

**MINUTES  
CITY-COUNTY COMMON  
COUNTY-CITY BUILDING, ROOM 113  
MONDAY, FEBRUARY 4, 2013  
12:45 P.M.**

Present: County Commissioner Jane Raybould, Chair; City Councilman Carl Eskridge, Vice Chair; Roma Amundson, Deb Schorr and Brent Smoyer, County Commissioners; Jon Camp, Gene Carroll, Doug Emery, Lloyd Hinkley, City Council Members; Mayor Chris Beutler

Absent: Larry Hudkins, County Commissioner; Jonathan Cook and DiAnna Schimek, City Council Members

Others Present: Cori Beattie, County Clerk's Office

*Advance public notice of the City-County Common Meeting was posted on the County-City Building bulletin board and on the Lincoln and Lancaster County, Nebraska, web site.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 12:45 p.m.

**AGENDA ITEM**

**1 APPROVAL OF THE CITY-COUNTY COMMON MEETING MINUTES OF JANUARY 15, 2013**

**MOTION:** Smoyer moved and Carroll seconded approval of the minutes of the January 15, 2013 City-County Common Meeting. Schorr, Smoyer, Carroll, Emery, Eskridge, Hinkley and Raybould voted aye. Hudkins, Amundson, Camp, Cook, Schimek and Beutler were absent from voting. Motion carried 7-0.

Amundson arrived at 12:46 p.m.

**2 CONSOLIDATION TASK FORCE NAMES**

Raybould said the County Board has selected Larry Lewis, Larry Melichar, James Jeffers, Ann Post and Russ Bayer to serve on the Task Force.

Eskridge said the City Council will be discussing their selections later today. He added 24 names were submitted for consideration. He also sought clarification on the number of Council appointees. Raybould said it would make sense for the Council to forward seven (7) names.

With regard to the Mayor's appointee, Trish Owen, Deputy Chief of Staff, said W. Don Nelson is being considered. She added she would serve in an ex-officio capacity.

Camp arrived at 12:48 p.m.

Eskridge felt it would not be appropriate for current City or County employees to serve on the Task Force. Raybould said as the process commences, their participation or input would be welcomed.

Schorr offered Kerry Eagan, County Chief Administrative Officer, to serve as staff and/or facilitator. She added that a discussion will also occur with the County Clerk about his office retaining the Task Force meeting minutes.

Mayor Beutler arrived at 12:50 p.m.

The following documents were distributed:

1. Consolidation Task Force Press Release (1/2013) **(Exhibit A)**
2. Consolidation Task Force Format Recommendations (2/3/13) **(Exhibit B)**
3. Consolidation Task Force Mission Statement (undated) **(Exhibit C)**
4. Final Report and Recommendations of the Lancaster County Consolidation Committee (1996-97) **(Exhibit D)**
5. Letter from County Assessor Norm Agena regarding reorganization of a consolidated Assessor and Register of Deeds Office (8/29/00) **(Exhibit E)**
6. Cost savings as a result of merging the Register of Deeds office with the County Assessor's office (8/2/11) **(Exhibit F)**
7. Article from the *Texas Tribune*, "Texas Cities Struggle to Fund Local Law Enforcement" (7/14/11) **(Exhibit G)**
8. Article from NACO *Countyline* newsletter, "2012 Elections" (undated) **(Exhibit H)**
9. Article from *americacityandcounty.com*, "Tough Going" (3/2011) **(Exhibit I)**

Raybould said City and County budget directors, as well as those elected officials or directors of the effected departments, would also be involved with the process. She also encouraged discussion with the former Consolidation Committee members, as well as the County Assessor as it relates to the consolidation of the Assessor/Register of Deeds offices.

Schorr said perhaps more applicable would be to review the past mergers of City and County Departments, such as Planning or Personnel, versus two County offices. Carroll agreed and felt a look should also be given city-county wide. Camp added that there has been discussion on consolidation and interlocal agreements and thought there may be some middle ground to allow for desired functionality and economic savings.

With regard to a facilitator, Carroll said Gordon Kissel, County Lobbyist, served in this capacity for the previous County Consolidation Committee. Smoyer said the County Board could contact Kissel regarding this possibility and any related fee. Raybould said she also contacted a private company who would be willing to submit a proposal.

It was noted funding for a facilitator would need to be reviewed by both the City and County.

**MOTION:** Amundson moved and Carroll seconded to increase the City Council's Consolidation Task Force appointees to seven (7).

**FRIENDLY AMENDMENT:** Schorr made a friendly amendment to offer Kerry Eagan, County Chief Administrative Officer, as a facilitator and to request the County Clerk's Office to staff the meetings.

There were no objections to the friendly amendment.

In response to Carroll's inquiry, Schorr said she envisioned Eagan's role with the Task Force to be similar to his involvement with the Community Mental Health Center ITN (Invitation to Negotiate) Committee whereby he arranged the meetings, took notes, prepared documents, obtained requested information, etc. She said an outside facilitator could do some of these tasks but having someone familiar with the history of local government would be beneficial. Hinkley said this is more of a coordinator role. Camp said it would be an economic advantage to have Eagan serve as facilitator and trusted that he would maintain neutrality throughout the process. Carroll said the decision should ultimately be left up to the Task Force.

The Chair restated the motion to include the City Council appointing seven (7) people to the Task Force, offering Kerry Eagan as "coordinator" and asking the County Clerk's Office to staff the meetings.

**ROLL CALL:** Amundson, Raybould, Schorr, Smoyer, Camp, Carroll, Emery, Eskridge, Hinkley, and Beutler voted aye. Hudkins, Cook and Schimek were absent from voting. Motion carried 10-0.

### **3 REVIEW OF COMMON PROCEDURES AND AUTHORITY**

Rod Confer, City Attorney, provided a brief overview of the City-County Common Bylaws. He highlighted the following:

1. A quorum of the Common consists of four (4) City Council Members and three (3) County Commissioners.
2. The Common can make motions, although, formal action must be referred back to each respective body.
3. The meeting proceedings are governed by the State Open Meetings Act and Roberts Rules of Order shall be used as a procedural guide.
4. Changes to the bylaws must be voted on separately by each governing body.

### **4 ANNUAL WEED DEPARTMENT UPDATE**

Brent Meyer, Weed Control Authority Superintendent, provided an overview of the Lancaster County/City of Lincoln Combined Weed Program.

The following documents were distributed:

1. Powerpoint presentation on the Lancaster County/City of Lincoln Combined Weed Program **(Exhibit J)**
2. 2012 Annual Report and Recommendations for the Lancaster County/City of Lincoln Combined Weed Program **(Exhibit K)**

Meyer emphasized that there is a 30" height restriction on vegetation between sidewalk and street and sight distance regulations from the intersection must also be followed.

It was noted the number of weed abatement enforcements in the City decreased in 2012, from 261 to 168, likely due to the dry weather.

With regard to future noxious weeds, Meyer said the next candidate is sericea lespedeza. Others may include giant reed, Chinese fleece vine, cutleaf teasel and yellow floating-heart. Currently, there are 11 designated noxious weeds in Nebraska.

For 2013, Meyer recommended that repeat offenders be provided legal notice immediately versus first receiving a courtesy letter. This will cut down the process by one week. He said the weed ordinance also allows for a \$100 per day fine, although, this would take more staff and City Attorney time up front and there would still be the potential to spend money on enforcement.

Camp questioned whether any kudzu (typically a warm climate plant) is present in the area. Meyer said there is a large patch near Nebraska City, indicating that it is adapting to the colder climate.

In response to Beutler's inquiry, Meyer said his office primarily responds to complaints, although, staff does perform preseason checks on properties with past multiple violations. He added while the City has more noxious weed complaints, the County has more acres of noxious weeds. A complaint form is available on the Weed Control Authority web site. People can also leave anonymous complaints through the Action Center.

## **5           ADJOURNMENT**

**MOTION:** Camp moved and Smoyer seconded to adjourn the meeting at 1:45 p.m. Camp, Carroll, Emery, Eskridge, Hinkley, Beutler, Amundson, Raybould Schorr and Smoyer voted aye. Hudkins, Cook and Beutler were absent from voting. Motion carried 10-0.

Submitted by Cori Beattie, County Clerk's Office

**FOR IMMEDIATE RELEASE:** January XX, 2013

**FOR MORE INFORMATION:** Diane Gonzolas, Citizen Information Center, 402-441-7831

Gwen Thorpe, Lancaster County Board of Commissioners, 402-441-7447

**CITIZENS SOUGHT FOR TASK FORCE**  
**ON CITY-COUNTY CONSOLIDATION**

The Lincoln City Council, the Lancaster County Board of Commissioners and Mayor Chris Beutler today announced their intent to form a Task Force to study the possible consolidation of City and County agencies. The advisory group will make recommendations on consolidation and cooperative opportunities of the following government agencies:

- The City Public Works and Utilities Department and the Lancaster County Engineer's Office
- The Lincoln Police Department and the Lancaster County Sheriff's Office
- The offices of the City Clerk and County Clerk
- The City Attorney's Misdemeanor Prosecution Division and the Lancaster County Attorney.

The City Council and the County Board will each appoint five members to the Task Force, which is expected to meet once a month for about nine months. The citizen advisory group will be led by a facilitator, and City and County staff will be available to assist the Task Force. The Mayor also will recommend an Administration representative from his office staff as well.

**Those interested in serving on the Task Force should contact their City Council Representative or County Commissioner by January 31.** They will be asked to submit resumes and contact information. The elected officials and their districts and contact information are listed below. To find the district in which you live, use the following contact information:

- **City Council – Visit [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: council) or call 402-441-7515.**
- **County Board - Visit [lancaster.ne.gov](http://lancaster.ne.gov) (click on "Board of Commissioners," then "General Information") or call 402-441-7447.**

- 30 -

**CITY COUNCIL MEMBERS:**

- Carl Eskridge, Chair, Northwest District, phone or email
- Jon Camp, Vice Chair, Southeast District, phone or email
- Gene Carroll, At-Large, phone or email
- Jonathan Cook, Southwest District, phone or email
- Doug Emery, Northeast District, phone or email
- Lloyd Hinkley, At-Large, phone or email
- DiAnna Schimek, At-Large, phone or email

**COUNTY BOARD MEMBERS:**

- Deb Schorr, Chair, District 3 (southwest), phone or email
- Larry Hudkins, Vice Chair, District 2 (northwest), phone or email
- Roma Amundson, District 4 (southeast), phone or email
- Jane Raybould, District 1 (central), phone or email
- Brent Smoyer, District 5 (northeast), phone or email



Attached are the following recommendations on the format and structure of the new task force on consolidation. This is based on the success of the 1996 -1997 task force.

- 1) The topic areas suggested by the County Board and City Council include researching the possibility of combining and consolidating the functions of the following: City Public Work and Utilities Department with Lancaster County Engineer's Office; Lincoln Police Department with the Lancaster County Sheriff's Office; Offices of the City Clerk and County Clerk; and City Attorney's Misdemeanor Prosecution Division with the Lancaster County Attorney. See proposed task force mission statement.
- 2) Focus should detail the functionality, feasibility, practicality and efficiencies of combining these departments or other departments that may come to light because of similar operations and functions.
- 3) Have the initial meeting include representatives from the 1996-97 task force members for their historical perspective and lessons learned from the process. Include those departments' directors that were merged by having Norm Agena (Assessor) and Dan Nolte (Register of Deeds) provide their assessment of the success or failure of the merger. Include Final Report of the Task Force and a financial summary prepared by Norm Agena in August 2011.
- 4) Have the initial meeting select a chair and vice chair and establish the time-line and meeting dates and locations. The group may want to schedule on site visits to the departments under review.
- 5) Set up meetings and presentations by the above elected officials and department directors concerning their duties, operations and responsibilities.
- 6) Request each of the elected official/department director work with the questions considered by the original task force: a) what are the potential costs savings which can be realized in merging these departments versus maintaining separate offices? And b) Are there efficiencies which may or may not be realized by consolidating these offices? Additional questions may include: c) What are some inherent obstacles of combining these departments? d) What political impediments do you see? e) Are there other departments that can assume some duties or functions of these departments if a merger takes place? Please see Norm Agena's August 29, 2000 summary as an example of a department response.
- 7) Schedule budget summaries and presentations from the City and County budget directors involving the departments outlined in Section 1) above that would also include the same questions listed in Section 6) above.
- 8) Examine the best practices, successes or problems that other cities and counties across Nebraska and the US are experiencing when they look at consolidation. See El Paso article on consolidation of police and sheriff's departments, NACO summary of 2012 election results and article from American City and County on Public Works, "Tough Going", March 2011.



**City of Lincoln-Lancaster County Consolidation Task Force Mission Statement**

The City of Lincoln-Lancaster County Consolidation Task Force is being created as a result of the desire to explore opportunities for better coordination of local government services. The task force shall examine the legal, operational, and institutional frameworks of current government services for potential areas of mutual cooperation or consolidations between the following city agencies and elected official offices:

City of Lincoln Public Works and Utilities and Lancaster County Engineering (Elected Office)

City of Lincoln Police Department and Lancaster County Sheriff's Office (Elected Office)

City of Lincoln City Clerk and Lancaster County Clerk (Elected Office)

City of Lincoln City Attorney's Misdemeanor Prosecution Division and Lancaster County Attorney's Office (Elected Office)

Task force recommendations shall serve as the springboard for continued discussions between the City of Lincoln and Lancaster County.

---

Carl Eskridge, City Council Chair

---

Larry Hudkins, County Board Chair



# **FINAL REPORT AND RECOMMENDATIONS OF THE LANCASTER COUNTY CONSOLIDATION COMMITTEE**

## **COMMITTEE MEMBERS**

Dale Gruntorad, Chair; Wayne Giebelhaus, Vice Chair; Art Althouse, Barbara Chesnut, Richard McGinnis, Eugene Carroll, Frank Eman, Sharon Nemeth, and Margy Ryan

Facilitator: Gordon Kissel

## **INTRODUCTION**

The Lancaster County Consolidation Committee was formed by the Lancaster County Board of Commissioners in June of 1996. The Committee was established in response to 1996 NEB. LAWS LB 1085. Under Section 26 of LB 1085, a county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, or register of deeds. The full text of LB 1085, Section 26 is reproduced in *Appendix A*.

Specifically, the County Board is authorized to adopt a resolution for the consolidation of any of these offices and submit the issue for the creation of a consolidated office to the registered voters for approval at the next general election. The Consolidation Committee was established to examine the efficacy of consolidating county offices under LB 1085 and then recommend to the Board which of these offices, if any, should be consolidated.

The County Board sought broad community representation on the Committee. The Board issued a press release asking for volunteers to serve on the Consolidation Committee and numerous responses were received. Committee members were selected based on their background and particular areas of expertise. Thus, Committee members represented a broad spectrum of interests in the community, including business, labor, financial, and rural. Members were also selected based on their past involvement with and knowledge of issues involving local government.

## **SUMMARY OF DISCUSSIONS**

In formulating its recommendations, the Consolidation Committee engaged in discussions covering a wide range of topics and information relevant to the issue of county office consolidation. The Committee personally met with all of the elected officials holding the offices being considered for consolidation, including Kandra Hahn, Clerk; Norm Agena, Assessor; Marj Hart, Clerk of the District Court; Dan Nolte, Register of Deeds; and Don Thomas, Engineer. As a follow up to these discussions, Committee members were invited to tour the physical offices of the elected officials for the purpose of observing their operations. In addition, each elected official submitted to the Committee a summary of their duties and responsibilities.

Other persons who provided important information to the Committee include George Kilpatrick, Legal Counsel for the Revenue Committee; David Kroeker, Lancaster County Budget & Fiscal Officer; and Linda Steinman and Kathy Campbell, Lancaster County Commissioners.

George Kilpatrick provided valuable information to the Committee regarding the legislative intent underlying LB 1085. He discussed the usage of the property tax in Nebraska and provided a chronology of major property tax relief efforts undertaken by the Legislature.

David Kroeker provided the Committee with extensive budget information regarding Lancaster County, including expense and revenue charts, a 10-year history of tax rates and property valuation, and numerous other documents setting forth general budgetary statistics.

Commissioners Linda Steinman and Kathy Campbell addressed the Committee regarding joint departments between the City of Lincoln and Lancaster County established pursuant to interlocal agreements.

The Committee also reviewed a number of documents relating to county government and the offices being considered for possible consolidation. A list of the documents and reports reviewed by the Committee is set forth in *Appendix B*.

Since the primary purpose for the creation of the Committee was to review the potential of consolidating county offices, a review of the statutory duties charged to the various offices was important. In this regard, the Committee was supplied with a written summary of the statutory duties for the offices of clerk, district court clerk, assessor, register of deeds and engineer.

After careful consideration of all the information, the Consolidation Committee articulated several basic principles which formed the foundation underlying their recommendations. First, the Committee recognized that increasing the efficiency of county government is a dynamic process and the duties performed by county officials should be reviewed continuously.

Second, Lancaster County has realized enormous savings in the past through the use of Interlocal Cooperation Agreements and the continued use of such agreements should be encouraged in the future. This is especially true in the relationship between the City of Lincoln and Lancaster County.

A third general principle identified by the Committee relevant to the reorganization of county offices is that the performance of certain functions should be consolidated under one office rather than split among several offices. The Committee noted that certain functions such as the accounting system and the overall records keeping system for Lancaster County are spread out under different County offices. The Committee felt that greater efficiencies could be realized by concentrating specific functions under one office. It should be noted that some statutory changes may be necessary in order to accomplish this goal.

## **RECOMMENDATIONS**

Applying the principles enumerated above, the Consolidation Committee made the following recommendations to the Lancaster County Board of Commissioners:

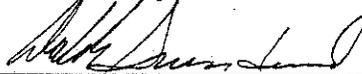
1. Merge county assessor and register of deeds;
2. Merge county engineer and city public works;
3. District clerk functions should be assumed by the State; and
4. All county records management functions should be identified and consolidated into one centralized location and authority.

## CONCLUSION

The Consolidation Committee recognized that only the first recommendation for the merger of the assessor and the register of deeds is specifically contemplated under LB 1085, Section 24. Also, one Committee member expressed concerns regarding service to rural areas if the county engineer is merged with city public works. However, it is the Committee's opinion that the broad intent of LB 1085 is to encourage counties to be creative in exploring alternatives for saving property tax dollars and increasing the efficiency of county government. The Committee believes that its recommendations provide the foundation for such an analysis.

Respectfully submitted by the Lancaster County Consolidation Committee

BY DALE GRUNTORAD, CHAIR



## APPENDIX A

1996 NEB. LAWS LB 1085, Section 26 provides:

(1) Any county may consolidate the office of clerk of the district court, county assessor, county clerk, county engineer, county surveyor or register of deeds, except that the consolidated officeholder shall meet the qualifications of each office as required by law. The consolidated office shall have the powers and duties provided by law for each office consolidated. On or before August 1, 1996, and on or before August 1 every second year thereafter, the county board may adopt a resolution for the consolidation of any of such offices and submit the issue of the consolidated office to the registered voters for approval at the next general election. The county board shall hold a public hearing prior to adoption of a resolution for the consolidation of offices and shall give notice of the hearing by publication in a newspaper of general circulation in the county once each week for three consecutive weeks prior to the hearing. Final publication shall be within seven calendar days prior to the hearing. The notice shall describe the offices to be consolidated and that the holder of the offices to be consolidated shall have his or her term of office end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(2) The county board shall adopt the resolution for the consolidation of offices by majority vote of the board and shall submit the issue of consolidation to the registered voters for approval at the next general election. For each consolidated office submitted for approval, the questions shall be submitted to the voters in substantially the following form:

"Shall (name of each office proposed to be consolidated) be consolidated into one consolidated office according to the resolution adopted by the county board of (name of county) on (date of adoption of the resolution by the county board)? Yes No".

(3) If the majority of the registered voters in the county voting on the question vote in favor of consolidation, the consolidated office shall be filled at the next general election, and the terms of the incumbents shall end on the first Thursday after the first Tuesday in January following the general election in which the holder of the consolidated office is elected.

(4) The term of a consolidated officer shall be four years or until his or her successor is elected and qualified, except that the term of a consolidated officer elected in the year 2000 or any fourth year thereafter shall be two years or until his or her successor is elected and qualified.

(5) Any election under this section shall be in accordance with the Election Act.

## APPENDIX B

Documents and reports reviewed by the Lancaster County Consolidation Committee include the following:

1. Selected statutes relating to the duties of clerk, clerk of the district court, assessor, engineer and register of deeds;
2. 1996 property tax legislation and history, report provided by Senator Jerome Warner and Mr. George Kilpatrick, Legal Counsel, Nebraska Legislature's Revenue Committee;
3. Reports from the following elected officials:
  - a. assessor;
  - b. register of deeds;
  - c. clerk; and
  - d. clerk of the district court
4. Letter from Patty Hansen, Lancaster County Election Commissioner, regarding election costs;
5. Summary sheet showing joint departments and commissions between the City of Lincoln and Lancaster County, as well as areas of informal functional cooperation;
6. Graphs of total expenses and revenues for FY 1997 through FY 1999 for clerk, clerk of the district court, assessor, engineer and register of deeds;
7. Article from Governing magazine entitled "Cry, the Beleaguered County", by Jonathon Walters;
8. County legal calendar prepared by Nebraska Association of County Officials (NACO);
9. Statistical data regarding Lancaster County budget;
10. Letter from Lincoln Title Companies regarding register of deeds;
11. Summary of statutory duties for clerk, clerk of the district court, assessor, engineer and register of deeds.

LANCASTER COUNTY ASSESSOR  
COUNTY-CITY BUILDING LINCOLN, NEBRASKA 68508-2864

PHONE  
FAX (402) 441-8759



NORMAN H. AGENA  
ASSESSOR

ROBIN HENDRICKSEN  
CHIEF ADMINISTRATIVE DEPUTY

### Reorganization of a consolidated Assessor and Register of Deeds Office

This reorganization would be a great opportunity for us to make the transition to our GIS system and it's ORACLE database as the engine that will drive us to a seamless, single entry process that can be accessed by all other city and county databases.

First, we would combine and cross train appropriate ROD staff and our mapping staff. This would allow our staff to understand the filing procedures currently used and would also allow ROD staff to understand the requirements of our cadastral mapping system. It would also give them an insight into the OASIS data system that tracks and inventories each parcel of ownership in Lancaster County. This would allow us to provide quicker service by having more personnel available for customer service. It would also allow us to quickly check instruments against current OASIS records to see if there are any errors in spelling of names, omission of names and or initials, errors in legal descriptions (simple legals, not lengthy metes and bounds), confusion on mailing address of owner, etc.. These seemingly insignificant errors require a great deal of time to research and we feel many could be cleared up at time of filing.

Once this cross training is complete we would begin the implementation of GIS being the core database for all property ownership and related information. For example, once an instrument is filed it could actually be attached to it's legal land base on the GIS system. All information pertaining to the deed could be entered into a single database and uploaded to the OASIS and other databases on a timely schedule thus eliminating dual and in some cases triple entry. All parcels with boundary changes could be flagged and sent electronically to the County Engineer for completion of their responsibilities while at the same time an electronic Real Estate Transfer Statement (form 521) could be generated and transferred to the State on a scheduled basis.

We would also research the possibility of having Records Management take on the task of scanning documents if they could complete the task in a timely and satisfactory manner.

In addition, we would look into the possibility of daily account debiting for the customers that use the Register of Deeds office on a daily basis. This would allow the customer to authorize us to automatically deduct their daily cost for recording from an established account, rather than having to bring a check each time they wish to record a document. A weekly or monthly statement would be sent to them with a full explanation and description of all transactions and debits.

There appears to be no need for acquisition of additional computer systems. This is not to say, however, that some hardware and software acquisitions might be necessary to provide everyone with similar equipment and capabilities (i.e. pc's, printers, emulation software, web browsers, etc.). If these are necessary they would be of minimal cost.

Finally, it is important to note that all instruments presented for filing would be filed immediately regardless of accuracy. The changes and opportunities mentioned above could be realized without compromising the level of service.

Respectfully,

A handwritten signature in black ink, appearing to read "Norman H. Agena".

Norman H. Agena  
August 29, 2000

**Cost savings as a result of merging the Register of Deeds office  
 with the County Assessors office**

*per norm 8/2/2011*

**Immediate savings at time of merger**

Nolte salary	\$56,000
Maura's salary	\$53,000
Fall's salary	<u>\$35,000</u>
<b>Total salary savings</b>	<b>\$144,000</b>

**Number of staff**

01/02	11/12
11	5

<b>Actual budget 01/02</b>	\$482,146
<b>CPI increase of 01/02</b>	\$593,040
<b>Actual budget 11/12</b>	\$353,000

Current budget is 40% less than the original budget with CPI increase

<b>Cost per document 01/01 budget</b>	\$5.65
<b>Cost per document with CPI increase</b>	\$6.95
<b>Cost per document 11/12 budget</b>	\$4.14

(Based on 85,353 documents which was the number filed 01/02)

Jane Raybould



**From:** Rick Boucher [rboucher@boucherlawfirm.com]  
**Sent:** Thursday, July 14, 2011 10:30 AM  
**To:** 'Adams Magee (E-mail)'; 'Annette'; 'Antelope -Sheriff Hamilton (E-mail)'; 'Arthur -Sheriff Simpson (E-mail)'; 'Banner-Sheriff Mooney (E-mail)'; 'Blaine Sheriff Sierks (E-mail)'; 'Boone -Sheriff Spiegel (E-mail)'; 'Boyd -Sheriff Derickson (E-mail)'; 'Brown -Sheriff Hapner (E-mail)'; 'Buffalo -Sheriff Miller (E-mail)'; 'Burt -Sheriff Pickell (E-mail)'; 'Butler -Sheriff Hecker (E-mail)'; 'Cass -Sheriff Brueggemann (E-mail)'; 'Cedar-Sheriff Koranda (E-mail)'; 'Chase -Sheriff Sutherland (E-mail)'; 'Cherry -Sheriff Christensen (E-mail)'; 'Cheyenne -Sheriff Johnson (E-mail)'; 'Clay -Sheriff Franklin (E-mail)'; 'Colfax -Sheriff Blum (E-mail)'; 'Cuming -Sheriff Boyum (E-mail)'; 'Custer -Sheriff Henderson (E-mail)'; 'Dakota-Sheriff Wagner (E-mail)'; 'Dawes -Sheriff Dailey (E-mail)'; 'Dawson-Sheriff Reiber (E-mail)'; 'Deuel-Sheriff Ortgies (E-mail)'; 'Dixon-Sheriff Chase (E-mail)'; 'Dodge-Sheriff Hespen (E-mail)'; 'Douglas-Sheriff Dunning (E-mail)'; 'Dundy-Sheriff McBride (E-mail)'; 'Fillmore-Sheriff Burgess (E-mail)'; 'Franklin-Sheriff Archer (E-mail)'; 'Frontier-Sheriff Rupp (E-mail)'; 'Furnas-Sheriff Kapperman (E-mail)'; 'Gage -Sheriff Gustafson (E-mail)'; 'Garden-Sheriff Miller (E-mail)'; 'Garfield-Sheriff Donner (E-mail)'; 'Gosper-Sheriff Ocken (E-mail)'; 'Grant-Sheriff Hebbert (E-mail)'; 'Greeley-Sheriff Weeks (E-mail)'; 'Hall-Sheriff Watson (E-mail)'; 'Hamilton-Sheriff Handrup (E-mail)'; 'Harlan-Sheriff Becker (E-mail)'; 'Hayes Sheriff Dow (E-mail)'; 'Hitchcock-Sheriff Leggott (E-mail 2)'; 'Holt-Sheriff Matchett (E-mail)'; 'Hooker-Sheriff Nichols (E-mail)'  
**Cc:** 'Howard-Sheriff Schenck (E-mail)'; 'Jefferson-Sheriff Sorensen'; 'Johnson-Sheriff Wenzl (E-mail 2)'; 'Kearney-Sheriff White (E-mail)'; 'Keith-Sheriff Mueller (E-mail)'; 'Keya Paha-Sheriff Harmon (E-mail)'; 'Kimball-Sheriff Gillway (E-mail)'; 'Knox-Sheriff Janecek (E-mail)'; 'Lancaster-Sheriff Wagner (E-mail)'; 'Lincoln-Sheriff Kramer (E-mail)'; 'Logan-Sheriff McNeil (E-mail)'; 'Loup-Sheriff Holloway (E-mail)'; 'Madison-Sheriff Hjorth (E-mail)'; 'McPherson Sheriff Hailer (E-mail)'; 'Merrick-Sheriff McPhillips (E-mail)'; 'Morris-Sheriff Edens (E-mail)'; 'Nance-Sheriff Moore (E-mail)'; 'Nemaha-Sheriff Lottman (E-mail)'; 'Nuckolls-Sheriff Marr (E-mail)'; 'Otoe-Sheriff Gress (E-mail)'; 'Perkins-Sheriff Brueggeman (E-mail)'; 'Pierce-Sheriff Eberhardt (E-mail)'; 'Platte-Sheriff Zavadil (E-mail)'; 'Polk Sheriff Ladwig (E-mail)'; 'Red Willow-Sheriff Mahon (E-mail)'; 'Richardson-Sheriff Buckminister (E-mail)'; 'Rock-Sheriff Haynes (E-mail)'; 'Saline-Sheriff Moore (E-mail)'; 'Sarpy Cty-Sheriff Davis (E-mail)'; 'Saunders-Sheriff Stukenholtz (E-mail)'; 'Scotts Bluff-Sheriff Lawson (E-mail)'; 'Seward-Sheriff Youcum (E-mail)'; 'Sheridan-Sheriff Robbins (E-mail)'; 'Sherman-Sheriff Janulewicz (E-mail)'; 'Sioux Sheriff Costello (E-mail)'; 'Stanton Sheriff Unger (E-mail)'; 'Thayer-Sheriff Lee (E-mail)'; 'Thurston-Sheriff Kleinberg (E-mail)'; 'Valley-Sheriff Hurlburt (E-mail)'; 'Washington Sheriff Robinson (E-mail)'; 'Wayne-Sheriff Janssen (E-mail)'; 'Webster-Sheriff Disney (E-mail)'; 'Wheeler-Sheriff Lindsay (E-mail)'; 'York-Sheriff Radcliff (E-mail)'  
**Subject:** Too Little Money in Texas For Law Enforcement

TEXAS CITIES STRUGGLE TO FUND LOCAL LAW ENFORCEMENT - TEXAS TRIBUNE - July 14, 2011

The tiny East Texas town of Alto made national headlines this summer when it furloughed its five-man police department in an effort to save money in this ailing economy. But Alto is hardly the only Texas community struggling to fund public safety amid falling tax revenues and shrinking state and federal aid. Most cities aren't taking the drastic measures Alto did, but they're finding other ways to scale back costs, said Bennett Sandlin, executive director of the Texas Municipal League. "There definitely are cutbacks," he said. "There's furloughs and layoffs in public safety to some degree. And we're also seeing a lot of cities looking to consolidate public safety functions."

City officials in Alto, population 1,100, seem to have tired of the attention to their budget crisis, after stories on CBS News and in *The Wall Street Journal*, and an attempted robbery at the local bank. Cherokee County Sheriff James Campbell, who is now responsible for law enforcement in Alto, didn't respond to calls requesting comment. A call to the city offices on Wednesday was answered by a woman who identified herself only as the "city secretary" and adamantly declined to comment about the situation, citing legal advice. But Sandlin said it's not that rare for small towns to close their police departments. "It's not unheard of, but it's not something a lot of cities are going to," he said. Cities aren't obligated to have police departments, he said. Sometimes officials shut them down to save money, and often they choose to

contract with another local public safety agency to consolidate services, he said. Nearby cities have arranged to share policing responsibilities in some instances, and in others cities sign an agreement with the county government that allows the local sheriff to take over both jurisdictions.

In Texas, the largest city to start on the path to consolidating police and sheriffs departments has been El Paso. County Judge Veronica Escobar said she and other local officials started talks about combining services even before the economy tanked, as early as 2007. "We're so isolated from the rest of Texas that in many ways the environment was ripe," she said. The city and county recently combined their information technology departments, which immediately saved the county \$2.5 million and will save another \$250,000 a month going forward. Next on the consolidation list are the police and sheriff's operations. The task is not as simple as putting all the officers in one big station, though, Escobar said. Each agency has its own employee union, its own pension plan, its own training academy and other unique processes. And, she said, there are long-lasting scars among officers in both departments from previous failed merger attempts.

"There's always a lot of apprehension about merging departments, because each entity is very protective of itself," she said.

It's also unclear just how much money the local governments will save with consolidation. It might not be a huge amount, Escobar said, but it will save one entity from bearing all the cost of providing public safety for the region's burgeoning population. "Even if we were to just stop the increase in our budget, that would be a savings," she said.

Neither the El Paso City Council nor the El Paso County Commissioners Court has signed onto a plan to consolidate law enforcement, but they are marching ahead, step by step. So far, the few consolidation efforts in place haven't produced a lot of savings, said police department spokesman Darrel Petry. The department hasn't seen layoffs or furloughs, but when officers leave or retire, their positions have gone unfilled.

"We've just restructured our resources, and we are not seeing as much of a proactive approach to policing as have had in the past," Petry said.

El Paso city budget talks are underway now, Petry said, and the department is hoping to reverse the recent trend and get money to hire and train new officers. Despite the tight budget, crime in El Paso — just across the border from violence-ridden Juarez — has consistently fallen in recent years. Combining the two agencies, he said, wouldn't be easy, but it has been done in other large cities across the country.

"Budgetary constraints across all municipalities has forced people to pause at some of those strategies," Petry said.

But in small, rural Texas towns like Alto, the local sheriffs are often already overburdened with tiny budgets, huge swaths of land to patrol and few deputies. If a city can't afford to provide basic public safety for its taxpayers, said Kevin Lawrence, executive director of the Texas Municipal Police Association, perhaps there are even bigger questions to answer.

"Isn't one of the moral duties you have to provide law enforcement services to your cities?" he asked.

"Maybe you should just consider disbanding the city altogether."

Richard L. Boucher  
BOUCHER LAW FIRM  
WEST GATE BANK BUILDING, Suite A  
5555 South 27th Street  
Lincoln NE 68512  
(402) 475-3865  
FAX (402) 475-2326

rboucher@boucherlawfirm.com

CONFIDENTIALITY: This message is from the Boucher Law Firm and contains information which may be confidential and legally privileged. If you have received this message in error, you are strictly prohibited from reading it and from disclosing or using its contents in any manner, and you should immediately delete it. The unauthorized disclosure

2012 Elections

According to unofficial results provided by the county election offices, 52 new officials will be sworn-in in January. Half of those will be filling offices in which the incumbent chose not to file. Of the 51 new county board members taking office, 27 were successful in un-seating incumbents in the Primary or General elections.

Voters also marked ballots on other county issues:

- Change from a three to five commissioner board
  - Failed in Jefferson County
- Consolidation of the Assessor and Register of Deeds offices
  - Passed in Douglas and Hall Counties
- Consolidation of the Clerk and Clerk of District Court offices
  - Passed in Boone County
- Dissolution of County Weed District Boards
  - Failed in Hall County
  - Passed in Nemaha and Richardson counties
- Discontinue Township organization form of government
  - Passed in Buffalo County

State senator's term limits, enacted in 2008, had an impact on the 2013 Legislature. Nine senators were term-limited, and when the Legislature convenes in January, eleven new senators will be present.

Unofficial county-level results are posted on the NACO website. Legislative and all other state-wide race results can be viewed on the Secretary of State's Unofficial Election Results webpage.

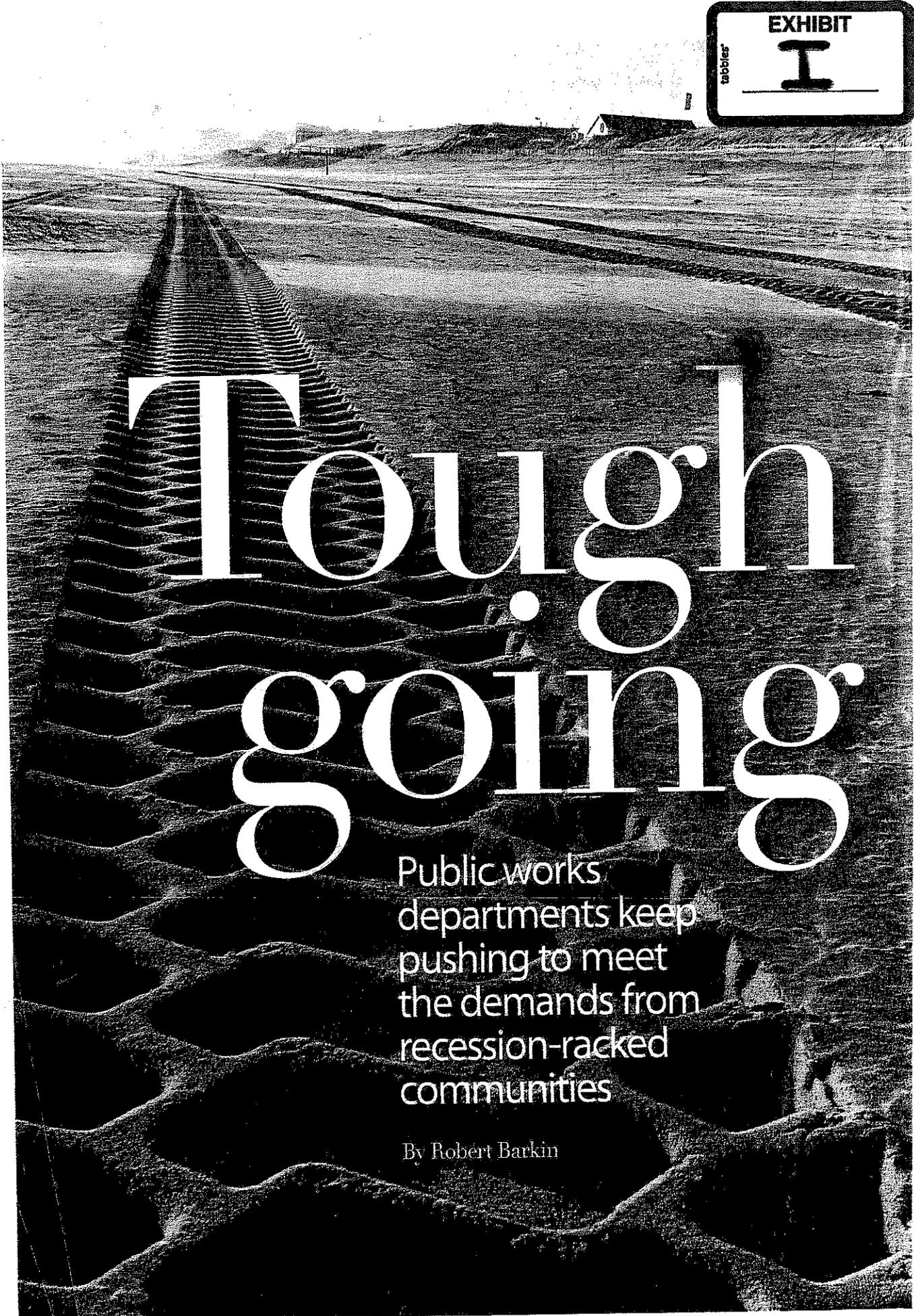
Legal Line

*Editor's Note: Legal Line is a feature that will periodically appear in NACO E-Line. This edition has been prepared by Elaine Menzel of the NACO legal staff. Legal Line is not intended to serve as legal advice. Rather, it is published to alert readers to court decisions and legal or advisory matters important to county government. For a specific opinion on how the information contained in this article or that which will be discussed in future issues relates to your county, consult your county attorney or personal counsel.*

Reorganization Meetings to Occur in January and New Officials to be Sworn in January 3, 2013

Unless otherwise provided by the Nebraska Constitution or by law the terms of all elected officers begin on the first Thursday after the first Tuesday in January next succeeding their election. See Art. XVII, § 5. In supervisor counties, the regular meetings of the county board are to be held in January and the board at its regular meeting of each year must organize by choosing one of its number as chairman, who shall preside at all meetings of the board during the year; and in case of his absence at any meeting, the members present shall choose one of their number as temporary chairman. Sections 23-272, 23-274. Similarly, § 23-156 provides the board of county commissioners at its regular meeting in January of each year must elect a chairman of the board to serve for the ensuing year, and such chairman shall sign all warrants on the treasurer for money to be paid out of the county treasury.

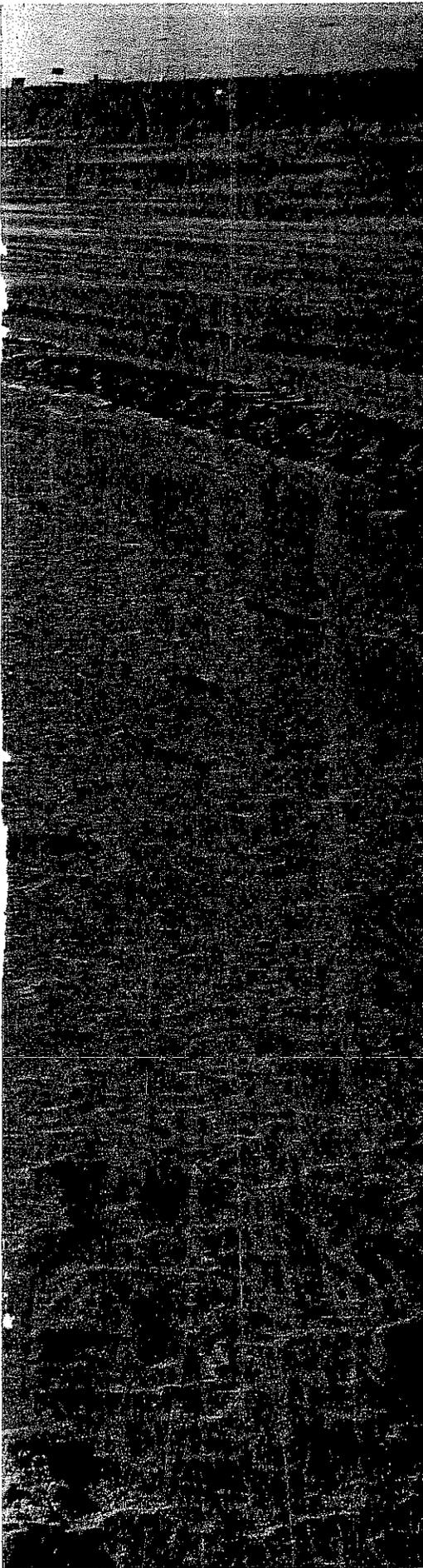
*Editor's note: A similar article to the one directly below has appeared in previous editions of the Countyline. For a specific opinion on how the information contained in this article relates to your county, consult your county attorney. Updated by Elaine Menzel, Legal Counsel*



# Tough going

Public works departments keep pushing to meet the demands from recession-racked communities

By Robert Barkin



With home construction near a standstill, the Palm Bay, Fla., Public Works Department has gone in just a few years from being overwhelmed with permits and fee assessments to handling just a smattering of residential reviews. As a result, reduced revenues have forced cuts in the department's budget.

Still, the streets need to be maintained, the stormwater treatment facilities renovated and the park trails kept free of litter, says Susan Hamm, Palm Bay deputy city manager, who also directs the public works operations. "We have to be creative and innovative in serving the public," she says. "Public works does a good job with the resources given by the government. It's the nature of our profession."

Across the nation, public works departments are struggling to keep up with aging infrastructure and a demanding public as resources become ever more scarce amid rising long-term obligations and immediate budget shortfalls. Using new technologies, flexible working environments and the enthusiasm of volunteers, public works departments are finding ways to deliver core services, while raising concerns that deferred maintenance on aging infrastructure will haunt cities, towns and counties for years to come — at much higher cost.

"We're not out of the woods at all with regard to the economic impact of deferrals," says Peter King, executive director of the Washington-based American Public Works Association. "The disrepair grows. Reconstruction is more expensive than maintenance. Altogether, it's pretty grim out there."

Cities around the country are responding to the challenge in a variety of ways. In a reorganization seen in a number of communities, Portland, Maine, three years ago combined public works, parks and recreation, and the golf course into a unified public services department, says Michael Bobinsky, director of public services. As a result of savings and efficiencies, the department has reduced its ranks from 245 to about 200, he says.

These challenges go beyond the last couple of years. It's been a decade of infrastructure management, he says. "There are a variety of things — the economy, providing basic services and new regulations. The job is even more challenging than in the past. It's difficult to consistently maintain what we have. We've had to learn how to work in a time of constraints."

“How do we do more with less? We can't throw in the towel and say we can't get things done.”

## MEETING MANDATES

Bobinsky says his department has taken a number of initiatives to continue to provide services and meet federal mandates for infrastructure improvements, especially for stormwater management. For example, the city floated a \$62 million sewer bond in 2006 and has since worked closely with water quality advocates to show progress so they know the city is serious about meeting its obligations. "No one wants to be sued," he says, referring to a consent decree on compliance with federal regulations.

The city also has relied on volunteers to keep parks and roads free of litter and graffiti, and it has broken down "silos" within the city's departments to maintain service levels that taxpayers expect. "It takes creative thinking and smart management," he says. "How do we do more with less? We can't throw in the towel and say we can't get things done."

Still, he is worried about the maintenance of basic sewer and water lines. "There is a lot of work underground, and it's out of sight, out of mind," he says. "But it relates to the quality of living and economic development. If you don't have a good infrastructure, the city can fall apart as well. The funding issue is a challenge. There's no easy answer."

Hann says that Palm Bay has worked to meet the infrastructure needs by systematically reviewing the entire public works system. "It's a quantification of the condition of the infrastructure," she says. "It allows us to talk to the elected officials in a real way. They can make a strategic investment in the infrastructure. It's not hit or miss."

Still, the city has had to cut back general fund capital expenditures. Fortunately, the public works department still is working to complete the transportation projects that were funded during the real estate boom. "But if the economy doesn't rebound, we'll run out of resources," she says.

## SMALL SAVINGS ADD UP

While many communities have seen huge cuts in their funding, other parts of the country have suffered less,

## Tough now, more of the same to follow

According to a November 2010 survey by the Washington-based National League of Cities, nine out of 10 city finance officers reported that their cities were less able to meet fiscal needs in 2010 than in the previous year, citing declining local economic health, public safety and infrastructure costs, employee-related costs for health care, pensions and wages, and cuts in state aid. How did finance officers say they would meet the crisis? Delaying or canceling capital projects (69 percent) was the second most common response to the fiscal crisis, following only personnel-related cuts (79 percent).

The prospects for the coming year are hardly encouraging. With property tax revenues from real estate markets remaining soft, at best, and large budget shortfalls at the state level trickling down in the form of reduced grants and revenue sharing, finance officers predicted that the 2011 report in November will only be worse. "The effects of a depressed real estate market, low levels of consumer confidence and high levels of unemployment will likely play out in cities through 2010, 2011 and beyond," according to the report.

because their revenue sources were less dependent on sectors that were hit hardest by the economic collapse, their infrastructure was put in place more recently or their financial management was more conservative. Good fortune, though, has not precluded the efforts of public works leaders to innovate.

South Jordan, Utah, has saved \$500,000 just by imposing a new policy that workers on the road shut down their vehicles rather than allowing them to idle while they are inspecting and managing, says Director of Public Works Donald Bruey. The city also has saved \$26,000 in snow removal costs by changing the mix of salt and chemicals. And, now, all of the city water meters are automated, so that a single car can take readings in one day. "There is definitely heightened awareness of the need to save money," Bruey says. "We talk a lot about the 'new normal' and the need to really put our heads together. There's more brainstorming on how to implement projects."

For example, South Jordan implemented a new safety program

that has drastically reduced the damage to vehicles. "Our insurance was really impacted," he says. "We had the smallest increase because the public safety program was so good."

The city has not had to lay off any workers, but it has not given them raises in two years. "We've tried to break down the silos and have staff work together in a way they haven't worked before," Bruey says. "It's boosted morale by getting the right talent on the problem."

Golden, Colo. has imposed a "soft" hiring freeze, allowing the replacement of only essential employees, a pay freeze and a change in pension program from a defined benefit plan to a defined contribution plan. Still, city leaders believe that now is not the time to cut back on training, says Dan Hartman, director of public works. "When times are tough, we have got to get better," he says. "We've even allowed out-of-state travel."

Part of the "getting better" has been a conversion to a wireless system that works directly with the work management system. "We've gotten

the paper out of the system," he says. "We've worked hard to increase our efficiency."

Golden also is trying to gain community acceptance of the new system that allows residents to report potholes and broken sidewalks from their home computers. "We want them to embrace the system so they become our allies," he says. Initially, inspectors thought their workload would rise, he says, but it has saved them time. "It's actually picked up some of the inspection work from them," Hartman says.

The city also has benefitted from a two-cent sales tax increase in 1991, of which half goes to capital maintenance and improvements. "It's dedicated money for infrastructure — streets, curbs, gutters sidewalks," he says. "It's been helpful."

In Overland Park, Kan., a suburb of Kansas City, the city has seen "a modest manpower reduction" of 5 percent of full-time slots and 25 percent of part-time staffing, says Doug Brown, director of public works. The city also has imposed cuts in its budgets for capital improvement and infrastructure maintenance, he says. "You don't notice the effect immediately, and you won't notice until it severely deteriorates when it costs a lot more to fix," he says. "It's 'pay me now, or pay me later.' We want to avoid the expense that we would incur by not taking care of infrastructure properly."

The city has devoted additional funds to street maintenance, which is particularly noticeable to motorists, Brown says. "It's not something that we can sweep under the rug and not talk about it," he says. "Postponing maintenance is not something that can be sustained. We work with our elected officials to maintain our infrastructure. The city is able to fund it better than most."

At the same time, the department has made substantial changes to maintain operations with fewer people and diminished resources, he says. For example, the city has had above normal snow for the last two years, at the same time that the department lost eight snowplow drivers. So, now more

office personnel drive the trucks.

While some cities have found economies by outsourcing projects, Overland Park is saving \$300,000 to \$400,000 a year by sealing cracks in the streets with its own personnel. The savings come because the previous contractor was paid by the amount of asphalt that was being used. In addition, all road improvements are now designed in-house. "It's a struggle to get it all done," Brown admits.

One revenue source that has been helpful is a small infrastructure assessment (\$0.00125) that was approved initially 10 years ago and then renewed five years ago, with a higher percentage of voters than the first ballot measure. The city has used those funds to receive state and federal matching grants, he says. "We've been able to fund projects with other people's money," he says.

Going forward, Brown is hopeful that the appointment of a new city manager with an engineering degree will help public works make its case

about the need for improvements. At the same time, he understands that the city manager will take a critical eye to the operation of the department. "It's a two-edge sword," he says.

King sees hopeful signs in all of these innovation efforts and the ability of the public works directors to stretch resources. He also points to new partnerships between public works and the private sector, matching the need of local communities with the capital resources, profit incentives and innovation of private enterprise. "But that will take time to develop," he says. "It's not going to turn on a dime."

In the meantime, the need to maintain the infrastructure, plow snow and keep parks clean does not diminish — in fact, it continues to grow. "If a water main breaks, you've got to deal with those," King says. "Certain things have got to get done."

Robert Barkin is a Bethesda, Md.-based freelance writer.

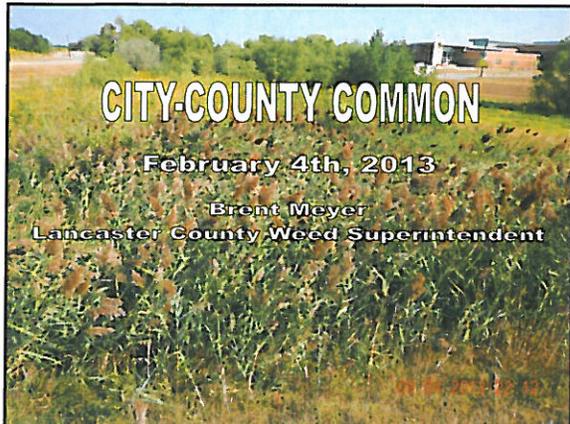
**A More Efficient Asset.**  
The 5064 Horizontal Grinder

**5064 FEATURES**

- Versatile NEW grinder increases your efficiency and maximizes your investment
- Available on a track or trailer
- Large feed opening and 64 inch hammermill
- Three different level options of CAT Tier III horsepower ranging from 475 hp (354 kw) to 630 hp (470 kw)
- Manufactures a range of tub grinders as well

Call today or visit us online to learn more.  
**888-610-0542**  
[www.haybuster.info/amcity](http://www.haybuster.info/amcity)

**DURATECH**  
INDUSTRIES



**City of Lincoln / Lancaster County  
Combined Weed Program**

- By Interlocal agreement in 1996 the City of Lincoln's Weed Abatement Program combined with Lancaster Counties Noxious Weed Program.
- Lancaster County Board of Commissioners are responsible to carry out the Combined Program.
- A move that created a more efficient and stronger agency.
- Making it more convenient for the citizens of Lincoln and Lancaster County.

**Weed Control Operations**

- Enforce the State of Nebraska Noxious Weed Control Act for Lancaster County including the City of Lincoln.
  - All Noxious weeds are required to be controlled by the landowner.
- Enforce the Weed Abatement Program for the City of Lincoln.
  - Weeds and worthless vegetation must be kept below 6 inches by the property owner.

**What are  
"Weeds & Worthless Vegetation?"**

The Code considers "Uncontrolled or uncultivated growth of weeds, brush, vines, grasses, or other vegetation which offers vector or rodent harborage, contribute to noxious pollens to the atmosphere, or unreasonably interfere with the use and enjoyment of abutting public or private property," a safety and health hazard.

**Who is Responsible for  
Controlling Weeds?**

- Lincoln's weed control program places the responsibility for cutting vegetation on the property owner.
- Owners are responsible for controlling weeds and worthless vegetation growing on their property and in the area from the property line to the center of the alley or street abutting the property.



**Inspections inside city limits in 2012**

- 5,354 inspections on 2,271 parcels for weed abatement
- 817 inspections on 443 parcels for noxious weeds inside city limits.
- 6,171 total inspections on 2,714 parcels in Lincoln.
- 1,460 complaints from the public

### Trees & Bushes

- Multiple Agencies get involved
- Weed Control will remove saplings if we are able to mow over them.



### Trees & Bushes

- Parks & Rec
  - Forestry – Bob Weyhrich
- Public Works
- LES
- Weed Control



### Fallen trees & Brush piles

- Health Department
- Brush piles are a health issue and a potential rodent problem.



### 30" Height Restriction

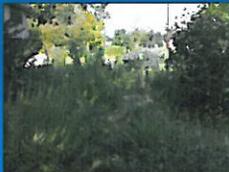
*(between sidewalk and street)*

- Ordinance 12.20.070 Enforced by Public Works - Greg Topil
- Deals with overgrown planted vegetation.
- Must follow sight distance regulations at intersections.
- Maximum 30" above the curb.
- Weed Control will handle if its weeds or worthless vegetation.



### Natural Yards?

- Is a property that claims to be wildflowers and ornamental grasses ok?

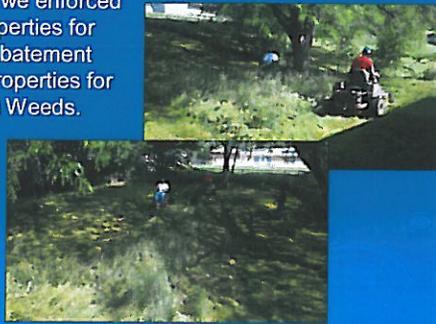


### PRT – Problem Resolution Team



### Enforcements – City of Lincoln

- In 2012 we enforced 168 properties for Weed Abatement and 6 properties for Noxious Weeds.



### Education Opportunities – UNL Plant Pathology Class



### Outreach



### Weed Watcher Team

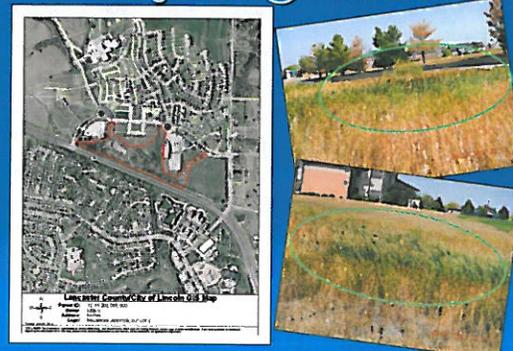
- Weed Watcher program trains and supports volunteers to look for and report harmful invasive plants.



### Challenges



### Phragmites @ Fallbrook

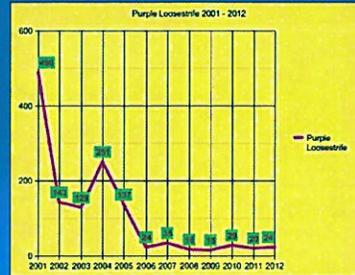


### Purple loosestrife

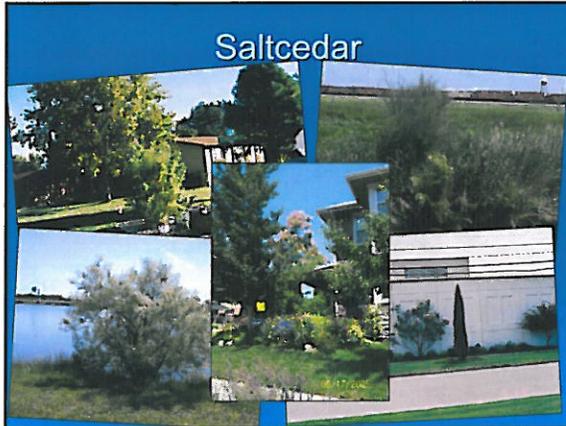


### Purple loosestrife success!

- Designated a Noxious Weed in January 2001



### Saltcedar

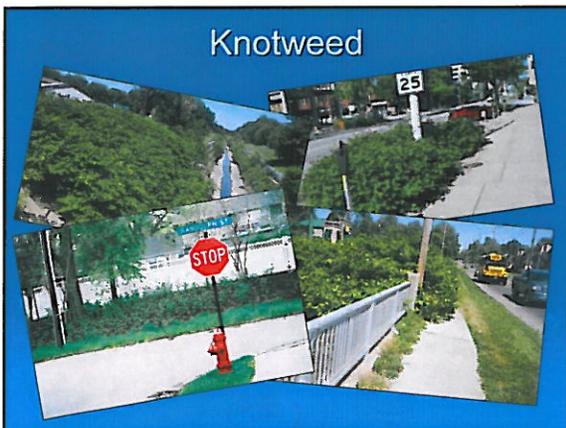


### Canada thistle

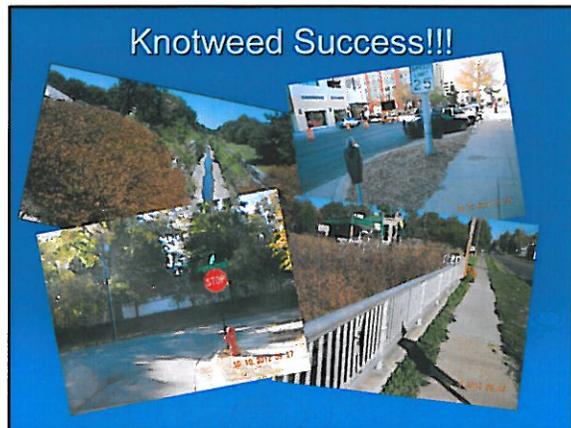
- Golf courses
- Landscaping – moved in with nursery stock



### Knotweed



### Knotweed Success!!!



### Knotweed Persistence



### Leafy spurge

- 319 locations in Lancaster County
- 64 of those are within Lincoln city limits
- 20% inside city limits



### Musk thistle

- 384 locations in Lancaster County
- 198 of those are within city limits
- 51.6% of our musk thistle inspections are inside city limits.



### Phragmites

- 359 locations in Lancaster County
- 61 of those are within city limits
- 17% of our phragmites inspections are inside city limits.



### What will be next?

- 3 out of the last 4 noxious weeds added to Nebraska's Noxious Weed list were first sold as ornamentals.
- The next candidate to become a noxious weed is still grown as a crop in the south. (*sericea lespedeza*)
- Our inspectors are always looking for something out of place

### Giant reed / *Arundo donax*



Chinese fleece vine, *Fallopia aubertii*  
aka: Lemon lace / silver lace vine



Cutleaf teasel

- Aggressive biennial
- Not currently widespread here
- Noxious in Colorado, Missouri & Oregon



- On our list for EDRR (Early Detection Rapid Response)

Yellow floating-heart  
Benson Park, Omaha



**How to Report Overgrown Vegetation**

- Anyone may call the Weed Control Office at 402-441-7817 to report noxious weeds or a location within the City of Lincoln with overgrown vegetation.
- Electronically on our web site at [www.lancaster.ne/weeds](http://www.lancaster.ne/weeds)
- Lincoln's Citizen A.C.T.I.O.N. Center <https://www.lincoln.ne.gov/asp/city/action/default.aspx>

# Lancaster County - City of Lincoln Combined Weed Program

## 2012 Review

### INSIDE THIS REPORT:

2012 Review	1
Weed Abatement Program	1
2012 Enforcements	2
Noxious Weeds Inside City	2
Lespedeza cuneata	2
Map of All Weed Violations	3
Combined Weed Program	4
Outlook & Recommendations	4

*"This resulted in more payments being received before we had to file a lien on the property"*

The 2012 growing season got off to an early start with above average warm weather during the spring. Weeds started growing quickly and by the end of May we had already completed 18 forced cuttings. I remember worrying if we had moisture like we had in 2011, our budget may not handle it.

As it turned out we received very little rain for most of the summer and we ended the year with a total of 168 forced cuttings. This was down from 261 in 2011 for a 55% decrease. The average for the last 5 years has been 196 per year.

### Ordinance Changes

One of the more positive changes for 2012 was the changing of the Weed Abatement ordinance. A "Possible Notice of Unpaid Weed Assessment" is filed within 5 days of an



*Legal Notice posted in overgrown yard*

enforcement being completed. This keeps any properties from being sold without our office collecting the cost of control. In the past we didn't have any way to flag a property at the Register of Deeds office to let potential buyers know there was a lien on the property. It had always been done all at one time in December at the Council meeting. This resulted in more payments being received before we had to file a lien on the property. A second change in the

ordinance, implemented in 2012, was the ability to post the property with a sign to notify the owner. We used this in cases where the letters being sent were returned to our office.

The last major change introduced was letting properties over 1 acre in size be allowed to grow as long as they were mowed around the perimeter, kept free of weeds and mowed in the fall for a fire hazard. Overall the response to this was positive.

## Weed Abatement Program

The total number of inspections was up from 4,788 in 2011 to 5,354 in 2012, an 11.8% increase. The total number of properties also increased from 2,158 in 2011 to 2,276 in 2012, a 5.5% increase.

Complaints from the public were down from 1,852 in 2011 to 1,439 in 2012, a 28.7% decrease. This was most likely a result of the dry weather when most of the vegetation stopped growing. Notifications of

violations were made to property owners with 821 legal notices, 340 enforcement warnings, 1,537 reminder letters, and 52 personal contacts.

## 2012 Enforcements below 5-Year Average

*“We saw the number of enforcements decrease by 93 in 2012. This was a 55% decrease from 2011”*

In last year’s annual report I reported that the 2011 enforcements were up 38% from the previous year. Rainfall, more complaints & foreclosures were mentioned as the main reasons. We saw the number of enforcements decrease by 93 in 2012. This was a 55% decrease from 2011. The 168 enforcements in 2012 were also below the 5-year average of 196 for a decrease of 16.7%.

### Enforcements

- 2008 207
- 2009 157
- 2010 189
- 2011 261
- 2012 168

**Average 196**

Some of the reasons:

Drought – In 2011 several properties were enforced on at least 3 times. In 2012 we didn’t have any properties enforced more than twice.

Allowing large parcels over 1 acre to be only mowed 50 feet around the edge. This was well received by the developers mainly because of cost savings.

## Noxious Weeds Inside Lincoln City Limits

Noxious weeds know no boundaries. They find themselves at home inside the city limits along the creeks, in wetlands and waste areas just as well as in the rural areas.

In 2012, 32.6% of our noxious weed inspections occurred inside the city limits. While these infestations are very small in the total number of acres infested, we continue to find noxious

weeds all around the city.

In the cases of saltcedar, purple loosestrife and the knotweeds they are found more in the city than in rural areas. This is because they were first introduced as ornamentals and planted in our landscapes.

Our city inspectors made 817 inspections on 443 sites and found 371 sites to have noxious weeds present.

### Lincoln’s Noxious Weeds number of sites infested in 2012

- Musk thistle 198
- Leafy spurge 64
- Phragmites 61
- Knotweed 22
- Purple loosestrife 16
- Canada thistle 8
- Saltcedar 2



## Lespedeza cuneata may be added to Noxious List

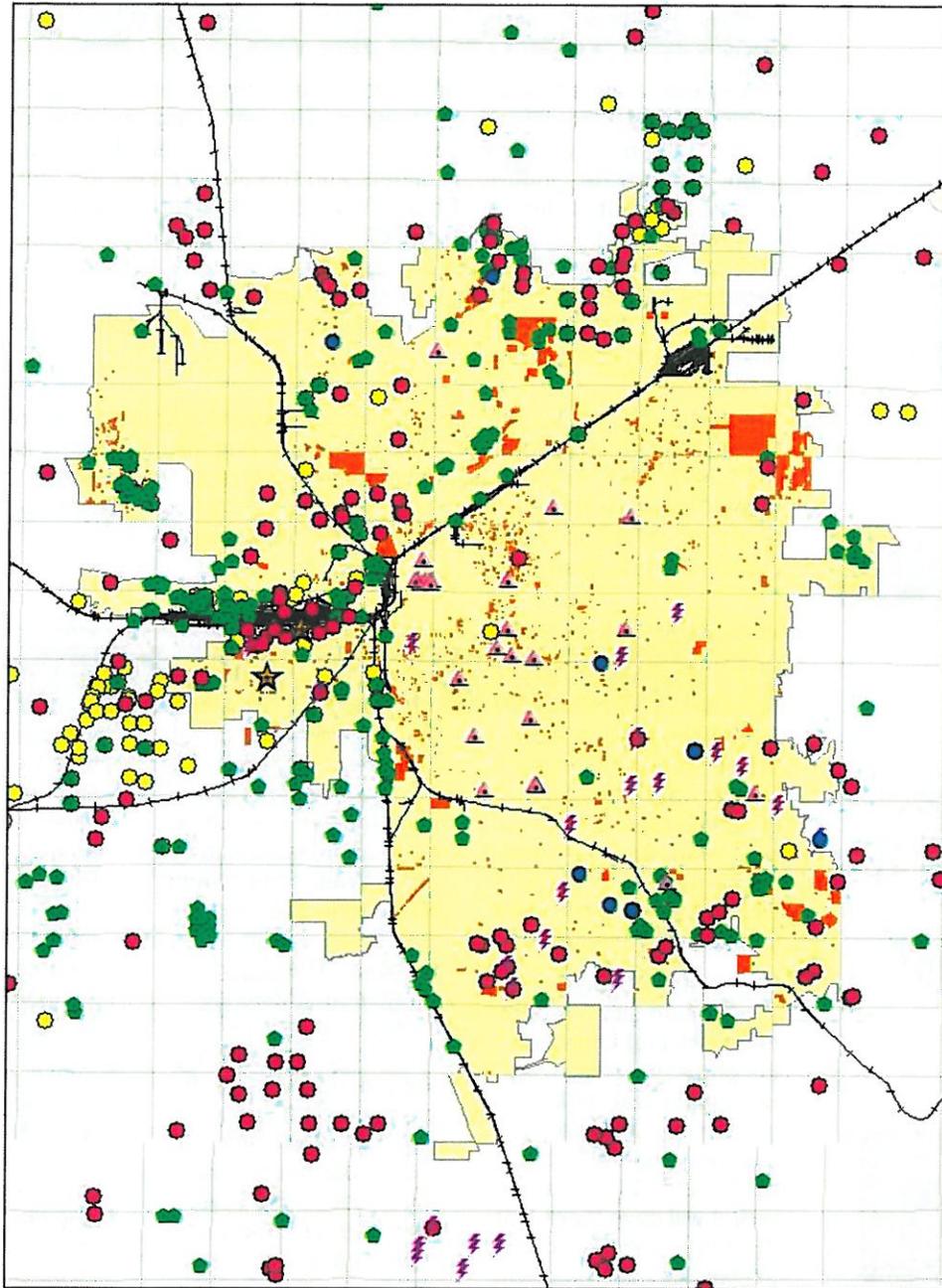


*Sericea Lespedeza*  
Lancaster County Weed Control supports the addition of [Lespedeza cuneata](#), (known as

sericea lespedeza or Chinese bushclover) as a statewide noxious weed. Currently it exists mainly in southeastern Nebraska with approximately 60 acres infested in Lancaster County. *Lespedeza cuneata* has been a noxious weed in Kansas since 2000,

reporting around 650,000 infested acres. Nebraska’s Early Detection Rapid Response (EDRR) plan is to find new invaders early and eradicate them before they spread across our county and state. Waiting too long could end up costing property owners millions to control.

2012 City of Lincoln Weed Abatement & Noxious Weeds



map by Lancaster County Weed Control

Legend

- |   |                     |   |                         |   |                |
|---|---------------------|---|-------------------------|---|----------------|
|  | 2012 Weed Abatement |  | 2012 Purple Loosestrife |  | Railroad Lines |
|  | 2012 Salt cedar     |  | 2012 Phragmites         |  | sections       |
|  | 2012 Knotweed       |  | 2012 Musk Thistle       |   |                |
|  | 2012 Canada Thistle |  | 2012 Leafy Spurge       |   |                |

Lancaster County Weed Control  
444 Cherrycreek Rd. Bldg B  
Lincoln, NE. 68528

Phone: 402.441.7817  
Fax: 402.441.8616  
E-mail:  
[weeds@lancaster.ne.gov](mailto:weeds@lancaster.ne.gov)

Good Neighbors –  
Control Invasive Weeds !!!



We're on the Web!  
[www.lancaster.ne.gov/weeds](http://www.lancaster.ne.gov/weeds)

## Combined Weed Program

Almost every ownership parcel outside of developed residential lots has or had one or more kinds of noxious weeds present. The key to noxious weed control is not allowing the plants to seed. This requires persistence and follow-up. Most of the public and private landowners understand this and are keeping their noxious weeds under control. It is the job of noxious weed control authority staff to assist landowners in the job of controlling noxious weeds. Many landowners are accomplishing control without any assistance or contact from the authority. The authority carries out a strong information and awareness program along with an extensive inspection program to encourage voluntary compliance of the Nebraska Noxious Weed Control Act.

The authority has also provided the inspection and administration of the City of Lincoln's Weed Abatement program since entering into an Interlocal agreement with the City in 1996. The County Commissioners serve as the Lancaster County Noxious Weed Control Authority. Brent Meyer serves as the superintendent and supervises a seasonal staff of six weed inspectors with the assistance of Chief Inspector Patrick Dugan and Julie Manske, Account Clerk.

## Outlook & Recommendations for 2013

Each year as we review the previous season we look at ways to make improvements for the next year. As we do this we always have to look at what it will cost and how it will affect the budget.

Every year we have some of the same repeat offenders that know how the process works. They will usually wait as long as possible before they cut their property. If they do that 3 or 4 times each year it will save them 1 or 2 cuttings and that is a big cost savings for them. Usually they get it done at the very last minute and in those cases we don't receive any reimbursement for our efforts, but still have all the time in inspections, mailings, etc. It has been our goal to not have to do the enforcements if we

can get the owner to cut their weeds. There are some owners, however, that I feel we need to be more aggressive with in 2013. With these owners we need to shorten the time frame on our process. The [Weed Abatement ordinance](#) allows us a 5 day window to enforce on a property. For most owners this is pretty quick. If we enforced all violations in 5 days our budget would not handle it. However, for those we know as repeat offenders we will no longer send a courtesy letter first. Instead, they will receive the legal notice first thing. This will shorten up the process about 1 week and cut down one inspection on those properties. Our ordinance also allows for a fine of up to \$100 per day of

violation. The down side to this is that it would take time gathering evidence, plus City Attorneys time as well as time in court. Plus, we would more than likely still have to spend money on the enforcement.

**LMC 8.46.060 Penalty.**  
*Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any order authorized by this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100.00. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.*