

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JANUARY 28, 2020
9:00 A.M.

COMMISSIONERS: Sean Flowerday, Chair; Rick Vest, Vice Chair;
Roma Amundson, Deb Schorr; and Christa Yoakum

Commissioners present: Sean Flowerday, Chair; Rick Vest, Vice Chair; Roma Amundson; Deb Schorr; and Christa Yoakum

Others present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk, Cori Beattie, Deputy County Clerk; and Leslie Brestel, County Clerk's Office

The meeting was called to order at 9:03 a.m., the Pledge of Allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

1) MINUTES:

- A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 21, 2020.

MOTION: Vest moved and Amundson seconded approval of the minutes. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

2) CLAIMS:

- A. Claim for Review for County Engineer Pam Dingman in the amount of \$550 (Voucher #667671)

Pam Dingman, County Engineer, reviewed the claim (see agenda packet). She explained this expense was for meals for 22 employees who attended training. A State grant reimbursed the County based off the receipt (\$653.04) but she is requesting reimbursement at the per diem rate (\$25 per person). Per County Resolution R-19-0012, a traveler may not submit a claim for another traveler's per diem for meals. Additionally, the original receipt was lost which caused the claim to be submitted beyond the 90-day period (see §23-135). Dingman said similar meal reimbursement claims were filed in June 2016, June 2017 and May 2018 which the Board approved. She stressed she was trying to be efficient in paying for all the meals and not disrespectful of County policy.

Dingman requested reimbursement in the amount of \$550 and that the County review its reimbursement policy, specifically when grant funds are utilized.

Amundson reminded Dingman that all County employees and officials should follow current County policies. She added she is willing to support the claim if Dingman commits to following the current policy until changes can be made. Dingman agreed to follow the policy and re-emphasized that it needs to be changed.

MOTION: Amundson moved and Vest seconded to approve the claim in the amount of \$550 with the caveat that the current policy will be followed.

Vest commended Dingman for her efforts towards efficiency. Schorr agreed that there should be another mechanism in place for future similar purchases and suggested County staff review options.

Kevin Nelson, Accounting Operations Manager, stated he, Ann Ames, Deputy Chief Administrative Officer, and Dennis Meyer, Budget and Fiscal Director, plan to bring recommendations to the Board.

ROLL CALL: Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

B. Approval of all claims processed through January 28, 2020.

MOTION: Schorr moved and Yoakum seconded approval of the claims. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

3) CONSENT ITEMS: These are routine business items that are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Amendments to the following contracts:

1. C-18-0066 with Jim Peterson Auction Company for Annual Services - Unclaimed Property Auction Services. (Bid No. 18-010. The Amendment renews the Contract for an additional one (1) year term beginning February 12, 2020 through February 11, 2021. The cost for products/services to the County is not to exceed \$5,000.00.) (C-20-0048)
2. C-17-0220 with 3M Company for Annual Supply – Reflective Sign Sheeting. (State of Nebraska Contract No. 14698 OC. The Amendment renews the Contract an additional one (1) year term beginning February 1, 2020 through January 31, 2021. The cost for products/services to the County is not to exceed \$10,000.00.) (C-20-0051)
3. C-19-0046 with Purple Wave, Inc. for Annual Service – Auction Services. (RFP No. 18-236. The Amendment renews the Contract for an additional one (1) year term beginning February 12, 2020 through February 11, 2021. The County will receive a 10% Buyers Premium of the items sold. There are no expenditures for this amendment.) (C-20-0052)

B. Change Order #1 to County Contract C-19-0509 (Project 19-01; Asphalt Paving and Resurfacing 2019) with Pavers, Inc., for trench widening plan discrepancy, edge repair and crown correction for a net increase of \$240,219.16 (C-20-0049)

C. Change Order #3 to County Contract C-19-0559 (Project 19-10; Replacement of County Bridges W-122, W-164 and W-174) with Van Kirk Brothers Contracting for change in earthwork due to plan revision, and change in sheet piling due to plan discrepancy for a net increase of \$28,782.00. (C-20-0050)

