

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113 – BILL LUXFORD STUDIO
THURSDAY, MAY 25, 2017
9:00 A.M.**

Commissioners Present: Todd Wiltgen, Chair; Bill Avery, Vice Chair; Deb Schorr; Roma Amundson; and Jennifer Brinkman

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Dan Nolte, County Clerk; Kelly Lundgren, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska web site and provided to the media on May 24, 2017.

The Chair noted the location of the Open Meetings Act and opened the meeting at 9:00 a.m.

1. APPROVAL OF MAY 18, 2017 STAFF MEETING MINUTES

MOTION: Amundson moved and Schorr seconded approval of the May 18, 2017 Staff Meeting minutes. Brinkman, Schorr, Amundson and Wiltgen voted yes. Avery was absent. Motion carried 4-0.

2. LEGISLATIVE UPDATE - Gordon Kissel, Joe Kohout and Jonathan Bradford, Kissel/E&S Associates (Legislative Consultants)

Joe Kohout, Kissel/E&S Associates, presented a legislative update and legislative bills reports (Exhibit A and B). Kohout said the legislature adjourned on Tuesday, May 23, 2017. He noted the following bills of interest to Lancaster County: LB508 (Change population threshold for the county civil service system and change provisions relating to personnel policy boards and boards of county commissioners); LB333 (Change provisions relating to custody, services and assistance for persons with developmental disabilities) was amended and signed by the Governor; LB145 (Provide for a hearing to determine financial ability to pay fines and costs and traffic citations and provide for community service) was amended into LB259 (Adopt and change competency and financial ability provisions relating to court proceedings as prescribed) and signed by the Governor. Kohout stated there continues to be discussion regarding a potential Special Session, however that would depend on what is seen during May and June as far as tax receipts. He discussed Senator Steve Erdman's press conference Tuesday regarding bringing forth a constitutional amendment in the next session that would cap property tax receipts.

Avery entered the meeting at 9:06 a.m.

Kohout also discussed the Interim Studies as listed on the Weekly Update (Exhibit A).

- 3. DEPARTMENT BUDGET HEARINGS** - Dennis Meyer, Budget and Fiscal Officer
 - A. District Court (624)**
 - B. Risk Management (12 & 13)**

A. District Court (624)

Present was Jared Gavin, District Court Administrator.

Dennis Meyer, Budget & Fiscal Officer, said he will bring a resolution to the Board on Tuesday, May 30, 2017 for additional appropriations for District Court in the amount of \$343,000. Gavin explained that the need for the additional appropriation is largely due to attorney fees which is an unpredictable cost. He stated 94.3% of the cases are criminal with less than 6% being civil cases.

Wiltgen noted that \$550,000 was budgeted for legal fees in last year's budget (FY2017). Meyer said the initial request was probably higher and then it was reduced. Gavin said while the average fee is \$900 there could be cases that are as much \$15,000.

Gavin provided an overview of District Court services. He stated revenue sources consist of welfare reimbursements, Sheriff's fees, miscellaneous fees and court cost reimbursement. In regards to the computer request, Gavin said he is requesting eight computers.

Gavin said there are currently two law clerks in District Court who are licensed attorneys. He stated their salary is not reflective of the type of work they do. Gavin said he is requesting a 25% increase in salary and would request that Human Resources provide comparable information and formal reclassification.

MOTION: Amundson moved and Avery seconded to authorize the District Court to contact Human Resources and proceed with a comparability study and job description review for the District Court law clerks. Schorr, Avery, Amundson, Brinkman and Wiltgen voted yes. Motion carried 5-0.

B. Risk Management (12, 13)

Present was Sue Eckley, County Risk Manager

Meyer said Risk Management is divided into Workers' Compensation (12) and General Liability (13).

Eckley provided an overview of services for both sections.

Meyer stated the proposed budget for Workers' Compensation is down 24%, but he will need to review the fund balance once the fiscal year is complete. He added Eckley's salary, benefits and office supplies are part of this budget. Eckley said there were a couple of large claims this year and that number can fluctuate if there are complications after an injury. Meyer explained that the Workers' Compensation fund is strictly through assessments to county departments as well as transfers from the General Fund.

Meyer noted General Liability (13) is set up between five different items based on different types of liability. He said the revenue that comes into the fund is from Sheriff Pursuit and Sheriff At Fault which are funded through the County Sheriff's budget.

4. BREAK

The meeting was recessed at 10:39 a.m. and reconvened at 10:49 a.m.

5. DRIVEWAY PERMIT FOR 2520 WEST WITTSTRUCK ROAD - Kerra Grantski and Lucas Siel, 2520 West Wittstruck Road; Ken Schroeder, County Surveyor; Pam Dingman, County Engineer; David Derbin, Deputy County Attorney

Pam Dingman, County Engineer, said her department reviews plats within the County's jurisdiction and issues or denies driveway permits, often based on the plat. She added the County has long limited residential developments to one driveway connection to a major arterial as a large number of driveways make maintenance and improvement of roads difficult.

Ken Schroeder, County Surveyor, said when the plat was brought forward to subdivide the larger parcel into two lots there was an existing access to Lot 1. A common access easement was granted across Lot 1 for both of the residential lots. It was noted on the plat that Lots 1 and 2 could use the common access easement and access to the adjacent county road from Lot 2 would be relinquished. He said when Lot 2 was sold, an application was made for Lot 2 and access was granted at the common access easement and an address was assigned. Schroeder said the new owners of Lot 2 indicated they wanted access to Wittstruck Road and were informed of the restriction. The individual who farmed the outlot to the west requested a field drive to his farmground. A field drive is not restricted and his request was approved. He said the owners of Lot 2 requested access to the farm drive but that permit was denied since residential access at the common access easement had already been approved. Schroeder said the developer understood that both residential lots would use the one driveway and that is how it was shown through the plat reviews and the notes on the recorded plat. Dingman said there is a distinct difference between a farm access and a residential access and should further development be platted around this lot, it is possible the farm access may be removed.

Brinkman asked whether the owners had filed an appeal. Kerra Grantski, 2520 West Wittstruck Road (Lot 2), appeared and indicated the County Engineer had denied their request to upgrade the field access to a residential access as well as a residential entrance on Lot 2. Dingman clarified that she did not deny residential access to Lot 2, rather the binding document for the platted ground relinquishes direct access to the road for Lot 2. Eagan added the County Board is the ultimate supervisor of county roads and makes the final decision. He said it is complicated because there is an approved plat and any decision may involve amending an existing plat.

Avery inquired about the consequences of granting the appeal. Dingman reiterated that the plat, which is a filed, legal document, relinquishes access to the road and said she stands by the decision of County Engineering. She said County Engineering reviews at least a hundred plats each year and following the standard rules, recommends one residential access per plat.

Avery asked David Derbin, Deputy County Attorney, whether he has any information regarding the appeal. Derbin responded that he has no information on the substance of the appeal but can assist with the procedural aspects of granting the access. He said there are two issues: 1) Direct access, which has already been relinquished; and 2) A second field drive access which would require a permanent access easement between the two property owners.

Grantski and Lucas Siel, 2520 West Wittstruck Road (Lot 2), presented information on how they acquired the property (Exhibit C). Grantski said they knew there was an easement on the land when they purchased the lot but Ken Brandt, the seller, felt he could get around the easement. Siel said Brandt indicated he would provide access from his land and they could use that as their driveway. He said they drew up an easement to share the driveway. Grantski said after their builder purchased the land they discovered that it was a farm access only. Grantski said they had a contract in place with their builder to purchase the lot after the house was complete and closed on February 3rd. Amundson asked whether they went through a title search. Grantski said they did. Amundson asked whether it showed it was field access only. Grantski said no. Siel added the seller told them the permit was accepted. He felt the seller didn't know the difference.

NOTE: See Exhibit C for a statement from Brandt.

Avery asked why they don't use the easement that goes across Lot 1 to Lot 2. Grantski explained there is a pond and said the overflow washes out their driveway. She said the driveway interrupts the natural flow and water floods Lot 2 as well. Schorr suggested they put a culvert in. Grantski explained Michael Hevener, the owner of Lot 1, has horses grazing in that area. There is also a row of trees and tall weeds. She said the section of Wittstruck Road between 14th and 29th Street is a mile long and half of it is dirt (the other half of the road is gravel). Grantski said the road has less traffic than many roads in Lancaster County and is impassible when there is heavy rain.

Amundson inquired about the legal distance between driveways. Schroeder said culverts must be at least 24 feet apart. Grantski said the middle of the driveway they are proposing would be 35 feet from the east side of Lot 2. She said using Hevener's driveway creates safety issues as the connection is a blind corner. Hevener appeared and agreed it is a sharp corner and said it would be difficult for emergency vehicles to navigate. Wiltgen asked the average daily traffic (ADT) count. Schroeder said it is 42. Dingman said that doesn't mean the ADT will always remain at that level.

Wiltgen then asked when the second lot was platted. Schroeder said the two lots were created at the same time when the land was subdivided. Dingman said the plat was filed on June 4, 2012. Wiltgen said it looks like a farmstead and an additional lot were platted and is not a typical subdivision. Siel said Brandt has no plans to develop the outlot.

Avery asked Grantski and Siel whether they had considered altering their pond to prevent it from overflowing. Grantski said they can't because it is spring fed. Siel said the ground slopes downwards towards Wittstruck Road and said it would be costly to try to build a dam.

In response to a question from Schorr, Schroeder said Lot 3 already exists and is a buildable lot. Outlot A must remain an outlot in order to meet density requirements. Schorr asked where Lot 3's access point would be. Dingman explained a developer brings forward their layout and County Engineering reviews it for conformance but does not suggest to the developer how they should layout their lots. Hevener added that the plat that Brandt presented to him when he purchased his property did not show the easement across his field.

Wiltgen asked Dingman what harm there would be in granting the access. Dingman said it sets a precedent. She said it is clear that this was never intended to be a farm access, rather it was an access point taken out to be a residential access. **NOTE:** The residential access on the common access easement was taken out on February 23, 2016 and the field access was taken out by the developer on March 10, 2016. Dingman reiterated that the residential access was relinquished in the plat, which is the controlling document, and said that is the standard procedure for residential development. Wiltgen said he does not believe the land should have been platted this way. Brinkman suggested it would have been better to have sought re-platting to address the issue before Grantski and Siel built their house. Grantski pointed out they could potentially lose the easement to go onto their land if it is replatted. Dingman said their land could not be replatted unless they agreed to it.

MOTION: Avery moved and Wiltgen seconded to grant access for a driveway to Lot 2, as requested.

Derbin said the Board could direct replatting. Dingman said that would need to be done by a private engineer and surveyor and would involve all of the owners. Derbin clarified

that the County would not require a relinquishment of their access during the replatting. He said there should also be clear direction from the Board that it will approve the access points even though they would strictly violate County Resolution No. 3708, from 1982. Dingman added there would be a vacation of an easement, a new easement, and modification of the language contained within the plat documents.

Wiltgen clarified that the motion would direct the County Engineer, Lincoln-Lancaster County Planning Department, and County Attorney's Office to approve an access for Lot 2 if the property owners replat their property.

Avery said he would accept that as a friendly amendment.

ROLL CALL: Schorr, Avery, Amundson and Wiltgen voted yes. Brinkman voted no. Motion carried 4-1.

6. EXTENSION OF SOUTHWEST 62ND STREET IN KICKING BIRD SUBDIVISION – Pam Dingman, County Engineer; Ken Schroeder, County Surveyor; David Derbin, Deputy County Attorney

Schroeder explained that Gale Williams approached the County Engineer's Office regarding creating a frontage road on the end of Southwest 62nd Street. He said the property owner would be willing to pay for the cost of construction and will deed the County approximately eighty feet of road right-of-way. Schroeder stated Williams will present the plans to the County Engineer's Office for review.

Dingman said the agreement and deeds will be presented at the Tuesday, May 30, 2017 Board of Commissioners meeting.

7. DENTON SPUR 55 AND RAYMOND ROAD DETOUR PROJECTS – Pam Dingman, County Engineer

Dingman stated the correct road involved is Denton Road, not Raymond Road. She presented an example of the detour route agreement with Nebraska Department of Roads (NDOR) (Exhibit D). She said the detour is for Denton Spur 55 improvements. The detour route involves a section of Denton Road which is within the County's jurisdiction. Wiltgen inquired if there were any current structural closures in the detour. Dingman said repairs will be completed on Bridge N-138 before the detour is needed.

8. ACTION ITEMS

There were no action items.

9. ADMINISTRATIVE OFFICER REPORT

A. Priorities for Deputy Chief Administrative Officer

Ann Ames, Deputy Chief Administrative Officer, stated she had researched various on-line Health Insurance Portability and Accountability Act (HIPAA) training modules, one or two day courses with and without certification.

Amundson said she feels certification is important and Ames should be kept current on any new information. She would recommend completing the two day course with certification.

MOTION: Amundson moved and Avery seconded to authorize Ann Ames to undergo the two day on line course and receive certification for the training.

Schorr inquired if the Health Department could provide training. Eagan stated a contract and fee would be required.

ROLL CALL: Avery, Brinkman, Amundson and Wiltgen voted yes. Schorr voted no. Motion carried 4-1.

Ames said she would like to begin working on an overall communication plan with comprehensive branding. She stated she is also working on a social media policy. Ames said she would like to see a website update and some type of an annual report to better communicate with the public what their tax money is going towards.

Wiltgen asked if Ames would be willing to be the Title 6 contact person. Ames said she would be willing to do that but would require training. Eagan stated he was also approached regarding being the Title 6 contact person. He said he feels that it would require a combined effort with Ames due to the reporting that is necessary as well as the grants process component.

It was discussed about the possibility of working with the City of Lincoln Compliance Officer.

Schorr stated she voted against Ames participating in HIPAA training because she felt it was requiring too much of her so soon. She suggested that while investigating how the City handles Title 6 Ames could inquire how they deal with HIPAA training and possibly share information.

B. Legislative Tri-County Breakfast (Monday, January 8, 2018)

Informational only.

C. June Management Team Meeting

The June 8, 2017 Management Team meeting has been cancelled.

10. DISCUSSION OF OTHER MEETINGS ATTENDED

There were no meeting reports.

11. DISCUSSION OF BOARD MEMBER MEETINGS

A. Human Services Joint Budget Committee (JBC) - Schorr/Brinkman

Sara Hoyle, Human Services Director, said the Joint Budget Committee (JBC) approved the Juvenile Justice Prevention Fund recommendations. She noted there is a limited amount of funding and great needs in the community. Hoyle said this is due to the state and federal funding cuts due to the transition from managed health care.

Schorr stated the County has remained consistent in funding the JBC and discussion may need to take place during the budget process regarding increasing the amount. Schorr said as this is one year funding it provides the opportunity for the Board to discuss priorities.

Schorr said the preliminary allocations have been determined utilizing the same funding as last year with the understanding there will be discussion at the JBC hearing to increase that number.

NOTE: Budget discussion and review of the JBC funding recommendations will take place at the June 8, 2017 staff meeting.

Brinkman noted the County does have contingency funds that could be allocated this year.

B. Emergency Medical Services Oversight Authority (EMSOA) – Brinkman

Brinkman stated management meetings are underway. She said they are looking at survey tools to see what is needed by each of the rural fire districts. They are looking at establishing goals with Lincoln Fire Department next year in terms of education. She noted the Medical Director's report discussed how cardiac arrest survival rates increase with a response team present and bystander cardiopulmonary resuscitation (CPR).

C. Lincoln Partnership for Economic Development (LPED) –
Brinkman/Amundson/Avery

Amundson said reports were given in regards to economic performance, innovation and quality of life in Lincoln.

Schorr provided a report regarding the half cent sales tax that will be used for fire stations, radios and radio systems. Designs have been submitted for the new fire stations. She said improvements will be made to towers and equipment. Construction of the new 911 Center began in April and hopefully will be completed in September. Schorr stated the new radio system will go live in January and the Lancaster County Sheriff's Office will be the first to do so.

12. SCHEDULE OF BOARD MEMBER MEETINGS

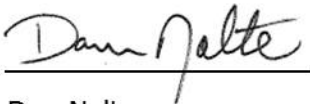
Informational only.

13. EMERGENCY ITEMS

There were no emergency items.

14. ADJOURNMENT

MOTION: Schorr moved and Brinkman seconded to adjourn the meeting at 12:56 p.m. Schorr, Brinkman, Amundson, Avery and Wiltgen voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

