

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, MARCH 16, 2006  
8:30 A.M.**

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

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

The Vice Chair opened the meeting at 8:33 a.m.

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, MARCH 2, 2006**

**MOTION:** Stevens moved and Heier seconded approval of the Staff Meeting minutes of March 2, 2006. Hudkins, Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Report on Meeting with Representatives of Nebraska Department of Health and Human Services (HHS)
- B. Construction Engineering Contract for Jamaica North Trail
- C. Letter of Resignation from the Chair

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

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

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

**ACTION ITEMS**

A. Payroll Insert for March 23, 2006 (Safety Flyer)

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

B. Microcomputer Requests:

1. C#2006-097, \$983.29 from County Treasurer's Budget for PC, Software
2. C#2006-099, \$7,176.17 from County Treasurer's Budget for Seven (7) PC's, Software
3. C#2006-080, \$1,677.32 from Adult Probation's Budget for PC, Software
4. C#2006-087, \$1,240.10 from Adult Probation's Budget for Laser Jet Printer
5. C#2006-035, \$2,435.28 from District Court's Budget for Computer Monitors, Etc.
6. C#2006-106, \$26,406.89 from Community Mental Health Center's Budget for Thirty (30) PC's

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

C. Agenda Items for Joint Meeting with Lincoln Public Schools (LPS) Board and City Council (April 3, 2006, 7:30 a.m. at the LPS District Offices)

Hudkins requested a map of LPS future growth.

D. Grant Application Request for Drug Court Funding

**MOTION:** Hudkins moved and Stevens seconded to authorize the Chair to sign the grant application, provided the only cost to the County is in-kind match. Heier, Workman, Hudkins and Stevens voted aye. Schorr was absent from voting. Motion carried.

E. Hickman-Waverly Newspaper Subscriptions

**MOTION:** Stevens moved and Heier seconded to subscribe to the Hickman Voice News and the Waverly News. Stevens, Workman, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

The Board asked Gwen Thorpe, Deputy Chief Administrative Officer, to check subscription costs for the Malcolm Clipper (a student newspaper) and Crete News and report back.

**ADDITIONS TO THE AGENDA**

A. Report on Meeting with Representatives of Nebraska Department of Health and Human Services (HHS)

Stevens said he, Dean Settle, Community Mental Health Center Director; and C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program; met with Nancy Montanez, Nebraska Department of Health & Human Services (HHS) Director, and her staff to discuss the State's refusal to take patients that are committed to the Lincoln Regional Center in a timely fashion. He said there was agreement to place Region V patients higher on the priority scheme, which should help relieve the situation at the Crisis Center.

**4 ECOLOGICAL SUBCOMMITTEE REPORTS ON ACREAGE AND OPEN SPACE POLICIES** - Marian Langan, Lincoln-Lancaster County Ecological Advisory Committee (EAC) Chair; Jim Culver, Acreage Review Subcommittee; Dennis Schroeder, Jim Douglas and Kay Kottas, Acreage Review Subcommittee and Open-Space Subcommittee

Kay Kottas, Acreage Review Subcommittee and Open-Space Subcommittee, presented a report from the Acreage Review Subcommittee (Exhibit B). She said five proposals for developments with requests of rezoning from Agricultural (AG) to Agricultural Residential (AGR) and for Community Unit Plan (CUP) density bonuses based on environmental conservation value were reviewed. Each proposal was evaluated with regard to the following resources:

- ▶ Saline wetlands
- ▶ Threatened and endangered species
- ▶ Freshwater wetland
- ▶ Native prairie
- ▶ Tree masses
- ▶ Stream corridors

Kottas said it was difficult to assign quantitative values to some of the acreages using the scoring (algorithms) system and said the subcommittee felt it wasn't readily applicable across-the-board. Also, negative points were being assigned to ecological functions and the subcommittee felt it was not conducive to preservation.

Jim Culver, Acreage Review Subcommittee, said the point system has some merit and is a good sorting tool.

Kottas said the proposals were evaluated using committee expertise and visual inspection, when deemed necessary. She noted that the reviews were completed prior to the Board of Commissioners voting on the acreage development requests, but not in time to provide access to the Planning Department or Planning Commission.

Marian Langan, Lincoln-Lancaster County Ecological Advisory Committee (EAC) Chair, asked whether the information is helpful and whether the Board would like the subcommittee to continue to review proposals.

Board members generally agreed that they would like the subcommittee to continue to review proposals referred by the Planning Department or Board, provided their work doesn't impede the process.

Stevens said the Board is seeking legislation to allow Transfer of Development Rights and said it would be helpful to have the subcommittee suggest the best way to allow development to occur, but preserve ecologically sensitive areas. He said he would also like to see suggestions on how to use outlots in the future.

Jim Douglas, Acreage Review Subcommittee and Open-Space Subcommittee, presented a report from the Open-Space Subcommittee of the Lancaster County Ecological Advisory Committee (EAC) and a draft of a ranking tool that could be used for evaluating potential open-space areas (Exhibits C & D).

**5 CONSERVATION EASEMENTS NEAR SPRING CREEK PRAIRIE -**  
Dennis Schroeder, District Conservationist for Natural Resources  
Conservation Service (USDA)

Dennis Schroeder, District Conservationist for Natural Resources Conservation Service (USDA), gave an overview of the Grassland Reserve Program (GRP), noting easements have been placed on four sites with native grass prairie (Exhibit E). Three of the sites are near Spring Creek Prairie, which is located three miles south of Denton, Nebraska. One of the other sites is commonly referred to as the Martin Prairie, which is owned by Lincoln Parks and Recreation. He said two other sites are pending.

In response to a question from Heier, Schroeder said adjoining land use is not addressed in the easement document.

DeKalb it would be helpful to have a group with expertise in this area suggest appropriate buffers and uses.

Schroeder also presented maps of wetland easements established in the northern part of the County (Exhibits F & G) and said the intent is to do wetland restoration on these sites. Both sites have upland seedings and saline soils. He said the basin area north of the Finegan property (Exhibit F) was once Salt Creek Tiger Beetle habitat and the potential to promote beetle habitat will be addressed as part of the restoration plan for the Finegan site. Schroeder added that he is working with other potential sites in that area.

## **ADDITIONS TO THE AGENDA**

### **B. Construction Engineering Contract for Jamaica North Trail**

Terry Genrich, Parks & Recreation Natural Resources Manager, appeared and said a construction engineering contract has been negotiated with Olsson Associate for the Jamaica North Trail Project (\$35,514). The Nebraska Department of Roads will prepare the contract.

**MOTION:** Hudkins moved and Stevens seconded to authorize Terry Genrich, Parks & Recreation Natural Resources Manager, to proceed as outlined. Hudkins, Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

### **6 COUNTY CHANGE OF ZONE NO. 06008, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR), 84<sup>TH</sup> STREET AND WAVERLY ROAD (SPLIT JURISDICTION WITH CITY OF LINCOLN) - Mike DeKalb, Planning Department**

Mike DeKalb, Planning Department, gave an overview of County Change of Zone No. 06008, a request for a change of zone from AG to AGR on a 7.66 acre parcel at the northeast corner of the intersection of 84<sup>th</sup> Street and Waverly Road (Exhibit H). This is a pre-existing, buildable lot in a split jurisdiction. The stated intent is to split the parcel into two, three-plus acre parcels. Planning staff and the Planning Commission have recommended approval of the request.

Hudkins exited the meeting at 9:56 a.m.

**7 A) POST EMPLOYMENT HEALTH PLAN (PEHP) INVESTMENT ARRAY; AND B) ASSET DIVERSIFICATION SEMINARS - Chad Christensen, Nationwide Retirement Solutions (NRS) Retirement Specialist**

**A) Post Employment Health Plan (PEHP) Investment Array**

Chad Christensen, Nationwide Retirement Solutions (NRS) Retirement Specialist, presented information on investment options for the Post Employment Health Plan (PEHP) (Exhibit I). He noted that the default for PEHP is the Fixed Account, which is currently paying 2.9%.

Kerry Eagan, Chief Administrative Officer, said he believes the default should be changed to a moderate risk lifestyle fund.

**B) Asset Diversification Seminars**

Christensen said NRS plans to offer educational seminars covering the following topics: 1) Asset allocation; 2) PEHP investment options; and 3) Deferred compensation (Exhibit J).

Schorr arrived at 10:11 a.m.

**MOTION:** Heier moved and Stevens seconded to authorize a payroll insert with information about the educational seminars. Stevens, Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

**ADMINISTRATIVE OFFICER REPORT**

D. Pension Review Committee Update - Letter from American Federation of State, County & Municipal Employees (AFSCME)

Eagan noted the Pension Review Committee's recommendation that the Lancaster County Investment Policy for the Employee Retirement and 457 Deferred Compensation Plans be amended to include mandatory attendance and the Board's subsequent request that committee members be sent a confidential letter asking them to define barriers to attendance. He said he did so and said there is no evidence that any members were prevented by their department heads from attending meetings. Two of the members responded that they are no longer interested in serving on the committee. Eagan suggested that the Board refer the matter back to the committee and ask it to develop attendance guidelines and a meeting schedule.

Eagan also reported receipt of a letter from Gary Young, legal counsel for American Federation of State, County & Municipal Employees (AFSCME), relaying the union's views regarding the Pension Review Committee: 1) AFSCME representatives are generally unable to attend meetings due to scheduling times; and 2) AFSCME does not have adequate representation on the committee. Eagan said committee members represent all of the plan participants and said it is important to have broad representation on the committee so information is taken back to departments and disseminated to the employees.

**MOTION:** Stevens moved and Heier seconded to have Kerry Eagan, Chief Administrative Officer, draft a letter of response and bring it back next week. Stevens, Workman, Heier and Schorr voted aye. Hudkins was absent from voting. Motion carried.

**MOTION:** Schorr moved and Heier seconded to make a recommendation to the Pension Review Committee that committee members be removed if they have more than three (3) unexcused absences.

Stevens said he is not in favor of setting attendance requirements for other groups.

**ROLL CALL:** Schorr, Heier and Workman voted aye. Stevens voted no. Hudkins was absent from voting. Motion carried.

**8 WEED CONTROL STAFFING** - Russ Shultz, Noxious Weed Control Authority Superintendent

Russ Shultz, Noxious Weed Control Authority Superintendent, said Linda Spilker, Account Clerk II, is retiring, effective June 30, 2006. He asked that: 1) The Account Clerk II position be changed to an Administrative Aide I; and 2) The position be filled in time to allow for a two week overlap and that five (5) days of follow-up training be allowed during the year (Exhibit K).

**MOTION:** Heier moved and Stevens seconded approval of the request.

Dave Kroeker, Budget and Fiscal Officer, appeared and asked whether it is legally permissible for Spilker to come back as a consultant since she is taking early retirement.

Don Taute, Personnel Director, appeared and said he does not see a problem with her doing so.

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

The Board asked Taute to report back on whether the County has achieved savings by offering an early retirement incentive.

**9 JUVENILE DRUG COURT GRANT** - Kit Boesch, Human Services Administrator; Sara Hoyle, Lancaster County Juvenile Drug Court Coordinator; Lori Griggs, Juvenile Probation Administrator

Kit Boesch, Human Services Administrator, said she would like to make application through the County for a three-year Substance Abuse and Mental Health Services Administration (SAMHSA) grant (\$300,000 per year) for the Lancaster County Juvenile Drug Court (Exhibits L & M).

Sara Hoyle, Lancaster County Juvenile Drug Court Coordinator, said the grant will provide funds for enhanced treatment for youth in the Lancaster County Juvenile Drug Court and spots for twelve additional youth.

**MOTION:** Stevens moved and Schorr seconded to authorize Kit Boesch, Human Services Administrator, to submit the grant application, with signature by the Chair or Vice Chair. Schorr, Heier, Stevens and Workman voted aye. Hudkins was absent from voting. Motion carried.

Information regarding a town hall meeting to discuss federal funding and a coordinated effort to combat methamphetamine in Nebraska was also distributed (Exhibit N).

**ADDITIONS TO THE AGENDA**

C. Letter of Resignation from the Chair

The Chair indicated that she plans to resume her duties full-time on April 17, 2006.

**10 ACTION ITEMS**

- A. Payroll Insert for March 23, 2006 (Safety Flyer)
- B. Microcomputer Requests:
  - 1. C#2006-097, \$983.29 from County Treasurer's Budget for PC, Software
  - 2. C#2006-099, \$7,176.17 from County Treasurer's Budget for Seven (7) PC's, Software
  - 3. C#2006-080, \$1,677.32 from Adult Probation's Budget for PC, Software
  - 4. C#2006-087, \$1,240.10 from Adult Probation's Budget for Laser Jet Printer



- 5. C#2006-035, \$2,435.28 from District Court's Budget for Computer Monitors, Etc.
- 6. C#2006-106, \$26,406.89 from Community Mental Health Center's Budget for Thirty (30) PC's
- C. Agenda Items for Joint Meeting with Lincoln Public Schools (LPS) Board and City Council (April 3, 2006, 7:30 a.m. at the LPS District Offices)
- D. Grant Application Request for Drug Court Funding
- E. Hickman-Waverly Newspaper Subscriptions

Items A-E were moved forward on the agenda.

## 11 ADMINISTRATIVE OFFICER REPORT

- A. Claim for Review - PV59368, \$164.27 from Safety and Training Budget

**MOTION:** Stevens moved and Schorr seconded to handle the claim through the regular claims process at the Tuesday, March 21, 2006 Board of Commissioners Meeting. Schorr, Heier, Workman and Stevens voted aye. Hudkins was absent from voting. Motion carried.

- B. Pending Policy

The Board reviewed a legal opinion regarding placement and removal of agenda items from Pending (see agenda packet) and asked Thorpe to work with the County Clerk's Office in drafting a policy.

The Board also asked the Clerk's Office to make the following announcement during the Pending Items portion of the agenda at Tuesday, Board of Commissioners Meetings:

*Items currently on pending may be removed at the discretion of the Board and scheduled for action on a regular Board of Commissioners agenda following a two week notification period.*

- C. Natural Gas Lock-In (Cornerstone) for Lancaster Manor

Eagan said Don Killeen, County Property Manager, does not support participating in natural gas lock-ins.

Copies of an article published in the Wall Street Journal titled Natural-Gas Prices Feel a Chill as Report Sparks Fear of a Glut were distributed (Exhibit O).

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

D. Pension Review Committee Update - Letter from American Federation of State, County & Municipal Employees (AFSCME)

Item moved forward on the agenda.

E. Keep Malcolm Beautiful Sign

**MOTION:** Stevens moved and Heier seconded to decline the offer to participate in funding of a new sign.

**FRIENDLY AMENDMENT:** Heier offered a friendly amendment to indicate that the County will not fund new signs for any of the villages.

The maker of the motion agreed to the friendly amendment.

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

F. Legal Opinion on Procedure for County Change of Zone No. 05079 and County Preliminary Plat No. 05017 (Red Cedar Ridge)

Item held.

G. Reappointments to the Lincoln-Lancaster Women's Commission

The Board scheduled the item on the March 21, 2006 Board of Commissioners Meeting agenda.

H. County Board Voting Machine

Workman asked that consideration be given to purchasing an electronic system for recording votes at meetings. He said this would eliminate influence by others' votes and the perception that there are "swing" votes.

**MOTION:** Schorr moved and Heier seconded to: 1) Investigate electronic voting systems, in conjunction with 5-City TV and the County Clerk's Office; and 2) Schedule discussion of the item on the City-County Common Meeting agenda. Stevens, Schorr, Heier and Workman voted aye. Hudkins was absent from voting. Motion carried.

## 12 DISCUSSION OF BOARD MEMBER MEETINGS

### A. Arena Task Force - Schorr

No report.

### B. Parks & Recreation Advisory Board - Stevens

Stevens said discussion focused on the bond issue to fund a linear park along the South Beltway.

### C. Nebraska Innovation Zone Commission - Workman

Workman said Alexander Garvin, a Yale professor and New York consultant, spoke at a recent visioning session. He said Garvin suggested incorporation of the area's natural features in development of the Omaha-Lincoln corridor on Interstate 80 and offered a three-tier model for planning for the area's future: regulation, incentive and strategic government spending.

### D. Joint Budget Committee (JBC) - Workman, Stevens

Stevens said the meeting was routine in nature.

### E. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

See Item 4.

### F. Lincoln Partnership for Economic Development (LPED) - Workman

Workman reported on termination of the Lincoln Chamber of Commerce President.

### G. Railroad Transportation Safety District (RTSD) - Schorr, Workman, Stevens

Stevens said the preliminary budget was presented. Proposals to study an overpass on 1<sup>st</sup> and "J" Streets and whether an at-grade crossing at 44<sup>th</sup> Street and Cornhusker Highway should be closed were defeated.

### H. Information Services Policy Committee - Stevens

No report.

I. Public Building Commission (PBC) - Hudkins, Workman

Workman an underground addition to the 9<sup>th</sup> & J Street Building was discussed.

J. General Assistance (GA) Monitoring Committee - Stevens, Schorr

Stevens said staff is getting a handle on the old claims.

K. Air Pollution Control Advisory Board - Hudkins

No report.

L. Board of Health - Hudkins

No report.

M. Visitors Promotion Committee (VPC) - Stevens

Stevens said there was a report on the Arena Task Force.

### **13 ADJOURNMENT**

**MOTION:** Schorr moved and Stevens seconded to adjourn the meeting at 11:37 a.m. Stevens, Heier, Workman and Schorr voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk