

CITY-COUNTY COMMON

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AGENDA

CITY-COUNTY COMMON MEETING

MONDAY, AUGUST 21, 2006

COUNTY-CITY BUILDING

ROOM 113, 8:30 A.M.

- 1. Minutes**
Approval of Common Meeting Minutes of Tuesday, July 11, 2006.
- 2. Joint Council/County Board Office Manager**
- 3. Procedure for Joint Budget Hearings**
- 4. Common Meeting Times and Attendance**
- 5. Discussion on Future of Railroad Transportation Safety District (RTSD)**

CITY-COUNTY COMMON MINUTES OF MEETING ON MONDAY, AUGUST 21, 2006

Common Members Present

County Commissioners: Bob Workman, City-County Common Chairman, Ray Stevens, Bernie Heier, Larry Hudkins, and Deb Schorr.

City Council Members: Patte Newman, Dan Marvin, City-County Common Vice-Chairman, Annette McRoy, Ken Svoboda, John Camp, and Robin Eschliman.

City Council Members Absent: Jonathan Cook

Other Common Members: Mayor Coleen Seng

Others in Attendance: Kerry Eagan, Gwen Thorpe, Don Taute, Mark Hunzeker, Coby Mach, Bill Kuester, Roger Figard, Don Thomas, Bruce Bohrer, Mark Bowen, Mary Meyer, and other interested parties.

The City-County Common Meeting called to order by Chairman Workman at 8:35 am.

Joint Council/County Board Office Staff

Workman directed discussion to joint City Council/County Board staff and the possibility of an office manager. (Members arriving; Marvin 8:36 am, McRoy and Svoboda 8:38 am, Camp 8:39 am and Eschliman 8:40 am) Workman asked how Meyer's salary is split. Eagan replied County 75%, 25% City and is one reason for discussion today. Since Ray's departure Meyer has taken on additional City duties and want to check on staff responsibilities, and also discuss establishing an office manager. Additional personnel needed? Have previously asked Meyer to track hours for the City and County to see the percentage. Meyer stated it's usually pretty even, half and half, with natural ebbs and flows on work load.

Svoboda said currently with the 75-25 split Meyer answers to Beattie. If a 50-50 split should identify the office structure. Would Beattie have full control over Meyer, who basically is a County employee? Or, if 50-50 move the responsibility range to a split? Do not have an office manager to identify responsibilities and should discuss whether we should consolidate offices. At some point Grammar might become a joint City County employee, with all administrative staff in this role. The County would have specific personnel and the City would have personnel, in the future, dealing with specifics, such as a researcher, or legislative analyst. Camp suggested a meeting of 2 members from each body to look at the short and long term needs.

Workman stated possibly a meeting of the chair and vice-chair of each body to discuss staffing. Svoboda said Eagan has done a great deal of research and should be included. Or we just need to take formal action and decide. Workman said with no objections Eagan would be included and asked Eagan to set up the meeting to discuss the office manager position.

Heier asked if there should be a time table as this discussion has been ongoing. He stated everyone probably knows what should be done but afraid to commit. The 50-50 split should have a firm commitment. Discussion continued with City Council members giving verbal commitment to fund half of the Joint City Council/County Commissioners Office Clerk's salary. Eagan stated the interlocal agreement would have to be amended. The meeting would be for discussion of office manager.

Motion: Heier made motion of intent to proceed with an action item creating a 50-50 split on Meyer's salary. McRoy seconded.

Role Called: Workman, Stevens, Heier, Hudkins, Schorr, Newman, Marvin, McRoy, Svoboda, Camp,

Eschliman, Mayor Seng voted aye. Motion carried.

Svoboda asked if there should be a motion for a deadline on the staff discussion? Heier thought no with Svoboda and Schorr saying a report should be ready at the next meeting.

Approval of Minutes

Motion : Hudkins made motion to approve Common meeting minutes of Tuesday, July 11th. Stevens seconded.

Role Called: Workman, Stevens, Hudkins, Schorr, Newman, Marvin, McRoy, Svoboda, Camp, Eschliman, Mayor Seng voted aye. Heier abstained Motion carried.

Procedure for Joint Budget Hearings

Schorr stated at the Joint Budget Hearing there were County line items where presenters traveled distances to attend and noticed only a small percentage of Common members present for their presentations. Some agencies do present their budgets twice with others presenting to the County and then County can inform the City. Svoboda said in most instances they're not presenting twice. An example would be the Council having questions of Health. Council sometimes feel a 15 minute presentation is not enough time for Council, as a City agency. Typically, the only time the Council meets with the joint bodies is in joint budget. Do have the ability to call them back in, which was done with Dart/Health and resulted in an hour and a half discussion. The City needs more time for certain agencies in budget times, not the 10/15/20 minutes normally scheduled.

Svoboda continued saying in a discussion with Stevens, which Schorr moderated, it was really a discussion of does the City Council have much input over some contracts, the jail for example. The City has a contract with the County stating we'll pay whatever is charged. Does 15 minutes really offer the time for a full understanding? Basically, other than the once a year budget discussion know nothing about what the jail services provide, or certain other agencies. Svoboda said the discussion held was to figure if it is relevant to have Council there, or just divide up and say, these are Council, these are County, and deal with them. If there is a desire to have a joint session Council tries to do when necessary.

Newman said she doesn't consider the presentations old news and it is not difficult to sit through as the City needs to know where the dollars are spent. Hudkins said he appreciates the opportunity to hear questions, and interested in the City Council's opinion, and the discussions possibly might be the one time the City Council hears about different departments. Stevens said the City Council is interested in what the County does with the budget the City pays for, and thinks it's important to hear all other agency budgets, for informational purposes which then helps with questions. Svoboda mentioned the short time scheduled for departments/divisions to present. People serving on boards understand but others don't have a total grasp of the agency and typically can't receive all information in this time period. Everyone is an individual with different schedules, and if any one feels it's important to attend the briefings should be here, but if one doesn't attend do not think there should be ridicule for not showing up. But, with the same token, if we are going to have true and open discussions thinks there should be a little more time on departments which are almost 50-50, with an example of the Health Department. Possibly might identify to Council that we're going to hear these departments twice. One a quick briefing for the County Board's benefit, and the other one for Council. Does the County Board want to listen to Council talk about City agencies? If the County Board does, we'll keep the schedule this way and just broaden the time span.

McRoy said she attends and wants to hear from agencies, even if Council is not involved. Workman said it sounds as if it's running all right now, and the majority here would want to attend, the way they are now.

Common Meeting Times and Attendance

Workman asked if there were questions/opinions on scheduling? Marvin thought it was good to alternate between Mondays and Tuesdays, and to have a.m. meetings. Svoboda agreed saying the 8:30 time and alternating days seem perfect and work well. Each person decides on attendance to meet an obligation. If someone feels a need to attend, they're here, and think most are, as represented today.

Stevens asked if 8:30 was the most convenient time? Possibly 8:35? At the last meeting we had all of the City Council members late and today five of them were late.

Future of Railroad Transportation Safety District (RTSD)

Eschliman said she's new to the RTSD but has received, and read, the materials and it seems like the RTSD has been a tremendously successful program. The RTSD started 40 years ago when there were terrible crashes, and has done exactly what it was set up to do, which was to prevent deaths and reduce accidents at railroad crossings. Eschliman stated she was given a list of 20 sites, which might be applicable to work on in future years, and requested information on the number of accidents at these 20 intersections. There have been few in 8 to 10 years. So, as a new member with a different perspective, realize there are other areas of need for our roads. Other locations which might be more dangerous than some on the list. Possibly time to talk about RTSD's future. Eschliman continued saying she thought RTSD should be declared a success and disbanded. Afterward could look at the 10 million dollars sitting there. Could discuss splitting between County and City. Each could make a decision on whether to use the money for railroad issues, or might feel it's appropriate to use for street issues. Is RTSD going to last into perpetuity?

Mayor Seng was curious as to whether there was a federal requirement. Figard said the RTSD was created in the 70's, and could be disbanded, but the purpose and money allocated are very unique. Newman stated the money comes from a tax levy and specifically designed for safety projects, but where did the money come from before the creation of the RTSD? Figard replied the City and County had tough decisions on where to allocate their monies. Both City and County had to revisit the long range plan and ultimately decide what safety projects would benefit most from their funds. Svoboda asked if this body could declare RTSD successful and then drop? If there is 10 million in the fund earmarked for projects and if the RTSD were disbanded, wouldn't the money go back to the taxpayers as a property tax rebate, as that is the way it was collected? Svoboda stated he doesn't believe the RTSD legally could divide between City and County to go into fixing potholes and sidewalks.

Kuester said the RTSD is a separate entity, not a committee. Formed in the '70's the Legislature thought the RTSD would automatically go away in 15 years. In 1985 added 10 to 25 years and in 1995 said it possibly could go on forever. Don't know whether legally you can have this committee disband the RTSD. The Legislature initially told us how the Committee is used with 5 specific things the RTSD is set up for and cannot be used for other projects.

Marvin thought other states might have similar committees but we're the only one in Nebraska. To disband we could set the levy at zero and it would effectively disband. On unwinding what would be the obligations? Marvin continued saying this body should think about different alternatives and one would be a more comprehensive transportation RTSD taxing authority which would provide a resource of dollars which would flow into an entity and then be allocated out. The County might have to think about a county wheel tax again. One project is a bridge on SW 40th Street and with expanded authority we could actually use the dollars. In the County on road building projects an example would be connecting to a bridge so there isn't a gravel road and then a bridge. Marvin said possibly if we could transfer the mill to unwind and then organize and have dollars which could be used for a variety of other projects. We could augment the responsibilities involved legislatively.

Figard said he had visited a Kansas City suburb and also Wichita where he was told they have five political subdivisions, so maybe adding another committee, such as an RTSD isn't always good. Figard commented over the next 6 years the RTSD is heavily committed to policy, the long range plan, and the continuation and finishing of projects. Southwest 40th, about 50% is funded by the RTSD, and is a higher priority than paving a road in the County. If RTSD has funds we're then able to put together other funding from various other sources. If the RTSD would be disbanded thinks other funding would also go away. Figard stated the overpass was intended to be a priority and have committed to: 1) Antelope Valley, 2) Harris Overpass, 3) Hickman Overpass, and 4) the Salt Creek Trail. These are the primary commitments, plus what the District does over time, which includes the crossings, rubber, ties, etc. We buy materials and they physically come out and fix railroad crossings. If the District went away might have to take money from a road budget to pay the railroad. The RTSD is a real benefit to the community.

Kuester responded the RTSD is a separate entity and contains two statutes. (Attachment A). First the original statute and secondly the five purposes for establishment. Hudkins remembered serving with Mayor Seng on the RTSD, where the first major project was K & L. Heier stated he appreciates what Eschliman and Marvin are saying but perhaps what has not been said is if we would zero out the levy for the RTSD, and use the money, we still would collect for roads. No objection to going back and visiting the wheel tax but want it to coincide.

McRoy said she would hesitate doing anything now. She has had several calls on trains whistling, and understands there is a federal law on train noise. Workman said trains are required to blast at each crossing but citizens around 44th and Cornhusker are complaining. Could RTSD be used for train noise? Kuester responded yes. Figard stated by decreasing the noise we improve safety and could use RTSD funds.

Eschliman addressed Kuester saying one route is disbursing the funds to the County and City and having each body decide on the train whistles/noise. The other, as Marvin mentioned, would be to augment the responsibilities involved legislatively. Eschliman thought Kuester had said this couldn't be done, but stated she has had a legal opinion saying it could, all that has to be done is to give 30 days notice and you can disband. Eschliman then asked Kuester to do research about why you think we can't do this? The interlocal says we can give 30 days notice.

Kuester said the RTSD is not an interlocal, the Legislature should give information on disbanding as we do have a resolution of adoption. Figard gave explanation saying it's an operating agreement. Eschliman asked what would be involved in augmenting the agreement? Go to the Legislature saying we want to start including streets, would that be all that is required? Figard said if wanted the Legislature can expand the purpose and statutes.

Mayor Seng gave explanation on RTSD administrative responsibilities. In the past a separate person dealt with, and was paid by the RTSD. When he retired Figard was specifically asked to assume the responsibilities. Figard stated before he took on the duties the RTSD supported their own office. Now a fraction. less than 2 percent, of the budget goes to administrative and operating costs.

Figard stated the RTSD also has a large impact on County Engineering and their operations. Would be remiss not allowing Engineering the opportunity to speak about what the RTSD can do for the County and some difficulties which might occur if this resource wasn't available. Thomas stated an example of a huge advantage resulting from RTSD funds is the Hickman viaduct. Did a vehicle incident report showing the exposure rate and with RTSD funds involved received 50% cost from State programs, amounting to 2.5 million. With the RTSD we do have money available for opportunities.

Mayor Seng asked with the train noise at 44th and Cornhusker if it would be appropriate to use RTSD resources at the crossing? Kuester responded there are enough RTSD Board members present here to decide. Workman reiterated this would be the closing of the crossing at 44th Street to which Kuester said RTSD should not be used for the 44th Street crossing closure. Figard stated he would not recommend closure of 44th Street before having a public process and possibly a RTSD analysis. Then the County and City could decide. Stevens said he believed the RTSD said they would do a study looking at the crossing at 44th and Cornhusker but was voted down by City Council members on the RTSD Board.

Figard said he visited with the chair and vice chair on the engineering analysis of a quiet zone, of which 44th would be part of. Workman stated he is concerned with the train noise and considers it an emergency for the citizens living close by and absolutely should look at solutions to the train whistle noise. Workman said the RTSD is not an interlocal agreement and with this noise problem specifically asked who is responsible for the train noise at 44th and Cornhusker? The RTSD, the County, the City? Figard said the railroads have every right to run the trains and now with the 20 second rule they're going to blow their whistles. Figard stated he believes anything done about the noise is going to come back to a local authority. Whether it's the Council, or the RTSD. Would say if the RTSD doesn't get involved he would be hard pressed to use the few resources available.

Thomas stated the City Charter gives the Director of Public Works authority to open and close public roads. Figard said the authority ends there, but certainly public process, meetings. Thinks it's appropriate for the RTSD to do an engineering analysis and possibly create a quiet zone from 33rd to 70th. On 44th Street could temporarily close. Believes the City Council and County Board received petitions for some action on 44th Street, but stated he is not comfortable closing the road without direction. Workman reiterated the train noise is an emergency for people living within the district and hopefully we will be able to help them in the near future.

Schorr asked with the RTSD if we took the word railroad out, leaving transportation safety district, could we, under the umbrella, possibly go to the Legislature and broaden the agreement? Still have the railroad side, and then a road side, and still have Figard and Thomas prioritizing projects, possibly within the three miles that are safety issues. Would it be possible to go to the Legislature, and depending on the language, broaden the intent, could it be transportation safety related? Figard said it could be done, and he has been in front of the Legislature many time but believes it would dilute the power of the current district in its legislation if this was done, but it could be changed.

Camp said if he understood Eschliman, she's questioning if this is an expenditure. A lot of times if you have that taxing authority producing revenues you spend it. Major projects have been completed and possibly are at a point where it backs into new avenues. Doesn't mean we don't need those safety projects. Camp continued saying if we're going to a transportation whole entity, then might as well pull Public Works and County roads together because you're looking at County-wide public works programs, essentially for road construction. Eschliman then stated in the 1950's, etc. there were terrible car crashes but now the big concern is how do we pay for roads? She is concerned because the roads budget was cut to nothing in the City and there are City safety projects with no money to fix, but we're sitting on 10 million dollars. Eschliman continued saying she would like to make a motion to pursue dialogue with our Legislative representatives to see if we can come up with a proposal to the Legislature to augment the agreement to include roads.

Camp suggested to carry this over on the agenda to next month as now we're sort of talking about City-County-Public Works as one entity, all road construction, and potentially where do you start and stop?

Motion: Workman stated a motion was put forth by Eschliman stating to have the Commons, as a body, approach the Legislature as to augmenting the role of RTSD.

Marvin said he would vote against and stated the reason is because this body has the functionality to augment the RTSD. It was the JPA, and it came before this body, and contained the ability for a wheel and property tax. There were sharing arrangements included. Now need to revisit and re-look at how we can get comfortable with that, because he doesn't think there's any need to get 49 Legislators to carve out legal language for Lancaster County. It's capable of being reintroduced here to address some of the financial problems.

Figard addressed Eschliman and stated she's used a 10 million dollars figure several times. Should have been in the realm of 5.9 million. Continuing, Figard said he thinks we'll underspend our overall budget. Could be 6 to 7 million there, not 10. Eschliman asked how much is earmarked? Figard said the next year's budget, the Capital budget, is a little over 8 million, 8 ½ million, and would spend all of the reserves plus about half of the levy that would come in, for the current projects on the books, if needed.

Schorr questioned the motion, asking with this motion we would add this to our Legislative priority list, this coming year? Taking that large jump? Workman stated it would be a Legislative initiative by the Commons, by the group. Workman called for a vote count on the motion.

Role called: Workman, Stevens, Heier, Hudkins, Schorr, Newman, Marvin, McRoy, Svoboda, Camp, Mayor Seng voted no. Eschliman voted aye. Motion defeated.

Workman thanked members for a good meeting with good discussions. Motion to adjourn made by Heier, seconded by Marvin. Meeting adjourned by unanimous vote.

Meeting adjourned at 9:42 am.