

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113 - BILL LUXFORD STUDIO  
THURSDAY, OCTOBER 6, 2016  
8:30 A.M.**

Commissioners Present: Roma Amundson, Chair  
Todd Wiltgen, Vice Chair  
Larry Hudkins  
Bill Avery

Commissioners Absent: Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer  
David Derbin, Deputy County Attorney  
Dan Nolte, County Clerk  
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 5, 2016.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:33 a.m.

**AGENDA ITEM**

**1 APPROVAL OF MINUTES OF THE SEPTEMBER 27, 2016 STAFF MEETING**

**MOTION:** Hudkins moved and Wiltgen seconded approval of the September 27, 2016 Staff Meeting minutes. Avery, Wiltgen, Hudkins and Amundson voted yes. Schorr was absent. Motion carried 4-0.

**2 ADDITIONS TO THE AGENDA**

None were stated.

**3 STAFF MEETING AGENDA (ADDITIONS TO THE AGENDA) - David Derbin, Deputy County Attorney**

David Derbin, Deputy County Attorney, recommended permanently removing the "Additions to the Agenda" item from the meeting agenda due to its possible conflict with the Open Meetings Act (see Nebraska Revised Statute § 84-1407 through 84-1414) (see Exhibit A).

Kerry Eagan, Chief Administrative Officer, explained the item has been included on the agenda because the Board has administrative, as well as executive and legislative, duties. He said sometimes items arise that need to be acted on or there is a need for the Board to provide direction. Eagan acknowledged that it is difficult to distinguish when the Board has "crossed the line" into setting policy or spending money.

Derbin said the Open Meetings Act is straightforward on this issue, citing § 84-1411 which states: *Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting.* He said the Nebraska Attorney General has advised that emergency items are those that require immediate resolution by the public body and those that have arisen whereby circumstances are impossible to anticipate at a time sufficient to place the item on the agenda. Derbin cited bridge closures as an example of an emergency item. With respect to the distinction between making policy decisions or not, Derbin said there is language in the Act that addresses that issue but said it is within the exception for subcommittees.

Hudkins asked whether items that come up that require direction could be handled under the "Administrative Officer Report" item on the agenda with formal action at the next Board meeting. Derbin said he and Eagan had discussed whether there could be an "umbrella term" but said § 84-1411 states: *Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.*

Hudkins inquired about the process for placing an item on the agenda. Derbin said County Board staff handle scheduling of items on the Staff Meeting agenda and said most items for the Tuesday, County Board of Commissioners Meeting go through the County Attorney's Office which works with the County Clerk's Office to schedule them on the agenda. Other items are submitted directly to the County Clerk's Office for scheduling. Derbin said that agenda for the Tuesday meeting is published on the prior Friday but said the agenda can be amended on Monday, as long as it meets the 24-hour deadline.

**MOTION:** Hudkins moved and Wiltgen seconded to direct the Chief Administrative Officer and County Attorney's Office to remove the "Additions to the Agenda" item from the County Board Staff Meeting agenda going forward. Wiltgen, Hudkins, Avery and Amundson voted yes. Schorr was absent. Motion carried 4-0.

H. Lancaster County Agricultural Society Board and County Board of Commissioners Meeting (November 17, 2016, 7:00 p.m. at the Lancaster County Event Center)

Cori Beattie, Deputy County Clerk, requested that the meeting be postponed until the week of December 5<sup>th</sup>, due to work demands in the County Clerk's Office. **NOTE:** The County Clerk's Office will staff the meeting. Wiltgen explained that the November 17<sup>th</sup> date is the date of the Lancaster County Agricultural Society Board's monthly meeting. Their next meeting date would be December 15<sup>th</sup>. There was consensus to retain the original date.

**4 POTENTIAL LITIGATION** - David Derbin, Deputy County Attorney; Brad Johnson, Interim Corrections Director

**MOTION:** Wiltgen moved and Avery seconded to enter Executive Session at 8:45 a.m. for the purpose of protecting the public interest with regards to potential litigation.

