

**CITY-COUNTY COMMON
MINUTES
Tuesday, October 13, 2009**

Present: Ray Stevens, Larry Hudkins, Jayne Snyder, Doug Emery, Bob Workman, Bernie Heier, Deb Schorr, John Spatz, Jon Camp, Adam Hornung, Gene Carroll and Mayor Chris Beutler

Absent: Jonathan Cook

Others Present: Phil Wenta, NEBCO; Senator Haar; Scott Opfer, City Public Works; Don Mayhew, Lincoln Public School Board Chair and Lillie Larson, Lincoln Public School Board, Mark Shepard, Lincoln Public Schools, Tom Green, Senator Haar's Aid, Tim Gerger, Olsson Associates; Tom Casady, Chief of Police; Trish Owen, Deputy Chief of Staff; Randy Hoskins, Public Works & Utilities; Cori Beattie, Deputy County Clerk; Kerry P. Eagan, Chief Administrative Officer; John Hendry, City Attorney; Kyle Fischer, Lincoln Chamber of Commerce, Tom Fox, Deputy County Attorney, Lynn Johnson, Director Parks and Rec; Milo Mumgaard, Mayors Office and Rick Hoppe, Chief of Staff.

Chair Commissioner Ray Stevens opened the meeting at 8:00 am.

1. Approval of Common Meeting Minutes of Tuesday July 14, 2009, and Tuesday, August 4, 2009:

Councilman Spatz moved approval of the Common Meeting minutes of Tuesday, July 14, 2009 and Tuesday, August 4, 2009, seconded by Commissioner Heier. Motion passed 10 - 0. Please note Commissioner Hudkins and Schorr arrived after the vote was taken.

2. Overpass - Highway 34 at NW 12th Street:

Councilman John Spatz shared with the group concerns parents have regarding a safe route for students who attend Schoo Middle School from the Highlands and the Fallbrook area. There is no obvious walkway or direct route to the school from the Highlands and the students cross Highway 34, a four lane divided highway, with traffic speeds of 60 mph. A number of different options have been explored, however, it seems building a pedestrian overpass at NW 12th Street and Highway 34 would be the best one.

One funding option is a Public Facilities and Construction Finance Pact. State law allows for two or more political subdivisions to enter into an interlocal agreement and bond up to 5 million dollars for very specific items. There are concerns whether a simple pedestrian overpass would qualify for this however, a road does. Benefits for building a road and an overpass would open up a commercial zone and Northwest Lancaster County to the commercial development along with providing safe passage to the students from the Highlands to the school. Councilman Camp inquired as to how the bonds would be paid off. Councilman Spatz responded through property taxes.

Senator Haar informed the group the parents are looking for both short term and long term solutions to the safety issues. Due to the 60 mph speed limit and the

reduced visibility when driving into Lincoln, in his opinion, this makes the intersection very dangerous and puts children's safety at peril. There is a large commercial sign at the intersection which further reduces visibility. He also pointed out that one residence does not have a fenced backyard and the students cut through the backyard and cross at Fallbrook which is another dangerous intersection. His office is exploring potential Federal Funding and there is a state program for safe schools that might help with education for parents and students regarding safe street crossing. He thanked Councilman Spatz for the time he has devoted to this problem and referred to the Public Facilities Construction and Finance Act as a possible long term solution. He plans to introduce legislation this session that would insure that prior to a school opening, streets and intersections have to provide a safe access to the school for cars, bikes and students on foot. He encouraged input regarding this legislation.

Phil Wenta from NEBCO shared the concept of the bridge and what it would look like. He also stated projected construction cost, which do not include purchasing of land, would be approximately 3 to 3.3 million dollars. Commissioner Stevens inquired what the overpass would include. Tim from NEBCO responded the estimate included a two lane rural off-site roadway, with the overpass being build as a four lane road with a ten foot trail on the side.

Councilwomen Snyder indicated she hoped there was a way between the City, County and LPS to make this happen. She would like to see the overpass combined with a road and see something happen soon, even if it was short term.

Mayor Beutler addressed the short term solution. In addition to the flashing yellow light that is currently on both sides of the intersection, an additional flashing lights at appropriate distances will be installed, indicating it is a school zone and when the light is flashing speed will be reduced to 45 mph.

Councilman Hornung addressed the safety and the commercial need of the area. He stated the measures the Mayor spoke about will be extremely helpful however, they are short term solutions. This is a major highway that brings traffic into the city and out to the county and also a major commercial district and he suggested the long-term focus needs to be on the overpass. The law is very clear that all the government entities at the meeting are allowed to participate in the Public Facilities and Construction Finance Pact and would benefit from the project.

Regarding the safely risk, Councilman Hornung stated it is imperative that if we build infrastructure and schools, we need to build them together as they can't be independent of each other. This is a great opportunity to show the community that all three governmental entities can work together. Building the overpass and the road will not only create additional commercial access but will speed up access into the county and the city, which will increase taxable property and help pay off some of the project, increase jobs and traffic flow. The next step to solve the problem will need to be found.

Councilman Camp asked the Lincoln Public School Board representatives to explain what constraints LPS has with purchasing land and also in participating in construction of a road that is not on school property. Don Mayhew, LPS Board Chair responded that he and Lillie Larson were attending the meeting to gather

information and take back to the school board. He did indicate the school board does agree there is a need for the overpass and student safety, however, there could be concerns with the proposed funding mechanism. One of the questions he is expecting from the school board is concerns the effect a bond would have on property taxes and why go into debt with a bond when there are entities that have levy authority and could pay for the project outright. He also cautioned Senator Haar that introducing legislation to open schools only when roads are in place, could have a great effect on LPS. While he understands the concern as a district, LPS's process is to identify facilities needs, pass the bonds, build the buildings and make sure the students have facilities in which to learn. If the school district had to put opening of the school(s) on hold and wait for roads they could find themselves with money bonded and paying interest rates. Mr. Mayhew indicated he would take the information back to the school board and would direct any questions or concerns to Councilman Spatz. Councilman Spatz agreed. Mr. Mayhew also referred to the SPARKY committee that meets monthly with LPS and City staff to share communications

Commissioner Hudkins responded to Mr. Mayhew's comments regarding the communication between the school district and the city. The county engineers had not been involved in communication regarding South West High or School Middle School. He encouraged LPS to include the county engineers in future discussions.

Councilman Hornung suggested a bonding measure that allows the cost to be spread out over time is a lot more palatable than trying to take it in all at once, in addition to that the same would be said for the county and the school board. No one is able to do this project by themselves. Commissioner Workman commented that the committee needed to remember there is only one tax payer involved and the county taxes the same person the city and the school does. It looks like it's spread out, but from the tax payers view it is not.

Senator Haar inquired as to whether something could be done regarding the residence that does not have a fenced yard. Councilman Spatz said they would look into it. The Senator thanked everyone who had attended his meetings and indicated he would like to be included in future meetings regarding this issue.

Mayor Beutler stated there are situations existing where the city and the school district have cooperated on an item that had been specifically thought of as a city responsibility. For example, Lincoln Police are in the schools because both the City and the school district have recognized the unusual situation and both contribute to the funding. He suggested looking at the safety concern as a shared responsibility similar to the police situation. In the long term solution he will be looking at the safety of children every where in the city.

Commissioner Stevens, thanked Senator Haar, school board members, Lillie Larson and Don Mayhew, Scott Opfer from Public Works, Mark Shepard from Lincoln Public Schools and Phil Wenta from NEBCO for attending the meeting.

The meeting was adjourned at 9:00 a.m.