

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
TUESDAY, DECEMBER 13, 2022  
IMMEDIATELY FOLLOWING THE BOARD OF EQUALIZATION MEETING  
COUNTY CITY BUILDING, ROOM 112 - CHAMBERS**

Commissioners Present: Deb Schorr, Chair; Sean Flowerday, Roma Amundson and Rick Vest

Commissioners absent: Christa Yoakum, Vice Chair

Others Present: David Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; and Leslie Brestel, County Clerk's Office

*Advanced public notice of the meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, website and emailed to the media on December 12, 2022. Notice was also published in the Lincoln Journal Star print and digital editions on December 9, 2022.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 10:05 a.m.

**AGENDA ITEM**

**1. APPROVAL OF STAFF MEETING MINUTES FOR DECEMBER 8, 2022**

**MOTION:** Vest moved and Amundson seconded approval of the minutes (Exhibit 1). Flowerday, Vest, Amundson and Schorr voted yes. Yoakum was absent. Motion carried 4-0.

**2. REVIEW OF DRAFT STRATEGIC PLAN GOALS AND OBJECTIVES – Michelle Kennedy, BerryDunn Project Manager and Lead Facilitator (via Zoom)**

Kennedy reviewed the survey results (Exhibit 2) and draft strategic plan (see agenda packet).

It was the consensus of the Board to amend the County's vision statement to "Lancaster County is a leading center of culture, education, agriculture, and commerce that thrives through dynamic growth, thoughtful leadership and the diversity of its people in rural and urban communities."

Schorr and Flowerday felt the picture for the Community Well-Being and Safety should be changed as the County does not operate recycling or waste refuse programs. Additionally, the Board suggested using a photo from Aging for the Welcoming and Diverse Community section.

Kennedy thanked all involved in the process. The plan's implementation and monitoring will be determined once the Board adopts the plan. Bauer added the plan with the changes indicated from today's meeting will be on the December 20 agenda for Board action.

**3. BRIEFING ON TX22014 (TO AMEND ARTICLES 4, 9, 13 & 18 OF THE LANCASTER COUNTY ZONING REGULATIONS AND SEC. 4.07 OF THE LANCASTER COUNTY SUBDIVISION REGULATIONS)** – David Cary, Director, Steve Henrichsen, Development Review Manager, and Tom Cajka, County Planner, Lincoln-Lancaster County Planning

Cajka reviewed the summary report (see agenda packet). He stated specific regulations affected by the proposed updates are Article 13 sections 13.022, 13.029 and 13.034 (see agenda packet, pages 7-9). The changes include the amounts and types of chemicals stored or produced, a Lincoln-Lancaster County Health Department approved emergency response plan, and chemicals listed in Article 9 would be located a minimum of 300 feet from vulnerable populations, including dwellings, schools, health care facilities, group homes and early childhood care facilities. Other items in the text amendment are considered clean up items such as updating old agency names to current ones.

Cajka discussed the update to the subdivision regulations that clarifies when a pedestrian way easement would be required (see agenda packet, page 10).

Chris Schroeder, Lincoln-Lancaster County Health Department Environmental Health Supervisor, said the chemicals listed fall under federal regulations and require guidance. Cajka added the special permit required in Section 13.034 for non-commercial distillation and storage of ethanol or biodiesel only applies if the products are both distilled and stored on site. If an individual is only storing the products, then a special permit is not needed.

The Lincoln-Lancaster County Planning Commission held public hearings on these topics and there was no testimony outside of the County Attorney's Office.

Derbin stated a public hearing before the Board will be set at a later date.

**4. MIDYEAR BUDGET MEMORANDUM** – Dennis Meyer, Budget and Fiscal Officer

Meyer discussed the memorandum (see agenda packet). He suggested February 2, 2023 for the Mid-Year budget meeting. It was the consensus of the Board for Meyer to distribute the memo.

**COVID-19 UPDATE AND RESPONSE**

No update was given.

**CHIEF ADMINISTRATIVE OFFICER REPORT**

**A. Chief Deputy Salaries**

Dan Nolte, County Clerk and Assessor/Register of Deeds elect, and Cori Beattie, Deputy County Clerk and incoming Chief Administrative Deputy Assessor/Register of Deeds, were available for the discussion.

Derbin reviewed the chief deputy salary recommendations from the elected officials noting the incoming Public Defender and County Clerk will make their recommendations when they take office (see agenda packet). He noted the one variance is for Derrick Niederklein, Chief Field Deputy, in the Assessor/Register of Deeds Office.

Vest asked Nolte why he proposed an increase to 97.5% of the elected official's salary for Niederklein from the traditional 90-95% range. Nolte questioned if the Board's concern was the percentage of the increase or the dollar amount as by setting Beattie's salary at 90% and Niederklein's at 97.5%, the total dollar amount is lower than if both salaries were at 95%.

Flowerday, Vest and Schorr felt other elected officials may come to the Board and request similar increases for their deputies.

Nolte emphasized that Niederklein is highly qualified and experienced in his field and he would like to retain him. He said each of the deputy positions is unique which is part of why he suggested the salary percentages. Beattie added that the Chief Field Deputy is a critical position for the County. Nolte also felt the work Niederklein does with Tax Equalization and Review Commission (TERC) cases helps save the County money.

Vest asked what the dollar difference is between 95% and 97.5%. Flowerday estimated it to be \$3,500.

Schorr inquired if there are other ways besides monetarily to reward Niederklein. Beattie responded there are limited ways in which government is able to reward employees.

Vest stated he is open to exploring options that prevent all elected officials from coming to the Board with similar salary proposals.

Amundson said the request of the 97.5% is setting a precedent.

Nolte asked if the Board is saying no to his 97.5% salary request for Niederklein. Vest and Amundson said they would decline the request.

Nolte then amended his original salary recommendation to 95% for both deputies.

Vest stated if there is a way the Board can determine a total salary percentage for each office's deputies and leave the distribution of those funds up to the elected official, he would be supportive.

The Board worked through a scenario of an office with two deputies being allocated 190% (95% for each deputy position) to be distributed to the deputies as the elected official sees fit. Derbin pointed out that the scenario is not different than what the Board is currently discussing and not supporting. Nolte added the current resolution sets the salary by the individual not as a cumulative amount.

Vest wondered why the Board would care how the deputy salaries are divided as long as elected officials stay within the constraints of the budgeted funds. Schorr felt other departments would then request an across-the-board percentage for their employees which could result in some deputies receiving higher percentages than previously requested.

Derbin said the Board will need to come to a resolution by the end of the day as direction will need to be provided as to how to prepare the item for the Board's Tuesday agenda.

Amundson supported leaving the salaries as is. Flowerday added there are examples in the various offices where deputies are not paid at the same salary percentage rate due to various reasons.

**MOTION:** Amundson moved to keep Niederklien's salary at 95% and set Beattie's salary at 95%.

Schorr requested Amundson amend her motion to include "no deputy salary shall exceed 95%."

Amundson amended her motion to include no deputy salary shall exceed 95%.

Derbin stated there needs to be action on the other salary recommendations and suggested the Board accept the proposals except for any changes.

Motion failed for lack of a second.

**MOTION:** Flowerday moved and Amundson seconded to accept the salary recommendations as presented with the exception of the Assessor/Register of Deeds recommendations and increase Beattie's salary recommendation to 95% and lower Niederklein's salary recommendation to 95%. Flowerday, Vest, Amundson and Schorr voted yes. Yoakum was absent. Motion carried 4-0.

The Board was receptive to continuing discussions on other ways to reward Niederklein outside of a salary percentage increase.

## **DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED**

### **A. Parks and Recreation Advisory Board – Vest**

Vest reported there was discussion on the Lincoln youth football complex expansion.

### **B. Southeast Nebraska Development District (SEND) Board Meeting – Vest**

Vest indicated he did not attend the meeting.

### **C. Region V Services Committee Meeting – Yoakum**

No report given.

### **D. Region V Services Governing Board Meeting – Yoakum**

No report given.

### **E. Youth Crisis Response Committee – Amundson**

Amundson stated she did not attend the meeting.

### **F. Other meetings attended since the last staff meeting**

No other reports were given.

Schorr exited the meeting at 10:58 a.m.

Vest exited the meeting at 10:59 a.m.

Flowerday exited the meeting at 11:00 a.m.

Vest and Schorr returned to the meeting at 11:01 a.m.

5. **CRISIS CENTER PSYCHOLOGIST POSITION** – Laura Leppky, Lincoln-Lancaster County Human Resources Talent Acquisition Division Leader; and Scott Etherton, Mental Health Crisis Center Director

Leppky introduced herself and discussed her background.

Flowerday returned to the meeting at 11:02 a.m.

Etherton stated finding a qualified candidate for the Mental Health Crisis Center (MHCC) has been challenging. The salary has been increased and both an educational loan forgiveness program and 30-day marketing campaign have been implemented. To date, one candidate was found, but that individual did not meet the position qualifications.

Leppky reviewed potential contracts with Merritt Hawkins and Associates (Exhibit 3) and Aspen Associates Group (Exhibit 4) for the Board to consider contracting with for the psychologist position. Aspen Associates requires a \$5,000 deposit up front, but they will guarantee two interested and qualified candidates. If two candidates cannot be found, the deposit is refunded. A placement fee of 25.75% of the candidates yearly compensation would be required if a candidate were hired. Aspen Associates also has a replacement policy. Merritt Hawkins has a \$12,000 fee for candidate presentation and a \$17,000 candidate placement fee.

**MOTION:** Amundson moved and Flowerday seconded to approve an agreement with Aspen Associates. Vest, Amundson, Flowerday and Schorr voted yes. Yoakum was absent. Motion carried 4-0.

## **OTHER BUSINESS**

Pat Condon, County Attorney, introduced Chris Turner, Chief Deputy, and Chris Reid, Juvenile Division Chief Deputy.

6. **COVID-19 UPDATE AND RESPONSE**

Item moved forward on agenda.

7. **CHIEF ADMINISTRATIVE OFFICER REPORT**

- A. **Chief Deputy Salaries**

Item moved forward on agenda.

8. **DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED**

- A. **Parks and Recreation Advisory Board – Vest**

- B. **Southeast Nebraska Development District (SENDD) Board Meeting – Vest**

