

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, OCTOBER 5, 2000  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Linda Steinman  
Bernie Heier  
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 MINUTES OF MEETING WITH VILLAGES ON  
THURSDAY, SEPTEMBER 21, 2000 AND STAFF MEETING MINUTES  
OF THURSDAY, SEPTEMBER 28, 2000**

**MOTION:** Steinman moved and Heier seconded approval of the minutes of the Meeting with Villages on September 21, 2000 and Staff Meeting minutes of September 28, 2000. Steinman, Heier, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Recruiter Position for Corrections
- B. Monthly Meeting with Mayor
- C. Lincoln Partnership for Economic Development

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

## ADDITIONS TO THE AGENDA

### A. Recruiter Position for Corrections

Heier said Georgia Glass, Personnel Director, is taking steps to speed up the process of getting job applications over to Corrections which should eliminate the need to hire a recruiter within that department. He said Mike Thurber, Corrections Director, has requested authorization to hire a sergeant, instead, to assist with training duties. Heier recommended approval of the request, noting costs are comparable.

**MOTION:** Hudkins moved and Steinman seconded to proceed with Commissioner Heier's recommendation. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

### 3 **SEWAGE FEES** - Leon Vinci, Lincoln/Lancaster County Health Department Director; Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief; John Miner, South Team Supervisor for Board of Health

John Miner, South Team Supervisor for Board of Health, reviewed a proposal to increase the fees for various permits and services related to the Water Quality Program in order to support an additional staff person (Exhibit A). The following changes are proposed to County Resolution 28-32, which regulates on-site sewage treatment systems:

- O Sewage system construction permits increase from \$150 to \$200
- O Sewage repair permits increase from \$50 to \$100
- O Cleaner's registration fees increase from \$80 to \$320 (Annual fee)

Miner said these changes are requested to correspond to fees already in place in the Lincoln Municipal Code.

Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief, explained that the construction fee was increased from \$60 to \$150 approximately ten years ago and the \$320 cleaner's registration fee has been in place for the last six years, although the official record authorizing these changes could not be located in the County Clerk's office.

Miner reported that notices of the proposed changes were sent to affected parties (See Exhibit A).

In response to a question from Eagan, Holmes said the City's Sewage Code covers the City's three mile zoning jurisdiction.

Eagan noted it is proposed that the funds be credited to the Health Fund rather than with the County Treasurer.

The Board asked Dave Kroeker, Budget & Fiscal Officer, to review the issue and asked Dave Johnson, Deputy County Attorney, to research whether the resolution is enforceable within the three mile zoning jurisdiction.

**NOTE:** The University of Nebraska Public Policy Center's *Policy Seminar Series, Autumn 2000 Program* was also distributed (Exhibit B).

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

Gordon Kissel, Legislative Consultant, presented summaries of interim study hearings conducted by the Health and Human Services Committee to address behavioral health and developmental disabilities issues and the Nebraska Health Care Funding Act (Exhibits C & D).

Kissel said Senators Thompson and Jensen will meet with Governor Johanns next week to discuss last session's LB 652, which provides for a juvenile correctional facilities master plan. He said they will indicate to the Governor that there are plans to reintroduce the bill, as is. The Governor's suggestions will be solicited in an effort to reach an agreement on the bill.

Kissel said a coalition of behavioral health agencies is being formed to push for legislation that will increase funding in the behavioral and mental health area. He said it will be beneficial to plug into this coalition.

- O      Senator Hudkins will introduce LB 708, which changes provisions for admission of persons to state hospitals and use of other facilities, in its amended form early in the session
- O      Senator Raikes will reintroduce LB 1365, which changes provisions relating to zoning and non-farm buildings

The issues of roadhouses and whether the County can pay for the paving of roads that are within city limits were suggested as legislative agenda items.

The Board asked Kissel to mediate the legislative discussion with state senators at the County Management Team's Fall Retreat on October 19<sup>th</sup>. He was also asked to prepare a handout summarizing carryover issues.

**5 LINCOLN-LANCASTER WOMEN'S COMMISSION FISCAL YEAR 2000-01 PLAN** - Bonnie Coffey, Executive Director of the Lincoln-Lancaster Women's Commission

Bonnie Coffey, Executive Director of the Lincoln-Lancaster Women's Commission, reviewed the Lincoln-Lancaster Women's Commission schedule for Fiscal Year 2000/01 (Exhibit E). She also distributed copies of *Lincoln-Lancaster Women's Commission Quarterly* (Exhibit F).

**6 COUNTY SPECIAL PERMIT NO. 184, PRIVATE SCHOOL AND DAY CARE AT HIGHWAY 34 AND NORTHWEST 112<sup>TH</sup> STREET** - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, reviewed County Special Permit No. 184, a request to operate a child care/private school facility for up to 55 children on property, 5.53 acres in size, at Northwest 112<sup>th</sup> Street and Highway 34 (Exhibit G). He reported that 15 neighbors testified in opposition before the Planning Commission voicing concerns of traffic, noise, property conditions, public safety, number and type of children that will be served by the facility, inadequate sewage system and water quantity and quality. The applicant agreed to meet all code and licensing requirements. The applicant also indicated that funds are budgeted for a new sewer system, but said the seller had assured her that the water is not a problem. The Planning Commission recommended denial of the application on a 7 to 2 vote.

Hudkins asked whether the Health Department could be asked to assess the water situation prior to the County Board of Commissioner's public hearing on the application.

DeKalb said the County Board can place the item on pending if evidence of adequate water quantity and quality is not provided at the public hearing.

Hudkins expressed concern regarding the proposal to have traffic exit onto Northwest 112<sup>th</sup> Street.

Larry Worrell, County Surveyor, said the Nebraska Department of Roads may not allow the type of access to be converted from residential to commercial use. He said it is his opinion that access onto Northwest 112<sup>th</sup> Street is the safer option because it has a controlled intersection.

DeKalb said the applicant does not object to the alternative solution of having two way access off of Northwest 112<sup>th</sup> Street.

Hudkins remarked that Northwest 112<sup>th</sup> Street is a very busy road, particularly during the recreational season.

Workman and Heier questioned whether a need exists for the facility.

DeKalb said a market study is not required and said the County Board needs to assess whether the activity reasonably fits the circumstances.

In response to a question from Campbell, DeKalb said there is no waiting period for reapplication on special permits.

**7 AGREEMENT WITH LANCASTER COUNTY AGRICULTURAL SOCIETY FOR CREATION OF A JOINT PUBLIC AGENCY** - Bill Giovanni and Scott Keene, Ameritas Investment Corporation; Lauren Wismer and Eric Bergquist, Cline Williams Law Firm; Charles Willnerd, Lancaster County Agricultural Society Building Committee Chair; Rod Hollman, Lancaster County Agricultural Society Board; Dave Kroeker, Budget & Fiscal Officer

The following documents were disseminated (Exhibits H & I):

- ☐ *Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency* (Draft document)
- ☐ *Facilities Agreement* (Draft document)

Amount of Security to Pledge for Payment of the Bonds

Bill Giovanni, Ameritas Investment Corporation, recommended that security pledged for payment of the bonds be increased from 0.7 cents to 3.5 cents, the amount available for the Lancaster County Agricultural Society's levy. He explained that it is customary, under limited tax bonds, to pledge the levy authority established in state statutes. Nebraska Revised Statute §23-120, which provides the ability to issue bonds for the purposes of constructing and remodeling County buildings, establishes the levy authority at 5.2 cents. Giovanni said the full authority was pledged for other projects, such as the jail, and resulted in a AA bond rating. He predicted that the same bond rating could be secured for this project and said this should result in \$60,000 to \$75,000 in interest savings, over the 10 year bond period.

Eagan added that the full pledge of 3.5 cents will not be used unless a catastrophic event occurs that eliminates a major portion of the County's value.

Consensus to proceed with that recommendation.

### Composition of the Joint Public Agency Board

No change.

### Annual Audit of the Joint Public Agency

Consensus to have an independent audit of the Joint Public Agency funds, in conjunction with the Lancaster County Agricultural Society's annual audit. The Ag Society will be responsible for this expense.

### Fiscal Year for Joint Public Agency same as Ag Fiscal Year

Consensus to change the fiscal year to coincide with that of the Ag Society.

### Asset Ownership

Eric Bergquist, Cline Williams Law Firm, explained that the Joint Public Agency will dissolve once the bonds are paid off and the land, capitol improvements and personal property purchased to operate the fairgrounds will revert to the Ag Society. He said any funds left in the Reserve Fund will revert to the County.

Giovanni noted that the title to land and improvements will remain in the name of Joint Public Agency while the bonds are outstanding. He said the land and improvements are not pledged as collateral for the bonds, only the levy.

In response to a question from Steinman, Bergquist said the Ag Society is prohibited from dissolution so long as there are bonds outstanding.

Steinman said she wants to ensure that the County Board has a say in what happens to property that is under the Joint Public Agency's jurisdiction.

Bergquist said the County Board could require their representatives to the Joint Public Agency to cast votes that have been approved by a majority of the County Board on important issues.

Charles Willnerd, Lancaster County Agricultural Society Building Committee Chair, said funds used to secure the real estate came from private donations and expressed concern that restrictions may hamper future fundraising efforts.

Workman questioned whether it is necessary to title the land and buildings in the name of the Joint Public Agency since they are not being pledged as collateral.

Bergquist said the state statutes only permit the Ag Society to sell land to purchase other land for the fairgrounds. He said if the Ag Society's property at the corner of 84<sup>th</sup> and Holdrege Street increases substantially in value, it may be advantageous to sell it to finance additional improvements. This would not be possible if the Ag Society holds the title.

Willnerd said that property may be suitable for commercial enterprise that complements the facility, like a motel or restaurant, and many of these chains prefer to lease land, rather than buy. He said leasing the land would allow the Ag Society to maintain greater control over the property and would provide a steady stream of income.

Bergquist said this would still be possible under the Joint Public Agency's ownership.

Consensus to allow the Ag Society to own the land and improvements, but to restrict lease or sale unless it has the approval of the Joint Public Agency.

Consensus to amend *Facilities Agreement, Section 8, Subsection e* to:

- ☐ State that the vote of the County Board's two representatives must reflect the majority opinion of the County Board
- ☐ State that the facility must be used for the purpose for which it was originally designed while the bonds are outstanding
- ☐ Limit lease terms to 90 days
- ☐ Include an adequate anti-discrimination clause

#### At What Point Must Proceeds from the Operation of the Facility be Contributed Towards Pay Down of the Bonds

Consensus to indicate in *Facilities Agreement, Section 7* that the Ag Society will contribute towards pay down of the bonds once revenues exceed 100% of the Ag Society's annual budgeted expenses for the General Fund and Event Center Fund, unless there are restrictions on those donations.

#### Annual Report at County Budget Hearing

Consensus to include in the *Facilities Agreement* a requirement that a report on the Ag Society and the activities of the Event Center be provided annually at the County Budget Hearing.

## Joint Public Agency Control Over Rates and Charges

Eagan said concerns have been raised regarding the ability of the Ag Society to guarantee that the rates being charged are fair, arms length transaction rates that ensure the facility is being used to its maximum profitability potential.

Steinman said she would like rates to be subject to the approval of the Joint Public Agency, particularly the long-term contracts.

Workman disagreed and said he wants to avoid micro-managing the agency. He added that leases are restricted to 90 days in *Facilities Agreement, Section 8, Subsection e*.

Hudkins said the Ag Society needs enough flexibility in setting rates to ensure that use of the facility by youth groups is kept affordable.

Rod Hollman, Lancaster County Agricultural Society Board, said that is one of the Ag Society's goals. He added that revenue can be made up in the booking of national shows.

Willnerd explained that rates are negotiated on a case-by-case basis and said making those rates public may hinder bookings and give competitors an edge.

Campbell suggested that *Facilities Agreement, Section 8, Subsection c* be amended to state that "the Society shall establish initial rates and charges which are to apply to the use of the Facilities and shall review those on a quarterly basis with the Joint Public Agency".

Bergquist suggested that this review could also take place when the Ag Society presents its budget to the County Board for approval.

Giovanni added that the Joint Public Agency will only meet once a year to prepare a budget, prepare an audit and to levy taxes. He said the operational responsibilities have been delegated to the Ag Society.

Consensus to strike *Facilities Agreement, Section 8, Subsection c* and to include a requirement that the Ag Society shall provide quarterly reports to the County Board on how things are proceeding with the Event Center, at the discretion of the County Board.



### Is the Proposed Bond Amount Sufficient

The following documents were disseminated (Exhibits J & K):

- O *Lancaster County Agricultural Society, Balance Sheet, As of August 31, 2000*
- O *General Operating Revenue, Lancaster County Ag Society*
- O *General Operating Expense, Lancaster County Ag Society*
- O *Event Center Revenue, Lancaster County Ag Society*
- O *Event Center Expense, Lancaster County Ag Society*

Heier said he wants to know exactly where things stand with the project at the starting point of the Joint Public Agency.

Dave Kroeker, Budget & Fiscal Officer, noted that a number of activities have taken place since the Ag Society's last audit. He said a full-blown audit may not be necessary at this time, but said there should be a review of the contracts to make sure everything fits within the \$5 million bond issue.

Lauren Wismer, Cline Williams Law Firm, said a lot will depend on whether the Ag Society has bids and signed contracts in hand or whether some items only have engineers' estimates. He said there is no absolute assurance that the bond amount will cover all of the project's expenses.

Giovanni said the source and use of funds will be a critical disclosure item in the bond documents and suggested that the documents be brought back to the County Board for final review once they have been completed.

The Board agreed and asked that the *Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency* and *Facilities Agreement* be redrafted, as discussed, and forwarded to the County Board and Ag Society for final review.

**8 PENDING LITIGATION** - Diane Staab, Deputy County Attorney; Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager

Item dropped from the agenda.

## **9 ACTION ITEMS**

- A. Request to Set Meeting Date with Sarpy and Douglas Counties on Monday, November 13, 2000 at the Fontonelle Forest Nature Center

The Board approved the meeting date.

- B. Flex Convenience Card Program, Group/Employer Information Form, Automated Clearing House (ACH) Authorization Release

**MOTION:** Workman moved and Heier seconded to authorize the Chair to sign the authorization release. Workman, Heier, Hudkins, Steinman and Campbell voted aye. Motion carried.

- C. Common Agenda Items for Meeting on Friday, October 20, 2000

Steinman asked that discussion of the proposed City Junked Car Ordinance be included on the agenda. An overview of the Lancaster County Juvenile Detention Center was suggested as a topic for a future agenda.

## **10 CONSENT ITEMS**

- A. Vacation Requests:
  - 1. Doug Ahlberg, Emergency Management Director, for October 26-30 and November 13-17, 2000
  - 2. Russ Shultz, Noxious Weed Control Authority Superintendent, for Friday, October 6, 2000
- B. Authorize Kerry Eagan, Chief Administrative Officer, to Sign Proxy for Rowe Price International Stock Fund

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

## **11 ADMINISTRATIVE OFFICER REPORT**

- A. Microcomputer Request C#2000-312 from the Public Defender for \$606.65 from the Microcomputer Fund for Sound Card, Speakers and WorkPerfect 2000 with Voice Upgrade

**MOTION:** Steinman moved and Hudkins seconded approval. Steinman, Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

- B. Hyper Text Markup Language (HTML) Training for Cori Beattie, County Board Administrative Secretary

**MOTION:** Steinman moved and Hudkins seconded approval. Steinman, Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

- C. Letter from Lincoln Independent Business Association (LIBA) Recommending Merger of City and County Fleet Maintenance

The Board referred the letter to the City/County Common subcommittee that looks at consolidation issues, with a suggestion of analysis by the two departments.

- D. Request to Name East Cornhusker Highway After Senator Jerome Warner

The Board indicated that the request will need to be in writing and should be directed to the Street Naming Committee. It was recommended that the name be assigned to a new roadway, such as the beltway, instead.

- E. Request from County Court for Two (2) Computers

Judith Leech, County Court Judicial Administrator, appeared and explained that the existing equipment is antiquated. She suggested phased replacement of the equipment (Exhibit L).

**MOTION:** Steinman moved and Workman seconded approval of the request from the Microcomputer Fund. Steinman, Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

- F. Lancaster County Juvenile Detention Center Construction Meeting

Eagan said there has been a problem in getting the secured doorframes and windows delivered although it has not caused the project to be delayed.

## **12 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Lancaster Manor Advisory Committee - Workman

Workman said a presentation was given by Gina Dunning, Lincoln Area Agency on Aging Administrator.

## B. Ecological Advisory Committee - Heier

Heier said the Planning Department gave a presentation on the Highway and Transportation Study and Glenn Johnson, Lower Platte South Natural Resources District General Manager, spoke on the issue of conservation easements. Heier said he questioned Johnson on why there is a rush to proceed with conservation easements in the Stevens Creek flood control area prior to completion of the Stevens Creek Plan.

Hudkins expressed concern that the trail easements will separate farmland in some instances.

Eagan said the Planning Commission was notified that the Ecological Advisory Committee favors the public corridors concept in the Lincoln City-Lancaster County Comprehensive Plan amendment.

## C. Corrections Needs Assessment Interviews - Heier, Steinman

Steinman reported that two firms were interviewed and Voorhis/Robertson Justice Services, Inc. was selected to perform the Corrections Needs Assessment. She said their firm had emphasized the need for programs and community involvement in the process.

## ADDITIONS TO THE AGENDA

### B. Monthly Meeting with Mayor

Campbell said Mayor Wesely indicated that the County will be included in the contract with the second Keno operator and the history of how percentages were arrived at with the first contract was briefly discussed.

Campbell said the Mayor also indicated that the City is still working on the EMS, Inc. contract. She requested a review by the County Attorney's office of the City's ordinances on ambulance service and oversight.

**MOTION:** Hudkins moved and Steinman seconded to direct Kathy Campbell, Chair, and Kerry Eagan, Chief Administrative Officer, to write a letter to the County Attorney asking for a review of the City's ordinances on ambulance service and oversight.

Dave Johnson, Deputy County Attorney, said he has been approached by the City Attorney's office regarding the drafting of contracts. He said questions remain as to whether the County will contract directly with the rural fire districts and whether the County will contribute towards the oversight.

Both the maker of the motion and the seconder agreed to include in the motion to empower Campbell and Eagan to representative the County Board in negotiations.

**ON CALL:** Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

In response to a question from Heier, Campbell said the Mayor indicated that the City is not interested in consolidating the offices of the City Clerk and the County Clerk.

### C. Lincoln Partnership for Economic Development

Campbell said a report on workforce development was presented. She noted that a speaker will be brought in to discuss the impact of domestic violence and how to avoid penalizing affected workers.

Campbell said additional reports were received on:

- ☐ Business showcase weekend, October 19-22, 2000
- ☐ University of Nebraska (UNL) Alumni Association's plans for a Champion's Club, golf course, and retirement center
- ☐ UNL's outstate recruitment
- ☐ Duncan Aviation's expansion
- ☐ Alltel Communications' capabilities
- ☐ City's task force initiatives

## **13 EMERGENCY ITEMS AND OTHER BUSINESS**

Gary Lacey, County Attorney, introduced Susan Buttner, a new attorney in the Child Support Division.

## **14 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk