

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, FEBRUARY 22, 2007
8:30 A.M.**

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

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Bauer, Deputy County Attorney
Dan Nolte, County Clerk
John Glynn, Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:32 a.m.

AGENDA ITEM

1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, FEBRUARY 15, 2007

MOTION: Stevens moved and Hudkins seconded approval of the Staff Meeting minutes dated February 15, 2007. Hudkins, Schorr, Stevens and Workman voted aye. Heier abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

3 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).

Hudkins asked Kissel to review the amendments to LB 166 (Change provisions relating to property taxation and assessment) to see whether the County Sheriff's concerns are addressed.

Dennis Meyer, Budget and Fiscal Officer, appeared and said the Revenue Committee will hold a hearing later today on LB 362 (Change budget limitations and require audits of joint entities). He said the bill pulls interlocal agreements out of the lid as an exception, noting that the County claims almost \$20 million in interlocal agreements.

MOTION: Hudkins moved and Schorr seconded to oppose LB 362 and to authorize Dennis Meyer, Budget and Fiscal Officer, to testify at the hearing on behalf of the County Board. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Meyer said LB 628 (Change budget provisions and levy limitations for cities, villages and counties) is also up for hearing today before the Revenue Committee. He said the bill deals with the lid and changes the definition of capital improvement and allowable growth. Meyer recommended support of the bill.

MOTION: Hudkins moved and Schorr seconded to support LB 628 and to authorize Dennis Meyer, Budget and Fiscal Officer, to testify at the legislative hearing on behalf of the County Board. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

Hudkins asked Kissel whether the Board should take a position on LB 33 (Appropriate funds to fund the County Property Tax Relief Program) and LB 587 (Eliminate limitations on appropriations for county jail reimbursement assistance).

Kissel said the Larry Dix, Nebraska Association of County Officials (NACO) Executive Director, plans to testify in support of LB 33. He said it isn't clear which bill will be the vehicle for jail reimbursement.

DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

Stevens said he introduced Meyer to the committee.

Meyer said he gave a budget update and distributed materials from the Mid-Year Budget Retreat. He said discussion followed with a focus on the jail project.

- 4 COUNTY CHANGE OF ZONE NO. 06070 AND COUNTY MISCELLANEOUS NO. 06016, AMENDMENT OF ZONING AND SUBDIVISION REGULATIONS GOVERNING TIME LINES FOR POSTING, LEGAL NOTICES, ETC.** - Marvin Krout, Planning Director; Ray Hill, Planner

Ray Hill, Planner, gave an overview of the following:

County Change of Zone No. 06070, requested by the Director of Planning, for a text amendment to the Lancaster County Zoning Resolution as follows:

- a. Set a one-year period within which applications that have been deferred at the applicants' request are presented to the Planning Commission or County Board for final action or they automatically expire.
- b. Change public hearing notice dates when signs are posted and notices appear in the newspaper to be consistent with the City's notification procedures.
- c. Clarify the procedures for special permits and community unit plans and correct typing errors.
- d. Clarify that no buildings or uses may be permitted in a yard via an administrative amendment by the Planning Director.
- e. Relocate the provisions for pre-existing special permits.

County Miscellaneous No. 06016, requested by the Director of Planning, for a text amendment to the Lancaster County Land Subdivision Regulations as follows:

- a. Set a one-year time period within which applications that have been deferred at the applicants' request are presented to the Planning Commission or County Board for final action or they automatically expire.
- b. Delete the filing deadline before a preliminary plat may be scheduled on the Planning Commission agenda.
- c. Delete the provision that a preliminary plat shall be effective for only ten years and authorize the Planning Director to determine if a new preliminary plat may be required after five years rather than the County Board.

Hill was asked to work with the County Attorney's Office to add language regarding the right of appeal.

- d. Reword procedures regarding filing the Planning Commission's findings within seven days with the County Clerk.
- e. Change public hearing notice dates when signs are posted and notices appear in the newspaper to be consistent with the City's notification requirements.

Marvin Krout, Planning Director, said the original staff recommendation for County Change of Zone No. 06070 and County Miscellaneous No. 06016 included a provision to set a 12-week time period from the initial hearing date for the Planning Commission to act on an application, unless the applicant consents to a deferral. The provision was not accepted by the majority of the Planning Commission and was deleted from the applications. He said the best way to address the issue would be statutorily.

ACTION ITEMS

F. Unincorporated Village Address and Street Name Changes

Board consensus was to have Doug Pillard, County Engineering Design Division Head, work with the Street Naming Committee on the changes.

Hudkins exited the meeting at 9:35 a.m.

5 VISION 2015 - Kent Seacrest and Dick Campbell, 2015 Vision Group

Kent Seacrest, 2015 Vision Group, gave an overview of the 2015 Vision Proposal (Exhibit B), noting the identification of 10 Pillars to Lincoln's future:

1. West Haymarket Arena
2. New Convention Center and Headquarter Hotel
3. Expansion of Haymarket Park
4. Nebraska Sports Triangle
5. Arts and Humanities Center
6. Downtown Plaza and Tower/Garage Project
7. Retail Corridor Along "P" and "Q" Streets
8. Antelope Valley Projects
9. University of Nebraska-Lincoln (UNL) Research and Development Corridor
10. High Amenity Agricultural Exposition Center

Hudkins returned at 9:50 a.m.

Dick Campbell, 2015 Vision Group, gave an overview of the Mayor's Event Center Task Force, Final Report Presentation , noting the following recommendations (Exhibits C, D & E):

- * Build a new arena for Lincoln in the West Haymarket area as soon as possible.

Heier asked whether consideration has been given to putting the area at 84th and Havelock Avenue.

Campbell said yes, as one of ten potential sites.

- * Co-locate the Nebraska State Fair and the Lancaster County Fair at 84th & Havelock Avenue. Each Fair Board would run their event on the co-located property with professional management for the other 350 days of property events and uses. **NOTE:** The Task Force recommended serious study of four possible concepts, with a preference for Alternative B3 (See Exhibit C)
- * Retain an independent professional consulting firm to review and validate the financial information from the Task Force before moving forward.
- * The Mayor should appoint a citizen group to build upon and continue the Task Force's work, including educating the community and carrying the vision forward to implementation.

6 FINANCING OPTIONS FOR NEW CORRECTIONS FACILITY - Lauren Wismer, Gilmore & Bell PC (Bond Counsel); Scott Keene and Al Eveland, Ameritas Investment Corporation; Mike Thurber, Corrections Director

Extensive discussion took place regarding financing options for a new Corrections facility.

Lauren Wismer, Gilmore & Bell PC (Bond Counsel) noted that levy limitations have been discussed but said there are also questions regarding what the County is authorized to levy. He said Nebraska Revised Statute §23.119 provides authorization to levy for county operations and needs. Nebraska Revised Statute §23.120 requires the County Board to acquire, purchase, construct, renovate, remodel, furnish, equip, add to, improve or provide a suitable courthouse, jail and other county buildings and a site or sites therefore and for such purposes, borrow money and issue the bonds of the county to pay for the same. He said the latter part of that section states that no levy exceeding two million dollars a year in counties having in excess of two hundred fifty thousand inhabitants can be made without first submitting it to a vote of the electorate. There is one exception, found in Section (3)(b) of that statute, which permits the County to make a 5.2 cent levy for a period of ten years for a project. Wismer said the concern is whether the County can find the levy authority to fund what is being proposed.

Scott Keene, Ameritas Investment Corporation, said the County is currently using less than 1 cent of the 5.2 cent levy (debt service payments of \$530,000 a year for the 2004 bond issue; \$650,000 in debt service payments a year for the County's share of the Health Department Building; and \$150,000 to \$200,000 a year for pay-as-you-go capital projects). He said the County could borrow 92% to 93% of the 5.2 cent levy, although there will likely be a rating hit, to finance a project of around \$59 million. Keene said he has asked Wismer to research whether the Health Department financing could be classified a lease and moved to the \$2 million lease side of Nebraska Revised Statute § 23.120, which would free up an additional \$5 million for the project.

In response to a question from Hudkins, Wismer said the City does not have the same levy restrictions.

Hudkins noted that the County houses City prisoners and suggested that the Board explore whether the City would be willing to assist with funding, perhaps through bonding, in exchange for a credit.

Mike Thurber, Corrections Director, said the City pays the County approximately \$1.4 million a year for the city prisoners.

Keene said \$1.4 million amortized over twenty years is \$18 million.

Additional suggestions were to: 1) Cut back on the number of modules; 2) Take part of the \$2 million allowed in Nebraska Revised Statute §23.120, Section (2); 3) Continue to utilize the existing facility; 4) Expand the Lancaster Correctional Facility (LCF) facility in Airpark; and 5) Seek legislation to increase the 5.2 cent levy or the \$2 million limitation in Nebraska Revised Statute §23.120.

Keene said Al Eveland, Ameritas Investment Corporation, has suggested exploring whether the County could overlap the 5.2 cent levy and the \$2 million levy, provided the debt service does not exceed the 5.2 cents. He said the 5.2 cents levy would run for ten years and the \$2 million levy would run for the next ten years. Some small pieces would come off the lease side to pay interest. That would get the County to \$69 million. He noted it would require having a state agency request a Nebraska Attorney General's opinion on behalf of the County.

Overcrowding at the existing facility, which has left the County out of compliance with Nebraska Jail Standards for several years, and possible placement of inmates in other facilities were also discussed. Thurber noted that Douglas County is willing to accept an unlimited number of prisoners for a daily per diem rate of \$70. Jail facilities in Cass County and Lexington were also mentioned as options.

MOTION: Heier moved and Hudkins seconded to direct Mike Thurber, Corrections Director, to explore housing county prisoners in other jail facilities, up to 70 per day. Heier, Stevens, Schorr, Hudkins and Workman voted aye. Motion carried.

Stevens exited the meeting at 11:32 a.m.

MOTION: Schorr moved and Hudkins seconded to send a letter to the Jail Standards Board asking them to request an opinion from the Nebraska Attorney General clarifying whether Nebraska Revised Statute § 23.120 (2) and (3) can be stacked consecutively. Hudkins, Schorr, Workman and Heier voted aye. Stevens was absent from voting. Motion carried.

Stevens returned to the meeting at 11:38 a.m.

In response to a question from Hudkins, Wismer said a bond election is still an option.

7 AMENDMENT OF POST EMPLOYMENT HEALTH PLAN (PEHP) FOR SHERIFF CAPTAINS - Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, said Nationwide Retirement Solutions (NRS) submitted the wrong plan document. He said a resolution to clarify the adoption of plan documents will be scheduled on the February 27, 2007 Board of Commissioners Meeting agenda.

8 ACTION ITEMS

- A. Microcomputer Request, C#2007-062, \$701.26 from County Attorney's Budget for Eleven (11) Surge suppressers, Etc.

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

- B. Request for \$12,000 from Inmate Benefit Fund for Chaplaincy Program

The Board moved the item to the Tuesday, February 27, 2007 Board of Commissioners Meeting agenda.

- C. Renewal of Hickman Voice Newspaper Subscription

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

- D. Authorization to Sign Magellan Health Services, Inc. Organization Provider Application

MOTION: Schorr moved and Hudkins seconded to authorize signature by the Chair. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- E. Correspondence from County Engineer Regarding Railroad Crossing at Rokeby and Braegan Roads (See Agenda Packet)

Informational only.

- F. Unincorporated Village Address and Street Name Changes

Item was moved forward on the agenda.

- G. Draft Correspondence to Nebraska Department of Health and Human Services (HHS) Regarding Lancaster Manor Medicaid Reimbursement

MOTION: Heier moved and Stevens seconded to authorize signature by the Chair. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

9 ADMINISTRATIVE OFFICER REPORT

- A. Motor Sports Task Force Report

Eagan noted that the final report from the Motor Sports Task Force is due next week and said a one week extension may be necessary.

MOTION: Heier moved and Hudkins seconded to reconsider action taken at the February 15, 2007 Staff Meeting regarding a request from the Motor Sports Task Force to place a survey on the County's website to measure interest in a motor sports facility. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

Workman proposed a different set of survey questions (Exhibit F).

Eagan said he believes the survey "muddies the waters" and said the Motor Sports Task Force is operating under the assumption that the survey will not be going out.

MOTION: Hudkins moved and Heier seconded to authorize the original survey to be placed on the County's website, provided the cost does not exceed \$500.

FRIENDLY AMENDMENT: Stevens offered a friendly amendment to: 1) Strike Questions 4, 5, 13, 14,15 and 16; and 2) Amend Questions 17 and 18 changing *if the cost to the taxpayer is negligible to using tax funds*.

The maker of the motion and the seconder accepted the friendly amendment.

FRIENDLY AMENDMENT: Stevens offered a friendly amendment to replace Questions 17 and 18 with Commissioner Workman's Questions 5 and 6, changing *drag racing facility* to *motor sports facility*.

The maker of the motion and the seconder accepted the friendly amendment.

FRIENDLY AMENDMENT: Workman offered a friendly amendment to add Question 7 from his survey and to add 1 mile to the list of distances.

The maker of the motion and the seconder accepted the friendly amendment.

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

B. TRIM (Electronic Record keeping System) Users Forum Report

Gwen Thorpe, Deputy Chief Administrative Officer, gave a brief report on the conference.

C. City-County Common Agenda Items (March 6, 2007)

The following items were suggested: 1) Jail update; and 2) Yankee Hill Road/Denton Road.

D. Motocross Track at the Abbott Sports Complex

MOTION: Schorr moved and Hudkins seconded to send a letter to Del Lienemann, Jr., Lincoln Sports Foundation President, inviting him and the Lincoln Sports Foundation Board and the Ethel S. Abbott Charitable Foundation Board to discuss the status of the Motocross Track Project at a Special Staff Meeting on March 20, 2007, and to copy Glenn Johnson, Lower Platte South Natural Resources District (NRD) General Manager. Hudkins, Schorr, Stevens, Workman and Heier voted aye. Motion carried.

- E. Date for Dedication of Jamaica North Trail (Saturday, April 28, 2007)

Stevens and Workman indicated plans to attend.

10 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Stevens

Item was moved forward on the agenda.

- B. Railroad Transportation Safety District (RTSD) - Workman, Stevens and Schorr

Schorr said the RTSD approved funding for a "quiet zone" along Cornhusker Highway and authorized funding for "quiet zone" studies for corridors in the areas of Salt Creek and 14th Street and Yankee Hill Road.

11 ADJOURNMENT

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

Dan Nolte
Lancaster County Clerk