

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, OCTOBER 12, 2000  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier

Commissioners Absent: 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 THURSDAY,  
OCTOBER 5, 2000**

**MOTION:** Hudkins moved and Heier seconded approval of the Staff Meeting minutes of October 5, 2000. Heier, Hudkins and Campbell voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. County Board Appointment to the Lincoln-Lancaster Women's Commission
- B. Final Drafts of Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency and Facilities Agreement
- C. Leave Request from Kit Boesch, Human Services Administrator
- D. Scheduling of Conference Room 113

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

## **ADDITIONS TO THE AGENDA**

### **A. County Board Appointment to the Lincoln-Lancaster Women's Commission**

Eagan said Lori Warner has resigned from the Lincoln-Lancaster Women's Commission and the Mayor's Office has requested suggestions for a replacement (Exhibit A).

**MOTION:** Heier moved and Hudkins seconded to recommend to the Mayor's Office that Mary Jensen of Walton, Nebraska be appointed to the Lincoln-Lancaster Women's Commission. Heier, Hudkins and Campbell voted aye. Motion carried.

### **B. Final Drafts of Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency and Facilities Agreement**

The Board requested Dave Kroeker, Budget & Fiscal Officer, and Bill Giovanni, Ameritas Investment Corporation, to review the source and use of funds, to date, and provide the Board a clear financial picture of the project at the onset of the Joint Public Agency.

### **C. Leave Request from Kit Boesch, Human Services Administrator**

Eagan distributed a request from Kit Boesch, Human Services Administrator, for vacation November 3-6, 22, 27 and 28, 2000 (Exhibit B). Boesch also expressed interest in attending the National Office of Juvenile Justice and Delinquency Prevention (OJJDP) Juvenile Justice Conference in Washington, D.C., December 11-14, 2000.

Campbell said she will suggest at the Conveners Group meeting on October 16<sup>th</sup> that the Families First & Foremost (F<sup>3</sup>) Grant pay to send Boesch; Renee' Dozier, Training and Technical Assistance Coordinator; Gus Hitz, Assessment Center Director; and Michelle Schindler, Lancaster County Juvenile Detention Center Deputy Director, to the conference.

**MOTION:** Hudkins moved and Heier seconded approval of the vacation request and authorized time off to attend the conference. Hudkins, Heier and Campbell voted aye. Motion carried.

### **D. Scheduling of Conference Room 113**

Eagan said 5 City TV continues to schedule use of Conference Room 113 for the same time that the County Board uses the room for its weekly Staff Meetings.

The Board asked that discussion of the problem be placed on the Public Building Commission's meeting agenda.

**3      YEAR 2000 REPORT** - Dennis Banks, Lancaster County Juvenile Detention Center Director; Tina Dingman, Intake and Records Coordinator

Dennis Banks, Lancaster County Juvenile Detention Center Director, reviewed *Lancaster County Juvenile Detention Center Snapshot Report* (Exhibit C).

Hudkins asked how home detention is working.

Banks said the program is full. He added that he would like to see administrative sanctions put in place to eliminate youth being locked up for minor violations of the program.

**4      COUNTY FINAL PLAT NO. 00012, BENTZINGER'S PLEASANT ACRES, NORTH AND WEST OF SOUTHWEST 14<sup>TH</sup> STREET AND WEST WITTSTRUCK ROAD** - Mike DeKalb, Planning

Mike DeKalb, Planning, reviewed County Final Plat No. 00012, a request for a final plat to create 8 residential lots and one outlot reserved for agriculture on a 137 acre parcel located at the northwest corner of West Wittstruck Road and Southwest 14<sup>th</sup> Street (Exhibit D).

Heier noted that the developer could, by right, divide the parcel into six acreages, 20 acres in size, which would take all of the land out of production.

DeKalb said that is correct, and said some of the neighbors may not understand the clustering concept. He noted that neighboring property owners have also expressed concern regarding traffic, impact on the road system, groundwater, impact on area wells and change to the character of the area.

Hudkins said several fire responders have indicated to him that cul-de-sacs that are being constructed in the County do not provide a sufficient radius for fire trucks to turn around.

DeKalb said the 60' cul-de-sac radius meets the County's subdivision standard requirement for residential streets. He added that the standard is the same for the City.

The Board referred the question to the County Engineer for review.

In response to a question from Hudkins, DeKalb said the County Engineer had requested that access to Wittstruck Road be cut and a cul-de-sac added.

DeKalb explained that the Planning Department only notified property owners within 1/4 mile of the boundaries of the application when a public hearing on the preliminary plat and community unit plan was held at the Planning Commission. Notification is typically made to owners within a one mile radius of the boundaries. He noted that a zoning action sign was posted on the property and the application and notice of the public hearing date were properly advertised in the newspaper. Owners within the one mile radius were notified of the public hearing on the final plat. DeKalb said although the error did not violate the Lancaster County Subdivision Resolution, perception of a problem exists.

Dave Johnson, Deputy County Attorney, noted that the applicant was asked to meet with the neighboring property owners prior to the County Board's public hearing on the final plat and the applicant agreed to do so.

**NOTE:** Also in attendance were Charlene Brandt, Janice Wittstruck, Emery Brandt and Bob Hines.

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

**MOTION:** Heier moved and Hudkins seconded to enter Executive Session at 9:15 a.m. for discussion of labor negotiations and pending litigation. Hudkins, Heier and Campbell voted aye. Motion carried.

**MOTION:** Heier moved and Hudkins seconded to exit Executive Session at 9:55 a.m. Heier, Hudkins and Campbell voted aye. Motion carried.

**6      EMERGENCY MANAGEMENT UPDATE** - Doug Ahlberg, Emergency  
Management Director

Doug Ahlberg, Emergency Management Director, said he would like to refrain from testing outdoor warning sirens during freezing temperatures, due to the numerous moving parts that are adversely affected by extreme cold temperatures. He said this recommendation is supported by the contractor who repairs this equipment.

In response to a question from Campbell, Ahlberg said severe weather conditions, such as tornados or floods, that might necessitate sounding of the sirens would typically take place during the months of April, May and June. The sirens would also be sounded in the event of a nuclear attack.

The Board asked Ahlberg to prepare a warning siren testing policy for presentation at a County Board of Commissioners meeting.

Ahlberg also reported on the recent acquisition of a 1991 Dodge truck that will serve as a mobile command post for the County. He said this vehicle will be made available to the Sheriff's Department and rural volunteer departments when needed.

**7 ACCOUNT DIRECTION FOR CASH BALANCES AND CONSENT FOR COUNTY FUNDS AT WELLS FARGO** - Dave Kroeker, Budget & Fiscal Officer; Terry Adams, Deputy County Treasurer

Dave Kroeker, Budget & Fiscal Officer, said the County currently has \$3 million in U.S. Treasury obligations. As bonds mature the monies are moved into the Federated Fund. He said different investment options have been offered as a result of the recent merger of Norwest Bank and Wells Fargo Bank (Exhibit E):

- < Government Money Market Fund
- < Treasury Plus Institutional Money Market Fund
- < 100% Treasury Money Market Fund

Terry Adams, Deputy County Treasurer, recommended investment in the Government Money Market Fund.

**MOTION:** Heier moved and Hudkins seconded to authorize Kathy Campbell, Chair, to sign an agreement on behalf of the County and Dave Kroeker, Budget & Fiscal Officer, to sign an agreement on behalf of the Lancaster Leasing Corporation to place the monies in the Government Money Market Fund. Heier, Hudkins and Campbell voted aye. Motion carried.

**8 ACTION ITEMS**

- A. Microcomputer Request No. 2000-331 for \$845 from the County Assessor's Budget for a Storage System

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

**9 CONSENT ITEMS**

- A. Vacation Request from Dave Kroeker, Budget & Fiscal Officer, for Friday, October 13, 2000

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

## 10 ADMINISTRATIVE OFFICER REPORT

### A. Agenda Items for Tri-County Meeting on November 13, 2000

The following topics were proposed:

- < Planning along the Interstate 80 corridor
- < Legislative agenda
- < Exchange between Management Teams

### B. Deputy Chief Administrative Officer

Eagan presented a draft of the job description for the Lancaster County Deputy-Chief Administrative Officer (Exhibit F). He said grant writing was not included as the Board plans to hire a Grants Administrator in the near future.

Campbell suggested that grant writing be included in the section titled *Desirable Knowledge, Abilities and Skills*.

John Cripe, Classification and Pay Manager, said if grant writing is indicated as a specific knowledge or skill, corresponding language would need to be included in the section titled *Examples of Work Performed*. He said the job description was designed to be general in nature and describes the majority of the work that will be performed. Candidates may be asked in the supplemental questionnaire to describe experience in areas not specifically listed in the job description.

Heier asked whether experience may be substituted for college education.

