

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, MARCH 20, 2003  
8:15 A.M.**

Commissioners Present: Bernie Heier, Chair  
Ray Stevens, Vice Chair  
Larry Hudkins  
Bob Workman  
Deb Schorr

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

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MARCH 6, 2003**

**MOTION:** Hudkins moved and Workman seconded approval of the Staff Meeting minutes of March 6, 2003. Schorr, Hudkins, Heier and Workman voted aye. Stevens abstained from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Military Family Support
- B. Light Detection and Ramping (LIDAR) Photographs

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

**3 COMMISSIONERS MEETING REPORTS**

- A. Parks & Recreation Advisory Board - Schorr

Schorr said fundraising plans for the Sunken Gardens and return of public property to a private owner were discussed.

B. Region V Governing Board - Heier

Heier said a legal opinion was received that stated Region V Governing Board members may not be excluded from Executive Committee meetings.

C. Floodplain Task Force - Heier

Heier said he is not comfortable voting on the Floodplain Task Force's recommendations for revisions to the floodplain ordinances. He said this is a City issue and the County's position has been to not allow building within the floodplain.

Board consensus was to schedule a presentation by Nicole Fleck-Tooze, City Public Works/Utilities. The Board also directed Kerry Eagan, Chief Administrative Officer, to draft a letter to the Planning Commission, with copies to the Mayor, City Council, Planning Department and Building and Safety Department, outlining the County's position.

D. Public Building Commission - Hudkins, Workman

Hudkins and Workman said discussion focused primarily on plans for remodel of County Board/City Council space. It was noted that Item 4 (connect the back hallway and create an additional entrance to the dais in the City Council/County Commissioners Hearing Room) was held.

E. Monthly Meeting with Mayor Wesely - Heier, Workman

Workman said the Mayor was disappointed that the Board did not sign a letter supporting a new Convention Center in the downtown area.

Heier added that the Mayor is supportive of a request for the City to contribute \$50,000 towards the cost of staffing the Youth Assessment Center.

F. Air Pollution Control Advisory Board - Hudkins

No report.

G. Board of Health - Hudkins

Hudkins said the Master Plan for a new Lincoln/Lancaster County Health Department Building was discussed.

H. Hometown Security Study Committee - Hudkins

No report.

I. Visitors Promotion Advisory Committee - Schorr

Schorr said concerns regarding LB 726 (change lodging tax provisions) and a new Convention Center were discussed.

J. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens, Workman

Stevens and Workman said the budgeting process was discussed.

K. Juvenile Detention Advisory Committee - Heier

Heier said the committee voted to forward the proposed budget to the County Board.

**4 LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A).

**5 VETERANS SERVICE TRAVEL ARRANGEMENTS & PLANS** - Gary Chalupa, Veterans Service Officer

Gary Chalupa, Veterans Service Officer, said it will be necessary to exceed the travel budget to meet educational requirements for himself and his assistant. An additional appropriation will not be necessary as sufficient funds exist in other areas of the budget.

**ADDITIONS TO THE AGENDA**

A. Military Family Support

Kit Boesch, Human Services Administrator, appeared and said representatives of health and human services, public schools and military units met to discuss how to provide emergency assistance to military families, noting the following recommendations (Exhibit B):

1. Open an office for military families at the American Red Cross.
2. Have United Way of Lincoln-Lancaster County serve as the repository for financial contributions sent to assist families.

3. Provide three telephone lines and two part-time staff members, one to coordinate the office and the other (a family volunteer) to answer "just want to talk" calls.
4. Have Lincoln Action Program (LAP) serve as the physical location for product donations and potential seeker of grant funds for the project and have United Way manage any monies.

Boesch estimated the cost at \$18,000, with the American Red Cross donating space, telephones, office equipment and project supervision. She said the City and County are asked to contribute \$5,000 each, with additional funding through United Way.

In response to a question from Stevens, Boesch said the Federal Emergency Management Agency (FEMA) Review Committee will be responsible for review of funding requests and allocation of dollars.

**MOTION:** Workman moved and Stevens seconded to contribute \$5,000 to the project, with funding from the Keno Fund. Workman, Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

**6 CHANGE OF ZONE NO. 212, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR), SOUTH 96<sup>TH</sup> & STAGECOACH ROAD - Mike DeKalb, Planning Department**

Mike DeKalb, Planning Department, gave an overview of Change of Zone No. 212, a request for a change of zone from Agricultural (AG) to Agricultural Residential (AGR) to allow for future split into two lots (Exhibit C). He said Staff and the Planning Commission have recommended approval.

Hudkins asked how the owner ended up with 10 plus acres of agricultural land, rather than 20 acres.

DeKalb said the owner had 20 plus acres and created a 10 plus acre parcel, which does not require a subdivision. He said the owner could have requested a "farmstead exception" to create the smaller parcel (exception to the 20 acre rule that allows a split-off of a farmhouse in existence for more than five years that passes minimum housing code and health inspection of the septic system and well).

In response to a question from Stevens, DeKalb said the owner has submitted a subdivision that indicates an intent to split the 10 plus acre parcel into seven plus acre and three acre parcels. He said the owner would have the ability to divide the seven plus acre parcel into two, three plus acre parcels in the future, through an administrative subdivision permit.

Stevens asked whether approval could be contingent upon the applicant coming back to the Board if he wants to further divide the seven plus acre parcel.

DeKalb cautioned against doing so, stating it would be getting into the realm of conditional zoning. He recommended that the Board include its understanding of the applicant's intent in the record instead and ask the Planning Department to inform the Board if additional splits occur.

Stevens asked how Change of Zone No. 212 differs from Change of Zone No. 210.

DeKalb said Change of Zone No. 212 is located in the predesignated area for acreage development in the Comprehensive Plan.

### **ADMINISTRATIVE OFFICER REPORT**

#### **B. Acreage Study Status and Resource Committee**

DeKalb said Doug Nagel, farmer, has been added to the committee.

#### **R. Legal Opinion Regarding Inclusion of Trails in Density Calculations**

The Chair exited at 9:34 a.m., due to a conflict of interest, and the Vice Chair assumed direction of the meeting.

Kerry Eagan, Chief Administrative Officer, explained that an opinion was requested as to whether existing county regulations give a density credit to trails when property abuts trails. The legal opinion holds that it does not and that trails would need to be addressed separately.

DeKalb said a text amendment would be required to include trails, but said the Planning Department has concerns about doing so. He said road right-of-way is a distinct circumstance in which the County is trying to keep a property owner whole and said rail lines differ in that some are created by deed, some have reversionary provisions and some are owned by private corporations. DeKalb said a property owner seeking a Community Unit Plan (CUP) can ask the owner of the trail property to be a party to the application, for density purposes.

Hudkins noted that "Rails to Trails" supercede reversionary clauses and said he believes that the landowner should at least be able to count the density.

DeKalb said it would be transferring a property right to another owner without permission.

Workman remarked that the performance standard/point system quantifies a value and provides a rating system to assess requests and applications for higher density acreage development) which is being developed may be a solution to the problem.

The Chair returned to the meeting at 9:45 a.m.

**7 YOUTH ASSESSMENT CENTER; JUVENILE GRADUATED SANCTIONS; GAMBLING POSITION** - Kit Boesch, Human Services Administrator; Gus Hitz, Youth Assessment Center Director

**Juvenile Graduated Sanctions**

Kit Boesch, Human Services Administrator, reviewed Funding History - Expediter Programs (Exhibit D), noting a funding request of \$408,206 for Fiscal Year 2003-04:

\$334,370	Last year's funding
\$ 54,806	Absorb loss of federal funding
\$ 19,030	New Services (One slot at B.E.S.T. Alternative School and two slots with Project H.I.R.E.)

Boesch also briefed the Board on the cost-effectiveness of the Juvenile Graduated Sanctions/Expediter Program (see Exhibit D).

**Youth Assessment Center**

Boesch gave an overview of Youth Assessment Center, Program Plan and Budget (Exhibit E). She also presented a Draft Budget Summary for the 2003-2004 Youth Assessment Center (see Exhibit E), noting the total operational budget estimate for an 18 Hour/7 Day operation with a 24 Hour/7 Day crisis line is \$467,771:

\$156,297	Families First & Foremost (F <sup>3</sup> ) contract for mental health services
\$ 65,105	LB 640 carryover funding
\$ 53,210	Expediter position
\$ 8,500	Medicaid funding estimate
\$184,659	Balance to the County

Boesch recommended that the Youth Assessment Center remain under the supervision of F<sup>3</sup> for one more year and said the matter could be reassessed if, and when, F<sup>3</sup> is moved to Region V.

Gus Hitz, Youth Assessment Center Director, expressed concern about whether such a move would impact funding of the Youth Assessment Center.

Brief discussion took place on possible funding sources.

Heier noted that a meeting has been scheduled to discuss how to make the Youth Assessment Center a 24 hour facility.

### **Gambling Position**

Boesch distributed copies of an article she has written, "If We Expand Gambling in Nebraska - Everybody Pays" (Exhibit F), and requested authorization to seek publication on the editorial page of the Lincoln Journal Star Newspaper.

Heier expressed concern about becoming a forum for the gambling issue.

**MOTION:** Schorr moved and Stevens seconded to allow Kit Boesch, Human Services Administrator, to contact the Lincoln Journal Star Newspaper and request publication, with inclusion of her title.

**FRIENDLY AMENDMENT:** Workman offered a friendly amendment to apprise the City of the article before it is published.

The maker of the motion and the seconder agreed to the friendly amendment.

**ON CALL:** Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

**8 ADMINISTRATIVE SERVICES OFFICER -** Sue Kirkland, Clerk of the District Court

Sue Kirkland, Clerk of the District Court, requested authorization to begin the process to hire an administrative services officer to allow for transition with Anita Gayed, the individual hired to analyze the financial variances in the office's computer systems (Exhibit G). She estimated the cost at \$6,000, but said the cost will be offset by reducing the amount of time necessary for Gayed to complete her work.

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

**9 REQUEST FOR PROPOSALS (RFP) FOR JAIL SECURITY SYSTEM CONSULTANT; NURSE STAFFING -** Mike Thurber, Corrections Director

### **Request for Proposals (RFP) for Jail Security System Consultant**

Mike Thurber, Corrections Director, requested authorization to go out for a Request for Proposals (RFP) for a jail security system consultant.

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

### **Nurse Staffing**

Thurber reviewed Lancaster County Corrections, Medical Department Statistical Information (Exhibit H). He proposed eliminating the Registered Nurse II position and hiring two Licensed Practical Nurses, a difference of \$18,000. The cost will be offset by elimination of private agency nursing services.

Hudkins suggested that Thurber check to see whether nursing services could be obtained through the Lincoln/Lancaster County Health Department.

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

- 10 OPENING 98<sup>TH</sup> STREET BETWEEN "A" AND HOLDREGE STREETS;  
CHENEY CONNECTION AT HIGHWAY 2 AND SOUTH 91<sup>ST</sup> STREET -  
Don Thomas, County Engineer**

### **Opening 98<sup>th</sup> Street Between "A" and Holdrege Streets**

Don Thomas, County Engineer, distributed copies of a resolution to amend the 2003-2008 Fiscal One and Six Year Lancaster County Road and Bridge Improvement Program to add Project No. C55-K-412(2) which will involve regrading one mile and opening two miles of 98<sup>th</sup> Street beginning at "A" Street and ending at Adams Street (Exhibit I). He noted that there will be a sharing of costs with the City.

The Board scheduled the item on the March 25, 2003 Board of Commissioners Meeting agenda.

### **Cheney Connection at Highway 2 and South 91<sup>st</sup> Street**

Thomas said the agreement with the City should include a hold harmless clause.

**MOTION:** Hudkins moved and Stevens seconded to direct the County Engineer to work with the County Attorney's Office in development of the agreement. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.



## ADMINISTRATIVE OFFICER REPORT

H. Correspondence from Sanitary Improvement District No. 8

The Board referred the matter to Diane Staab, Deputy County Attorney.

**11 REQUEST FOR ADDITIONAL 30 DAYS TO COMPLY WITH RESIDENTIAL RELOCATION AND FAIR HOUSING POLICY REQUIREMENTS UNDER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REQUIREMENTS** - Troy Gagner, Economic Development Coordinator; Darl Naumann, Administrative Assistant to the Mayor/Economic Development; Dave Johnson, Deputy County Attorney

Troy Gagner, Economic Development Coordinator, said it will be necessary to seek an extension of the following Community Development Block Grant (CDBG) application submission requirements for the Archer Daniels Midland (ADM) Track Expansion Project, Grant No. 02-ED-011 (Exhibit J):

- \* Authorization to Request CDBG Funds
- \* Code of Conduct
- \* Attachment 11, Request for Release of Funds and Certification
- \* Fair Housing Projects
- \* Residential Antidisplacement and Relocation Assistance Plan
- \* Citizen Participation Plan

He explained that it was originally thought that these items were not applicable.

Dave Johnson, Deputy County Attorney, said he plans to draft a resolution with regard to the fair housing issue and will take care not to infringe upon the Nebraska Equal Opportunity Commission's jurisdiction.

**MOTION:** Stevens moved and Workman seconded to authorize the Chair to sign a letter requesting a 30 day extension of Community Development Block Grant (CDBG) application submission requirements for the Archer Daniels Midland (ADM) Track Expansion Project . Workman, Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

**12 ACTION ITEMS**

- A. Nebraska Association of County Officials (NACO) Legislative Day (April 10, 2003)

Board members indicated plans to attend the lunch session.

B. WorkWell Annual Luncheon Table (\$200)

**MOTION:** Hudkins moved and Workman seconded approval. Hudkins, Heier, Stevens and Workman voted aye. Schorr abstained from voting. Motion carried.

C. Request from Sheryl Schrepf, Families First & Foremost (F<sup>3</sup>) Director, for a 30 Day Leave of Absence

**MOTION:** Stevens moved and Workman seconded to approve a 30 day leave of absence for Sheryl Schrepf, Families First & Foremost (F<sup>3</sup>) Director, without pay. Workman, Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

D. Set Date for Employee Recognition Luncheon

The luncheon will be held on May 20<sup>th</sup> from 11:30 a.m. to 1 p.m. at Windsor Stables, 1024 "L" Street.

E. Long-Term Disability Letter to CNA Insurance

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

F. Great Plains Resource Conservation & Development Program (RC&D) 2003 Membership Fee (\$150)

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

G. Microcomputer Request #2003-086 from County Engineer, \$4,866.45 from County Engineer's Budget for Eight (8) PC Upgrades and Software

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

H. City-County Common Agenda Items (April 7, 2003)

None were offered.

- I. Recommendation from Visitors Promotion Advisory Committee (VPAC) for Contingency Fund Award of \$750 to Special Olympics Nebraska

**MOTION:** Hudkins moved and Schorr seconded approval of the Contingency Fund award, contingent upon demonstration of a loss. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

### 13 ADMINISTRATIVE OFFICER REPORT

- A. Lincoln Convention & Visitors Bureau (CVB) Contract

Eagan reviewed proposed changes to the contract (see agenda packet).

- B. Acreage Study Status and Resource Committee

Item moved forward on the agenda.

- F. Invitation to Commissioner Heier to Attend Southeast Clerk's Association Meeting (April 9, 2003)

**MOTION:** Hudkins moved and Schorr seconded approval. Schorr, Hudkins, Stevens and Workman voted aye. Heier voted no. Motion carried.

- H. Correspondence from Sanitary Improvement District No. 8

Item moved forward on the agenda.

- L. Closure of Old Cheney Road at Highway 77

Heier suggested that the Board indicate its position on the closure in the form of a letter.

Hudkins said he believes, at the minimum, on/off ramps are needed to maintain traffic circulation and suggested the Board seek reconsideration of the decision to close the road.

Eagan explained that Highway 77 is moving to freeway status and said the Nebraska Department of Roads wants to limit the number of interchanges. He said the Planning Department favors closing the road to Wilderness Park.

Hudkins noted that the City wants the County to upgrade one mile of 1<sup>st</sup> Street between Pioneers Boulevard and Old Cheney Road to address traffic concerns.

Workman requested additional information and input from the County Engineer.

**MOTION:** Hudkins moved and Schorr seconded to direct Kerry Eagan, Chief Administrative Officer, to draft a letter to the Nebraska Department of Roads and the Planning Department indicating that the Board has concerns regarding closure of Old Cheney Road at Highway 77 and asking the Nebraska Department of Roads to re-evaluate its position, hold public hearings and look at alternatives to closure, with a response back to the Board. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

- P. Lincoln Convention & Visitors Bureau (CVB) Request for Study of Visitor Industry

Schorr said responses to the Request for Proposals (RFP) for a consultant to perform a comprehensive community-wide study for the Lincoln Convention & Visitors Bureau (CVB) are due April 25, 2003.

- R. Legal Opinion Regarding Inclusion of Trails in Density Calculations

Item moved forward on the agenda.

The Chair exited the meeting at 11:48 a.m. and the Vice Chair assumed direction of the meeting.

#### **ADDITIONS TO THE AGENDA**

- B. Light Detection and Ramping (LIDAR) Photographs

Eagan said the County has been asked to contribute \$10,000 to the cost.

#### **RETURNING TO ADMINISTRATIVE OFFICER REPORT**

- C. Indigent Screener Project

Hudkins said he would like to see screening for insurance.

**MOTION:** Schorr moved and Hudkins seconded to take no action at this time. Workman, Stevens, Hudkins and Schorr voted aye. Heier was absent from voting. Motion carried.

D. Board of Health Appointments

The Board scheduled the item on the March 25, 2003 Board of Commissioners Meeting agenda.

E. Membership Invoice from Lincoln Partnership for Economic Development (LPED)

**MOTION:** Schorr moved and Hudkins seconded to renew the County's membership in the Lincoln Partnership for Economic Development (LPED) at the \$2,500 level. Schorr, Hudkins, Workman and Stevens voted aye. Heier was absent from voting. Motion carried.

G. Letter from Brian Pillard, Records & Information Manager, Regarding Staffing

Eagan said anticipated efficiencies in how the County Assessor/Register of Deeds Office images documents may help to "leverage" an additional position in Records & Information Management.

**MOTION:** Schorr moved and Stevens seconded to allow Brian Pillard, Records & Information Manager, to increase staff hours by 15 hours per week with re-evaluation at budget time.

Eagan suggested that the Board investigate the cost before proceeding.

The motion was deferred, pending additional information.

I. Security Updates from Dave Heineman, Director of Homeland Security

Eagan said he reviews the security updates and will share any concerns with the Board.

J. Alternatives to Incarceration Position

**MOTION:** Workman moved and Hudkins seconded to appoint Bernie Heier, County Board Chair; Gwen Thorpe, Deputy Chief Administrative Officer; Kit Boesch, Human Services Administrator; Warren Cook, Coordinator of Adult Offender Services; Georgia Glass, Personnel Director; and Steve Rowoldt, Chief Probation Officer in County Court Probation, to the interview committee. Workman, Hudkins, Schorr and Stevens voted aye. Heier was absent from voting. Motion carried.

- K. Request for Rehearing on Change of Zone No. 210

Item was covered at the March 6, 2003 Staff Meeting.

- M. Lancaster Manor Indirect Billing

Hudkins noted that funding of the expense will be through the Renewal and Replacement Fund.

**MOTION:** Hudkins moved and Workman seconded to bill Lancaster Manor \$129,989 for indirect costs. Workman, Schorr, Hudkins and Stevens voted aye. Heier was absent from voting. Motion carried.

- N. Saline Wetland Conservation Plan

Board consensus was to schedule a presentation on a Board of Commissioners Meeting agenda.

- O. New Computer for County Board Secretary

Eagan said the item was included in the budget.

Board consensus was to proceed with the purchase.

- Q. Appointment of Deb Schorr to Community Learning Centers (CLC) Board

**MOTION:** Hudkins moved and Stevens seconded approval. Workman, Stevens, Hudkins and Schorr voted aye. Heier was absent from voting. Motion carried.

**RETURNING TO ITEM 13G.**

At the Board's request, Dave Kroeker, Budget and Fiscal Officer, appeared and estimated the cost of increasing the hours for the remainder of the fiscal year at \$2,150.

**ON CALL:** Schorr, Hudkins, Stevens and Workman voted aye. Heier was absent from voting. Motion carried.

**14 ADJOURNMENT**

**MOTION:** Hudkins moved and Workman seconded to adjourn the meeting at 12:35 p.m. Schorr, Hudkins, Workman and Stevens voted aye. Motion carried.

---

Bruce Medcalf  
County Clerk