D. Utility Permits with no cost to the County for the following:

1. No. 1919 allowing Black Hills/Nebraska Gas Utility Company, LLC to install steel encased underground gas pipeline from Hwy 77 east to South 14th Street and continuing northerly along South 14th Street for approximately 2,000 LF. (C-20-0022)

2. No. 1926 allowing NebraskaLink to install underground fiber optic cable under So. 40th St. right-of-way from approximately Rokeby Road to approximately Yankee Hill Road. (C-20-0040)
3. No. 1886 allowing the City of Lincoln to install a new water main in the north right-of-way of Old Cheney Rodd from Hunt's Drive to South Folsom Street. (C-20-0044)
4. No. 1925 allowing Black Hills/Nebraska Gas Utility Company, LLC to install a new underground gas line within the southerly right-of-way line of West Rokeby Road from Hwy 77 west for approximately 525 LF. (C-20-0045)
5. No. 1918 allowing Phillips 66 Pipeline, LLC to relocate existing gas pipeline under Saltillo Road and South 14th Street. (C-20-0047)

- E. Received and placed on file the County Attorney's quarterly report for October 1, 2019 – December 31, 2019.

MOTION: Amundson moved approval of the consent items. Motion died for lack of a second.

Dingman requested Item D1 of the consent items be removed and heard individually.

MOTION: Vest moved and Yoakum seconded Item D1 be removed and considered separately. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

MOTION: Schorr moved and Yoakum moved approval of the remaining consent items. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

Regarding Consent Item D1, Dingman stated the work is related to the South Beltway and will require closing Saltillo Road for approximately five days. The public may view street closings on the Engineer's webpage.

Schorr inquired if the County could use informational signs. Dingman answered her department would look to Black Hills for sign coordination.

MOTION: Schorr moved and Amundson seconded to approve Item D1. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

4) **UNFINISHED BUSINESS:**

- A. Request to withdraw County Text Amendment No. 19009: Text Amendment to the Lancaster County Zoning Resolution, Section 13.014 to add conditions for campgrounds and Section 16.003 for signs.

MOTION: Amundson moved and Schorr seconded to approve the request to withdraw Text Amendment No. 19009.

Steve Henrichsen, Development Review Manager, Lincoln-Lancaster County Planning Department, said the Planning Department supports withdrawing the text amendment. The amendment can be addressed in the future. Additionally, he discussed the Lincoln-Lancaster County 2050 Comprehensive Plan presentation on Thursday, February 6 from 5:00 p.m.-7:00 p.m. at the Pinnacle Bank Arena (Exhibit 1).

ROLL CALL: Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

- B. Setting a voting session on Tuesday, February 25, 2020 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln, Nebraska) for Text Amendment 19009 to amend the Lancaster County Zoning Regulations by adding conditions to Article 13.014 for campgrounds and amending Article 16.003 for signs.

No action taken due to the withdrawal of Item 4A.

5) **NEW BUSINESS:**

- A. Contract with Matheson-Tri Gas for Annual Service – Providing and Delivery of Industrial & Medical Gas. (Bid No. 20-001. The contract is for one (1) year with the option to renew for three (3) additional one (1) year terms. The cost to the County is not to exceed \$5,700.00.) (C-20-0046)

MOTION: Schorr moved and Vest seconded approval of the contract. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.

- 6) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

Karen Kurbis, 17500 North 84th Street, Lincoln, NE addressed the withdrawn Text Amendment 19009 and the need for further discussion and action on amendments relating to campgrounds (Exhibit 2).

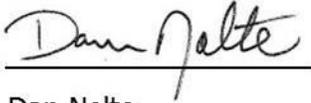
7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, January 30, 2020 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, February 4, 2020 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.
- C. The Lancaster County Board of Commissioners will hold public hearings on Tuesday, February 4, 2020 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) on the following:
 - 1. Street Name Change 19002, renaming a portion of Nebraska Highway 2 to Nebraska Parkway, between Calvert Street and S. 120th Street, Lincoln, Lancaster County, Nebraska, generally located on the existing Nebraska Highway 2 within the City limits of Lincoln and the unincorporated area of Lancaster County; and naming a proposed future connection as Jamaica Avenue, from the South Beltway to S. 27th Street. Both street name changes become effective upon opening of the South Beltway.
 - 2. County Text Amendment No. 19010, related to Animal Feeding Operations, also known as Commercial Feedlots, to amend Article 2, Definitions, Article 4 AG-District, Article 13 Special Permits, and Article 22, General Provisions.
- D. County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

- E. The Lancaster County Board of Commissioners meeting is broadcast live on LNKTV City. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTV). Meetings are also streamed live on LNKTV and can be viewed on YouTube (LNKTVcity).

8) **ADJOURNMENT**

MOTION: Schorr moved and Yoakum seconded to adjourn at 9:32 a.m. Amundson, Schorr, Vest, Yoakum and Flowerday voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



PLAN forward

Lincoln-Lancaster County
2050 Comprehensive Plan

EXHIBIT

tabbles

What is a Comprehensive Plan?

The Lincoln-Lancaster County 2050 Comprehensive Plan will establish the community vision and provide a roadmap for achieving that vision over the next 30 years.

PUBLIC EVENT

Thursday, February 6
5:00 - 7:00 PM
at Pinnacle Bank Arena

Presentation at 5:30 followed
by open house at 6:00.
Light refreshments will be provided.
Free parking is available in the Premium/
VIP garage attached to the arena.

This event will include:

- A brief presentation about the Comprehensive Plan and the upcoming planning process.
- Public unveiling of Lancaster County's new 2050 population projections from the UNO Center for Public Affairs Research.
- Interactive activities to provide input about the community's 2050 vision.

Can't make it to the event? A virtual meeting will be available beginning February 7 at planforward2050.com and will include presentation materials and an opportunity to provide input.

For more information visit planforward2050.com.

Proposal for Changes to Text Amendment #19009

version 1/27/20

a. (added in 1/21/20) Each campsite shall contain at least 2,500 square feet. The campsite shall be so designed that the required 2500 square feet can be enclosed within a rectangle of which one side shall not exceed three times any other side. Campgrounds shall contain a minimum of 40 campsites.

Rationale: 2,500 square feet is part of the Municipal Code. The 40-campsite minimum has been recommended by the Planning dept.

b. The campground shall be supplied with a water supply and sewage disposal facilities, including washing (laundry), toilets, and similar facilities, all of which meet all applicable codes and regulations.

c. (added in 1/21/20) A side yard of fifty feet and a front yard of 100 feet shall be maintained on the campground; provided, however, that the 100-foot front yard requirement may be waived if the front yard abuts on a public street which has a right of way width of 200 feet or more.

Rationale: This is part of the Lincoln Municipal Code.

d. ("or RV" not accepted. Commissioners proposed 31 days, 32-90 for 20% and 91-120 for 15% on 1/21/20.)

(No campground may be occupied by the same person, persons or RV for more than a total of thirty-one days in a 365-day period. However if the campground provides recreation and support facilities including but not limited to a swimming pool, convenience goods shop, office and storm shelter, 10% of the campsites may be occupied by the same person or RV for no more than 90 days in a 365-day period.)

Rationale: The applicant stated that 97% of the campers stay for one month or less. Campgrounds should reflect their mission of recreational camping, not long-term housing for temporary workers. 90 days is consistent with standard practice at the Lancaster County Events Center and other campground regulations in other communities.

Splitting long term stays into two levels would be a record-keeping nightmare. Simplify it to 90 days period.

(Need to confirm)....>30 days = loss of tax revenue. People who stay more than 30 days don't have to pay lodging tax.

e. Signs are allowed within the front yard setback. **Advertising for other entities than the campground will be allowed.**

Rationale: Signage should be directional for the campground, not promotional messages that distract passing drivers.

f. (added in 1/21/20) The access to public roads and highways shall be paved or surfaced in a similar manner to the adjacent public roads and should be approved by county.

Rationale: This is part of the Municipal Code and is equally important in to the county.

g. (added in 1/21/20) Access roads shall be provided to each campsite and all access roads shall have a minimum unobstructed width of fourteen feet for all one-way roads, and twenty feet for all two-way roads.

Rationale: This has been in the Municipal Code since 1966 and standard in many other Nebraska campgrounds. Access for fire and rescue services is important and should be required to ensure public safety, especially in areas serviced by volunteer rural fire and rescue services.

h. (added in) No mobile homes as defined in Section 2.014.M. shall be located in any campground, except as provided for in Section 4.005.e. ~~Section 27.83.010 (d) (5)~~ (Need to add applicable county code reference.)

Rationale: Campgrounds are for temporary residents and are not meant to be mobile home parks.

i. (taken out. We think it should be included. Add language about enforcement and the agency responsible for investigation and remedial action since it's a current concern.)

All special permits issued under this section are temporary and valid during the period that the campground and associated facilities comply with the provisions of this title and all other applicable ordinances and regulations. + Article 13, section 13.005 enforcement of special permits.

Rationale: This has been in the Lincoln Municipal Code since 1963 and was carried forward into the 1979 zoning update. Without this guideline, there is little recourse to engage county offices about noncompliance.

j. (added; update language) Flow meters shall be attached connected to every well in the campground and data from such wells shall be provided **annually to LPSNRD and** to the County upon request.

Rationale: Measurements of water pumped from each well documents amounts used and determines which well regulations must be applied.

k. (added in 1/21/20, need to revise language) **No skirting shall be used on any type of recreational vehicle or camper from May through October. Only skirting manufactured for the purpose shall be allowed on any type of recreational vehicle or camper from November through March.**

Rationale: Makeshift materials degrade the appearance of the campground.

According to <https://mail.aol.com/webmail-std/en-us/suite> RV's (recreational vehicles) are class A, which also includes commercial buses and school buses that have been converted in RV's. Class B are camper-vans. Class C is pull behind. Then there are truck campers, pop-up campers and travel trailers. Include all of them.

l. (added in 1/21/20) Screening or fencing of the perimeter of the campground property is required. Fencing must be designed to deter children and pets from leaving the safety of the campground and to limit the visual impact of the campground on surrounding properties.

Rationale: Safety of campground residents is critical, especially with nearby farming equipment in operation on adjacent properties.

m. (added in) Sale of alcoholic beverages is not allowed in a campground.

Rationale: Safety.

n. (changed to exclude RV license, dates. Need to revise) All Campground operators shall keep accurate records as to the length of time a person **and recreational vehicle** occupies any space within stays in the campground, including **recreational vehicle license numbers** and dates of occupancy, and shall make records available to any county official upon request. An annual report is to be filed with Lancaster County Dept. of Building and Safety or applicable County department and will include check-in date, check-out date, **recreational vehicle license number**, number of adults and number of children 5 years and older. This report shall constitute a public record for purposes of Nebraska law.

Rationale: Lack of oversight of special permits can lead to poor compliance. County resources for follow-up is minimal, so follow-up is often left to private citizens. Tracking RV license numbers is important to avoid gaming the system by leaving RVs in place while people rotate from one to another.

o. (more info requested on standard #/hrs) Campgrounds must have an adequate water supply so that adjacent land owners can maintain their normal use without interruption material adverse impact. Owners Campgrounds must provide a ground water well impact report including a well pump test of 7 days conducted by an independent licensed hydrologist or engineer before consideration by the Planning Commission. Results must clearly show no negative impact material adverse impact on the aquifer or neighboring wells.

Rationale: Information on the water supply is needed for consideration at the Planning Commission hearing. Aquifer tests will serve as a baseline for future litigation if damage is done to neighboring water supplies.

(The following wording is provided by Dwight Hanson, licensed professional engineer and well driller. See bio at end of document.)

Campgrounds shall have a water system that meets the requirement of the Nebraska Department of Health and Human Services (DHHS) Title 178 Chapter 1.003.

i. In the case where an existing public water supply is not available, the campground plans shall be submitted to the DHHS for a determination of the type of public water supply required for the campground. A letter of this designation shall be included with the special permit application.

ii. The applicant shall apply for a permit from Lower Platte South Natural Resources District (LPSNRD) based on the designation provided by DHHS.

iii. In the case where the groundwater supply is from a Non-Aquifer or Marginal Aquifer as identified by the Airborne Electro-Magnetic surveys completed by LPSNRD a 7- day pumping test shall be required at the anticipated production of the wells. In addition to LPSNRD requirements for a pumping test, water samples shall be taken at the beginning of the pumping test, 24 hours after the beginning of the pumping test, and at the end of the pumping test. Parameters to be tested shall include DHHS requirements and TDS, sodium, chloride, calcium, magnesium, hardness, iron, manganese, and sulfate. All wells shall be test pumped concurrently as one pumping test.

iv. Static water levels measurements shall be taken in all wells within one mile of the production well at the beginning of the pumping test and at the end. All data shall be recorded.

v. The test pumping data, water levels, and water quality information, shall be submitted to LPSNRD for review and an opinion as to the quantity and quality of the available groundwater and if there will be adverse effects on adjacent wells.)

p. (not addressed) A plan must be provided to mitigate damages any material adverse impact to adjacent domestic well owners within (three (3) miles) of the campground for compromised water quality or quantity.

Rationale: This is common practice in ag operations that use significant water. Prather vb. Eisenmann, 200 Neb. 1, 261N.W.2d766 (1978) Defendant liable in damages for withdrawal of irrigation ground water resulting in loss of artesian pressure in plaintiffs' adjacent domestic use wells.)

q. (requested language info.) A detailed plan for waste water treatment including a plan for management of lagoon or septic failure must be provided before consideration by the Planning Commission.

(from Dwight Hanson) The wastewater system shall be installed and maintained to comply with the applicable regulations.

i. The campground plans, including a detailed plan for waste water treatment, shall be submitted to the Nebraska Department of Environment and Energy (DEE) for a determination of the State regulations governing the proposed wastewater system.

ii. A letter from DEE shall be submitted with the special permit application indicating the governing regulations for the wastewater system.

Rationale: This plan is needed before the Planning Commission hearing to assure protection of the environment and adjacent properties.

r. (added in) A campground owner or representative must be present on the campground 24/7 and provide oversight of activities and safety.

Rationale: unsupervised campgrounds may create unsafe conditions.

s. (asked for language) Campground owners shall be required to conduct a sex offender background check on the Nebraska State Patrol website of any individual residing within the campground. Individuals required to register as sex offenders shall not be allowed to reside in or be present within the campground. Campground owners must take measures to assure compliance.

Rationale: This is consistent with Nebraska laws relating to sex offenders' proximity to residences and schools. Access to information is available online.

t. No campground shall be built within one mile of a cemetery, church, school or a home.

Rationale: See CAFO ruling.

u. A storm shelter for at least 50% of occupancy of campground is required.

Rationale: Safety of campground users and protection of neighbors who might otherwise be asked to provide shelter from storms.

**Bio of Dwight Hanson, a Professional Engineer licensed in Nebraska has been a licensed well driller for over 20 years in Nebraska and drilled municipal wells for Davey and Raymond. He was the licensed engineer for the Nebraska Game and Parks Commission (NGPC) for seven years. Duties performed while working for NGPC included developing water supplies for recreation areas and designing campgrounds. He has a BS of Civil Engineering and a MS in Ag and Biological Systems Engineering from the Univ. of Nebraska-Lincoln. For the last 17 years, Hanson has consulted with NGOs and for-profit businesses worldwide. As founder of Nebraska's professional chapter of Engineers Without Borders, he has been the professional lead on trips to Uganda over 9 years. He works with international partners to solve problems with water and sanitation and is a global problem solver for water wells, rainwater collection and other biological systems with water, waste and agriculture. His design work also includes campgrounds. He grew up in a well drilling family and drilled domestic, irrigation, municipal, and monitoring wells. Besides experience across the sState of Nebraska, he has worked on projects in Nigeria, Uganda, Tanzania, and Russia. , Overseas experience has provided the opportunity to learn and use Resistivity and Electro-Magnetic survey techniques.*