The Chair said it has been moved and seconded that the Board enter into Executive Session.

**ROLL CALL:** Hudkins, Avery, Wiltgen and Amundson voted yes. Schorr was absent. Motion carried 4-0.

The Chair restated the purpose for the Board entering into Executive Session.

**MOTION:** Wiltgen moved and Hudkins seconded to exit Executive Session at 9:06 a.m. Avery, Wiltgen, Hudkins and Amundson voted yes. Schorr was absent. Motion carried 4-0.

**8 ACTION ITEMS**

A. Re-Certification of South Lincoln Quiet Zone

**MOTION:** Hudkins moved and Wiltgen seconded to approve the re-certification of the South Lincoln Quiet Zone. Wiltgen, Hudkins, Avery and Amundson voted yes. Schorr was absent. Motion carried 4-0.

## **ADMINISTRATIVE OFFICER REPORT**

### **C. Update on Release of Easements for Community Mental Health Center (CMHC) Property**

Eagan reported that Black Hills Energy and Lincoln Electric System (LES) have released their easements and said they are still waiting on a release from Time Warner. Derbin said he will check with Rick Peo, Chief Assistant City Attorney, on how many other utilities are involved.

### **F. Taping and Posting of Identity Theft Presentation**

There was consensus to have the presentation taped and posted on the IntraLinc website. The cost was estimated at \$100 per hour.

### **B. County Government Day (Wednesday, November 16, 2016)**

The Chair agreed to welcome participants. Hudkins also offered to assist with the event.

## **5 PENSION REVIEW COMMITTEE RECOMMENDATIONS:**

### **A. ALLIANZGI NFJ DIVIDEND VALUE INSTL**

### **B. ALLIANZGI NFJ SMALL-CAP VALUE INSTL**

### **C. FIDELITY ADVISORY LEVERAGED CO. STKL**

### **D. OAKMARK EQUITY & INCOME I**

Eagan reported the following recommendations from the Pension Review Committee (PRC):

- 1) Segal Rogerscasey (Pension Plan Consultant) should be asked to identify best in class replacement options for the following funds:
  - AllianzGI NFJ Dividend Value Instl
  - AllianzGI NFJ Small-Cap Value Instl
  - Fidelity Advisor Leveraged Co Stkl
  - Oakmark Equity & Income I
- 2) With regard to Fidelity Advisory Leveraged Co Stkl Fund, Segal Rogerscasey should be asked whether it is better to map the proceeds of this fund to Vanguard Selected Value Inv Fund rather than select a new replacement fund.
- 3) With regard to Oakmark Equity & Income I Fund, Segal Rogerscasey should be asked whether it is better to map the proceeds of this fund to GoalMaker (401K asset allocation service) rather than select a new replacement fund.

Eagan noted the first three funds were on the watch list at the last fund performance review and said their performance has not improved. **NOTE:** The performance of the funds are compared with their peers rather than the overall stock market. The fourth fund has also had performance issues, although it was not on the watch list.

Hudkins said he likes the Oakmark Equity & Income I Fund, noting there are 85 participants in the fund. Eagan said the fund was put in place before the GoalMaker and said there is a question of whether two balanced funds are needed.

Hudkins also inquired about funds remaining with Nationwide Retirement Solutions (NRS). Eagan said they were all transferred to Prudential Retirement in 2009, with the exception of certain Post Employment Health Plan (PEHP) funds. **NOTE:** The remaining PEHP funds are administered by the International City Management Association-Retirement Corporation (ICMA-RC). He said NRS is a multi-employer Voluntary Employees' Beneficiary Association (VEBA) and has not changed its investment options since 1988. Eagan suggested the Board consider hiring a consultant to look at the PEHP plans' structures, investments and fees.

In response to a question from Wiltgen, Eagan said he anticipates Segal Rogerscasey could provide recommendations before the end of the year.

**MOTION:** Hudkins moved and Wiltgen seconded to approve the recommendation from the Pension Review Committee (PRC) to study replacement options for the four funds. Hudkins, Avery, Wiltgen and Amundson voted yes. Schorr was absent. Motion carried 4-0.

**NOTE:** Also present for the discussion was David Derbin who is a member of the PRC.

- 6 A) CHANGE OF ZONE NO. 16026, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR), SOUTH 60<sup>TH</sup> STREET AND WITTSTRUCK ROAD; AND B) ACCESSORY BUILDINGS** - Tom Cajka, Planner II; Steve Henrichsen, Planning Development Review Manager

**A) Change of Zone No. 16026, Agricultural (AG) to Agricultural Residential (AGR), South 60<sup>th</sup> Street and Wittstruck Road**

Tom Cajka, Planner II, gave an overview of Change of Zone No. 16026, Silverhawk Estates, a request for a change of zone from Agricultural (AG) to Agricultural Residential (AGR) on 11.48 acres at South 60<sup>th</sup> Street and Wittstruck Road (see site plan in Exhibit B). He said the area of application lies within three zoning jurisdictions, the City of Lincoln, Lancaster County, and the Village of Roca, with the majority within the latter's zoning jurisdiction. Cajka said the Roca Village Board has approved the

change of zone and the associated preliminary plat. The Lincoln-Lancaster County Planning Commission has also approved the preliminary plant and has recommended approval of the change of zone. It was noted Larry and Linda Brownson, adjoining property owners, have expressed concerns the development would create additional dust on Wittstruck Road. The Board will set a public hearing on the change of zone at the regular County Board of Commissioners Meeting on October 11<sup>th</sup>.

## **B) Accessory Buildings**

Cajka and Steve Henrichsen, Planning Development Review Manager, gave an overview of a proposed residential accessory buildings text amendment (Exhibit C). Henrichsen said there is currently no guidance on how large an accessory building can be and questions frequently come up in Agricultural Residential (AGR) zoned areas. Over time the City Building and Safety Department developed a policy to help guide their decisions in terms of accessory buildings (a maximum cumulative allowable area of 2,000 square feet on a parcel under three acres, 4,000 square feet on a parcel of three to four acres, 5,000 square feet on a parcel of four to five acres and 6,000 square feet on a parcel of five or more acres). **NOTE:** The caps did not apply to farm properties. A working group of nine individuals was formed to advise the Planning Department on this issue which included representatives of the Home Builders Association of Lincoln (HBAL), Lincoln Independent Business Association (LIBA) and City, acreage and large lot property owners and the text amendment is the result of the working group's recommendation. It was shared with neighborhood groups and developers and was made available on-line. No negative comments were received. The proposal went before the Lincoln-Lancaster County Planning Commission in July with one homebuilder speaking in support and was adopted by the Lincoln City Council in August. Henrichsen said it was felt it would make sense to have a similar regulation in the County for consistency.

In response to a question from Amundson, Cajka said an attached garage is considered an accessory structure.

There was consensus to move forward with scheduling of a public hearing on the proposed text amendment at a regular County Board of Commissioners Meeting.

## **7 AUTHORIZATION TO HIRE TWO DEPUTY SHERIFFS IN ADVANCE OF RETIREMENTS - Todd Duncan, Chief Deputy Sheriff**

Todd Duncan, Chief Deputy Sheriff, requested authorization to hire two deputy sheriffs above the Lancaster Sheriff's Office's (LSO's) authorized strength in advance of two retirements (Exhibit D). **NOTE:** Two deputies and one captain are retiring over the course of three months. He said the hirings will reduce the lag time between the retirements and getting the new deputies into service and said the increased cost will be absorbed by the pay difference.

**MOTION:** Hudkins moved and Wiltgen seconded approval of the request. Avery, Wiltgen, Hudkins and Amundson voted yes. Schorr was absent. Motion carried 4-0.

Wiltgen exited the meeting at 9:52 a.m.

## **8 ACTION ITEMS**

A. Re-Certification of South Lincoln Quiet Zone

Item was moved forward on the agenda.

## **9 CONSENT ITEMS**

There were no consent items.

## **10 ADMINISTRATIVE OFFICER REPORT**

A. County Board Schematic

The Chair reviewed the Reference Schematic for County Commissioners (see agenda packet) with the following updates:

- Zero-based budgeting - Avery suggested the Board contact Robert Blair, Associate Professor, School of Public Administration, University of Nebraska at Omaha (UNO); and Jerry Deichert, Director for the Center for Public Affairs Research, UNO, who assisted the Board with strategic planning, to see if they know of any experts that could assist the County. Dennis Meyer, Budget and Fiscal Officer, will also be consulted. Avery agreed to take the lead on this matter.
- The \$2,100,000 that had been approved for a pedestrian overpass for the Lincoln Children's Zoo - Eagan will contact John Chapo, President/Chief Executive Officer (CEO), Lincoln Children's Zoo, about amendment of their County Visitors Improvement Fund grant.
- Board of Equalization (BOE) Process/Tax Equalization and Review Commission (TERC)/BOE Request for Proposal (RFP) - Eagan said the BOE Protest Review Committee will be bringing forward a recommendation.
- Status of older County Engineering's buildings in the County - The County Engineer will be asked to provide an update.
- Oversight of departmental vehicles and equipment - The Chair has

asked County Engineering's Maintenance Division to provide an update on the status of vehicles before the Mid-Year Budget Review.

- County Extension Building expansion - Karen Wobig, Lancaster County Extension Urban Unit Leader, and Chuck Hibberd, Dean and Director, University of Nebraska-Lincoln (UNL) Extension, will be asked to provide an update on the status of the project.
- Increase in jail population and impact on building - Brad Johnson, Interim Corrections Director, is tracking the impact of Legislative Bill (LB) 605 which changed the classification of penalties, punishments, probation and parole provisions, and provisions relating to criminal records and restitution.
- Sale of Trabert Hall - Hudkins said Hunter Management, which owns Lancaster Manor (nursing and rehabilitation facility), has expressed interest in the building.
- Strategic planning - The Chair will take the lead on this matter.
- Evaluation schedule - A letter will be sent to Rick Hoppe, Administrative Assistant to the Mayor, asking for more notice of evaluation of joint directors next year.
- Public information, communications, public relations - Schorr is working on improvements to the County's website.
- Handbook for elected officials, appointed directors - Eagan said he needs more direction from directors.
- Emergency Management drills - An active shooter drill was suggested.
- Joint County-City issues - A meeting with Mayor to discuss the issues was cancelled as the Mayor did not want to discuss them in a public meeting. The Board will discuss the issues at a Staff Meeting and the Chair and Vice Chair will communicate their thoughts to the Mayor.
- Elected officials' involvement in meetings - The Board will re-examine the purpose and format of the Management Team Meeting.
- Review of policies - Chair suggested formation of a subcommittee to review the policies.
- Citizen appointment to boards - Avery felt the Board needs to broaden citizen participation.

B. County Government Day (Wednesday, November 16, 2016)

C. Update on Release of Easements for Community Mental Health Center (CMHC) Property

Items B and C were moved forward on the agenda.

D. Lancaster County Legislative Priorities for 2017

Eagan reviewed the list of 2016 Lancaster County Legislative Priorities (see agenda packet). There was consensus to:

- Have staff rework the paragraph regarding the Standing Priority of Property Tax Relief
- Retain the following priorities:
  - ▶ Monitor Adult and Juvenile Justice Reform
  - ▶ Eliminate Responsibility of Counties to Pay Nebraska Health and Human Services (HHS) Rent
- Eliminate the following priorities:
  - ▶ Amend Mental Health Commitment Act to Include a Sex Offender Disorder as a Diagnosed Mental Illness/Funding for Community Based Sex Offender Treatment
  - ▶ Support Medicaid Reform under the Affordable Care Act (this will be addressed under the standing priority of property tax relief)
- Identify concerns related to Address Lancaster County Obligations Under the 300,000 Population Threshold
- Add an additional priority: Allow Financing of County Bridges under Nebraska Revised Statute § 23-120(3)(b)

E. Proposed Staff Meeting Tuesday, October 11, 2016 (After Regular Meeting)

There was consensus to hold a Staff Meeting at 10:00 a.m. or immediately following the conclusion of the County Board of Commissioners Meeting to finalize the County's Legislative Priorities for 2017.

F. Taping and Posting of Identity Theft Presentation

Item was moved forward on the agenda.

G. Meeting With New State Senators and Reception (Tuesday, November 29, 2016, 3:00-4:15 p.m. at the State Capitol)

There was general consensus to have the Chair and Vice Chair participate in the meeting. The other Commissioners may attend the reception.

H. Lancaster County Agricultural Society Board and County Board of Commissioners Meeting (November 17, 2016, 7:00 p.m. at the Lancaster County Event Center)

Item was moved forward on the agenda.

**11 PENDING**

There were no pending items.

## 12 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Public Building Commission (PBC) Vice Chair/Chair Meeting with Mayor - Amundson

Amundson said they discussed several matters including the project to remodel the 911 Emergency Communications Center and security issues.

- B. Public Building Commission (PBC) - Amundson/Hudkins

Amundson reported plans to install automobile charging stations in the north parking lot. She said they also discussed change orders related to the remodel of the 605 Building.

- C. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Amundson

Amundson said she did not attend the meeting.

- D. Lincoln Independent Business Association (LIBA) Breakfast - Wiltgen

No report.

- E. Lincoln Partnership for Economic Development (LPED) - Hudkins

Hudkins said there is a shortage of airline pilots which could impact the Lincoln Airport (airlines could eliminate flights).

- F. Chair and Vice Chair Meeting with Planning Department - Amundson/Wiltgen

Amundson said they discussed the proposed residential accessory buildings text amendment. She said they were also informed that Derek Broman, who is remodeling the former Parker Hannifin Manufacturing Building at 134<sup>th</sup> and O Streets, is planning to have an indoor shooting range in addition to a restaurant and bar and retail gun store on the site. **NOTE:** There is already an outdoor shooting range on the site. Amundson said neighbors have expressed concerns about combining alcohol and shooting. She said the Lincoln-Lancaster County Planning Commission gave "grudging" approval to the special permit to allow alcohol sales from the same building where the retail gun store is proposed. The issue will also come before the County Board.

- G. Visitors Promotion Committee (VPC) Executive Committee Meeting -

Schorr

Eagan said he attended the meeting. He said they discussed what type of items can be funded with visitors improvement fund grants and how to have more separation between the \$10,000 grant request and larger funding requests.

H. Chamber Coffee - Amundson

Amundson said a various issues were discussed including the City budget; tourism; Monolith Materials plans to build a carbon black manufacturing plant north of Hallam, Nebraska; the LNK-DNA initiative, which will bring together various groups and events that celebrate Lincoln's vibrant startup community, entrepreneurs, arts and culture; and an upcoming forum on hiring foreign workers.

I. Legislative Bill (LB) 605 County Reinvestment Meeting - Schorr

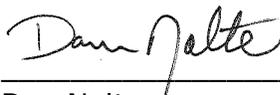
No report.

### **13 EMERGENCY ITEMS AND OTHER BUSINESS**

There were no emergency items or other business.

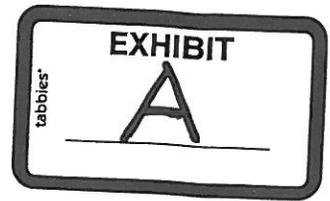
### **14 ADJOURNMENT**

**MOTION:** Hudkins moved and Avery seconded to adjourn the meeting at 11:43 a.m. Hudkins, Avery and Amundson voted yes. Wiltgen and Schorr were absent. Motion carried 3-0.



Dan Nolte  
Lancaster County Clerk





R.R.S. Neb. § 84-1411

Current through all legislation of the 2016 104th Second Session.

Revised Statutes of Nebraska Annotated > Chapter 84 State Officers > Article 14 Public Meetings

**§ 84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.**

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- (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.
- (2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:
  - (a) Reasonable advance publicized notice is given;
  - (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
  - (c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

- (d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference; and
- (e) No more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

- (3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, or of the governing body of a public power and irrigation district may be held by telephone conference call if:
  - (a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, or member public agencies of the entity or pool covers more than one county;
  - (b) Reasonable advance publicized notice is given which identifies each telephone conference location at which an educational service unit board member, a council member, a member of a community college board of governors, a member of the governing body of a public power district, a member of the governing body of a public power and irrigation district, or a member of the entity's or pool's governing body will be present;
  - (c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, or entity or pool or at a place which will accommodate the anticipated audience;
  - (d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;
  - (e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;
  - (f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;
  - (g) The telephone conference call lasts no more than two hours; and
  - (h) No more than one-half of the board's, council's, governing body's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that a governing

body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

- (4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.
- (5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.
- (6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

## History

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Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB 199, § 9; Laws 2009, LB 361, § 2; Laws 2012, LB 735, § 1; Laws 2013, LB 510, § 1.

## Annotations

## Notes

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### Editor's notes.

Laws 1999, LB 87, § 101, effective August 28, 1999, provides: "If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions."

### Effect of amendments.

R.R.S. Neb. § 84-1409

Current through all legislation of the 2016 104th Second Session.

Revised Statutes of Nebraska Annotated > Chapter 84 State Officers > Article 14 Public Meetings

**§ 84-1409. Terms, defined.**

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For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)

(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

**History**

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Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB 296, § 810; Laws 2011, LB 366, § 2.

R.R.S. Neb. § 84-1414

Current through all legislation of the 2016 104th Second Session.

Revised Statutes of Nebraska Annotated > Chapter 84 State Officers > Article 14 Public Meetings

**§ 84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

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- (1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.
- (2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.
- (3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.
- (4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

**History**

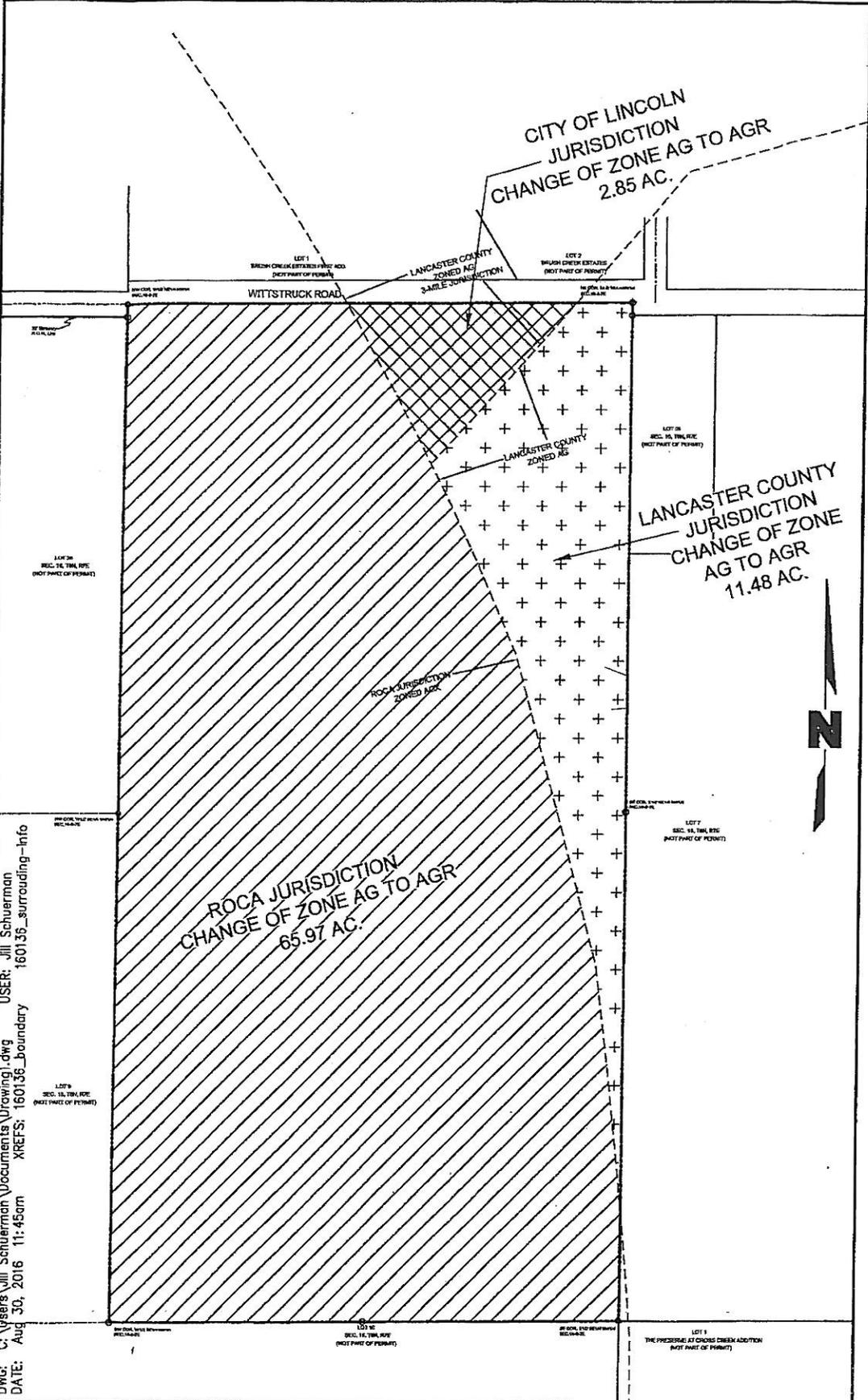
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Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; Laws 2004, LB 821, § 40; Laws 2006, LB 898, § 4.

**Annotations**

**Notes**

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C:\Users\jill\_schuerman\Documents\Drawing1.dwg USER: jill\_schuerman  
 DATE: Aug 30, 2016 11:45am XREFS: 160136\_Boundary 160136\_surrounding-Info

drawn by: jds  
 checked by: -  
 project no.: 2016-0136  
 date: 09/30/2016

**CHANGE OF ZONE EXHIBIT**  
**SILVERHAWK ESTATES**  
**ROCA, NEBRASKA**


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EXHIBIT  
 1



Residential Accessory Buildings Proposed Text Amendment

Proposed changes are highlighted

Definition

**2.057**

**Garage, Private.** An accessory building designed or used for the storage of not more than four (4) vehicles owned and used by the occupants of the building to which it is accessory by the occupants of the building to which it is accessory.

Article 17.005 Additional Height and Area Regulations

(A) Maximum and expanded maximum cumulative allowable area for all accessory buildings on single family or two family residential lots or tracts in AG, AGR, and R zoning districts:

(1) The maximum and the expanded maximum cumulative allowable area for all accessory buildings are as set out in Table below. The applicable maximum cumulative allowable area may be increased up to the expanded maximum allowable area as provided in Table 27.72.120(d) Notes \*1-4 below:

<b>Table 1</b>						
Maximum and Expanded Maximum* Cumulative Allowable Area for Accessory Buildings on Single Family or Two Family Residential Lots or Tracts						
*#Expanded Maximum only applies in accordance with the applicable Note *# below (e.g. *1)						
		Lot or Tract Size				
		less than 7,500 sq. ft.	7,500 sq. ft. to less than 20,000 sq. ft.	20,000 sq. ft. to less than 1 acre	1 acre or more	
R Accessory Building sq. ft.	Maximum	1,000	1,500	2,000	2,000	
	Expanded Maximum	1,500*1	3,000*2	3,000*2	5,000*3	
		less than 1 acre	1 acre to less than 2 acres	2 acres to less than 4 acres	4 acres to less than 10 acres	10 acres or more
AGR Accessory Building sq. ft.	Maximum	2,000	2,000	2,000	2,000	2,000
	Expanded Maximum	3,000*2	6,000*4	8,000*4	20,000*4	No maximum*4
AG Accessory Building sq. ft.	Maximum	2,000	2,000	2,000	2,000	No maximum
	Expanded Maximum	3,000*2	6,000*4	8,000*4	20,000*4	

Notes:

\*1. In the R zoning districts, for lots or tracts less than 7,500 square feet in size, the maximum cumulative square footage of all accessory buildings may be increased up to the above expanded maximum square feet provided:

- (1) Total square footage for all accessory buildings does not exceed the total square footage, excluding basement, of the main building.
- (2) The total square footage for all accessory buildings does not exceed a cumulative total of 500 square feet in the side, rear, and front yard setbacks.

\*2. In the R zoning districts for lots or tracts 7,500 square feet to less than 1 acre in size, and in AG and AGR zoning districts for lots or tracts less than 1 acre in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- (1) The total square footage for all accessory buildings shall not exceed the total square footage, excluding basement, of the main building.
- (2) The total square footage for all accessory buildings does not exceed a cumulative 250 square feet in the side, rear, and front yard setbacks.
- (3) Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

\*3. In the R zoning districts, for lots or tracts of 1 acre or larger in size, the maximum cumulative square footage for all accessory buildings may be increased up to the above expanded maximum square feet provided:

- i. The total square footage for all accessory buildings does not exceed a cumulative total of 250 square feet in the side, rear, and front yard setbacks.
- ii. Any individual accessory building over 250 square feet in area must be located outside of the side, rear, and front yard setbacks.

\*4. In the AG zoning district for lots and tracts 1 acre to less than 10 acres, and in the AGR zoning district for lots or tracts 1 acre or greater, the maximum cumulative square footage for all accessory buildings may be increased to the above expanded maximum square feet provided that the total square footage of all accessory buildings does not exceed a cumulative total of 2,000 square feet in the side and rear setbacks.



## Text Amendment Example Scenario

Lot: **9,599 sf.**

Zoning District: **R-3**

House: **1,097 sf.**

Existing Accessory: **800 sf.**

Total Potential Accessory: **1,500 sf.**

All residential lots in this lot size category and zoning district are allowed 1,500 square feet of accessory building area – 27.72.120(d). In order to exceed 1,500 square feet in accessory building area, no more than 250 square feet and no building larger than 250 square feet can be in the setbacks, and cumulative accessory area cannot be larger than the house.



## Text Amendment Example Scenario

Lot: **508,359 sf. (11.7 acres)**

Zoning District: **AGR**

House: **1,200 sf.**

Existing Accessory: **30,050 sf.**

Total Potential Accessory: **No Maximum**

There is no maximum accessory building area for this zoning district and lot size category as long as no more than 2,000 square feet is located within the setbacks.



## Text Amendment Example Scenario

Lot: **139,558 sf. (3.2 acres)**

Zoning District: **AGR**

House: **2,200 sf.**

Existing Accessory: **4,640 sf.**

Total Potential Accessory: **8,000 sf.**

The maximum accessory building area in this lot size category and zoning district is 8,000 square feet – 27.72.120(d). In order to exceed 2,000 square feet no more than 2,000 square feet of cumulative accessory buildings can be within the setbacks.

## 2016 Applicant Testing, Hiring, Training Calendar

