

CITY-COUNTY COMMON
County-City Building • 555 S. 10th Street • Lincoln, NE

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AGENDA
MONDAY, FEBRUARY 5, 2007
COUNTY-CITY BUILDING
555 SOUTH 10TH STREET, ROOM 113
8:30 A.M.

1. APPROVAL OF COMMON MEETING MINUTES OF TUESDAY, JANUARY 9, 2007.

2. PRESENTATIONS

8:30 A.M. Yankee Hill Road (Between South 40th and South 56th) and West Denton Road - Don Thomas, Lancaster County Engineer; Karl Fredrickson, Public Works and Utilities Director

9:00 A.M. Proposed Interlocal Agreement for Finance of New County Jail

9:10 A.M. Bond Election for Finance of New County Jail

9:20 A.M. Weed Interlocal Split Between County and City

CITY-COUNTY COMMON MEETING MINUTES FEBRUARY 5, 2007

Common Members Present: Dan Marvin, Chair, City Council; Jon Camp, City Council (8:40am); Jonathan Cook, City Council (8:47am); Robin Eschliman, City Council; Annette McRoy, City Council; Patte Newman, City Council; Ken Svoboda, City Council; Deb Schorr, County Commissioners; Bernie Heier, County Commissioner; Bob Workman, County Commissioner; and Mayor Coleen Seng.

Common Members Absent: Ray Stevens, County Commissioner; and Larry Hudkins, County Commissioner.

Others Present: Don Thomas, County Engineer; Karl Fredrickson, Public Works and Utilities Director; Dennis Meyer, Budget and Fiscal Officer; Trish Owen, Lincoln Chamber of Commerce; Darl Naumann, Economic Development Coordinator; Gwen Thorpe, Deputy Chief Administrative Officer; Kerry Eagan, Chief Administrative Officer; Christy Eichorn, Planning; Brian Will, Planning and Mary Meyer, County Commissioners/City Council Clerk.

Chairman Marvin opened the meeting at 8:30 am, stating the Open Meeting Laws were posted. Heier moved to accept the Common minutes of January 9, 2007 with Newman seconding with the motion passing unanimously.

Yankee Hill Road (Between So. 40th and South 56th) and West Denton Road; Don Thomas, Lancaster County Engineer and Karl Fredrickson, Public Works and Utilities Director.

Fredrickson stated the city hired HWS regarding the offset of pavement on Yankee Hill, between 40th and 50th Street, to the extent possible and to have a turn back on at 56th Street, lining the intersections up. He met with Doug Pillard, Roger Figard, HWS, and Don Shot and inspected the roadways, looking at assumptions in the proposed design and cost. The result, according to HWS, is approximately \$113,000 additional cost to offset. Fredrickson said it is essentially an asphalt road, shifted off to the side, and can reuse, or extend, the existing culverts and put in a horizontal curve to meet at the 56th Street intersection, with some additional grading and pipe extensions. He stated he and Thomas are still deciding on the design costs. Schorr asked if land acquisition was included? Fredrickson replied he didn't think of additional land acquisition, would use the existing.

Thomas stated he would describe as half of a RUTS road, all to the left. Thomas stated if using his culverts they hydraulically and materially wouldn't meet City specs. He said it merely shoves the road half on a good base and half on a new base, lending itself to problems and the pad which normally is 80 feet wide under RUTS is now 36 and some places 40. Thomas said when it's necessary to build the next two lanes would mean replacing the culverts with concrete culverts, adding he didn't know how you bridge between concrete and corrugated on the two lanes, versus these two lanes.

Svoboda questioned having corrugated culverts, as City specs are concrete, and when the City urbanizes the roadway going to have a transition between the two? He asked if this has been costed out? What it might cost having a concrete culvert initially, so no need to figure out a way to mesh the two?

Fredrickson replied due to the time/direction from this body how many different alternatives would you want to look at? He said as far as connecting two pipes up, if a concrete pipe comes in can collar up with a concrete column, plus there is a medium and can adjust a foot or two. He stated the intersections are the deadline features not done, just based on time and money.

Svoboda asked what the life span of corrugated versus a concrete culvert would be? He questioned if half the intersection would be torn up, in 10 or 20 years, to replace the corrugated? Thomas replied they take corrugated pipes out which are up to 80 years old. Fredrickson said it depends on the sag, how much water stands in them, how much water has a salt environment, 40 years plus depending on environment, but concrete lasts longer. Thomas added there's some hydraulic differences, the smoothness of the concrete pipe versus a corrugated pipe.

Fredrickson understood the desire was to minimize future delay, when urbanized with traffic volumes. He said it's beneficial to shift off, even using existing pipes, extending them, and in the future have a lot less shut down cost. With traffic Fredrickson said now may be 1500 cars a day, possibly 4 people per car, being inconvenienced, with a future estimate of 15,000 plus being inconvenienced. He said they would reduce the count, as well as possibly use the majority of the payment longer, which would be a benefit, the whole RUTS concept, but going to use existing hydraulics, not necessarily City standards.

Thomas stated he thinks, and can almost guarantee, by the time necessary to build next two lanes, the existing two lanes will be so busy with construction and daily traffic mixed, will be very difficult trying to keep the road open to get to the north side to build a pad. A construction engineer would say close as it is too dangerous.

Schorr asked if this plan would be the time frame of having a road open mid-summer? Fredrickson answered he didn't know the exact time frame other than summer, and thinks it can be built by November, if not earlier, but before next winter. Schorr said she doesn't think of November as mid-summer. Fredrickson said it will be later, as adding weeks for some redesign. He said if we went with HWS, probably additional days before it would be ready to bid, and if Target opens July 29th potentially not happening, but would be this summer.

Schorr questioned the additional \$113 thousand. Fredrickson said he wasn't prepared to make financial arrangements today, with the question of how much additionally it would cost installed. Schorr stated the additional \$113 thousand, nobody knows if budgeted, and delays in opening the road with a major center opening up late July. She said there is potential for additional funds being spent now to hopefully not reopen the road at some point, but with absolutely no guarantee this will happen. Schorr added there are additional concerns, long term, about different types of drainage waste.

Eschliman asked about saving money on the 50th and "O" project. Fredrickson replied at 50th and "O" have cut back and only going to pave what's not paved today, with some sewer and drainage issues. Fredrickson said he knows the concern of designing on the fly, spending the million to a million one or two, but have people working to put numbers together, not making mistakes. He stated originally was a million seven, rounded, and now closer to a million by leaving existing pavement in place. Eschliman asked if any funds could be shifted to this project? Fredrickson replied with 130 plus million dollars of City needs, it's what don't you do, it's where do you want to prioritize the money to? So, in a sense yes.

Camp said the two million dollars in State refunds, for the next two years from the "O" Street widening, was going to be used on North 50th, and since we're not doing wouldn't it be funds to use to make up the \$113,000 on the City side? Fredrickson replied if the elected bodies desire to do, then yes. Camp reiterated it was going to North 50th, with Fredrickson adding subject to approval. Camp addressed Thomas regarding going to RUTS standards later, if offset is built now, later adding the other 2 lanes, the comment it might be good to just close down Yankee Hill, or any of the construction totally. Camp asked for clarification, as he understood the RUTS concept is to keep traffic open and not totally shut down.

Thomas answered this isn't a RUTS road, it is half a RUTS. He said the north half is not built, and taking the existing stable base and rolling to the south, to shift 12 feet, but the fill and culverts will not exist on the north side of the road. Whereas, under a RUTS road have an 80 foot wide pad, traffic here and construction traffic there, driving along side, not hauling on the same road and getting into their work segment, but they are part of the traffic on this road. Camp asked if done as a true RUTS road, would have culverts at intersections, and other turn in available, which we wouldn't have here? Thomas replied yes and gave example of an intersection having a grass pad you can turn in on with traffic turning further down the road. He added if traffic is separated could work on this pad, as the pad and culverts are there, and really a matter of paving. Thomas stated you have a lot less constructed traffic, and virtually no one builds roads on time, meaning traffic is more than you're expected to handle. He said there's no reason not to suspect the same on Yankee Hill Road, adding we'll deal with 10 to 15 thousand a day, and construction costs, and if he were a construction engineer would say close as it's just not safe. Thomas stated he doesn't see how to get around not closing, and trying to say not every single mile around the edge of Lincoln is prepared to be a RUTS road, with this as a good example.

Marvin asked if there's another engineer's perspective on this? Fredrickson said he feels he and Thomas are being led down a difficult path. He feels this minimizes delay, with Thomas having legitimate concerns. Fredrickson stated people shouldn't think there never would be a potential closure, and 56th and Yankee Hill will close at some point, but will be a lot less than if the whole mile closed. Fredrickson said the idea is to optimize the way we do it, possibly with construction traffic having non-peak hours restrictions for hauling dirt to widen the base and extend the pipes next to the moving traffic. He stated they do this but to say on the mile you would never see construction, or be affected, he thinks Thomas would be accurate. You may have to stop for flagging while certain operations are done, but less than from March to November, and think it will reduce the future motorists burden considerably. He stated on the plans and constructions for the exit we put together the best estimate based on our Light R Data, satellite imagery. Workman asked if it might be appropriate to spend \$113,000 extra and offset? Thomas replied it's a trade off.

Heier asked if HWS has given a cost to make the road whole/complete except for the concrete, questioning the cost of the right culverts and pads on both sides. Fredrickson answered it would cost more as they try to get the minimum cost to shift the pavement and with the pad have to do future earthwork on the side the pavement isn't shifted to in order to make it wide enough for future lanes. He said as far as traffic did build the first phase of "O" Street under traffic, and do all the time. Heier asked with machinery and contractor there, the extra cost of doing the base and all culverts correctly, then all you have to do is lay concrete? Fredrickson said he would rather do that if money is available, and if he had to wait a year based on design times, or only get part of it done this year, finishing up next spring, would rather do that at 1500 cars a day. Heier agreed, but trying to figure associated cost. Fredrickson said they would have to do more accurate survey work, more design, and again it takes time. Heier said he would be in favor.

Marvin said just last week, after raising money to do South 27th Street, complaints came in from businesses saying we're going to shut down the road. Marvin said on 14th Street believed it was handled well, but does make it difficult to get to and from places where there's a half mile, and in some cases a whole mile shut down for nine months to a year. Camp said he'd like to follow up Commissioner Heier's comments of doing culverts, etc., and would there be a ballpark figure, within 50 or 100 thousand dollars of what that would cost?

Fredrickson said he's hesitant to use a ballpark figure as this body asked a few weeks ago and he is significantly off, adding his ballpark might be closer to being correct if we do the culverts and such, and was three to four hundred thousand dollars more. Camp said he doesn't mind giving latitude, trying to understand, as at one point was 3 million. Thomas gave example of South 98th Street, a little more expensive because of drainage, but cost estimate to a RUTS standard, no pavement, just RUTS grading and culverts was 1.2 million. He said \$400,000 a mile, which is a little high as the culverts were larger than needed here. Heier stated he would favor getting the cost figures.

Fredrickson said it takes about 5 weeks to open bids, a week to get the newspaper, 3 weeks advertisement, and then approvals to sign the contract, adding actually should have let bids last month. Heier said to do correctly as 5 years from now costs probably will double. Fredrickson said he would rather inconvenience traffic today than in the future with substantially more volume. Thomas said they would need a waiver on hiring a consultant to do the design work, so they wouldn't have to go through the RFP process.

Schorr said she's vocal about paving this summer, as the traffic will skyrocket, and concerned about public safety. She stated people are traveling on a gravel road and if we continue to debate will see two/three thousand cars on a gravel road in another year, and worried for public safety. Heier commented it was done on 98th Street and there was a high count on 84th Street. Schorr stated there will be more than 1500 when Super Target opens.

Mayor Seng stated the community needs to make the best decisions and if it takes a little longer we need the right information to make decisions. The Mayor understands concerns of safety, but said there are areas we have been trying to pave for a long time, but need to do it right and if done now will be less expensive.

Thomas said another caution is putting out bids on our summer asphalt work, including Yankee Hill Road. Thomas said he will make a decision on whether to pull Yankee Hill Road as he can't afford to have contractors bidding, and then to yank it when we decide to go in a different direction, adding it would cause the staff to re-bill the rest of the asphalt work. Thomas stated while we have a little time, if we go back to what's being done

now, would re-bid Yankee Hill Road by itself, an independent, which would potentially cost more money as a stand alone. Workman stated the County continues to agree to contribute \$280,000.

Thomas said possibly make a decision of what can be afforded, and give us an idea, stating probably \$200,000 to \$300,000 extra. Workman asked above what the County is committed to? Thomas replied yes. Workman said if it would be approximately \$500,000 it boils down to does the city have the extra money, the County has theirs. Schorr added the County is ready. Thomas said there's little sense in getting an estimate if in the end one body, or both, don't have the money. Eschliman stated the revenue from Target will more than justify any expenditure.

Camp asked on the asphalt bidding if possible to have special itemization for Yankee Hill, so if there is delay have it separated, and not affect the rest of the bids? Thomas replied they are all divided into parts and you can go to the Board and say, we don't like one price and would like to drop out. Thomas said his anticipation of Yankee Hill, by itself, is that a bidder will get all the work, and if pulling one as expensive as Yankee Hill would influence the prices bid, after he had the expectation of getting the job. Camp asked if it was about 25% of the asphalt work and Thomas replied a significant part. Camp suggested perhaps to set aside, saying it won't be re-bid, with the understanding we're trying to get there. Thomas said they would talk to purchasing.

Schorr said she would like a verbal commitment from the City Council that they are willing to comp the other half. Marvin replied he brought this up weeks ago going through the process of RUTS. He said there were comments by County Commissioners saying it was the County's responsibility to fund RUTS. Marvin stated an interlocal was pursued, a cooperative effort between City and County, which was shut down. He said County comments were that they voted for an agreement to do RUTS and would pay the entire cost. Marvin gave Fredrickson credit for a plan which is the lowest cost to get the road in an offset, and to minimize the impact of shutting down in 5 or 10 years. Marvin questioned how that got paid. He stated they wanted the County to help pay for studies, but they were funded entirely out of Fredrickson's budget. He said now when he hears do more engineering studies and cost estimates, doesn't know who's paying. Marvin said the City has funded, and tried to come up with a reasonable idea to get the road at an offset so there's no shut down in 5 years. Marvin said the City doesn't want people/businesses complaining it's the City's fault a business is being shut down. He stated he thinks it's a responsibility if people make statements that they want to fund RUTS, doesn't think it's on City shoulders, when the City has their own road funding difficulties.

Schorr replied the County also looked to expert advice from the County Engineer and this is not a RUTS road, does not qualify as a RUTS road, but one-half RUTS. Thomas said not even half a RUTS, with Schorr agreeing and saying now trying to retrofit to make it RUTS. Thomas said he's in the same position as everyone with financial shortfalls. He stated it isn't a position to stay out of not spending money, he doesn't have the money. Marvin replied he understood but thinks it's a big policy shift for the City to start saying they'll start funding building county roads, and perhaps need a future interlocal to look at this as we have done on other roads, i.e. 98th Street.

Heier stated it's because the County declared it, but the City annexed up to 98th Street so soon it becomes the City's total responsibility. Heier said he would like to know if the City is saying no today to doing this road the way it should be done, refusing to fund, and he wants it on record because the County Board is stepping up to the plate. He asked what the City is going to do, do it right or let it sit? Heier said he thinks this is what the County Board is saying, and asking. Heier stated the City wants out in this and that, but the bottom line is the County is saying they're ready to fund half and are you ready to fund half, and if so, then what do we do?

Marvin answered possibly have some engineering studies done to try to determine, and Heier saying absolutely, no problem doing that and having it done right. Heier said he'd like to extend, and do it right so in 10 years no one can question why we didn't with it costing \$500,000 and in 10 years will cost 5 million. Heier stated it's on your shoulders, you tell us what to do, Thomas and Fredrickson are waiting. Schorr added the County is waiting. Workman said the County will give \$280,000 worth of asphalt, or cash, either way, with Schorr adding with the agreement we're going to get started. Workman said the County will pay \$280,000 or whatever the number, close to \$280,000.

McRoy asked if the extra cost of doing the right way was going to be split? Thomas said would be looking at \$200,000 or \$250,000 more and then the cost of asphalt with a number of \$500,000 probably close. Svoboda asked if the quarter of a million includes the \$113,000 talked about, or on top of? Svoboda asked if he heard if we do it right, with culverts and grading, establishing correct width of pad, going to be spending in the half million dollar range? Thomas answered correct and for two lanes, offset, for RUTS. Camp said from the City side what the County is saying is they're putting in \$280,000. Thomas stated about \$270,000. Camp said if \$500,000 the County is asking the City to put in another \$230,000. Thomas added or whatever the cost is. Thomas said the County is going to put up the \$270,000 period, so whatever it is over \$270,000

McRoy reiterated her question of not splitting the extra? Camp said he's hearing that with Marvin adding the City should confer then get an answer back to the County Board. Schorr said Thomas is ready to go for bids now with Thomas adding not to delay long as we need an estimate of the cost. Camp said he would go on the record saying with the 2 million we're getting over the next 2 years from the O Street savings, State reimbursement, he would like to seriously look at using some to make up the difference. Camp said he wants to let the County Board, and others, know so maybe at the City Council's Noon Meeting put on the agenda. Thomas said to call Fredrickson and let him know. Camp said they would follow what Commissioner Heier said, get the numbers, and do the right way.

Proposed Interlocal Agreement for Finance of New County Jail: Kerry Eagan, Chief Administrative Officer; Dennis Meyer, Budget and Fiscal Officer

Eagan introduced Dennis Meyer, Budget and Fiscal Officer, and introduction of Common Members. Eagan said to lay groundwork the County Board is looking to build a new jail as Jail Standards require we upgrade substantially. He said the Board indicated they would like Option C, build one jail off-site combining our next door facility, the detention in-take center, and the Air Park facility into one. Eagan stated it is more money initially but over 30 years, the life of the jail, would have substantial savings, and cost wise the most effective option. He added being the most expensive option creates a financing difficulty and have 4 possibilities, all presenting different challenges as to whether we can get a good budget lid. Eagan stated a couple options which would interest, or involve, the City is to use the Public Building Commission to issue bonds, and may, or may not, be able to raise enough money to stay under the lid, with another to use the Interlocal Cooperation Act, as we get 5 points for interlocals, 5 cents a levy we could use. Eagan said basically talking about County levy, but need a partner for an interlocal agreement to finance the jail, the most logical being the City, and the City has a large interest as most activity in the jail occurs from the City requiring people to be put in jail. Eagan said there is an existing interlocal now, but wanted to discuss as a funding option. Eagan then stated also trying to pursue a bond election, as it is the best option. He said if a vote of the people approves the funding, over 30 years, we'll save about \$150,000 a year in funding costs, about 2.5 million over the funding life. Eagan said presenting bond elections to the electorate is challenging but thinks it would be the best option. He said there is some interest in looking at the Interlocal option and wanted to have on the Common table to get feedback.

Marvin asked if the interlocal gives the County a nickel then? Meyer said the levy limit goes up to fifty cents, but of the fifty cents five cents has to be for interlocal agreements, or you're limited to forty-five. Meyer stated it would open up a little to let our levy limit grow if needed. Marvin asked if that would give the County about eight and a half million dollars in taxing authority then? Meyer stated yes, as a penny is about 1.8 million. Marvin asked if that is close of what is needed for the jail? Meyer asked if he was talking of each of the annual bond payments? Marvin asked if the jail is built, what is the amount of debt service? Meyer replied the bond payment would go anywhere from 5.5 to about 6.3 million a year. Meyer said would be anywhere from an 85 to a 94 million dollar bond issue. Marvin asked if the County needed three to four mills basically with Meyer answering for the debt service payment.

Schorr stated the County was hoping we could present an Options A and B, two different funding mechanisms, to the voters. Schorr stated we hope voters see the advantages of funding through a general obligation bond, voting yes, but if they vote no, it's not that we will not build a jail, but would do it through a different mechanism. Schorr said the County needs to be prepared with regard to an interlocal with the City, or the Building Commission, as we've been in violations of Jail Standards for 3 or 4 years, and it's not that we cannot build a jail, it's just the funding mechanism.

Eagan added if a vote of the people is outside the budget lid and financially the best way to finance, and doesn't count against our budget. Meyer said one difference between County and City is if the City issues bonds the bonds can be outside of the City levy limit. He said with the County the fifty cents is a max, unless you get a vote of the people. Meyer stated a City can issue debt and be outside of it, but the County is limited to a vote of the people to get outside of theirs.

Workman asked if an approved vote of the people wouldn't we get a better bond rating and lower interest rates? Eagan replied about \$150,000 a year. Workman asked if the County is using any of this nickel now? Meyer replied the County has never been forced to really take a look at it as we have been able to allocate out, but would say there's no doubt using part of it because of the number of interlocal agreements, and probably starting to slide towards the nickel.

Bond Election for Finance of New County Jail: Kerry Eagan, Chief Financial Officer

Eagan said the Board is hoping to have on the ballot as soon as possible, maybe the April election. He said they would like to tag onto the City Primary Election, but facing statutory challenges, as existing election laws state we have to have the election on the first Tuesday after the first Monday. Eagan said the City election will be the first Tuesday, not after the first Monday. He stated have requested a legal opinion, and possibly will pursue a legislative change to introduce a bill, and have it pass and effective within 12 days. Schorr said the County is mindful of the attempt the City made for special elections in regards to infrastructure, and the perception specifically with a special election is the expense. Eagan said it doubles the cost of the election for the County, but if we could share the cost with the City, it reduces the City's and our costs as well.

Marvin asked about time constraints, as the next County election will be in April of '08? Eagan said the next County General election, in conjunction with State elections, probably would be April of '08, and a state-wide primary. He said he doesn't think the Board wants to wait that long for a bond election because they are in violation of Jail Standards and need to move forward. Eagan stated if not possible in the spring maybe a September date, and it would be a special election.

Marvin said one of the nice things about being on the City Council is the mutual jail. He asked if the County went for public support, or general obligation bond, and the public turns it down, what authority do the Courts have in ordering an adequate jail? Heier said an adequate jail is they'll move everyone out, putting in another County jail, such as now we're placing 35 people in the Platte County Jail, at 5 and ½ million dollars a year. Heier said with 436 prisoners, can you imagine what will happen, being in violation, and if we don't meet Jail Standards? He said they wouldn't close it down, but could lower Jail Standards by lowering the population, and putting some prisoners out at a higher price than the normal payments.

Marvin asked if against County levy limits? Schorr replied 5.5 million. Eagan said the purpose today was to approach the City as to mutual interest on an interlocal, one of the best financing options. Eagan said the best option is a vote of the people, which is outside the levy limit and least expensive, and tried elections for a jail in the past, '80 and '81, which didn't come close to passing.

Mayor Seng asked if there was an interlocal agreement on the current jail? Eagan replied they used the Lancaster County Leasing Corporation, an entity provided by statute, under 23120, where we could use 5.2 cents of levy, on a ten year bond. Eagan said this is limited to ten years on individual projects and would fall short of the money needed to finance this jail. Mayor Seng asked about other options. Eagan said there were 4 options identified, the Leasing Corporation which is limited to 10 years, the Public Building Commission is worth pursuing and their local agreement with the City is probably the second best option to finance completely and then the Bond Election would be the best option available. Workman said he thinks there would be no disadvantage to the City to enter into an agreement, but would provide advantage.

Marvin asked to create the interlocal do we give mills to you? Eagan thought it would be off the County levy to finance, just need an interlocal agreement, and the City does have need for prisoners of City offenses, and needs a jail even though it is a County run jail. Eagan stated it's an interlocals where the County is taking the

lead. He said with a lot of interlocals the City is the lead, such as City Personnel, Purchasing. Eagan said this is opposite and now do have an interlocal agreement for housing City prisoners, and can look to meld those two together, and in terms of the City participating financially could be some negotiating from that view. McRoy said she's supportive of participation in an interlocal to build a jail, recognizing most of the prisoners probably are from the City. She stated when you think about this election, you say it would be a miracle to get it done in 12 days, is there another way to get this through?

Eagan said statutorily, with no official legal opinion, but the bond counsel and County Attorney are leaning towards the fact we cannot have a special election on the same day as the City primary election in April, a violation of State law. He added the final arbitrator of State law is the Secretary of State and the Deputy Secretary of State for Elections, and their opinions may differ and may say you can interpret the law to allow this date. Eagan said the other option is to try to introduce a bill, which we could possibly do Thursday, a bill on select file and would be added, never having a public hearing, and passed on Thursday with an E Clause, to be signed into law by next Tuesday, or next Monday, because that is the deadline to get it to the April election. He added very ambitious.

Camp asked if it was the first Tuesday after the first Monday? Eagan answered yes. Camp said the first Monday in April is the 2nd, the first Tuesday is the 3rd, so it's May it wouldn't work as the first of May is Tuesday, which is the election. Eagan said he would have to go back but have looked and it doesn't line up, it does not work for April and we need a statutory change.

Weed Interlocal Split Between County and City: Russell Shultz, Weed Control Authority Superintendent (Handout)

Shultz stated the City has a Weed Abatement Ordinance, inside Lincoln, and we have the State Noxious Weed Law where each county has a weed control authority to administer the Noxious Weed Law county wide. Shultz said when City and County entered into the interlocal it basically said the City will no longer have inspectors and administrators, weed abatement, and the County would agree to do if they are budgeted for the cost. Shultz said in 2002 or 2003 it was agreed to do a 50-50 split between the City and County. He stated the handout gives a breakdown on workload comparisons, using a workload factor of a County inspection, involving more distance and costing approximately 3 times more than 1 city inspection. Shultz said calculations show in 2004 it was 47.6 percent County, 52.4 percent City and in 2005 and 2006 the work load split was closer to a 40-60, and in 2006 was about 38 to 62 percent. Shultz said in making an estimate for the coming year would be about 60- 40 percent for what the workload differences are, adding in order to have the County reimbursed for the cost of administrating the Weed Abatement Program will be about 50 percent of total budget.

Cook asked how precise is the factor of three, could it be three point 4, or three point nine? Shultz said they don't keep a running day record of City weed abatement and then County, and this factor may be high, but at a point between 2 and 3. Shultz said by putting a 3 factor there thought it benefitted the City. He said he could make calculations much more detailed but thinks this benefits the City when a 3 factor is used.

Cook asked if Waverly, Hickman, others, contribute to weed control, and are enforced in those municipalities? Shultz answered yes, work countywide and stated the Noxious Weed Control Act amended in 1989 says the Cities shall provide for noxious week control, so the workload is not only the weed abatement ordinance but noxious weed control inspections made in the City of Lincoln. He said by the amendment to the Act of 1989, the City of Lincoln has put money into the program to do so. Cook stated as he isn't quite sure, what is it you do with Waverly? Shultz said with Waverly almost nothing, as it is so minute. Cook asked if they enforce there and everywhere in the County? Shultz answered yes they do enforce everywhere in the County, but regarding Waverly probably only had 1 or 2 inspections on the railroad. Shultz stated in the Villages and Cities, like Waverly, it is very minor.

Workman asked if the amount was \$25,000, which would be mostly City, but not a large amount, with Shultz agreeing. Workman stated the fact of 6,000 inspections in Lincoln and 1,300 in the County. Shultz said it runs about 125 each and if we do 60-40 would be roughly 100 for County and 150 for City, amounting to \$25,000. Cook stated the whole premise is confusing, as this is a County wide operation, the City is part of the County,

most County funds come from City taxpayers, so not sure why the additional contribution from the City. Shultz said the City Weed Abatement Ordinance is a city program, not the County's responsibility to pay for the city's program. He stated the City passed an ordinance and we do inspections, issue notices, doing forced control work, the whole program. Shultz said it's a matter of doing all, the Weed Abatement Ordinance, plus the noxious weed inspections we do in Lincoln. Cook said the State has their statute which you enforce in the county, does the city have additional requirements beyond that? Shultz answered yes, which requires weeds and vegetation be kept 6 inches high, and we had 2,011 violations last year, it took about 7,000 inspections.

Cook said using Waverly as an example, they don't have an ordinance similar to Lincoln's which goes above/beyond State law, or if they do they enforce, is this what you're saying? Shultz said he didn't know if Waverly has a height ordinance and stated they do not enforce any height ordinance except the City of Lincoln's Weed Abatement Ordinance. He said the only thing in Waverly is noxious weeds. Musk Thistle inspections and doesn't think this last year had any inspections in Waverly. Cook asked if Shultz had broken down the number of inspections done in the City because of state law violations versus inspections done because of City ordinance violations, as the City ordinance violations are the additional? He stated the state statute would be enforced regardless throughout the County. Shultz said 2011 violations in the City Weed Abatement Ordinance and 312 noxious weed violations.

Eschliman asked what is being asked here? Shultz replied the bottom line is between the two bodies to make a decision, and if you're fairly reimbursing the county for what it costs to carry out City responsibilities, the City would be taking care of 60% of his budget. Eschliman addressed Shultz and asked if he's asking for \$25,000? Shultz said \$25,000 basically. Cook said he heard violations versus inspections, but not all inspections lead to violations. Shultz said they have about 2 ½ inspections per violation, making the initial inspection, with the follow up inspection.

Schorr asked in the budget prepared for your budget cycle, when you submitted your request did you increase it by \$25,000? Or, do you fall on an odd budget cycle? Shultz said since agreeing to a 50-50 split, presented budget based upon the County cycle.

Heier motioned the meeting be adjourned, motion passed unanimously with Marvin adjourning.

Mary Meyer
Clerk

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