

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, JUNE 29, 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  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:31 a.m.

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, JUNE 22, 2006**

**MOTION:** Hudkins moved and Heier seconded approval of the Staff Meeting minutes dated June 22, 2006. Hudkins, Workman and Schorr voted aye. Stevens and Heier abstained from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

A. Discussion with Richard Baier, Nebraska Department of Economic Development Director

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

**3 BUDGET WORK SESSION - Dave Kroeker, Budget & Fiscal Officer**

Dave Kroeker, Budget & Fiscal Officer, gave an overview of the following (Exhibit A):

- ▶ Draft Budget By Court Type
- ▶ Future Allocated Funds and Personnel for Day/Evening Reporting Center; Specialized Substance Abuse Supervision Program (SSAS); and Drug Court
- ▶ Grants Fund (Agency 693), Activity 7/1/05 to 6/27/06
- ▶ Grants Fund (Agency 837), For the Year Ending 6/30/06 (As of 6/27/06)
- ▶ Correspondence from Cathy Behrns, County Grants Coordinator, Detailing Grants Fund FY07 Revenue

Kroeker expressed concern regarding the negative balances and said the Grants Fund balances need to be "cleaned up" or the County's ability to secure grants may be jeopardized.

**MOTION:** Hudkins moved and Heier seconded to direct Dave Kroeker, Budget & Fiscal Officer, to work with Gwen Thorpe, Deputy Chief Administrative Officer, to prepare a letter asking the Human Services Department and Emergency Management for detailed information on grants and to authorize the Chair to sign and send the letter. Heier, Workman and Hudkins voted aye. Stevens and Schorr voted no. Motion carried.

- ▶ Correspondence from Judith Tannahill, Community Mental Health Center (CMHC) Regarding Surplus Vans

Kroeker explained that the vans will be used for The Heather (a community transition program).

**MOTION:** Hudkins moved and Workman seconded to have the County Engineering Maintenance Shop evaluate Lancaster Manor's surplus vans and to get them ready for transfer to the Community Mental Health Center (CMHC) or auction. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

- ▶ Proposed Budget, Economic Development, 2006-2007
- ▶ Estimated Collections, Economic Development

Stevens said he favors continuing a \$10,000 contribution to Lincoln Partnership for Economic Development (LPED).

### **ADDITIONS TO THE AGENDA**

- A. Discussion with Richard Baier, Nebraska Department of Economic Development Director

Board consensus was to schedule discussion with Richard Baier, Nebraska Department of Economic Development Director; Troy Gagner, Economic Development Coordinator; and Darl Naumann, Administrative Assistant to the Mayor/Economic Development.

**4 A) LAND USE DENSITY CALCULATIONS; AND B) EFFECT OF ANNEXATION ON COUNTY ZONING ACTIONS** - Mike Thew, Chief Deputy County Attorney; Kristy Mundt, Deputy County Attorney; Mike DeKalb, Planning Department

Extensive discussion took place regarding a County Attorney opinion regarding authority to round up in land use density calculations (see agenda packet). The opinion states that:

*Although the County Board does not have the explicit authority under the County Zoning Regulations to round up acreage calculations, the Board does have general authority under Nebraska Revised Statute § 23-114 to regulate the type and density of land use, most likely including the authority to round up acreage calculations to the nearest whole number. Therefore, if the Board is desirous of rounding up acreage calculations, it would likely have the authority to do so. However, in order to exercise that authority it would be necessary to adopt a text amendment to the County Zoning Regulations to incorporate such practice. Such amendment would most likely be included in Article 143 of the Zoning Regulations and specify the exact application of rounding up acreage calculations, i.e. if such process applies only to density calculations and what percentage qualifies for "rounding up". A text amendment would also ensure that the County Board's practice was applied in a consistent manner.*

A package of adjustments in place that can accommodate short parcels were also discussed: ½ of ¼ of ¼ of a section; protected parcel where the County has acquired right-of-way; count adjacent mile and ½ mile of road right-of-way; Community Unit Plan (CUP); and farmstead exception (a split-off of a farmhouse in existence for more than five years, that passes minimum housing code and health inspection of septic system and well).

Mike DeKalb, Planning Department, noted that Nebraska Revised Statute § 23-174.01 says counties have the power, within the county, for zoning and subdivision except within the area over which zoning jurisdiction has been granted to any city or village and over which such city or village is exercising their jurisdiction. He said in the case of County Change of Zone No. 04053 (from AG Agricultural District to AGR Agricultural Residential District, requested by Mark Hunzeker on behalf of Wapiti Enterprises, Inc., on property generally located at the southeast corner of Southwest 40<sup>th</sup> Street and Rokeby Road), the City adopted annexation two weeks ago, with an effective date of June 27, 2006, the date the County Board took action to approve the change of zone.

Kristy Mundt, Deputy County Attorney, noted that Heier had asked whether the application trumped annexation and said case law reflects that the mere filing of the application does not give a vested property right.

Heier requested a copy of the case law.

Heier asked where it is stated in the County Zoning Regulations that the County rounds down.

Mundt said it is implicit in the regulations, but is not explicitly stated.

Heier said he is referring to Community Unit Plans (CUP's).

DeKalb said the zoning density of the district is applied, which is 20 acres. He said to his knowledge, there has been no rounding.

Schorr indicated that she would like the Board to have authority to deviate from the requirements.

Mike Thew, Chief Deputy County Attorney, said he would need to research the matter further and said the Board needs to decide how much flexibility it wants and how it wants to exercise it. Language could then be drafted.

**MOTION:** Heier moved and Hudkins seconded to schedule a work session in the future on acreage densities.

DeKalb noted that the Planning Department has scheduled a work session on acreages in August and invited the Board to participate.

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

- 5 **LANCASTER MANOR COMPUTERS** - Larry Van Hunnik, Lancaster Manor Administrator; Doug Thomas, Information Services Director; Randy Ober, Information Services; Scott Andrews, Commercial Computer Systems, Inc. (CCS)

General discussion took place regarding problems related to bringing Lancaster Manor onto the County's computer network. A summary of reported problems in the last twelve months, a list of billings submitted for payment, and a list of activities related to the migration and support was submitted (Exhibit B). Scott Andrews, Commercial Computer Systems, Inc. (CCS), agreed to assist with the transition and changes to the computer system.

Problems with the time clock and call light system were also discussed. A cost estimate for upgrades were requested. Larry Van Hunnik, Lancaster Manor Administrator, indicated that the Renewal and Replacement Fund could be used to fund the expense.

**6 EAST BELTWAY INTERLOCAL AGREEMENT** - Don Thomas, County Engineer; Kristy Mundt, Deputy County Attorney

Don Thomas, County Engineer, and Kristy Mundt, Deputy County Attorney, gave a brief overview of the interlocal agreement.

**7 TRAILER FOR CITIZENS EMERGENCY RESPONSE TEAM (CERT)** - Doug Ahlberg, Emergency Management Director

Item was dropped from the agenda.

**8 PENDING LITIGATION** - Doug Cyr, Chief Administrative Deputy County Attorney; Tom Fox, Deputy County Attorney

**MOTION:** Stevens moved and Heier seconded to enter Executive Session at 10:30 a.m. for discussion of pending litigation and labor negotiations. Heier, Workman, Hudkins, Stevens and Schorr voted aye. Motion carried.

**MOTION:** Stevens moved and Hudkins seconded to exit Executive Session at 10:50 a.m. Workman, Heier, Hudkins, Schorr and Stevens voted aye. Motion carried.

**9 LABOR NEGOTIATIONS** - Don Taute, Personnel Director; Tom Fox, Deputy County Attorney

See Item 8.

**10 SALARIES FOR UNREPRESENTED, UNCLASSIFIED EMPLOYEES** - Don Taute, Personnel Director; Don Thomas, County Engineer; Gary Lacey, County Attorney

Discussion was held regarding the following: 1) Percentage of salary increase; 2) Pay plan adjustment (Add an additional step, with a 3.6% difference between steps) (Estimated cost is \$220,000); 3) Benefit enhancements; and 4) Salary study.

Board consensus was to not expand the pay plan steps for the unrepresented employees at this time.

Stevens suggested that the Board consider a retirement buy-out plan for unrepresented employees.

## **11 ACTION ITEMS**

A. Letter to Nebraska Emergency Management Agency (NEMA) Regarding Sustainability of Grant Programs

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

B. Purchase of Tape Drive for WordPerfect Back-Up (County Share 50% - \$2,523.15)

**MOTION:** Stevens moved and Workman seconded approval of the request, with funding through the Microcomputer Fund this fiscal year. Heier, Workman, Stevens and Schorr voted aye. Hudkins voted no. Motion carried.

C. Payroll Insert for July 13, 2006 (Safety Flyer)

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

Heier exited the meeting at 11:23 a.m.

## **RETURNING TO ITEM 3**

Kit Boesch, Human Services Administrator, appeared and gave an overview of the Graduated Sanction 2006-2007 Funding Program (see Exhibit A).

Gary Lacey, County Attorney, appeared and suggested that the fee for participation in pre-trial diversion be increased.

Additional discussion took place regarding the Grants Fund balances.

Boesch said Cathy Behrns, County Grants Coordinator, will schedule an appointment with Kroeker within the next two weeks to discuss the matter.

Boesch and Thorpe were asked to sit in on the meeting.

Kroeker distributed copies of correspondence regarding a request from the Community Mental Health Center (CMHC) to pull a vehicle from the auction for the Behavioral Health Jail Diversion Program (Exhibit C). Payment will be through the Jail Diversion Grant.

**MOTION:** Hudkins moved and Workman seconded to allow the vehicle to be pulled from the auction for the Community Mental Health Center (CMHC). Stevens, Hudkins, Workman and Schorr voted aye. Heier was absent from voting. Motion carried.

Kroeker will notify the Purchasing Department.

Kroeker also distributed Revised Budget Calendar for Fiscal Year 2007 (Exhibit D).

Board consensus was to schedule budget work sessions on Monday, July 17<sup>th</sup> from 9 a.m. to 4:30 p.m. and Tuesday, July 18<sup>th</sup> from 3 p.m. to 5 p.m.

## 12 ADMINISTRATIVE OFFICER REPORT

### A. Exceptional Circumstance Award Policy

The Board received a record of exceptional circumstance awards (Exhibit E).

**MOTION:** Workman moved and Hudkins seconded to institute a cap of \$500 and to eliminate a step increase as an option. Workman, Hudkins and Schorr voted aye. Stevens voted no. Heier was absent from voting. Motion carried.

### B. Purchasing Cards

Board consensus was to schedule discussion with Dave Kroeker, Budget and Fiscal Officer; Tim Genuchi, Accounting Operations Manager for the County Clerk's Office; and Bob Walla, Assistant Purchasing Agent.

### C. Potential Termination of Omnicare Contract (Pharmaceutical Services a Youth Services Center)

The Board reviewed correspondence from Michelle Schindler, Youth Services Center Director, regarding this issue (see agenda packet).

### D. County Board Office Manager Position

### E. Update on Bryan/LGH Contract

Items D and E were held.

F. Letter to Juvenile Court Judges Regarding Tracking of Private Assigned Counsel (See Draft in Agenda Packet)

**MOTION:** Stevens moved and Hudkins seconded to authorize the Chair to sign and send the letter. Stevens, Workman, Hudkins and Schorr voted aye. Heier was absent from voting. Motion carried.

G. Lobbyist Contract

**MOTION:** Hudkins moved and Stevens seconded to proceed with developing a two-year contract at \$53,000 annually. Hudkins, Stevens and Workman voted aye. Schorr abstained from voting. Heier was absent from voting. Motion carried.

### **13 DISCUSSION OF BOARD MEMBER MEETINGS**

A. Arena Task Force - Schorr

Schorr reported selection of three possible sites for an arena: 1) At the current site of the downtown post office near 7<sup>th</sup> and R Streets; 2) Directly west of the Lincoln Station; and 3) On the south side of the Harris Overpass, near 7<sup>th</sup> and N Streets.

B. Lincoln Independent Business Association (LIBA) Monthly Meeting - Heier, Workman

Workman said discussion focused on the budget

C. Downtown Lincoln Association (DLA) Board Meeting - Stevens

Stevens reported budget discussion.

D. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Stevens said the Aging Department plans to offer a seminar on "hoarding".



**14 ADJOURNMENT**

**MOTION:** Workman moved and Hudkins seconded to adjourn the meeting at 12:31 p.m. Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

---

Bruce Medcalf  
Lancaster County Clerk