Cripe said yes, as the phrase "or any equivalent combination of training and experience" in *Minimum Qualifications* indicates. He explained that "some experience" equates to 6 months to 2 years of experience, "experience" equates to 4-6 years of experience, "considerable experience" equates to 6-8 years of experience and "any combination of education and experience" equates to 2-4 years of education and experience. Cripe said the County adopted this phraseology for job descriptions in 1976.

Georgia Glass, Personnel Director, said this will be clarified in the job advertisement.

Eagan noted that the supplemental questionnaire will help to draw out applicants' amount of experience.

Cripe said the value of the questions can be weighted, as well.

Hudkins said he would like the job description amended to indicate that assignment of specific projects could be made by the County Board, as well as the Chief Administrative Officer.

Eagan said he would have a problem with having this position answer directly to the County Board.

Cripe said direct interaction would essentially mean that there are two Chief Administrative Officers, which is prohibited by State Statutes. He said the position is intended to be an unclassified, appointed position working for the Chief Administrative Officer.

Hudkins asked whether it would be preferable to have this a classified position.

Cripe advised against doing so as unclassified employees may be terminated without cause, which affords the County greater control.

Board consensus to continue the discussion in two weeks at a Staff Meeting. The Board asked Cripe to research comparable positions and salaries prior to that meeting.

#### C. Nebraska Association of County Officials (NACO) Annual Meeting Agenda

The Board reviewed the agenda and decided to submit registration fees for each of the Commissioners.

### **11 DISCUSSION OF BOARD MEMBER MEETINGS**

#### A. Joint Budget Committee - Campbell, Steinman

Campbell said the Lincoln Public Schools Foundation is looking at creating community centers in the schools to meet the needs of families. She said the Joint Budget Committee supports the concept but has questioned the logistics and funding. Campbell also reported that the University of Nebraska at Lincoln (UNL) Public Policy Center was selected to implement the Human Services Plan.

#### B. Public Building Commission - Campbell, Hudkins

Campbell said 354 employees responded to the Valentino's survey. Many of the responses indicated a need for more variety and the majority opposed moving to vending service.

Hudkins said an update was received on the Old Federal Building, including the possibility of expanding Tax Incremental Financing (TIF) to include that block. He said questions were raised about whether expanding the financing would extend the period of time in which the properties' full value would remain off the tax rolls.

Campbell said additional discussion focused on modifying designation of smoking areas, relocation of the Election Commission, parking issues and lease of space in the former Police Department.

C. Board of Health - Hudkins

Hudkins said a retreat will be held on October 28<sup>th</sup>.

**RETURNING TO ITEM 2b**

**Final Drafts of Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency and Facilities Agreement** - Mike Thew, Chief Deputy County Attorney; Dave Kroeker, Budget & Fiscal Officer; Lauren Wismer and Eric Bergquist, Cline Williams Law Firm; Alan Wood, Counsel for the Lancaster County Agricultural Society

Revised drafts of the following were distributed:

- < *Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency* (Exhibit H)
- < *Facilities Agreement* (Exhibit I)

Mike Thew, Chief Deputy County Attorney, said he has several concerns regarding the latest drafts:

1. That any changes will be by unanimous agreement of the participants (*Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency , Article III, Subsections a & d*).

Thew said there are only two participants to the agreement and use of the word unanimous is unnecessary.

2. The provision that the trustee shall be named by the Agency (*Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency , Article VII*).

Thew said this takes control of the trustee out of the hands of the County Board. He suggested that this appointment be made subject to four votes.

Lauren Wismer, Cline Williams Law Firm, said the trustee will be a state or federal bank with trust powers. There are currently two options - Nebraska Trust Company of Fremont or Wells Fargo Bank of Lincoln. He noted that the trustee will be named in the bond resolution, which will include provisions for a change of trustee.



Alan Wood, Counsel for the Lancaster County Agricultural Society, said the Ag Society would have no objection to requiring at least four affirmative votes to change the trustee.

3. Lack of a non-discrimination clause in the *Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency*.

Thew said a non-discrimination clause is only included in the *Facilities Agreement* .

4. A typographical error in *Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency, Article X*.

Thew said the word "final" should be changed to "fiscal" in the first sentence.

5. The provision to allow the title to all property, personal or real, to be held in the name of the Society (*Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency, Article XV*).

Thew said it was previously stated that title would be held by the Agency, as long as the bonds were outstanding.

Campbell said the County Board approved the change in deference to donations that have been made to the Ag Society. She said the County Board believed other language in the agreement prevented the Ag Society from leasing or transferring title without authorization from the Joint Public Agency.

Thew said the property won't be there to go back against if the tax revenue isn't sufficient to pay the bonds.

Eric Bergquist, Cline Williams Law Firm, said Bill Giovanni and Scott Keene, Ameritas Investment Corporation, are confident that this will not affect the marketability of the bonds or the interest rate.

Thew said he is more concerned with covering the bond obligations.

Wood said the Ag Society has pledged all of its assets toward payment of the bonds in the *Facilities Agreement*.

Bergquist said that pledge is only for the first year of the levy.

Wood said 41 acres, financed in part by donations and gifts, is currently titled in the name of the Ag Society. He said he would not object to titling the remaining 127 acres in the name of the Joint Public Agency.

Wismer remarked that it appears to be more of a credit issue.

Thew said security pledged for payment of the bonds was increased from 0.7 cents to 3.5 cents to plan for a possible erosion of the tax base. He said the same reasoning applies to this provision.

Campbell asked if the statement "or should the case arise where there is insufficient funds to cover the bonds" could be added to the Ag Society's one year pledge of assets in the *Facilities Agreement*.

Thew said the County Board is not a party to that agreement.

Bergquist said the statement would protect the Joint Public Agency.

Concurrence to add the proposed language to *Section 6* of the *Facilities Agreement*.

6. Language that addresses a contribution by the Ag Society in the event of a surplus is in the *Facilities Agreement*, not the *Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency*.

Thew said since the County is not a party to the *Facilities Agreement*, it lacks the authority to bind the Ag Society to those terms. He said the *Facilities Agreement* also lacks provisions for amendment, so the agreement could theoretically be changed by a 3 to 2 vote.

Wood said *Article VIII* of the *Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency* requires an affirmative vote of four members of the Board, the Agency and the Society to enter into agreements for acquisition of land and other aspects of the capital improvements, although some revision may be necessary so that approval of every pay request is not required. He said he would not oppose requiring four affirmatives votes to amend the *Facilities Agreement*.

Wismer said the language in *Article VIII* is somewhat ambiguous and should be clarified to state that it only applies to agreements between the Joint Public Agency and the Ag Society and any amendments.

Eagan noted that the requirement that "The Society shall, on a quarterly basis or at such other intervals as the County Board deem appropriate, submit a report to the County Board detailing the proposed rates, any actual bookings for use of the Facilities, and projected revenues based on the same" is in *Facilities Agreement, Section 8, Subsection c*. He asked whether this should be included in the *Joint Public Agency Agreement Creating the Lancaster County Fairgrounds Joint Public Agency*, as well.

Thew suggested that a provision be added to the *Facilities Agreement* to reflect that the County is intended as a third party beneficiary to the contract, with the right to enforce its provisions.

In response to a question from Thew, Bergquist said if the Ag Society desires to build an additional building, it would have to find another funding source, such as a restricted donation. The Ag Society could also issue additional bonds for construction, but County Board approval would be required.

Wood said language in *Facilities Agreement, Section 7*, will be clarified to indicate that the Ag Society shall set net revenues aside in the Reserve Fund, after first providing for its operating expenses.

Bergman agreed to revise language, as discussed, and to provide all parties with revised drafts later in the afternoon.

Thew noted that Gary Lacey, County Attorney, has had several concerns from the outset and may not be willing to sign off on the documents.

In response to a question from Hudkins, Wood said paving will be bid in accordance with the bidding procedures in the Purchasing Act.

The Board also asked Wood to provide a copy of the letter from Julie Wood, Sunrise Equi-Therapy, indicating her intent to rescind her contract with the Ag Society.

## **12 EMERGENCY ITEMS AND OTHER BUSINESS**

### **A. Change of Zone No. 3271 (Text Amendment - Parking Regulations for Junk Cars in the 3-Mile Jurisdiction)**

Eagan distributed copies of correspondence received from Rick Peo, Chief Assistant City Attorney, indicating that the City Council will hold a public hearing on the proposed text amendment on October 23, 2000 (Exhibit G).

**MOTION:** Hudkins moved and Heier seconded to authorize Commissioner Steinman to testify on behalf of the County Board at the public hearing. Heier, Hudkins and Campbell voted aye. Motion carried.

### **B. Staff Meeting Schedule**

The Board cancelled a Staff Meeting that was scheduled to be held immediately following the County Board of Commissioners meeting on Tuesday, October 17<sup>th</sup>. A Staff Meeting was tentatively scheduled for 12 p.m. on that date instead.

### **13     ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk