

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, OCTOBER 13, 2011
9:00 A.M.**

Commissioners Present: Deb Schorr, Chair
Larry Hudkins
Brent Smoyer

Commissioners Absent: Bernie Heier, Vice Chair
Jane Raybould

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

The Chair opened the meeting at 9:00 a.m.

AGENDA ITEM

1 APPROVAL OF THE MINUTES OF THE TUESDAY, OCTOBER 6, 2011 STAFF MEETING

MOTION: Smoyer moved and Hudkins seconded approval of the minutes of the October 6, 2011 Staff Meeting. Hudkins, Smoyer and Schorr voted aye. Heier and Raybould were absent from voting. Motion carried 3-0.

2 ADDITIONS TO THE AGENDA

None were stated.

3 BOARD OF CORRECTIONS - Mike Thurber, Corrections Director

Separate minutes.

4 POTENTIAL AND PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney; Brittany Behrens, Deputy County Attorney

MOTION: Smoyer moved and Hudkins seconded to enter Executive Session at 9:34 a.m. for the purpose of protecting the public interest with regards to potential litigation and pending litigation.

The Chair restated the motion for the record.

ROLL CALL: Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent from voting. Motion carried 3-0.

MOTION: Hudkins moved and Smoyer seconded to exit Executive Session at 10:10 a.m. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent from voting. Motion carried 3-0.

5 FEEDLOT APPLICATION - Brittany Behrens, Deputy County Attorney

Brittany Behrens, Deputy County Attorney, said the County Clerk's Office received a copy of an application for a construction and operating permit for an animal feeding operation at 1500 West Saltillo Road from the Nebraska Department of Environmental Quality (NDEQ) on October 6th. **NOTE:** The property is within the City's zoning jurisdiction. She said the application pertains to livestock waste control regulations and environmental issues and NDEQ was required by state statutes to forward the application to the County and the Natural Resources District (NRD). The cover letter indicates the Board has 30 days to submit comments to NDEQ on any factors or conditions existing on the site it believes should be considered. Behrens said she has tried to contact Mark Henning, the program specialist at NDEQ who wrote the letter, for clarification on what NDEQ would deem important but has not received a response.

Hudkins said he believes this is an existing dairy operation. Behrens said head numbers for existing cattle and dairy match the new totals in the application (360 dairy cattle with an average weight of 1,000 pounds, 200 cattle with an average weight of 800 pounds and 360 cattle with an average weight of 600 pounds). Hudkins requested a copy of the application and said he will drive by the property.

Board consensus was to schedule the item for further discussion on the October 20th Staff Meeting agenda.

6 BACK PAY FOR ON-CALL CORRECTIONAL OFFICERS - Mike Thurber, Corrections Director; Mark Koller, Personnel Director; Tom Fox, Deputy County Attorney

Tom Fox, Deputy County Attorney, said correctional officers represented by the Fraternal Order of Police (FOP), Lodge 32 will receive back pay as a result of a ruling by the Commission of Industrial Relations (CIR). He said on-call correctional officers are not represented by the union and are not subject to the ruling, although they have traditionally been treated the same.

Mark Koller, Personnel Director, said the on-calls have the same classification and job description as the full-time correctional officers. He said their only distinguishing factor is their work schedule. **NOTE:** On-call correctional officers are paid the entry level and do not receive step increases or benefits. Koller added that denying them the back pay would likely impact morale.

Mike Thurber, Corrections Director, estimated the cost of providing back pay to the 28 on-call correctional officers at \$8,000 (covers 17 pay periods) and said it was included in the calculation of the ruling's impact to the County.

MOTION: Hudkins moved and Smoyer seconded to grant back pay for the on-call correctional officers. Hudkins, Smoyer and Schorr voted aye. Heier and Raybould were absent from voting. Motion carried 3-0.

7 ACTION ITEMS

A. Authorize Payment of \$25,000 to Segal, Inc. from Prudential Expense Reimbursement Account

MOTION: Hudkins moved and Smoyer seconded approval. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent from voting. Motion carried 3-0.

B. Accept Resignation of Dean Settle, Community Mental Health Center (CMHC) Director

MOTION: Smoyer moved and Hudkins seconded to authorize the Chair to sign a letter accepting the resignation. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent from voting. Motion carried 3-0.

8 CONSENT ITEMS

There were no consent items.

9 ADMINISTRATIVE OFFICER REPORT

A. Recommendation from the Parks & Recreation Advisory Board Regarding Lease of Park Land at Southwest 2nd and Calvert Streets

Kerry Eagan, Chief Administrative Officer, said the Advisory Board has recommended that revenue from lease of the property be used for management and improvement of areas within Wilderness Park.

Board consensus was to ask the City's Real Estate Division to prepare the lease agreement.

B. Coast2Coast Rx Card Proceeds

Gwen Thorpe, Deputy Chief Administrative Officer, said the County has received its first proceeds check in the amount of \$1,100 for the first five (5) weeks of the discount prescription card program.

There was general consensus to direct the revenue to a separate business unit to fund wellness or health care projects.

C. Request to Purchase County Property at South 68th Street and Wagon Train Road in Hickman, Nebraska

Board consensus was to seek a recommendation from Don Thomas, County Engineer.

D. Repair of Former Attention Center for Youth Roof

NOTE: The building at 2220 South 10th Street is leased by CenterPointe, Inc.

Hudkins said CenterPointe would like to proceed with the low bid of \$33,031 and has agreed to contribute \$15,000 towards the cost. He said the County will have to front the remainder and suggested abatement of their rent to cover that cost.

MOTION: Hudkins moved and Smoyer seconded to direct Kerry Eagan, Chief Administrative Officer, and Don Killeen, County Property Manager, to work with the County Attorney's Office and Topher Hansen, Director, CenterPointe, Inc., in drafting an agreement for replacement of the roof. Hudkins, Smoyer and Schorr voted aye. Heier and Raybould were absent from voting. Motion carried 3-0.

E. Comprehensive Plan Update/Amendment Process

Schorr noted the County Board took action at the October 11th County Board of Commissioners Meeting to direct the Planning Department to move forward with the following: 1) Proposed amendments 5B and 6B to the draft 2040 Lincoln-Lancaster County Comprehensive Plan (LPlan 2040); and 2) Changing the designation of the Bennet Corner (bounded by South 148th Street on the west, South 162nd Street on the east, Hooper Avenue on the north and Highway 2 on the south) to Commercial and/or Light Industrial. She said the Board has received a County Attorney's opinion that indicated these issues need to go back to the Planning Department and Planning Commission and be scheduled for public hearing at the County Board level. Schorr

said that cannot be accomplished before the special joint public hearing of the County Board and City Council scheduled on October 18th on LPlan 2040 and action scheduled on October 25th so language in the 2030 Comprehensive Plan will still apply. A proposed schedule for conducting the public process on the three amendments and bringing them forward to the County Board for consideration was presented (Exhibit A).

Hudkins asked whether approval could be limited to the transportation section. Schorr said no, LPlan 2040 must be approved in its entirety.

Hudkins inquired about the deadline for approval. Smoyer said it is his understanding the transportation portion must be approved by October 25th in order to secure roads funding. Sara Hartzell, Planner, appeared and explained that the Long-Range Transportation Plan (LRTP) can proceed on its own. She said regardless of whether the LPlan 2040 is approved in October without the three amendments proposed by the Board or delayed until January, 2012 to allow time for the three amendments to proceed through the planning process, the 2030 Comprehensive Plan language will remain in effect.

Board consensus was to proceed with the public hearing on LPlan 2040 on October 18th and action on October 25th and to follow the proposed schedule for conducting the public process on the Board's three proposed amendments.

Cori Beattie, Deputy County Clerk, presented a draft agenda for the special joint public hearing of the County Board and City Council on October 18th and proposed opening comments (Exhibit B). It was suggested that: 1) The agenda reflect that the public hearing will be begin at 5:00 p.m.; and 2) The Chair indicated that the public hearing must conclude by 7:30 p.m. because the Lincoln Board of Education is scheduled to hold their meeting in the Hearing Room at that time.

F. Community Mental Health Center (CMHC) Planning Committee

Eagan said the Committee is in the process of gathering input from consumers. As part of that effort, a survey will be posted on the County's website and a phone line will be activated in the County Board's Office for two months for individuals wishing to leave comments on voice mail. The Consumer Family Coalition has agreed to provide \$3,500 to assist with these expenses as well as translations (Vietnamese and Arabic), stipends for ethnic survey returns, facilitators from Leadership Lincoln, focus group assistance for families, beverages/snacks and miscellaneous expenses (rent, equipment, etc.). He said the Committee is holding a "Listening Tour", focus groups and a town hall meeting and said Commissioner Raybould has suggested it would be beneficial for Board members to attend one or more of the sessions.

10 PENDING

There were no pending items.

11 DISCUSSION OF BOARD MEMBER MEETINGS

A. Meeting with Mayor - Schorr, Heier

Schorr said they discussed legislative proposals, on-going concerns regarding Information Services (IS) and Planning Commission appointments.

B. Meeting of Public Building Commission (PBC) Chair, Vice Chair and Mayor - Hudkins

Hudkins said discussion focused on a possible real estate purchase.

C. Public Building Commission (PBC) - Hudkins, Raybould

Hudkins said they had a presentation on healthy snack foods. He said they also discussed art in the government complex.

D. Board of Health - Schorr

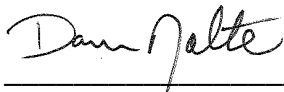
Schorr said they received a presentation on graffiti prevention and a report on how to distribute massive amounts of vaccines or oral medication in the case of a national epidemic or disaster. She also reported that the "Teach a Kid to Fish" Program, which works to prevent and reduce childhood obesity, has received national recognition.

12 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

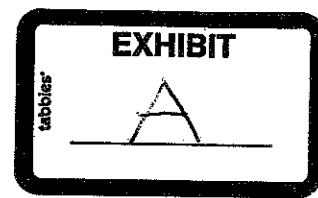
13 ADJOURNMENT

MOTION: Smoyer moved and Hudkins seconded to adjourn the meeting at 11:10 a.m. Smoyer, Hudkins and Schorr voted aye. Heier and Raybould were absent from voting. Motion carried 3-0.



Dan Nolte
Lancaster County Clerk





MEMO

DATE: October 12, 2011
TO: County Board of Commissioners
FROM: Marvin Krout, Director of Planning *M Krout*
SUBJECT: Proposed amendments to the 2040 Comprehensive Plan

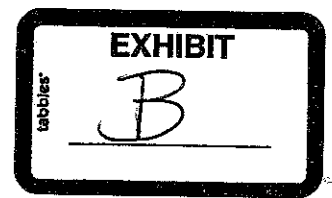
On October 11, the County Board passed a resolution directing the Planning Department to begin the process described by the County Attorney's office for bringing forward a land use amendment to LPlan 2040 related to the Bennet corner and two text amendments to delete language on "build-through" requirements and density guidelines in the County's jurisdiction. **The purpose of this memo is to describe a schedule to bring forward these amendments for the County Board's consideration by January 2012**, and to request that the County Board take action in the meantime on the September 7, 2011 draft of LPlan 2040 with the staff-recommended amendments.

Seven proposed amendments were described to the City Council and County Board at the Common meeting on October 3rd. The first four are considered to be minor staff-recommended text amendments which we are requesting be made when the City Council and County Board take action on the Plan in October. Of these four, proposed Amendments 1, 3 and 4 relate to both the City and Lancaster County's jurisdiction, and our understanding is the Commissioners support these amendments to remove specific financial constraint language from the Transportation chapter, strike the reference to "highly productive" farmland and to omit the reference to considering all proposals for acreage development at one time as part of the annual review. Rather than delay the adoption of the 2040 Comprehensive Plan, the Planning Department would like to suggest that the City Council and County Board move ahead with the public hearing on October 18th and the subsequent votes on October 25th and 31st to adopt the draft Plan with the inclusion of the first 4 amendments.

