

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, AUGUST 10, 2000
8:30 A.M.**

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

Commissioners Absent: Linda Steinman

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

Campbell noted that Commissioner Steinman's absence was due to participation on the State Juvenile Issues Task Force.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, AUGUST 3, 2000

MOTION: Heier moved and Hudkins seconded approval of the Staff Meeting minutes dated Thursday, August 3, 2000. Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Report on Attendance at the National Association of Local Boards of Health in Raleigh, North Carolina - Hudkins
- B. Report on Lancaster Manor - Workman

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

3 SALARIES FOR UNCLASSIFIED, UNREPRESENTED EMPLOYEES -
Georgia Glass, Personnel Director; John Cripe, Classification and Pay
Manager; Terry Wagner, Lancaster County Sheriff; Gary Lacey, County
Attorney; Dennis Keefe, Public Defender

John Cripe, Classification and Pay Manager, said a comparability study was conducted for the positions of Sheriff Captain, Attorney I and Attorney II.

Sheriff Captains

Cripe said the recent Lincoln Police Department salary increase made comparability for this position fairly high. He said the maximum salary for Lincoln Police Department Captains is \$72,318, compared to \$60,000 for Sheriff's Captains. Cripe said a salary range of \$50,000 - \$65,000 is recommended.

The Board concurred with the recommended range.

Terry Wagner, Lancaster County Sheriff, presented his recommendations for Sheriff Captains' salaries (Exhibit A) which he said were based on merit. He noted a minimum 10 percent salary separation from the Sergeants, with the exception of Captain Yardley who was recently promoted.

Attorney I's and Attorney II's

Cripe said the Department of Justice, Douglas County Justice Department and the City Attorney were included in the comparability study for Attorney I and II positions. He said \$37,140 - \$53,200 is the market range for Attorney I's; and \$46,600 - \$78,300 is the market range for Attorney II's (City Attorney reported a maximum salary of \$59,200 for Attorney I's and \$79,900 for Attorney II's). He said a salary range of \$40,000 - \$52,000 for Attorney I's and a range of \$53,000 - \$78,000 for Attorney II's is recommended.

Gary Lacey, County Attorney, recommended that the starting salary for the Attorney I's be set at \$45,000.

Board consensus to set the salary range at \$43,000 - \$53,000 for Attorney I's and \$54,000 - \$80,000 for Attorney II's.

Lacey noted there have also been preliminary discussions of a separate benefits package for attorneys.

The Board asked the Personnel Department to conduct a comparability study for directors and to provide information on City director salaries for the current and previous administration, including years of service. Brief discussion also took place on whether to provide a separate benefits package for directors.

A salary array was also requested for psychiatrists, with salary recommendations from Dean Settle, Community Mental Health Center Director.

The Board scheduled additional discussion of salaries on the August 17th County Board Staff Meeting agenda. The Personnel Department was asked to provide a report on the union contracts at that time.

ADDITIONS TO THE AGENDA

A. Report on Attendance at the National Association of Local Boards of Health in Raleigh, North Carolina - Hudkins

Hudkins reported on his recent attendance at the National Association of Local Boards of Health in Raleigh, North Carolina, noting presentations on environmental health and bio-terrorism.

Hudkins said he also visited County offices in Raleigh.

4 ENVIRONMENTAL TRUST GRANT APPLICATION - Chris Beutler, Development Coordinator for Parks & Recreation; Terry Genrich, Parks & Recreation Natural Resources Manager; Nicole Fleck-Tooze, Planning Department

Campbell explained that the City, County and Lower Platte South Natural Resources District (NRD) have discussed forming a "park bank" to preserve additional open space throughout the county. This will be discussed in further detail at a future City/County Commons meeting. She said a representative from the Nebraska Environmental Trust will also be brought in for a seminar, which will be open to the public.

Chris Beutler, Development Coordinator for Parks & Recreation, explained that a \$1.5 million grant is being sought from the Nebraska Environmental Trust that would be used to acquire land in the Salt Creek floodplain, either through conservation easements or title in fee simple, in accordance with philosophy set forth in the Wilderness Park Subarea Plan (See *Project Summary*, Exhibit B). He said the project area includes land between Saltillo Road and Hickman Road, as well as two small tracts north of Saltillo Road that were included in the application for a Federal Emergency Management Agency (FEMA) Mitigation Grant to purchase five conservation easements within the 100-year floodplain (See *FEMA Mitigation Grant Program Potential Conservation Easements* map, Exhibit C). He noted that the FEMA Mitigation Grant was denied, but the City, primary sponsor of the grant application, has appealed that decision.

Beutler said \$.5 million in match funds would be required over a three year period. The County is asked to commit to \$150,000 towards match in the first year, in the event that denial of the FEMA Mitigation Grant is upheld, or to indicate an intent to commit an additional \$150,000 the second year of the grant if the FEMA Mitigation Grant is approved. The City has committed \$150,000 which will be used as match the first year of the grant. The NRD has not formally committed to the project but has indicated that if it decides to participate, it may divide its \$150,000 contribution into three \$50,000 increments and restrict its match to conservation easements. He added that private groups have also been asked to raise \$50,000, which would be included the third year of the grant.

Hudkins said he believed that the amount that was offered for conservation easements in the FEMA Mitigation Grant application was excessive and asked which two parcels were being retained.

Terry Genrich, Parks & Recreation Natural Resources Manager, said the two properties are the Kopp parcel on South 14th, south of Rokeby Road, and a wedge of land between the railroad tracks that are west of 14th Street, north to 17 acres that were acquired last year as part of a trade with the Y.M.C.A., which is west of the Horizon Development.

Heier asked whether the NRD will take properties by eminent domain if the owners are unwilling to sell or give conservation easements.

Beutler said it could be specified that eminent domain will not be used for these funds.

Heier asked Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager, to provide a written statement to that effect, with the concurrence of the Lower Platte South NRD Board. Heier also asked whether landowners receive tax breaks from conservation easements.

Eagan said yes, there are specific tax consequences. Valuation for property taxes may be lowered because of restrictions placed on the land by the conservation easements. Also, if the easement is donated by the landowner they may be entitled to a charitable contribution on their income taxes.

MOTION: Hudkins moved and Heier seconded to commit \$150,000 to the grant project, with a definitive \$75,000 payment in the second year and \$75,000 in the third year, if not sooner.

AMENDMENT: Heier offered a friendly amendment to request partners in the grant to state that money pledged to the project would not entail eminent domain.

The maker of the motion agreed to include the amendment in the motion.

ROLL CALL: Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

5 NOXIOUS WEED GRANT - Russ Shultz, Noxious Weed Control Authority Superintendent

Item deferred.

6 PROCEDURE FOR PLACING CONSOLIDATION OF COUNTY ASSESSOR AND REGISTER OF DEEDS ON THE BALLOT - Dave Johnson, Deputy County Attorney

Dave Johnson, Deputy County Attorney, noted the County's receipt of an email from Peter Katt, attorney for Dan Nolte, indicating Katt's opinion that the consolidation resolution must be prepared and available to the public prior to, or at the time of, publication for the public hearing on the issue (Exhibit D).

Johnson said he had reviewed Nebraska Revised Statutes § 22-417 and consulted Mike Thew, Chief Deputy County Attorney, and Neal Erickson, Assistant Secretary of State for Elections, on the issue and does not believe it is necessary to advertise the consolidation resolution, as Katt has suggested.

Johnson read the following public notice which was submitted to the Lincoln Journal Star newspaper for publication on Friday, August 4, 2000; Friday, August 11, 2000 and Friday, August 18, 2000:

Public hearing has been set for Tuesday, August 22, 2000 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City building by action of the Lancaster County Board, pursuant to Nebraska Revised Statutes § 22-417 (Reissue 1997), for determining whether the consolidation of the Lancaster County Register of Deeds and Lancaster County Assessor's offices should be submitted to the registered voters for approval at the next general election. The holder of each of these offices to be consolidated shall have his term of office end on the first Tuesday in January following the general election in which the holder of the consolidated office is selected. The Register of Deeds maintains Lancaster County records on deeds, mortgages, instruments and writings authorized by law. The County Assessor supervises and directs assessment of all property in Lancaster County.

Johnson said it is his opinion that public notice requirements have been met. He added that it is customary for the County Board to take action on certain matters at the County Board of Commissioners Meeting with the County Attorney's office drafting a resolution for action the following week. He said handling the matter in such a way eliminates the perception that the Board has predetermined the issue.

Hudkins asked what harm there would be in taking the extra time and advertisement.

Johnson said the consolidation resolution would have to be submitted to the Election Commissioner by September 1, 2000 for placement of the issue on the general election ballot. A special election could be called if that deadline is not met, but the cost is estimated at \$100,000.

Board consensus to ask the County Attorney's office to submit Johnson's report in writing and to review the initial opinion on the issue, in response to the concerns raised by Katt. Campbell and Eagan will write the request.

Campbell said she has also asked for clarification of the role of the County Board, collectively or individually, and the role of the other office holders in terms of a ballot issue and whether lobbying by elected officials, deputies or staff is permitted.

Eagan said a letter was submitted to the Nebraska Accountability and Disclosure Commission asking for a staff opinion. He said an appearance before the Nebraska Accountability and Disclosure Commission would be necessary for an opinion by that body, noting adherence to an opinion issued by the Commission would provide immunity from prosecution.

