

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, AUGUST 21, 2008
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 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, AUGUST 14, 2008

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the August 14, 2008 Staff Meeting. Hudkins, Stevens, Schorr and Workman voted aye. Heier abstained from voting. Motion carried.

2 ADDITIONS TO AGENDA

None were stated at this time.

3 A) COUNTY SPECIAL PERMIT NO. 08030, SAGEBROOK ESTATES COMMUNITY UNIT PLAN, NORTH 176TH & HOLDREGE STREETS; AND B) DEVELOPMENT APPLICATION FEES - Marvin Krout, Planning Director; Mike DeKalb and Ray Hill, Planners

A) County Special Permit No. 08030

Mike DeKalb, Planner, gave an overview of County Special Permit No. 08030, Sagebrook Estates Community Unit Plan, a request for authority to develop nine residential acreage units, with requests to waive sidewalks, cul-de-sac length and block length, on a 160 acre parcel at North 176th and Holdrege Streets (Exhibit A). He said one letter in opposition was received expressing concern regarding the character of the area changing. Planning staff and the Planning Commission have recommended conditional approval, with one amendment requiring the applicant to notify prospective purchasers of the existence and location of pipelines and to provide pipeline safety materials.

Stevens noted the applicant had initially requested 10 lots and was limited to nine.

DeKalb said the applicant's engineer used the City's ag calculation instead of the County's and came up with an extra lot. He said the applicant understands but indicated the additional lot would have provided the ability for more amenities.

In response to a question from Heier, DeKalb said the applicant is aware the County does not require a permanent conservation easement.

B) Development Application Fees

Marvin Krout, Planning Director, gave an overview of proposed changes to Lancaster County Zoning and Subdivision Fee Schedules (Exhibit B). He said the fees represent approximately 20% of the cost of processing applications and said the increases average 10%, which accounts for inflation. Krout noted the City recently adopted changes to its fee schedule, with increases averaging 20%.

Ray Hill, Planner, presented examples of the impact of the proposed fees on development (Exhibit C).

Hudkins said Board of Zoning appeals do not require a lot of paperwork and asked whether the proposed increase of \$50 is justified.

Hill said the increase is comparable to the one adopted by the City.

Krout said Planning staff met with the Homebuilders Association and the Lincoln Independent Business Association (LIBA) to apprise them of the changes. The development community also received notification.

4 BUSINESS OFFICE SOFTWARE FOR LANCASTER MANOR - Ron Fetters, Lancaster Manor Administrator

Ron Fetters, Lancaster Manor Administrator, requested authorization to purchase MDI business office software, at a total cost of \$14,264 (Exhibit D).

In response to a question from Heier, Fetters said Information Services (IS) negotiated the pricing. He said it is a capital expense and was included in the budget.

Gwen Thorpe, Deputy Chief Administrative Officer, noted the County has a contract with MDI and suggested that Fetters contact Tom Fox, Deputy County Attorney, to see if the contract should be amended.

Fox appeared and confirmed that the contract should be amended to add the modules and reflect the price increase.

5 EXECUTIVE SESSION (PERSONNEL MATTER) - Mike Thew, Chief Deputy County Attorney; Don Taute, Personnel Director

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 9:03 a.m. for discussion of a personnel matter and potential litigation. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Hudkins exited the meeting.

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

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

ADDITIONS TO THE AGENDA

MOTION: Schorr moved and Stevens seconded to add discussion of correspondence from the County Engineer regarding time spent working on Sheriff's patrol cars to the agenda. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

6 JAIL BOND FINANCING UPDATE - Scott Keene, Ameritas Investment Corporation; Dennis Meyer, Budget and Fiscal Officer

Scott Keene, Ameritas Investment Corporation, said the City Prisoner Interlocal Agreement Committee has been meeting on a weekly basis and is making progress. He said the committee has discussed whether to include a formula in the interlocal agreement that would balance contributions if operating costs rise significantly but said it appears to be problematic. Keene said the issue needs to be resolved before the Joint Public Agency (JPA) and financing can proceed.

Schorr asked whether language could be included to indicate the interlocal agreement will be renegotiated if costs are exceeded by a certain percentage.

Kerry Eagan, Chief Administrative Officer, proposed formation of a monitoring committee.

Workman said he believes it may be appropriate, at some time, for all of the costs to shift to the County because the County has a more equitable tax base and should have the taxing authority.

Stevens said the County does not determine what is a violation of City ordinances and should not have financial responsibility for those costs. He said he wants to make sure there is a balancing at some point in the future.

Keene said the interlocal agreement will likely have an accounting mechanism and the ability to make adjustments. He said if costs become too burdensome, the County could refinance the bonds and revert back to the old formula.

Discussion then focused on the JPA Board. Keene said the only requirement is that all of the members be elected officials.

Eagan said Lauren Wismer (Bond Counsel) suggested it be comprised of either the County Board Chair, Vice Chair, Mayor and City Council Chair or the County Board Chair, Vice Chair, Mayor, City Council Chair and one City Council member.

Board consensus was to keep representation equal.

Workman noted Dennis Meyer, Budget and Fiscal Office, has asked whether the Board will be assuming that financing will be through a JPA or the Public Building Commission (PBC) when it adopts the budget at the August 26, 2008 County Board of Commissioners Meeting.

Meyer said if the Board makes an assumption and a different method of financing is selected the budget will need to be amended.

Workman, Schorr, Hudkins and Heier indicated they assume the financing will be through a JPA.

Stevens said he would prefer to adopt the budget assuming a "worst case scenario" and to amend the budget if the impact is less.

Heier said the "worst case scenario" will be if the County has to finance the project on its own.

Eagan noted the County Attorney's Office is writing a legal opinion on whether a JPA can be formed on the basis of two different valuations.

7 BUDGET ADOPTION SCHEDULE - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, said three resolutions will be before the Board at the August 26, 2008 County Board of Commissioners Meeting:

- * A resolution in the matter of adopting the Fiscal Year 2008-2009 Lancaster County Budget.
- * A resolution in the matter of exceeding the budgeted restricted funds limit for the 2007-2008 fiscal year by an additional one percent.

Meyer said this will increase the lid base amount. He recommended approval.

- * A resolution in the matter of final allocation of levy authority to all political subdivisions subject to County levy authority.

Meyer presented Lancaster County 2008-09 Preliminary Allocation of Levy (Exhibit F) and said the Lancaster County Agricultural Society has submitted a revised request that increases capitol funding.

Hudkins said the Ag Society needs the funds to finish the parking lot.

Stevens said he is not in favor of giving the Ag Society the additional funds, which are 18 percent over their initial request. He said the County has given the Ag Society \$10 million within the last year to improve and run their operation and said Bruce Bailey (architect for the Lancaster Event Center Phase II Project) assured the Board that would be more than sufficient for the Ag Society's plans.

Hudkins said the Ag Society had to eliminate things they needed, due to an increase in material costs, and with the new valuation figures wants to levy to the maximum.

MOTION: Stevens moved and Schorr seconded to reduce the Lancaster County Agricultural Society's capital request from \$100,980 to \$85,680.

Schorr expressed concern that it would set a precedent for other entities to come back and ask for additional funding.

Hudkins noted it has been done in the past for the Ag Society and rural fire districts.

Stevens said asking for an increase because there is room under the lid is "playing with the taxpayer dollar".

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

Meyer said valuations for the Malcolm and Raymond Rural Fire Districts have increased and their tax requests will now fit within the 15 cent levy authorized for certain political subdivisions.

ADDITIONS TO THE AGENDA

- A. Correspondence from County Engineer Regarding Time Spent Working on Sheriff's Patrol Cars (Exhibit E)

Board consensus was to ask the County Sheriff, County Engineer and Purchasing Agent to meet and discuss alternatives and to report back to the Board.

8 EXECUTIVE SESSION (POTENTIAL LITIGATION) - Tom Fox, Deputy County Attorney; Bill Jarrett, Chief Deputy Sheriff

See Item 5.

9 ADMINISTRATIVE OFFICER REPORT

- A. State Fair Park Third Party Interests (Legislative Resolution (LR) 400)

Eagan said copies of a legal opinion on the County's interest and leases for the Lancaster Building and Youth Complex have been submitted to the LR 400 Committee.

- B. Pension Update

Eagan said negotiations with Prudential are going well. He said Prudential has agreed to honor their quote of 5.13 percent on the Fixed Account for the first quarter of 2009 unless the actual rates are higher.

Board consensus was to meet next week with Prudential representatives.

- C. City Prisoner Interlocal Agreement Update

See Item 6.

- D. Composition of Joint Public Agency (JPA) Board

See Item 6.

- E. Union Park Funding Request

MOTION: Schorr moved and Hudkins seconded to refer the funding request to the Visitors Promotion Committee (VPC) for consideration of funding out of the Visitors Improvement Fund. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

- F. Management Team Fall Retreat Date

Board consensus was to schedule the retreat on September 25th.

G. Tri-County Meeting Date

Board members indicated a preference to hold the meeting on October 30th, with November 6th the alternative date. The International Quilt Study Center and Museum was suggested as a location.

H. Tri-County Administrator Meeting

Eagan indicated the meeting will be held on September 3rd.

I. County Connections, National Preparedness Month

Thorpe said the program will be taped on August 26th.

10 DISCUSSION OF BOARD MEMBER MEETINGS

A. Information Services Policy Committee (ISPC) - Stevens

No report.

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

The meeting will be held later in the day.

C. Parks & Recreation Advisory Board - Stevens

No report.

D. Nebraska Public Agency Investment Trust (NPAIT) - Hudkins

Hudkins said, as of Friday, NPAIT was paying the highest rates in Lincoln area (4.35 percent) and said \$270,000,000 was in the trust at the end of June 30th.

E. Visitors Promotion Committee (VPC) - Stevens

Stevens said the VPC has developed a new Meeting Planner's Guide. He also reported that Scott Miller, VPC Chair, has resigned from the VPC and Steve Hilton has assumed that position. He said Julie Lattimer of SouthPointe Pavilions is recommended for appointment and Jim Partington and John Klimpel are recommended for reappointment.

Schorr noted that Partington also serves on the Lincoln-Lancaster County Planning Commission.

Eagan said the law does not prohibit him from serving on both bodies.

Schorr said both bodies are of high importance and said she wonders whether it is appropriate to have one person serve on both or whether others should be given an opportunity to serve.

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

Stevens said discussion focused on the budget and the proposed Joint Public Agency (JPA).

11 ADJOURNMENT

MOTION: Stevens moved and Schorr seconded to adjourn the meeting at 11:28 a.m.
Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

Dan Nolte
Lancaster County Clerk