As discussed, proposed Amendments 5B, 6B, and 7 will require a review that will take some time. This process will include gathering input from the public, making contact with other villages and cities in Lancaster County, and the preparation of three detailed staff reports, as well as a public hearing before the Planning Commission. Because the proposed three amendments above apply only to the County's jurisdiction, these amendments could be reviewed and acted upon by the by the County Board in January without action by the City Council.

Below is the schedule for conducting the public process on proposed Amendments 5B, 6B and 7, and bringing them forward to the County Board for consideration:

Week of Nov 1	Complete staff reports and deliver to Planning Commission, County Board, and post for public review
Week of Nov 14	Begin public outreach effort, to include online comment board, outreach to towns, and possible open houses, results would be compiled and added to the record of the Comprehensive Plan amendment
Nov 30	Staff to attend Village of Bennet Planning Commission meeting to collect their comments on "Bennet corner" development, proposed amendment #7.
Dec 12	Staff to attend Village of Bennet Village Board meeting to collect their comments on "Bennet corner" development, proposed amendment #7
Dec 14	All three amendments before Planning Commission for public hearing and action
Jan 2012	County Board holds public hearing on three Comprehensive Plan Amendments



~ Draft ~

*IN ACCORD WITH LB 898 A COPY OF THE OPEN MEETINGS ACT
IS POSTED AT THE BACK OF THE CHAMBER BY THE NORTHWEST DOOR*

**AGENDA
LINCOLN CITY COUNCIL/ LANCASTER COUNTY BOARD JOINT PUBLIC HEARING
ON THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN
CITY COUNCIL CHAMBERS, SUITE 112
TUESDAY, OCTOBER 18, 2011**

CALL TO ORDER - COUNTY BOARD CHAIR PERSON

CALL TO ORDER - CITY COUNCIL CHAIR PERSON

**ELECTION OF CHAIR PERSON - COUNTY CLERK CALLS THE ROLL
CITY CLERK CALLS THE ROLL**

ELECTED CHAIR PERSON READS STATEMENT OF PROTOCOL

**PUBLIC HEARING
PLANNING DEPARTMENT STAFF PRESENTATION**

**11R-250 THE 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE
PLAN (LPLAN 2040).**

**ADJOURNMENT - COUNTY BOARD CHAIR PERSON
COUNTY CLERK CALLS ROLL**

**ADJOURNMENT - CITY COUNCIL CHAIR PERSON
CITY CLERK CALLS ROLL**

**TENTATIVE ACTION BY THE CITY COUNCIL IS SCHEDULED FOR MONDAY, OCTOBER
31, 2011. TENTATIVE ACTION BY THE COUNTY BOARD IS SCHEDULED FOR TUESDAY,
OCTOBER 25, 2011.**

Lincoln City Council - Lancaster County Board
Special Concurrent Public Hearing

TUESDAY, OCTOBER 18, 2011, 5:00 P.M.
County-City Building, 555 South 10th Street

**AFTER ELECTION OF CHAIR, ELECTED CHAIR PERSON READS
STATEMENT OF PROTOCOL**

This is a special concurrent meeting of the Lincoln City Council and Lancaster County Board on the 2040 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN (LPLAN 2040). The purpose of this hearing is to take testimony on the proposed Comprehensive Plan. The printed agenda is available on the stand outside this room. The Open Meetings Act is posted in the back of the room.

Each person testifying should state their name and address and shall have five minutes to speak, unless additional time is requested and granted. When you are finished testifying, please print your name & address on the signup sheet on the podium.

While in session, the City Council and County Board are engaged in the performance of the public's business and a commensurate measure of decorum should at all times be maintained. It is therefore requested that during the course of these proceedings, those members of the public in attendance refrain from using any audible mobile, portable or wireless communication device; applauding, booing, or otherwise expressing support or opposition to a matter under discussion, except through testimony.

The City Council and County Board are scheduled to close the public hearing this evening and take separate action at the regular meeting of the Lancaster County Board of Commissioners on Tuesday, October 25, 2011, at 9:30 a.m., and at the regular meeting of the City Council on Monday, October 31, 2011, at 3:00 p.m.

With that, I will open the public hearing and ask the City Clerk/County Clerk to call the item into the record.