NOTE: Also in attendance were Norm Agena, County Assessor; Dan Nolte, Register of Deeds; Maura Tolzin, Deputy Register of Deeds; Dave Fall, Register of Deeds Office; Peter Katt, attorney representing Dan Nolte.

7 MICROCOMPUTER BUDGET

Eagan recommended approval of the Sheriff Department's request (See Commissioner's Information Packet).

The Board concurred.

Eagan said Doug Thomas, Information Services Director, has recommended that the remaining agencies who had microcomputer requests held be asked to appear to discuss their requests in further detail.

The Board scheduled discussion with representatives of those agencies, Doug Thomas, Information Services Director, and Dave Kroeker, Budget and Fiscal Officer, on the August 24th County Board Staff Meeting agenda.

8 GARNER INDUSTRIES - Mark Hunzeker, Attorney for Garner Industries; Phillip Mullin, Garner Industries; Mike Ayars, Ayars & Ayars; John Olsson, Olsson Associates; Scott Osterhaus, Olsson Associates; Don Thomas, County Engineer; Kathleen Sellman, Planning Director; Steve Henrichsen, Planning Department

Mark Hunzeker, attorney for Garner Industries, explained that it became clear that improvements were needed to 98th Street as plans for Garner Industries' new facility on 98th Street and Highway 6 developed. Garner Industries agreed to pay for grading and paving of the road to the point of access, but it was assumed that the City's design standards would apply. He said Garner Industries was informed by the County Engineer, at the time the final Public Use District (PUD) was submitted, that the proposed road grades did not meet County standards for curvature and grade. The access is located north of a triple box culvert and moving it would involve filling wetland, extension of the box culvert and additional fill, which would add significantly to the cost. He said the grade can not be lowered because a City waterline is located in the middle of the road and either the road or water line would need to be moved.

Hunzeker asked the County to share in this expense in consideration of the jobs that will be created and the fact that there are other potential users of the road.

Phillip Mullin, Garner Industries, added that he is being asked to pay to correct road design flaws and for a waterline that should initially have been placed at a lower depth. He said this escalates costs far beyond the initial estimates of \$40,000 - \$60,000.

Don Thomas, County Engineer, explained that the preliminary review request received by his department did not include a centerline profile of 98th Street and his department's response dated March 22, 2000 was general in nature. Plans that showed grade lines for 98th Street were received on June 15th and the department responded on June 23rd with corrections. He said he wanted to make it clear that the applicant was informed that designs had to conform to standards set by the Nebraska Board of Classifications and Standards and concerns with this were only raised in the last two weeks.

Hunzeker said Garner Industries made the commitment in April to pave and grade the road but did not receive the County Engineer's correspondence indicating the problem until August 3rd with the Planning Staff Report. He added that the applicant will probably appeal the condition to grade and pave the road to the satisfaction of the County Engineer to the City Council.

Kathleen Sellman, Planning Director, said she believed that the information had been available since March.

Thomas said only general information was available at that time.

Hudkins asked why consideration is not being given to moving the road to the east.

Mike Ayars, Ayars & Ayars, said costs would be greater and electrical poles at the intersection are problematic.

Thomas added it is not known how much land would be needed from Novartis Consumer Health Inc., which is located to the east.

In response to a question from Workman, Thomas said moving the point of access to the north would not provide sufficient sighting distance.

Ayars noted that the plant was designed to correspond to this road configuration and changing it at this point creates additional problems.

In response to a request from Heier, Garner described his unsuccessful efforts to obtain City water and sewer for the facility.

Heier asked whether it would be possible to tap into the waterline to help defray well costs.

Ayars said that option was removed early on and plans were developed accordingly.

Workman asked whether Novartis would be willing to contribute to the project.

Thomas said the owners are in Switzerland at the present time but may be in town in the next two weeks, at which time donation of right-of-way or contribution to the costs could be discussed.

Ayars noted that it may be beneficial for future development to make 98th Street a 90 degree intersection, although additional delays would be costly for Garner Industries.

Thomas said such a project would also involve more land, which could be costly.

Campbell asked which would be the most cost effective solution.

Thomas said right-of-way is the determining factor. He stated that the culvert will need to be extended regardless.

Ayars estimated the total cost of the project (grading, lowering the waterline, constructing a turn lane on Cornhusker Highway and moving two electrical poles, improving the Cornhusker Highway intersection, and lowering five electrical poles on Garner Industries' property to facilitate grading) at \$211,000.

The Board asked Thomas to meet with representatives from Ayars & Ayars and Olsson Associates to discuss the culvert issue in further detail. Thomas and Garner will also meet with representatives of Novartis. A Board member will participate in that discussion, if needed.

9 POTENTIAL LITIGATION - Dave Johnson, Deputy County Attorney

MOTION: Hudkins moved and Heier seconded to enter Executive Session at 10:35 a.m. for discussion of potential litigation. Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

MOTION: Hudkins moved and Workman seconded to exit Executive Session at 11:06 a.m. Hudkins, Workman and Campbell voted aye. Heier was absent from voting. Motion carried.

10 CONSENT ITEMS

- A. Vacation Request from Doug Ahlberg, Emergency Management Director, from August 9 - 11, 2000
- B. Request from Dave Kroeker, Budget & Fiscal Officer, to Attend the Annual AMS Forum for Government & Education in Atlanta, Georgia from September 13-16, 2000
- C. Insurance Application for Lancaster Manor

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

11 ADMINISTRATIVE OFFICER REPORT

- A. Request to Sell Collateral on Rural Enterprise Assistance Program (REAP) Loan from Jeff Priest, At Home Hearing Service

The Board requested that Jeff Reynolds, REAP Business Specialist, contact Priest regarding his plans for the business and to ask the value and condition of the vehicle that was pledged as collateral. Reynolds will report back to the Board at the August 17th County Board Staff Meeting.

- B. Emergency Operations Center Backup

The Board authorized Kerry Eagan, Chief Administrative Officer, to serve as the backup for the Emergency Operations Center during the absence of Doug Ahlberg, Emergency Management Director, on August 9-13, 2000.

- C. County Representatives for Vision Request for Proposals (RFP)

Bruce Medcalf, County Clerk, and Gwen Thorpe, Deputy County Clerk, will serve as the County's representatives.

- D. Letter from Don Thomas, County Engineer, Regarding Partial Paving of Southwest 6th Street, South of Prospector Court

MOTION: Hudkins moved and Workman seconded to authorize the County Engineer to proceed and to bring back the contract when ready. Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

- E. Request for Job Audit of Renee Runge's Position with the Families First & Foremost (F³) Grant Program

MOTION: Heier moved and Hudkins seconded to authorize the job audit and to authorize Kerry Eagan, Chief Administrative Officer, to sign the necessary paperwork. Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

- F. Request from Dennis Banks, Lancaster County Juvenile Detention Center Director, for a Chaplain

MOTION: Workman moved and Hudkins seconded approval of the request. Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

G. Request to Exempt Mike Dietze, Waverly Plumbing, from Master Plumbers Requirements

Eagan noted that Ron Peery, Building and Safety, has several ideas on how to handle a situation like this where requiring a longstanding business to comply with the new requirements would create a hardship.

MOTION: Workman moved and Heier seconded to ask the Building and Safety Department to research the issue, including all of the trades covered by the codes, with a report back to the Board in two weeks. Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

H. Families First & Foremost (F³) Grant Update

The Board scheduled a work session with Sheryl Schrepf, Families First & Foremost (F³) Grant Director, and Dr. Epstein, evaluator from the University of Nebraska, on Tuesday, August 29th from 9 a.m. to 12 p.m. in the Mayor's Conference Room. The Board asked that Dave Kroeker, Budget & Fiscal Officer; Dean Settle, Community Mental Health Center Director; Kit Boesch, Human Services Administrator; and Dennis Banks, Lancaster County Juvenile Detention Center Director, attend.

Campbell noted that Bruce Kamradt, Director of wraparound programs for Milwaukee, Wisconsin, will be in Lincoln on September 5-7, 2000 and will give a presentation on wraparound services.

I. Ambulance Independent Medical Oversight

Campbell said a question has arisen as to whether or not the County will be a signatory on the agreement with EMS, Inc. for independent medical oversight of the ambulance contract. She said Darrell Stock, EMS, Inc., and Jennifer Brinkman, Administrative Assistant to the Mayor, will give a presentation at the August 24th County Board Staff Meeting.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Public Building Commission - Campbell, Hudkins

Hudkins said a \$1.9 million budget was presented. He said additional discussion focused on the Nebraska Department of Labor's Request for Proposals (RFP) for additional space. He said the State Treasurer is also seeking additional space and both agencies have expressed interest in the former Lincoln Police Building. Hudkins said concern was expressed about competing with the private sector but a decision was made to respond to the RFP.

Campbell remarked that it is not the policy of the Public Building Commission to answer bids or advertisements, but in this case the Nebraska Department of Labor had approached the Public Building Commission about available space and then decided to proceed with an RFP.

Campbell said TMI has also expressed interest in the former Lincoln Police Department Building and would like to share computer equipment with Information Services.

Doug Thomas, Information Services Director, appeared and said he would not be comfortable with such an arrangement.

Campbell reported that space in Room 109 was authorized for the County Assessor's office, with the provision that a 60 day notice will be given if the County Commissioners require the space for offices.

ADDITIONS TO THE AGENDA

B. Report on Lancaster Manor - Workman

Workman reported that the census is currently at 273, which is a 93 percent occupancy. Private pay has increased to 7 percent.

13 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk