

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, NOVEMBER 1, 2012
8:30 A.M.**

Commissioners Present: Deb Schorr, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Jane Raybould

Commissioners Absent: Brent Smoyer

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dennis Meyer, Budget and Fiscal Officer
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on October 31, 2012.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

AGENDA ITEM

1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY, OCTOBER 25, 2012

MOTION: Raybould moved and Hudkins seconded approval of the minutes of the October 25, 2012 Staff Meeting. Raybould, Heier, Hudkins and Schorr voted aye. Smoyer was absent from voting. Motion carried 4-0.

2 ADDITIONS TO THE AGENDA

- A. Farmsteads
- B. District Court Interpreter
- C. Meetings with Mayor to Discuss Planning Commission Vacancies

MOTION: Heier moved and Hudkins seconded approval of the additions to the agenda. Hudkins, Heier, Raybould and Schorr voted aye. Smoyer was absent from voting. Motion carried 4-0.

3 VIDEO CONFERENCING FOR THE COURTS - Troy Hawk, District Court Administrator

Troy Hawk, District Court Administrator, noted he was asked to bring additional information back regarding video conferencing costs (see October 18, 2012 Staff Meeting minutes). He said the \$200,000 estimate for PC's, cameras and televisions appears to be fairly accurate and said implementation of the video conferencing system could be spread over a two-year or three-year period to defray costs. If the two-year plan is selected, the cost would be \$100,000 each year. Most of the equipment would be purchased the first year, with the firewall deferred until the second year. The three-year plan would divide the costs as follows: \$88,000 the first year, \$85,000 the second year and \$28,000 the third year. Cameras would not be placed in the witness stands until the third year. Hawk said all of the County, District and Juvenile Courtrooms and the Youth Services Center (YSC) will be included in the system.

In response to a question from Hudkins, Hawk said the County Attorney's Office has budgeted for the equipment they will need for the video conferencing system. He added that equipment will not be purchased for each of the courtrooms until they are ready to be brought onto the system.

Dennis Keefe, Public Defender, appeared and said he does not believe all of the criminal hearings and civil proceedings that were listed in a document that was referenced at the October 18th Staff Meeting are appropriate for video conferencing. He also felt the practical consequences, such as interrupting the proceedings to allow the attorney to confer with their client, have been underestimated.

Raybould asked how the system will be maintained. Hawk said Information Services (IS) and the Courts will maintain the computer equipment and IS has a sufficient number of software licenses needed to operate the system. He said he is unsure whether they will need to purchase software upgrades in the future.

Schorr noted that Mike Thurber, Corrections Director, had indicated that some of the equipment for the video conferencing system had already been purchased and asked whether it was included in the first year costs Hawk had projected for the three-year plan. Hawk said it was not. He said that equipment could be used in courtrooms, which would slightly reduce the cost projection, or it could be used to expand video conferencing at the new Lancaster County Adult Detention Facility (LCADF).

Schorr asked whether the Jail Savings Fund could be a funding source. Dennis Meyer, Budget and Fiscal Officer, said those funds have been allocated for other items.

Heier asked whether drug forfeiture funds could be made available. Joe Kelly, County Attorney, appeared and said it is unlikely. Hawk added it would be deemed a conflict of interest for the courts.

Keefe said using the system for interpreters will reduce the State's costs and suggested the State should help with funding. Hawk said the State is supportive but has not indicated whether it will assist with funding or computer equipment. He said he hopes to have something more definitive from the State later in the day.

It was noted that the Keno Fund has also been suggested as a possible funding source.

MOTION: Hudkins moved and Heier seconded to commit to funding in the amount of \$88,000, with a preference for the two-year plan, and to ask the State to contribute the balance, with the County's share of the funding from the Keno Fund.

Hawk clarified that the two-year plan involves \$100,000 for each year. The three-year plan involves \$88,000 the first year.

Raybould suggested that the Board give Hawk time to finalize negotiations with the State. She said she would like to see the State match the County's funding dollar-for-dollar.

The maker of the motion and the seconder withdrew their motion.

There was consensus to commit to the two-year plan, continue negotiations with the State and to access the Keno Fund to pay for the County's portion of the system.

Also present for the discussion were Juvenile Court Judge Roger Heideman and Theresa Emmert, Juvenile Court Administrator.

ADDITIONS TO THE AGENDA

B. District Court Interpreter

Hawk said the State has requested office space in the Justice and Law Enforcement Center for the Coordinator of the Court Interpreter Services. He said this individual currently has an office in the State Capitol, but spends the majority of his time in the Courts, as he is also the primary Spanish interpreter.

Don Killeen, County Property Manager, appeared and said there is no vacant space available at this time.

Hawk said the District Court may be able to make a court reporter office available but said the location may not be ideal since it is in a secured area.

Schorr suggested Hawk work with Killeen and Kerry Eagan, Chief Administrative Officer, regarding the request.

4 ADDITIONAL CHILD SUPPORT EMPLOYEE - Joe Kelly, County Attorney; Doug Cyr, Chief Administrative Deputy County Attorney

Joe Kelly, County Attorney, requested authorization to hire an additional full-time employee for the Child Support Division, due to under-staffing. The total annual cost to the County will be \$9,330 because there will be federal reimbursement for direct and indirect costs. He said he also plans to request an additional full-time employee in the Fiscal Year (FY) 2013-2014 budget.

MOTION: Hudkins moved and Raybould seconded approval of the request. Heier, Hudkins, Raybould and Schorr voted aye. Smoyer was absent from voting. Motion carried 4-0.

5 COUNTY TREASURER STAFFING CHANGES - Andy Stebbing, County Treasurer; Dennis Meyer, Budget and Fiscal Officer

Andy Stebbing, County Treasurer, said Wells Fargo Bank has suggested that having a banking, investment officer in the accountant position currently held by Liz Thanel could potentially save the County \$200,000 a year. He said he discussed the matter with Dennis Meyer, Budget and Fiscal Officer, and said they believe Thanel may be better suited to work in the Budget and Fiscal area. Stebbing said Thanel is currently responsible for the department's budget and said those duties will move to his new chief deputy. He said he currently has three vacancies in his office and said he is willing to permanently eliminate one of the positions and those savings could help pay for Thanel's salary the first year. Stebbing added there are significant savings in other areas, such as postage, that he also plans to turn back to the County.

Meyer said some of the duties Thanel currently performs could transfer with her such as accounting functions for the Public Building Commission (PBC) and Railroad Transportation Safety District (RTSD) and work on the JD Edwards Financial System. She could also take on other duties, such as preparing the County's financials and monitoring fixed assets. Thanel will also interact with the County Treasurer's Office.

Heier inquired about the salary for Thanel's replacement. Stebbing said the salary range will be \$65,000 to \$75,000. He added he would like to advertise for the position as soon as possible.

Meyer said he has consulted Doug McDaniel, Personnel Director, regarding the transfer and Don Killeen, County Property Manager, regarding office space.

MOTION: Hudkins moved and Raybould seconded to authorize the County Treasurer and Budget and Fiscal Officer to proceed with the proposed staffing changes and advertisement for a replacement for the Accountant position in the County Treasurer's Office. Raybould, Heier, Hudkins and Schorr voted aye. Smoyer was absent from voting. Motion carried 4-0.

6 CONTRACT WITH STATE OF NEBRASKA FOR DRUG TESTING OF FAMILY DRUG COURT PARTICIPANTS - Kim Etherton, Community Corrections Director; Richard Grabow, Deputy County Attorney

Kim Etherton, Community Corrections Director, said the State Drug Court Coordinator has asked her department to do drug testing of adults participating in Family Drug Court. She said the State will allow the County to bill them up to \$100 per drug test which will cover costs and provide a small amount of revenue.

Richard Grabow, Deputy County Attorney, said his office does not have any concerns regarding the proposed contract. **NOTE:** The contract will be brought forward for action at a regular County Board of Commissioners meeting.

ADDITIONS TO THE AGENDA

C. Meetings with Mayor to Discuss Planning Commission Vacancies

There was consensus to have Heier, Hudkins and Schorr meet with the Mayor later today, with no more than two Commissioners in the meeting at a time so there isn't a quorum. Raybould and Smoyer will meet with the Mayor on Tuesday.

A. Farmsteads

Hudkins said he was contacted by a constituent in the Davey, Nebraska area who built a home on a 20.3 acre deeded parcel, with the necessary permits and inspections. The property owner would now like to build a cattle shed on his property but was told he will have to get building permits, which will greatly add to the cost. Hudkins said the size of the parcel would normally constitute a farmstead.

Eagan disseminated copies of Nebraska Revised Statute §23-114.03 (Zoning regulations, purpose, districts) (Exhibit A). He said the 20-acre rule for buildability is under the authority of the County, noting the Board has allowed right-of-way to be included. Eagan said this is a slightly different issue because it involves regulation of farm buildings under State law and whether the County can say right-of-way may be included in the calculation.

Board consensus was to seek a legal opinion on whether right-of-way can be included in the calculation of acreage for purposes of determining whether a property is a farmstead.

7 ACTION ITEMS

There were no action items.

8 CONSENT ITEMS

There were no consent items.

9 ADMINISTRATIVE OFFICER REPORT

A. Management Team Agenda Items (November 8, 2012)

There was consensus to move the agenda items from the October Management Team meeting, which was cancelled, forward to the November meeting.

B. Mid-Year Budget Retreat Date and Location

The Board tentatively scheduled the retreat on February 21, 2013. The following locations were suggested: 1) Jayne Snyder Trails Center; 2) Talent Plus Headquarters; and 3) Russ's Market Headquarters.

RETURNING TO ITEM 5

Doug McDaniel, Personnel Director, appeared and said he does not foresee any barriers to the proposed staffing changes.

RETURNING TO ITEM 9

C. Tri-County Meeting on November 19, 2012 (Number of Attendees and Agenda Items)

The following items were suggested: 1) Health care reform (will be discussed as part of Lancaster County's legislative priorities); 2) A report on the Community Mental

Health Center (CMHC) Invitation to Negotiate (ITN); 3) Legislation to transition some of the elected official positions to appointed positions; 4) Unfunded mandates; and 5) Sarpy County's Driving Under the Influence (DUI) Program.

It was also suggested that Budgeting Strategies and Issues be moved ahead of County Employee Health Care Coverage and Update on the Douglas-Sarpy 911 Communications Shared Services Study Initiative on the agenda.

- D. Lincoln-Lancaster County Ecological Advisory Committee (EAC)
Reappointments (Judi Cook, Jim Culver, Marian Langan, Dennis Schroeder and Dayle Williamson) and Appointment (Dave Wedin)

The Board scheduled action on the November 6, 2012 County Board of Commissioners Meeting agenda.

The Board also requested an update from the EAC.

10 PENDING

There were no pending items.

11 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Independent Business Association (LIBA) Monthly Meeting - Schorr

Schorr said LIBA has expressed interest in having a presentation on both sides of the inheritance tax issue at a future meeting, followed by a vote by their membership on which position to take.

Board consensus was to have either Mike Thew, Chief Deputy County Attorney, who is very knowledgeable on the subject, or Larry Dix, Nebraska Association of County Officials (NACO) Executive Director, who has a state-wide perspective, speak in support of retaining the inheritance tax.

There was also consensus to schedule discussion with Joe Kohout, Joe Kohout, Kissel/E&S Associates (Legislative Consultant), regarding the possibility of holding a press conference at the start of the legislative session to discuss the inheritance tax issue and unfunded mandates.

B. Lancaster County Correctional Facility Joint Public Agency (JPA) -
Schorr, Hudkins

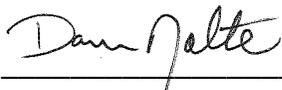
Schorr said payments to Sampson Construction, the Construction Manager at-Risk and The Clark Enersen Partners, the architect, are 95% complete. She also reported that Sampson Construction plans to ask the JPA to begin to pay retainage (a portion of the agreed upon contract price deliberately withheld until the work is substantially complete to assure that the contractor or subcontractor will satisfy its obligations and complete a construction project) to the subcontractors who have completed their work.

12 EMERGENCY ITEMS AND OTHER BUSINESS

There were no emergency items or other business.

13 ADJOURNMENT

MOTION: Heier moved and Raybould seconded to adjourn the meeting at 9:54 a.m. Raybould, Heier, Hudkins and Schorr voted aye. Smoyer was absent from voting. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk





23-114.03. Zoning regulations; purpose; districts.

Zoning regulations shall be adopted or amended by the county board only after the adoption of the county comprehensive development plan by the county board and the receipt of the planning commission's specific recommendations. Such zoning regulations shall be consistent with an adopted comprehensive development plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Nebraska, including, among others, such specific purposes as:

- (1) Developing both urban and nonurban areas;
- (2) Lessening congestion in the streets or roads;
- (3) Reducing the waste of excessive amounts of roads;
- (4) Securing safety from fire and other dangers;
- (5) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters;
- (6) Providing adequate light and air;
- (7) Preventing excessive concentration of population and excessive and wasteful scattering of population or settlement;
- (8) Promoting such distribution of population, such classification of land uses, and such distribution of land development as will assure adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation, soil fertility, food supply, and other public requirements;
- (9) Protecting the tax base;
- (10) Protecting property against blight and depreciation;
- (11) Securing economy in governmental expenditures;
- (12) Fostering the state's agriculture, recreation, and other industries;
- (13) Encouraging the most appropriate use of land in the county; and
- (14) Preserving, protecting, and enhancing historic buildings, places, and districts.

Within the area of jurisdiction and powers established by section 23-114, the county board may divide the county into districts of such number, shape, and area as may be best suited to carry out the purposes of this section and regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of nonfarm buildings or structures and the use, conditions of use, or occupancy of land. All such regulations shall be uniform for each class or kind of land or buildings throughout each district, but the regulations in one district may differ from those in other districts. An official map or maps indicating the districts and regulations shall be adopted, and within fifteen days after adoption of such regulations or maps, they shall be published in book or pamphlet form or once in a legal newspaper published in and of general circulation in the county or, if none is published in the county, in a legal

newspaper of general circulation in the county. Such regulations shall also be spread in the minutes of the proceedings of the county board and such map or maps filed with the county clerk. The county board may decide whether buildings located on farmsteads used as residences shall be subject to such county's zoning regulations and permit requirements.

For purposes of this section and section 23-114.04, nonfarm buildings are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year.

Source: Laws 1967, c. 117, § 4, p. 368; Laws 1986, LB 960, § 18; Laws 1999, LB 822, § 5; Laws 2001, LB 366, § 1; Laws 2006, LB 808, § 6; Laws 2012, LB709, § 2.

Effective Date: July 19, 2012

Annotations

The farm building exemption contained in this section prohibits counties from requiring building permits on buildings utilized for agricultural purposes on a farmstead of 20 acres or more which produces \$1,000 or more of farm products per year. *Premium Farms v. County of Holt*, 263 Neb. 415, 640 N.W.2d 633 (2002).

An official zoning map or a zoning plan adopted as part of county zoning regulations which incorporate the map by reference must be published in book or pamphlet form or in legal newspaper. *Deans v. West*, 189 Neb. 518, 203 N.W.2d 504 (1973).

Under the 1967 act, a county engaged in zoning ought to adopt a comprehensive development plan within a reasonable time. *Bagley v. County of Sarpy*, 189 Neb. 393, 202 N.W.2d 841 (1972).