

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
ZOOM MEETING  
VIEWING AVAILABLE VIA YOUTUBE AT: [HTTPS://YOUTU.BE/VUJYHOMTFMG](https://youtu.be/vujyhomtfg)  
OR IN ROOM 112 OF THE COUNTY CITY BUILDING  
TUESDAY, FEBRUARY 2, 2021  
IMMEDIATELY AFTER THE BOARD OF EQUALIZATION MEETING**

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

Others Present: Dave Derbin, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; and Leslie Brestel, County Clerk's Office

*Advanced public notice of the meeting was posted on the County-City Building bulletin board, and the Lancaster County, Nebraska, website and emailed to media on February 1, 2021 and published in the Lincoln Journal Star print edition and website on February 1, 2021.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 9:46 a.m.

**AGENDA ITEM**

**1. APPROVAL OF STAFF MEETING MINUTES FOR JANUARY 28, 2021**

**MOTION:** Amundson moved and Yoakum seconded approval of the January 28, 2021 Staff Meeting minutes. Amundson, Flowerday, Schorr, Yoakum and Vest voted yes. Motion carried 5-0.

**2. BRIEFING ON TEXT AMENDMENT 2008, TO AMEND ARTICLE 13.048 SECTIONS (g) THROUGH (j), AND OTHER AMENDMENTS THROUGHOUT ARTICLE 13.048 AS NECESSARY FOR HARMONIZATION AND CONSISTENCY, OF THE LANCASTER COUNTY ZONING REGULATIONS REGARDING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS – David Cary, Director, and Steve Henrichsen, Development Review Manager, Lincoln-Lancaster County Planning Department**

Henrichsen reviewed the text amendment (see agenda packet), including the Planning Commission and staff recommendations to approve the third-party noise study. There were no other changes recommended for approval at this time. The Planning Commission did recommend a larger process at a later date to allow more time for the Department of Health to review the amendments, as well as the public.

Henrichsen detailed the history of the process which began with a working group when the wind energy regulations were updated in November 2015. He noted there were four protections for non-participating properties including shadow flicker, setbacks, noise standards and the acres for a lot area.

In November 2018, Henrichsen stated the Health Department reviewed a proposed sound regulation text amendment and recommended the sound regulations be updated to 40 decibels during the day

and 37 decibels at night for participating properties. Additionally, he said NextEra (the applicant) conducted a third-party noise study which determined there needs to be a one-mile distance between a participating and non-participating property. He clarified there is no actual one-mile setback – it is actually based on the noise standards.

Regarding the setback to a dwelling for non-participating landowners, Henrichsen stated it was for the visual impact of the turbines and it is twice the turbine height to the property line, or five times the turbine height measured to the closest wall of a dwelling unit (as updated in 2019 by request of the County Board). He added in March 2020, the Board updated the Animal Feeding Operation (AFO) setback guidelines at ½ mile for medium enclosed AFOs, ¾ mile for enclosed large AFOs and 1 mile for open medium or large AFOs. Also, there is a 1 ½ mile setback to public use properties. The Planning Commission recommendation is to leave the setbacks unchanged.

Henrichsen reviewed the vacant acres setback (see agenda packet, pages 8-9), and said at least three acres should remain outside of the noise standards. Individuals still have the right to build a house on the lot even if the wind turbine is still there.

Concerning sound regulations, Henrichsen stated in navigating the demands of the pandemic, the Health Department did not relook at the noise standards. Previous staff reports on noise standards will stand unless the Board requests this change, in which case the Health Department will need time to research.

Henrichsen confirmed the recommendation that when a noise study is conducted that it is done by a third party.

The Comprehensive Plan and the Health Department support wind energy.

Flowerday stated if the County feels the Comprehensive Plan embraces wind energy, then the County should physically allow for wind energy.

Schorr asked what landowners do to protect themselves if they are a non-participating property and they are going to potentially build a house on an affected lot. Henrichsen answered under the current standards at least three acres must be outside the decibel limit. If the standard is struck altogether, the landowner needs to build a dwelling unit to protect the property with the applicable noise standards. A strict interpretation would be that there must be an existing dwelling unit for the standard to apply. A building permit does not establish a dwelling unit. If a building were under construction, Henrichsen stated he would consult with the County Attorney's Office.

Amundson confirmed the current regulations of 37 decibels by night and 40 decibels by day for non-participating properties, and 50 decibels at all times for participating properties.

The public hearing for the text amendment will be held on Thursday, February 11 at 9:30 a.m.

3. **GRANT SUBMISSIONS** – Kim Etherton, Director, Community Corrections; Jeff Curry, Probation; Judge Darla S. Ideus; and Judge John A. Colborn

**A. BJA FY 21 Innovations in Reentry Initiatives: Building System Capacity & Testing Strategies to Reduce Recidivism (\$1,000,000, 50% Match; 48 months);**

Etherton stated the application is for a \$1,000,000 grant with a \$1,000,000 match to be used in the jail case management and reentry assistance program at the jail. The current programs at the jail would benefit from additional personnel positions. The programs are being funded by a different Bureau of Justice Assistance (BJA) grant of \$1,000,000. She clarified the match can be in kind funding.

**B. BJA FY 21 Second Chance Act Community-Based Reentry Program (\$750,000, no Match; 36 months);**

Etherton said this BJA grant would continue to fund the program working with the 18 to 30-year old male population working on reentry. She added the program is going well.

**C. BJA FY 21 Smart Prosecution-Innovative Prosecution Solutions (\$340,000, no Match; 24 months); and**

Etherton reported the goal with this grant is to partner with local law enforcement centers and look at cases that could be eligible for Diversion services.

**D. BJA FY 21 Adult Drug Court and Veterans Court Treatment Court Discretionary Grant Program (\$500,000, 25% Match; 48 months).**

Etherton said the Driving Under the Influence (DUI) Court is interested in submitting the grant through the County and have Community Corrections assist with the administration of the grant.

Dean Rohwer, Veterans Treatment Court Coordinator, added barriers for the DUI court participants have been identified, including housing and transportation.

Amundson stated she felt these grants lead to fantastic opportunities to benefit the program recipients.

When asked about the grant timelines, Etherton said the deadlines are March and April. The grants will be awarded in September and will begin in October.

Amundson stated she is interested in the effectiveness of the programs that are currently receiving some of the BJA grants. Etherton said she would put together some information and discuss with the Board at a later date.

Rohwer thanked Vest and Judge John Colburn for hosting the upcoming Veteran's Court graduation. Schorr added the ceremony is being conducted via Zoom.

**4. DISTRICT ENERGY CORPORATION BOND ISSUANCE FOR COUNTY ADULT DETENTION FACILITY: TERM OF BOND ISSUE – Dennis Meyer, Budget and Fiscal Officer**

Meyer recommended to keep the bond length the same as it allows for a better interest rate to decrease the payment. He added it could lead to a cost savings that can be built into the Corrections Department budget.

Schorr clarified that this is the District Energy Corporation (DEC) issuing two bonds, one for the Nebraska State Penitentiary and one for other stakeholders and includes the refinancing of the new Lincoln Electric System (LES) Operations Center.

**MOTION:** Amundson moved and Yoakum seconded to accept the recommendation.

Derbin recommended Schorr and Flowerday abstain from voting due to the process in the dissolution of the DEC.

**ROLL CALL:** Amundson, Yoakum and Vest voted yes. Flowerday and Schorr abstained. Motion carried 3-0 with 2 abstentions.

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

No updates were given.

**6. DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT**

**A. Lancaster County 2021 Priorities**

Ames stated the next meeting for on-boarding is schedule for the week after next.

Schorr requested an email be sent to County employees about the availability of Nebraska Association of County Officials (NACO) \$1,000 scholarships for high school seniors to be used for secondary education opportunities.

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

**A. SENDD Executive Committee – Vest**

Vest reported an additional inspector position was approved and a new headquarters facility was discussed. Also, the expansion of broadband services throughout the County has continued.

**8. SCHEDULE OF BOARD MEMBER MEETINGS**

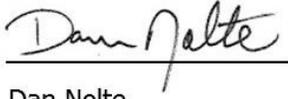
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**9. EMERGENCY ITEMS**

There were no emergency items.

**10. ADJOURNMENT**

**MOTION:** Schorr moved and Amundson seconded to adjourn at 10:37 a.m. Amundson, Flowerday, Schorr, Yoakum and Vest voted yes. Motion carried 5-0.



Dan Nolte  
Lancaster County Clerk

