

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, OCTOBER 18, 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  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

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

**AGENDA ITEM**

**1 APPROVAL OF MINUTES OF THE STAFF MEETING MINUTES OF THURSDAY, OCTOBER 4, 2007**

**MOTION:** Stevens moved and Hudkins seconded approval of the Staff Meeting minutes dated October 4, 2007. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Jail Update
- B. Smoking Policy

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

**DISCUSSION OF BOARD MEMBER MEETINGS**

- I. Rural Ambulance Meeting - Heier, Schorr (With Comment from Jim Densberger, Lancaster County Firefighters Association)

Schorr reported on meetings held to discuss rural ambulance service options (see September 27, 2007 Staff Meeting Minutes). She said Doug Ahlberg, Emergency Management Director, has proposed development of Emergency Response Districts (the County would be split into quadrants) but there are questions regarding financing. Schorr said a new ad hoc committee is being formed to discuss how to move forward and said Lincoln Fire and Rescue (LFR) has agreed to continue to provide Advanced Life Support (ALS) to the rural areas in the interim.

Jim Densberger, Lancaster County Firefighters Association, said how the districts would fit under the lid limits needs to be explored. He said LFR's charges are also an area of concern.

Dennis Meyer, Budget and Fiscal Officer, appeared and said the Emergency Response Districts would be considered a new political subdivision and would fall within the 15 cent levy authorized for certain political subdivisions.

Hudkins asked whether they could fall within the 5 cent levy authorized for interlocal governments if they form a Joint Public Agency (JPA).

Meyer said that is an option, but cautioned that costs related to the new jail could eat into that levy.

### **3 PLANNING DIRECTOR APPROVAL PROCESS** - Marvin Krout, Planning Director; Mike DeKalb, Planner; Tom Fox, Deputy County Attorney

Marvin Krout, Planning Director, discussed the approval process, referring to a work flow chart for different types of applications and examples of streamlining (Exhibit A). He suggested that one way to streamline the process is to move from a dual to a single hearing process, with a process for appeal. Krout asked whether the Board wants to continue to see preliminary plats and special permits, noting on the City side the City Council has delegated approval responsibility to the Planning Commission, unless there is an appeal by a City Council member, the applicant or an aggrieved party.

Schorr asked whether there is a charge to appeal.

Krout said no, although he supports having one.

Board members indicated that they would still like the Planning Department to provide briefings and staff reports.

Hudkins said he would like to be alerted when there is an application in his district.

Krout questioned the necessity of subdivision agreements.

Tom Fox, Deputy County Attorney, said he believes they are necessary for enforcement.

Krout said the County Board could delegate final action to the County Board of Zoning Appeals, subject to an appeal. Another option would be to abolish the County Board of Zoning Appeals and have the County Board serve that function.

Further research of the issue was requested.

**MOTION:** Schorr moved and Stevens seconded to direct the Planning Department to draft a proposal to eliminate public hearings before the County Board for special permits and preliminary plats, unless there is an appeal by a County Board member, the applicant or an aggrieved party, retaining the practice of providing the Board with a briefing and staff report.

Stevens suggested that subdivision agreements be scheduled on County Board of Commissioners' Consent Agenda, unless there is an appeal.

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

**4 SPECIAL PERMIT NO. 07042, FOX TRAIL ESTATES COMMUNITY UNIT PLAN, SOUTHWEST 56<sup>TH</sup> STREET AND WEST OLD CHENEY ROAD (SPLIT JURISDICTION WITH CITY) - Mike DeKalb, Planner**

Mike DeKalb, Planner, gave an overview of Special Permit No. 07042, Fox Trails Estates Community Unit Plan, a request from Pendel, Inc., for authority to develop five acreage lots, including build-through lots, together with waivers of the Zoning and Land Subdivision Resolutions in order to allow the block length to exceed 1320 feet and to adjust the front, side and rear yard setbacks, on property at Southwest 56<sup>th</sup> Street and West Old Cheney Road (Exhibit B). He said the applicant asked that a requirement to extend a road to the northern boundary be removed because he runs cattle through that area. A neighbor to the north objected, stating he would like to have the road extended so he could take access for his house. DeKalb said there has been follow-up discussion between the two and the issue may be resolved. Planning staff and the Planning Commission have recommended conditional approval of the special permit.

**NOTE:** The portion of the community unit plan that is in the City's jurisdiction was approved on September 26th.

**5 RECORDS RETENTION REQUESTS: A) COUNTY COURT; B) HEALTH DEPARTMENT; C) CITY FINANCE; AND D) CITY ATTORNEY - Brian Pillard, Records & Information Manager**

Brian Pillard, Records & Information Manager, gave an overview of the records retention requests.

### **A) County Court**

County Court Judge Laurie Yardley; Becky Bruckner, Judicial Administrator for County Court; and Sherry DeLancey, Probate/Civil/Small Claims Division Manager, appeared and requested retention of probate records that are scheduled for disposal, stressing their value. It was also noted that there have been problems with microfilming of probate records in the past.

Gwen Thorpe, Deputy Chief Administrative Officer, suggested that County Court consider scanning the documents into TRIM (electronic recordkeeping system).

**MOTION:** Hudkins moved and Stevens seconded to allow County Court to retain the probate records. Schorr, Workman, Stevens, Heier and Hudkins voted aye. Motion carried.

### **B) Health Department**

**MOTION:** Schorr moved and Hudkins seconded to notify the Health Department that the records in question will be disposed of November 1<sup>st</sup> unless evidence of need for their retention is received. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

### **C) City Finance**

**MOTION:** Stevens moved and Hudkins seconded to move retention back five years. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

### **D) City Attorney**

**MOTION:** Hudkins moved and Stevens seconded to delay disposition, pending State approval of a records retention schedule. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

**6 PENDING AND POTENTIAL LITIGATION** - Doug Cyr, Chief Administrative Deputy County Attorney; Tom Fox, Deputy County Attorney; Mark Christensen, Cline Williams Law Firm

**MOTION:** Schorr moved and Hudkins seconded to enter Executive Session at 9:54 a.m. for discussion of pending and potential litigation. Schorr, Workman, Stevens, Heier and Hudkins voted aye. Motion carried.

Hudkins and Schorr exited the meeting.

**MOTION:** Heier moved and Stevens seconded to exit Executive Session at 10:17 a.m. Heier, Stevens and Workman voted aye. Hudkins and Schorr were absent from voting. Motion carried.

Hudkins returned to the meeting at 10:18 a.m.

- 7 PART-TIME PSYCHIATRIST POSITION** - Kristy Bauer, Deputy County Attorney; Dean Settle, Community Mental Health Center Director; Don Taute, Personnel Director; John Cripe, Classification and Pay Manager

Kristy Bauer, Deputy County Attorney, recommended that the Board set a salary for Dr. Patti Bohart, rather than an hourly rate. A salary of \$97,344 was suggested.

**NOTE:** An hourly rate of \$78 had been suggested at a previous meeting. Dr. Bohart is currently working 24 hours per week.

Schorr returned to the meeting at 10:19 a.m.

Bauer said the resolution adopting benefits for county employees in the unclassified service will need to be amended to add the part-time psychiatrist position and define the sick leave, vacation leave, funeral leave and holiday benefits.

Action will be scheduled on a County Board of Commissioners Meeting agenda.

- 8 COMPUTER PURCHASE** - Norm Agena, County Assessor/Register of Deeds; Rob Ogden, Chief Field Deputy Assessor/Register of Deeds

Item was dropped from the agenda.

- 9 TERMINATION OF SHANAHAN BROTHERS CONSTRUCTION, INC. CONTRACT, PART 2 OF PROJECT NO. 07-29** - Tom Fox, Deputy County Attorney; Doug Pillard, County Engineering Design Division Head, Jim Plouzek, Road Construction Division Head

Tom Fox, Deputy County Attorney, said Shanahan Brothers Construction, Inc. did not fulfill the terms of Part II of a contract for grading construction and culvert work for Project 07-29 for the County Engineer at the following locations: 1) South 82<sup>nd</sup> Street between Panama Road to Hickman Road; and 2) West Superior Street between Northwest 70<sup>th</sup> Street and Northwest 56<sup>th</sup> Street. He said the company, and its surety company, were sent a letter of default delay and notice that their work is behind schedule. The company responded with an updated work schedule for work on Part II and indicated that they would have all work completed by November 21, 2007. The County Engineer sent notice to the company to stop work on Part II and indicated plans to ask the County Board to terminate the contract.

In response to a question from Hudkins, Doug Pillard, County Engineering Design Division Head, said the County Engineer does not believe there is sufficient time to complete the project before winter sets in.

Schorr expressed concern that postponement will impact the detour route for the Hickman viaduct.

Pillard said the grading work could be done early next year, with paving later in the year. He added that the project could be re-bid in February.

Hudkins said it is preferable to wait at least a season to pave to make sure there is good compaction.

Pillard said the delay will also impact the detour route for a bridge project on 82<sup>nd</sup> Street and Panama Road.

Hudkins asked whether the County can collect on the performance bond.

Fox said he will need to research the matter. He said discussion of the issue could take place in Executive Session since it involves potential litigation.

Stevens suggested amendment of the contract to require that the work be completed by a certain date, as that may be the most cost effective way to get the project done.

**MOTION:** Stevens moved and Hudkins seconded to not terminate the contract at this time and to ask the County Attorney's Office to come back in an Executive Session to discuss legal remedies. Hudkins, Heier, Stevens and Schorr voted aye. Workman voted no. Motion carried.

- 10 CHANGE ORDER FOR LANCASTER MANOR SIDING PROJECT, \$420.00; FIRE ALARM SYSTEM** - Ron Fetters, Lancaster Manor Interim Administrator

### **Fire Alarm System**

Ron Fetters, Lancaster Manor Interim Administrator, recommended award of bid to NECO Security, in the amount of \$29,400, for a new fire suppression panel and associated work to bring the fire system at Lancaster Manor up to code. He said funding will be through the Renewal and Replacement Fund.

Action was scheduled on the October 23, 2007 Board of Commissioners Meeting agenda.

### **Siding Project**

Action on the change order for the siding project was scheduled on the October 23, 2007 Board of Commissioners Meeting agenda.

- 11 DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), OFFICE OF JUVENILE SERVICES (OJS) CONTRACT FOR BOARDING YOUTH IN THE YOUTH SERVICES CENTER** - Michelle Schindler, Youth Services Center Director; Tom Fox, Deputy County Attorney; Dennis Meyer, Budget and Fiscal Officer

Tom Fox, Deputy County Attorney, said terms for a new contract for the Nebraska Department of Health and Human Services (HHS), Office of Juvenile Services (OJS) to board youth in the Youth Services Center, or extension of the existing contract, have not been worked out and the State has indicated that it will not pay any claims until a contract is in place. He noted that the extension would have expired the end of October.

**MOTION:** Schorr moved and Heier seconded to: 1) Direct the County Attorney's Office to prepare a contract to send to the Nebraska Department of Health and Human Services (HHS), Office of Juvenile Services (OJS) with a per diem rate of \$260.00; and 2) Begin billing at that rate as of October 1, 2007. Hudkins, Heier, Stevens, Schorr and Workman voted aye. Motion carried.

## **ADDITIONS TO THE AGENDA**

### **A. Jail Update**

Heier said the jail population is currently 488. Five offenders have been placed in the York County Detention Facility.

### **B. Smoking Policy**

Schorr said Sue Eckley, County Risk Manager, has outlined the process that Bryan/LGH Health System is using to make its facilities tobacco free, as of January 1, 2008 (Exhibit C) and is calling together a committee to explore development of a similar policy for county properties.

## **12 TOUR OF ADULT PROBATION REPORTING CENTER (TRABERT HALL- 2202 SOUTH 11<sup>TH</sup> STREET)**

See Item 16.

## **13 ADMINISTRATIVE OFFICER REPORT**

### **A. Post Employment Health Plan (PEHP) Advisory Committee**

Kerry Eagan, Chief Administrative Officer, reported on formation of a Post Employment Health Plan (PEHP) Advisory Committee and said the Board will need to name a representative. He said the four employee groups will also have representation on the committee.

**MOTION:** Hudkins moved and Heier seconded to name Kerry Eagan and Doug Cyr, members of the Pension Review Committee, as the Board's representatives. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

### **B. Salt Creek Tiger Beetle Meeting with United States Fish and Wildlife Service (Friday, October 19, 2007 at 3:00 p.m.)**

Stevens indicated that he would like to attend the meeting.



C. Safety Hazard, 14101 Pioneers Boulevard

**MOTION:** Hudkins moved and Stevens seconded to indicate that the County Board concurs with the County Engineer's opinion that the driveway headwall at 14101 Pioneers Boulevard is a safety hazard and direct the County Engineer to notify the property owners and ask for its removal. Schorr, Workman, Stevens, Heier and Hudkins voted aye. Motion carried.

D. County Attorney Opinion Regarding Authority of County to Remove Trees from Right-of-Way (See August 16, 2007 and September 6, 2007 Staff Meeting Minutes)

Board consensus was to notify Bob Weyhrich, Yankee Lake Estates Subdivision, that trees in the right-of-way will need to be removed within one year or the County will remove them.

E. Tax Equalization and Review Commission (TERC) Greenbelt Update

Eagan reported that four appeals have been set for hearing.

The Board requested a briefing by Bill Peters, the attorney representing the Lancaster County Board of Equalization and Assessment in appeals of its decisions regarding the eligibility of real estate parcels in the County to be valued as provided in Nebraska Revised Statute § 77-1343 through 77-1348 (Supplement 2006).

F. City-County Common Agenda Items (Tuesday, November 6<sup>th</sup> at 8:30 a.m.)

Discussion of Denton Road was suggested.

G. Agenda Items for Joint Lincoln Public Schools (LPS) Board of Education/City Council/Mayor/County Board Meeting on Tuesday, October 30<sup>th</sup> at 7:30 a.m. at 5901 "O" Street

A presentation on methamphetamine, with an emphasis on solutions to the problem, was suggested.

There was general consensus to schedule it on a City-County Common agenda and to invite the Lincoln Public Schools (LPS) Board of Education to attend.

## 14 DISCUSSION OF BOARD MEMBER MEETINGS

### A. Parks and Recreation Advisory Board/Special Parks Board Meeting - Stevens

Stevens said a special meeting was held to discuss the parkland west of the Bob Devaney Center (the parkland is across 10<sup>th</sup> Street and Military Road). He said the City is looking at extending Military Road to the west and allowing development of low-income housing development in the area when the Naval Reserve pulls out. Stevens said the City gave the land to the federal government for the Naval Reserve Station and according to terms of the agreement, the land is to revert to recreational purposes. He said questions have been raised about who will receive the proceeds if the land is sold to a developer.

### B. Nebraska Innovation Zone Commission (NIZC) - Heier

No report.

### C. Monthly Meeting of Chair, Vice Chair and Mayor - Workman, Hudkins

Workman reported discussion of the following: 1) Administrative Assistant to the Mayor/Economic Development position; 2) InterLinc Acting with Citizens To Improve Our Neighborhoods (ACTION) Center; 3) Lincoln Partnership for Economic Development (LPED) funding; 4) Humane Society agreement; and 5) Rural Ambulance Service.

### D. Public Building Commission (PBC) - Hudkins, Workman

Hudkins said the Public Building Commission directed Sinclair Hille & Associates Inc. to explore enlargement of the fourth floor of Justice and Law Enforcement Center and courtrooms for the Juvenile Court.

### E. Board of Health - Schorr

Schorr said discussion focused on the kenneling issue.

### F. Information Services Policy Committee - Stevens

Meeting was cancelled.

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

Stevens said discussion focused on the Health Department's budget.

H. District Energy Corporation - Hudkins, Heier

Hudkins said \$25,000 was authorized to study the feasibility of providing heating and cooling to the new jail.

I. Rural Ambulance Meeting - Heier, Schorr (With Comment from Jim Densberger, Lancaster County Firefighters Association)

Item was moved forward on the agenda.

**15 EMERGENCY ITEMS AND OTHER BUSINESS**

**MOTION:** Heier moved and Hudkins seconded to send a letter to Mayor Chris Beutler thanking the City for placing a stoplight at 84<sup>th</sup> and Havelock Avenue. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

**16 ADJOURNMENT**

**MOTION:** Stevens moved and Heier seconded to adjourn the meeting at 11:53 a.m. Hudkins, Heier, Stevens, Workman and Schorr voted aye. Motion carried.

Board members moved to Trabert Hall, 2202 South 11<sup>th</sup> Street, for a tour of Adult Probation's Reporting Center.

---

Dan Nolte  
Lancaster County Clerk