

# CITY-COUNTY COMMON

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## A G E N D A

### CITY-COUNTY COMMON MEETING

Monday, April 5, 2004 - 8:30 a.m.  
County-City Building, Room 113

- I. **MINUTES** - Common Meeting on March 1, 2004
- II. **8:30 a.m. RURAL ACREAGE STUDIES** - Marvin Krout, Planning Director; Mike DeKalb, Planner
  - A. Cost of Rural Services
  - B. Performance Based Standards
  - C. Build-Through Acreages
- III. **9:00 a.m. FOUR LANING PIONEERS BOULEVARD FROM HIGHWAY 2 TO HIGHWAY 77** - Ray Stevens, County Board
- IV. **9:15 a.m. PC VULNERABILITY (VIRUSES, HOTMAIL & ATTACHMENTS)** - Doug Thomas, Information Services Director
- V. **9:30 am. FUTURE MEETINGS**
  - A. Tuesday, November 2, 2004 (Election Day)
  - B. Monday, December 6, 2004 (RTSD Meeting at 9:00 a.m.)
  - C. Synchronize Common Meetings with Joint LPS/City/County Quarterly Meetings
- VI. **ADJOURNMENT**

**MINUTES**  
**CITY-COUNTY COMMON**  
**Monday, April 5, 2004 – 8:30 a.m.**  
**County-City Building, Room 113**

**County Commissioners Present:** Bernie Heier, Deb Schorr, Ray Stevens and Bob Workman **Absent:** Larry Hudkins

**City Council Members Present:** Glenn Friendt, Patte Newman, Ken Svoboda and Terry Werner **Absent:** Jon Camp, Jonathan Cook and Annette McRoy

**Planning Commission Members Present:** Jon Carlson, Gene Carroll, Dan Marvin, Mary Bills Strand, Lynn Sunderman and Roger Larsen

**Others Present:** Mayor Coleen Seng; Ann Harrell, Mayor's Office; Kerry Eagan and Gwen Thorpe, County Board Office; Marvin Krout, Mike DeKalb and Kent Morgan, Planning Department; Don Thomas, County Engineer; Doug Thomas, Information Services Director; Mike Brienzo, Public Works; Terry Wagner, Sheriff; Nate Jenkins, Lincoln Journal-Star; and Cori Beattie, County Board Secretary

**MINUTES**

Heier moved approval of the minutes from the March 1, 2004 Common meeting; seconded by Stevens. Roll call vote. Ayes: Newman, Werner, Workman, Schorr, Stevens, Heier, Friendt, Seng and Svoboda. Nays: None. Motion passed 9-0.

**RURAL ACREAGE STUDIES**

Krout said the bulk of today's discussion is intended to be on the cost of rural services study. Copies of the County Board's proposed amendment were previously distributed. **(See Exhibit A.)** Krout noted the Planning Commission is scheduled to discuss the amendment next week, after which time it will be forwarded to the City Council and County Board for approval.

With regard to the scoring system and build-through concept, Krout said eight cases remain on pending and staff feels obligated to guide them through the process. Therefore, direction is needed from City and County officials as to whether to pursue either concept.

A map regarding acreage development performance standards was distributed. **(See Exhibit B.)** Krout said a request was made at last month's meeting to look at the scoring system relative to some zoning changes approved in the last couple of years. He felt the scoring system worked well. DeKalb stated the map shows six areas which were randomly selected. In using the proposed system, the areas scored between 176 and 495 points. He noted the initial points benchmark was set at 300.

Workman said the County Board recently approved a change of zone in the southeast quadrant which scored very poorly and is not included on the map. DeKalb indicated Area 3

is close to this development. Preliminary scoring on this area was -63. DeKalb noted a floodplain covered 2/3's of the site. Additionally, the raw score does not reflect the fact that large lots were included in an attempt to keep houses out of the floodplain. He also said the County Board considered what they referred to as "character" points which are not presently addressed in the proposed scoring system.

Krout asked if there is enough City interest to pursue the build through ordinance. He added the scoring system could be adopted by resolution simply as a guide. It would give the County Board and Planning Commission an initial sense, via a raw score, of how areas compare while still allowing officials to evaluate developments on a case-by-case basis. Krout said staff could also "tweak" the scoring system, if desired.

Roger Larsen arrived at 8:40 a.m.

Heier asked what the acreage study group thought of the scoring system. DeKalb said the group preferred the long form of scoring as they felt the short form did not fully represent the application. It was noted the initial scoring system had 18 items and 30 subsets. Workman said the scoring system should be used even though there may be times it won't work. He agreed it could always be adjusted in the future.

In regard to build throughs, Bills Strand said on the academic side they sound like a great plan. But, on the practical side, considering the three-mile zone, she questioned how the City will know the location of such things as sewer trunk lines. DeKalb said the build through, especially with cluster developments, has a master plan for utilities with the sewer line located at the lowest lot. The advantage is the developer has agreements and an easement in place which could essentially be swapped, if necessary. Krout said it is not uncommon to shift easements or streets during the planning process. He added it is much harder to make subdivisions work when no preliminary planning is done.

Krout indicated the most difficult thing to do with build throughs is to grade a three-acre subdivision for future urban subdivision because more grading is necessary. He said officials should be very judicious about changing any more AG land to AGR in the three-mile area. Instead, the AG cluster should be encouraged. In addition, where AGR zoning already exists, AGR clusters should be encouraged on the portion of the site which is easiest to grade. Doing so would allow build through development to be done in an efficient way.

Friendt stated 95% of build throughs would be within the City's three-mile jurisdiction. He questioned if the City Council were to approve this policy, could more acreage development potentially be pushed into the County? Krout said this could happen, although, considerable area is already designated in the Comprehensive Plan for AGR development.

Heier said what bothers him about the build through is that clustering actually allows for less units. Krout said this may be true on the County side because of the automatic 20% bonus for Community Unit Plans (CUPs) but it is not true on the City side. He calculated 20% of the land area in an AG cluster would generally mean one or two more lots than allowed with a CUP and no bonus. He said since build throughs really do not apply to the County, staff has another suggestion about eliminating the 20% bonus for CUPs and replacing it with a different bonus system which allows for transfer of development rights. Krout suggested a separate workshop be held with the County to further discuss this alternative.

McRoy arrived at 8:50 a.m.

Newman noted the issue of County road costs was raised at the last meeting. There seemed to be some discrepancy between the County and City Engineers with regard to these costs and construction priorities. There was also some concern regarding road usage - acreage owners versus recreational users. Newman asked Don Thomas, County Engineer, to comment.

Thomas said he and DeKalb met early on with the consultant who did the cost of rural services study. When the draft report was released in September, it said the cost of rural development equaled 100% of the County Engineer's budget. In addition, instead of considering outside influences, the consultant kept the areas segregated, i.e, those living in the unincorporated areas of the County never traveled to the incorporated areas and vice versa. The report also stated "x" number of homes cost "x" number of dollars. Thomas said there are more influences on the County road system than merely acreages. He noted the County houses State government and the Legislature, as well as UNL. It also has the first and second most popular recreational lakes in the State, attracting approximately 2,000,000 visits per year.

Thomas stated there are a lot of perimeter roads in the County. Certain sections of West Denton Road, East Old Cheney Road and North 162<sup>nd</sup> Street have high road counts. This usage is not Lancaster County traffic or due to rural development and he did not understand why the consultant would not have known that outside influences should have been taken into consideration. Ultimately, in the final report the consultant included these factors and, although, it was suggested the County Engineer provided the numbers, Thomas indicated he did not as he was unsure how to study something so complicated. The report's conclusion also mentioned that an origin and destination study would need to be done to accurately determine influences. Newman asked if an origin and destination study has ever been performed. Thomas said this type of study could be done on an individual road or highway but it would be extremely complicated to do one for an entire county. Newman questioned whether the State recreational areas do any counts. Thomas said they track visits but he has not seen any specifics as to where those people originate.

Werner questioned how the City accounts for outside influences on its streets. Krout said the City is responsible for those whose destination is inside the City limits and it would be possible to do a random survey of roads. He added a lot of trips coming into the County are on state roads or paved county roads. Figures in the final report were simply an estimate by the consultant with the idea that officials should be visionary in spending money on future infrastructure. The study implied it is very expensive to maintain the County's road system on a per use basis. Krout noted the City's SRT Committee is looking at new sources of revenue and perhaps the County should be doing the same thing or re-prioritizing where road money is being spent.

Workman said he would like to make a few comments. First, he noted the cost of services study suggested the County charge an impact fee for new development. He said the County is much different than the City. For example, the City's impact fees are needed to cover road, sewer and water costs. When a CUP is done in the County, the developer builds the roads and individual homeowners are responsible for the cost of water and sewage systems. Therefore, he did not feel an impact fee would be appropriate in the County. With regard to the build through, Workman said he agrees with the one-acre CUP in the three-mile area. In his opinion, this solves the sewage problem as the developer is required to build a

community lagoon. He would like to see more emphasis on this concept. He also agreed the build through is not a County issue, except for the fact that a bad policy may drive development out into the County.

Carlson said he did not feel the study hinged on impact fees but rather on what drives costs, what can potentially lower costs and what can be done to recover costs. Upon hearing some resistance to the build through and scoring concepts, he reminded everyone the idea behind them is meant to liberalize the acreage policy by providing guidance in placing acreages where the Comprehensive Plan says they are not best suited. Officials can always reserve the right to deny acreages in areas with environmental concerns, floodplains, a lack of roads or where they may create future urban/rural conflicts.

Newman agreed with Carlson. She said the bulk of impact fees in the City are obviously targeted for roads. She asked for suggestions on how to pay for new County roads for acreage subdivisions approved in areas with no existing infrastructure. Thomas said Krout wrote a memo to officials stating it is in the best interest of the City and County to place future acreage subdivisions along paved roads. He added he has been preaching this concept for years and hoped the performance standards would help achieve this goal. It was stated that out of 200+ miles of paved roads in the County, 100+ have considerable room for growth. Newman said she would like to see a commitment from City and County elected officials to encourage future acreage development along existing roads. Thomas added acreage development has been well directed in the last two years. He cited West Denton and West Van Dorn as examples.

Marvin noted traffic counts of 400 trigger pavement of a road. He asked whether increasing that number would realize a cost savings. Thomas said while the number is open to argument, this issue relates to safety and he is comfortable with 400.

Krout said the County Board's Comprehensive Plan Amendment will be before the Planning Commission next week. He stated if the paragraph is removed as suggested by Board, this will be the last joint discussion on the cost of rural services. He felt this issue will take care of itself one way or another, but, some sense of direction is needed from the City with regard to a public hearing on the build through concept. Additionally, both the City and County need to indicate whether it is acceptable to use the performance scoring system as a guide for reviewing future change of zone requests. It was the consensus of the City to bring the build through concept forward for formal action.

With regard to the cost of services, Werner said he did not feel this was only a County issue. He would like to continue discussion as the SRT Committee came up with some ways of recovering costs which should be explored. Krout stated the County Engineer and City Public Works are cooperating to come up with some creative ideas on how roads in the future expansion area of the City ought to be graded and designed so a more efficient transition to urban standards can be made. One question will be how to share the costs of this joint planning. Krout indicated the City will try to allocate CIP money, although, it continues to struggle with how to meet the budget needs for roads. Workman stated the numbers between the City and County will never be equalized. Werner said the City and County are both struggling with budget issues. He would simply like to continue discussion on how to try to equalize costs.

Friendt agreed with Werner that discussion should continue. He said a perception has been conveyed to the public regarding the \$6 million subsidy to the County and it should be

addressed by elected officials. Krout said a wording change could leave the need for cooperation on the table without referring to impact fees. Carlson felt it is a bit premature for impact fees but reiterated that this is not what the study is about. He feels the issue is not whether to have County roads but rather which should be paved and the respective cost. He did not understand why a paragraph would be removed making references to a study that local government paid for and received data from.

Heier said he is concerned with previous remarks about the County not cooperating with the City. For the record, he stated the County Board and City Council have always cooperated, as shown by the many interlocal agreements between the two bodies. He agreed that discussion on the matter should continue.

In response to DeKalb's inquiry, the consensus was for staff to prepare a resolution governing the use of the scoring system. Schorr encouraged the continuance of long-term planning between the City and County.

#### **FOUR LANING PIONEERS BOULEVARD FROM HIGHWAY 2 TO HIGHWAY 77**

Stevens noted a bridge east of Wilderness Park on Pioneers Boulevard needs to be replaced. The County Engineer met with the County Board to discuss easements. At that time the question arose as to constructing a four-lane versus two-lane bridge since a significant interchange is planned for Pioneers Boulevard at Highway 77. The County Engineer's staff indicated there were environmental concerns from the federal government with regard to infringing upon Wilderness Park. Stevens questioned whether officials had any desire to look long-term at Pioneers to see if the new bridge should be two or four lanes.

Hoskins indicated the Comprehensive Plan shows no future projects for Pioneers Boulevard. Staff reviewed a number of different growth scenarios, including the closure of Old Cheney Road. The estimated 25-year volume along Pioneers Boulevard in the vicinity of this bridge ranges from 10,000-11,000 vehicles per day. Currently, there are 4,000 vehicles per day. Hoskins noted a two or three-lane road can handle anywhere from 14,000 to 20,000 vehicles per day. Based on this information and the concerns with infringing on Wilderness Park, staff is comfortable with constructing a two-lane bridge. It was noted the bridge could be widened in the future, if necessary.

Workman said he has always been under the opinion that this road be two lanes. Engineers working on the West Bypass have informed him repeatedly that eastbound traffic on Pioneers Boulevard will be less than westbound traffic. The reason being west Pioneers will service the north-south roads lying west of the bypass and tying into the fact that Warlick Boulevard will be a major east-west road. East Pioneers Boulevard really goes nowhere, teeing at Highway 2 and going over two railroad tracks which will have tremendous train traffic in the future. Thus, Workman felt four-laning Pioneers would be wasteful.

Friendt appreciated the County Board bringing this question forward. He said it seems the data does not warrant four lanes along Pioneers Boulevard.

Stevens said in looking at the upgraded sketches for the West Bypass, he did not understand why a major interchange is planned at Pioneers Boulevard and Highway 77. He felt an overpass would allow traffic to bypass Lincoln, thus, substantially reducing the traffic on Pioneers Boulevard. In this case, a two-lane road would last indefinitely. The West

Bypass project proposes an interchange approximately every mile from "O" Street to Pioneers Boulevard. Stevens felt too many interchanges defeat the purpose of a bypass. Stevens wondered what it would take for the State to reconsider constructing an overpass. Hoskins said the Nebraska Department of Roads will be holding a public hearing on the U.S. Highway 77 Study on April 14, 2004 at 7:30 p.m., at the Firefighter's Hall, 241 Victory Lane. He added this would be a perfect opportunity for officials to provide input.

Schorr asked staff to explain how a two-lane bridge could be widened. Thomas said wings and railings are removed, abutments and piers are widened and additional decking is poured. Depending on the age of the structure, this alternative can be cost efficient.

Workman felt having an overpass at Pioneers Boulevard and Highway 77 would be the worst thing to do. An interchange would allow the north-south traffic to interlink with Van Dorn. Hoskins reiterated the traffic numbers to the west are significantly higher than those to the east. An interchange would primarily service traffic heading west and south.

### **PC VULNERABILITY (VIRUSES, HOTMAIL & ATTACHMENTS)**

A handout on viruses, protection methods and performance enhancements was distributed. **(See Exhibit C.)**

Doug Thomas said a couple different viruses have been circulating. One is "denial of service" which creates traffic on the network but is typically more of a nuisance than destructive. The other type is more destructive and either updates or destroys records. To this point, the City and County have not been attacked by the latter.

Thomas summarized the various methods of protection used by Information Services. Anti-virus software is being run hourly or daily on desktop pc's, servers and the firewall. He noted there is a window of vulnerability (3 to 4 hours) between the time a virus hits the Internet until the time an antidote is written and made available.

Currently, all ".exe" files are being filtered. This is the traditional method by which hackers access a network and spread a virus. The most current viruses detected by the City came through on ".scr" and ".pif" files. Therefore, these are also being filtered at the firewall. Staff is working on a way for legitimate files in these formats to be accessed. If an attachment is quarantined, the recipient will receive a message and can contact Information Services at 441-7100 for assistance in retrieving it. Staff is also looking at the possibility of temporary quarantines which would allow enough time to load the antidote software prior to transmittal. Thomas encouraged employees receiving ongoing attachments to have the sender use the ".cty" extension so they will get through.

Thomas said another important aspect of protection is for all employees to power down their computers each night. He noted many viruses operate as services, whereby, if a pc is left on the virus has the ability to send itself to the network.

Third party managed mail has also been eliminated. This consists of hotmail, AOL, yahoo, etc., and has been the biggest change for employees. Thomas said these use a different protocol which is more difficult for staff to scan. Additionally, the State is moving toward a mandate of email retention and Information Services would not be able to meet any retention guidelines for the third-party mail since it is managed from the outside.

Finally, external access to the Internet is being enhanced. A policy is now in place which requires an encrypted, authentication box at remote sites, i.e, remote City-County departments and at-home users. These devices cost \$300-\$500.

In response to McRoy's inquiry regarding City-County emails with redirect addresses, Thomas said users can still read external messages at home. They simply cannot read their AOL or other third-party email from work.

McRoy said she is concerned about lost productivity if employees have to wait 3 or 4 hours before accessing quarantined attachments. Staff may not be able to complete time sensitive projects if they have to wait. Again, Thomas said employees should encourage senders to use the ".city" extension on ongoing attachments. He added employees will receive a message notifying them when a message has been blocked. If it is legitimate, they can contact Information Services to retrieve it. Thomas stated the City and County have been very lucky in that most of the virus activity has not destroyed data. He added many businesses are no longer allowing attachments. McRoy asked Thomas to send a memo to all employees outlining the above changes.

Friendt said the trade off with this type of security is a few people lose productivity versus everyone if the whole system was brought to its knees. He asked where viruses originate. Thomas said they are often times developed by teenagers. There is a vast underground of communication between hackers - some of the brightest programmers around. He wished they used their talents in a more positive manner.

Friendt questioned audio streaming capabilities. Thomas said this operates through an internal proxy system and will not be effected. He added since the restrictions have been in place, Internet utilization by City and County employees has decreased 50%. Stevens said he appreciates this information being brought forward. While these restrictions may appear harsh to some users, the integrity of the system must be protected.

## **FUTURE MEETING DATE**

Due to conflicts with Election Day and an RTSD meeting, it was agreed to move the November and December Common meetings to the following dates: Monday, November 1, 2004 and Tuesday, December 7, 2004.

Schorr noted the County Board is interested in synchronizing future Common meetings with joint LPS/City/County meetings when possible. Heier questioned the need for the County Board's attendance at the LPS meetings. Beattie said an invitation was originally extended to the Board as a courtesy. She added the joint meeting's scope/intent will be discussed at next week's LPS/City/County meeting as requested by Keith Prettyman, LPS Board Member.

There being no further business, the meeting adjourned at 9:45 a.m.

Submitted by,

Cori R. Beattie  
County Board Secretary