONSOLIDATION OF RECORDS MANAGEMENT FUNCTIONS** - Bruce Medcalf, County Clerk; Gwen Thorpe, Deputy County Clerk; Brian Pillard, Records & Information Manager; Doug Thomas, Information Services Director

Bruce Medcalf, County Clerk, said he has reviewed the *Final Report and Recommendations of the Lancaster County Consolidation Committee* and believes that the establishment of Records & Information Management satisfies *Recommendation 4: All county records management functions should be identified and consolidated into one centralized location and authority.*

Brian Pillard, Records & Information Manager, reviewed the functions of his department and noted that he also serves as the coordinator of all county records management projects. He questioned the statement in the summary of committee discussion "that certain functions such as the accounting system and the overall records keeping system for Lancaster County are spread out under different County offices."

Medcalf said many of these duties are statutory in nature and he would be reluctant to relinquish control to another department.

Steinman noted that many records are now available on the Internet website, which was not the case at the time the report was written.

Eagan said the committee was suggesting central records management on a scale that is not compatible with statutory duties.

Board requested Medcalf and Pillard to articulate in a memo the steps that have been taken to improve records management.

**9 LANCASTER MANOR CAPACITY** - Larry Van Hunnik, Lancaster Manor Administrator

Larry Van Hunnik, Lancaster Manor Administrator, requested authorization to request a change in the licensed bed capacity from 301 to 293 to reflect the current number of beds. He noted that the reduction will also reduce the membership fees that are paid Nebraska Health Care Association, as the fees are based on the number of beds.

In response to a question from Hudkins, Van Hunnik said federal reimbursement would not be affected unless population falls below 85 percent. He said this reduction would actually provide more of a cushion for the census figure.

**MOTION:** Hudkins moved and Workman seconded to authorize Larry Van Hunnik, Lancaster Manor Administrator, to submit a letter to Nebraska Health & Human Services requesting a reduction in the licensed bed capacity. Hudkins, Workman, Steinman, Heier and Campbell voted aye. Motion carried.

**10 ECONOMIC DEVELOPMENT LOAN FOR LINWELD INC** - Troy Gagner, Economic Development Coordinator

Troy Gagner, Economic Development Coordinator, reported that the County Loan Committee has recommended approval of a \$630,000 job creation loan request from Linweld, Inc. (Exhibits D & E). He noted the City of Waverly has also approved the project.

In response to a question from Heier, Gagner said the County's loan will be subordinate to a 3.5 million dollar loan from US Bank.

The Board requested Gagner to check on whether there are still concerns regarding the floodplain location.

**ADDITIONS TO THE AGENDA**

c. Security in the Justice and Law Enforcement Center

Steinman reported that it will be recommended to the Public Building Commission that certain non-commissioned personnel from the Lincoln Police Department be allowed to access the building through the east doors. This flexibility may be extended to other departments in the building. She said discussion also took place on security for after hours activity.

In response to a question from Workman, Steinman said lock boxes in the Corrections facility may be utilized by individuals seeking access to the Justice and Law Enforcement Center.

d. Agricultural & Horticultural Land Valuation Board Meeting

Hudkins said there was a great deal of discussion regarding the disparity in values between Lancaster County and Saunders County as a result of the lack of implementation of greenbelting in Saunders County. He said the Saunders County Supervisors that were present indicated that they would like to lower their county's values, even though Bob Martin, State Department of Revenue, has recommended an increase of 14% to bring Saunders County's values up to an acceptable level. The Agricultural & Horticultural Land Valuation Board decided to let the issue proceed to the Tax Equalization and Review Commission (TERC).

Hudkins also reported that a secretary was hired, which will have a slight budget impact.

e. Dry Water Hydrants in New Developments

Steinman said the Southwest Rural Fire District Chief has suggested inclusion of a requirement for dry water hydrants in new developments.

Campbell noted concern that this may give residents a false sense of security.

Board consensus to refer the suggestion to the Planning Department and the Building & Safety Department, requesting comment.

## 11 ACTION ITEMS

a. Request for Vacation of a Portion of Marshall Street

Eagan said the vacation is needed as part of the plat for the Lancaster County Juvenile Detention Center.

**MOTION:** Steinman moved and Hudkins seconded to proceed with the street vacation request. Workman, Heier, Steinman, Hudkins and Campbell voted aye. Motion carried.



## **12      CONSENT ITEMS**

- a. Microcomputer Requests:
  - 1. C#2000-108 for \$3,326.79 from Corrections' Budget for Two (2) Compaq Pentium III, Laser Printer, Etc.
  - 2. C#2000-109 for \$6,882.63 from County Treasurer's Budget for Three (3) Compaq Pentium III, Three (3) 17" Monitors, Three (3) Printers, Etc.
- b. Funeral Leave Request from Mike Thurber, Corrections Director, for Tuesday, April 4, 2000

**MOTION:** Steinman moved and Heier seconded approval of the Consent Items. Workman, Heier, Steinman, Hudkins and Steinman voted aye. Motion carried.

## **13      ADMINISTRATIVE OFFICER REPORT**

- a. Workforce Investment Board Representative

**MOTION:** Steinman moved and Workman seconded to appoint Dave Kroeker, Budget & Fiscal Officer, and Kerry Eagan, Chief Administrative Officer, to serve as Commissioner Heier's alternates on the Workforce Investment Board and to request that all information be sent directly to the County Board of Commissioners' office. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

- b. County Board Appointment to Commissioners Award of Excellence Committee

**MOTION:** Hudkins moved and Heier seconded to schedule appointment of Cori Beattie as the County Board's representative on the Commissioners Award of Excellence Committee on the April 11<sup>th</sup> County Board of Commissioners Meeting agenda. Hudkins, Heier, Workman, Steinman and Campbell voted aye. Motion carried.

- c. County Nudity Ordinance

Campbell said it has been suggested that the County pass a companion piece to the City's nudity ordinance.

Steinman said the Yankee Hill Neighborhood Association supports development of an ordinance that would place zoning restrictions on adult amusement establishments to prevent them from locating next to schools and day care centers. She said an ordinance of this type was passed in Cass County.

**MOTION:** Steinman moved and Heier seconded to request the County Attorney's office to research the issue and to assist in development of a zoning ordinance that reflects the previous discussion. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

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

##### **a. Ecological Advisory Committee Meeting - Heier**

Heier said the Ecological Advisory Committee is excited to have input into the Stevens Creek Study process.

Heier also advised the committee of the County Board's decision not take any action on the endangered species and threatened species recommendations until input is received from the Nebraska Game & Parks Commission.

##### **b. Firth Village Board Meeting Regarding Viaduct - Campbell**

Campbell reported that the Firth Village Board voted to send a letter to the County Board requesting that the viaduct project not proceed. The Rural Fire Board plans to take similar action. She said she indicated to both bodies that there is no guarantee of future funding of the project.

#### **15 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk