

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
THURSDAY DECEMBER 2, 2021
COUNTY CITY BUILDING, 555 S. 10TH STREET
ROOM 112 - CHAMBERS**

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

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

Advanced public notice of the meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, website and emailed to the media on December 1, 2021. Notice was also published in the Lincoln Journal Star print and digital editions on November 29, 2021.

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

AGENDA ITEM

1. APPROVAL OF STAFF MEETING MINUTES FOR NOVEMBER 23, 2021

MOTION: Flowerday moved and Schorr seconded approval of the minutes. Flowerday, Schorr and Vest voted yes. Yoakum abstained. Amundson was absent. Motion carried 3-0.

2. QUARTERLY IS UPDATE – David Young, Director, Lincoln-Lancaster County Information Services

Young reviewed the five project upgrades, including server and database upgrades, SharePoint, OneDrive and Windows 10, customer service and Geographic Information System (GIS) incidents and corresponding service satisfaction surveys (Exhibit 1). He noted approximately 1,000 service tickets are received per month through the Help Desk. The GIS incidents are approximately 400 per month.

The Information Services Policy Committee (ISPC) multi factor authentication (MFA) standards will be updated in December. The standards will allow employees to use personal devices to accept text messages associated with MFA. The project is still on track to be completed by the end of December.

Young stated the City of Lincoln has a new Building and Safety electronic permit system, which will be an 18-month project.

Amundson entered the meeting at 8:39 a.m.

Young will present an update on the broadband project at a future meeting.

3. QUARTERLY PLANNING UPDATE – David Cary, Director, Stephen Henrichsen, Development Review Manager, and Paul Barnes, Long Range Planning Manager, Lincoln-Lancaster County Planning

A. Briefing on SP21042

Tom Cajka, Lincoln-Lancaster County Planning Department Planner, reviewed the special permit application (see agenda packet). The special permit would cover approximately 1,430 acres, which is part of a larger project split between the City and County jurisdiction that would cover a total of 2,800 acres. The applicant has indicated the solar panels will cover 1,500-1,800 acres of the 2,800 acres. The City portion of project was approved by the Planning Commission on October 27, 2021 and was not appealed. The project area is between generally North 148th to North 190th Streets and Holdrege Street to Havelock Avenue. The applicant is not requesting any special waivers of the zoning code. The applicant has indicated the project could power up to 16,000 homes.

Setbacks to the facility are per the special permit conditions which are 100 feet to a non-participating property with a dwelling, 50 feet to a non-participating property without a dwelling, no setbacks to participating properties and 50-foot setback to any public or private road. There is also a 300-foot setback for non-participating properties with a dwelling that are on an outlot within a Community Unit Plan (CUP). This setback was approved by County Text Amendment 21005 on September 7, 2021.

Cajka added the special permit for solar energy facilities was added to County zoning regulations in July 2020 (County Text Amendment 19007, Resolution 20-0037).

Steve Henrichsen, Lincoln-Lancaster County Planning Department Development Review Manager, stated the Planning Commission recommendation is conditional approval of the special permit. The Planning Commission amended the following conditions: an erosion control plan, a landscape plan and a decommissioning plan.

The Planning Commission met on October 27, 2021 and moved approval of the application with the amended conditions. There was a motion to further amend the conditions to include a road maintenance agreement (see agenda packet, pages 1-2). The Planning Commission vote was 4-2, which lacked the five affirmative votes to pass. The item was held until the November 17, 2021 meeting.

Henrichsen reviewed items that were not included in the conditional items, including no permanent damage to the surrounding wetlands, 100-foot setback to non-participating properties, and a provision to work with a landscaper (see agenda packet, pages 145-147). Regarding the wetlands, Henrichsen noted the wetlands are protected by federal regulations and the Planning Department felt this concern could be better addressed at the federal level.

On November 17, the Planning Commission received a briefing of the Planning Department memo and Planning Department discussion (see agenda packet, pages 55-57 and 145-147). The Planning Commission moved to deny the special permit which failed on a 4-3 vote. He noted all of the Planning Commissioners were at the meeting, though Tracy Corr did not vote as she was not present at all meetings with testimony.

Also at the November 17 meeting, the Planning Commission moved to approve the permit with the

conditions outlined in the November 10 memo, including: 1) an additional setback of 300 feet to solar panel inverters; 2) a road maintenance agreement between the County and the permit holder, and 3) the requirement to provide and maintain 24-hour access information and necessary equipment for property entry to the Waverly, Eagle and Southeast Rural Fire Districts. The Planning Commission also amended the landscaping recommendation from four trees per 100 feet to six trees per 100 feet for non-participating properties with a dwelling and required the trees to all be evergreen trees. The Planning Commission approved the special permit with a 6-1 vote.

Henrichsen noted this presentation to the Board is the presentation that would typically take place at the beginning of the public hearing. This was to allow more time for public testimony at the upcoming hearing.

Schorr inquired if an erosion control plan is still a condition of the Planning Commission's approval. Henrichsen answered yes, it is. Cajka added the erosion, decommissioning and landscaping plans are all conditions in the Zoning regulations for special permits.

Vest requested Henrichsen send him an email outlining the differences between the City and County standards. Henrichsen confirmed the regulations could be compared. He expanded that a main difference is the 300-foot setback to dwellings within a CUP as the City does not have restrictions for solar panels even within a CUP. The County also requires more details for the decommissioning and erosion control plans than the City.

Schorr asked who in addition to Eddins, Ryman-Yost and Ederton voted no on the Planning Commission's original motion to deny the special permit. Henrichsen stated Christy Joy did not vote as she was not present.

Vest thanked the Planning Commission for their service.

Henrichsen noted the special permit applicant is Salt Creek Solar. Those who are in favor of the special permit would testify in support and those who are not would testify opposed to the application.

Jen Holloway, Deputy County Attorney, requested a testimony time length. She said the regular time is typically five minutes; however, at previous hearings the Board has decreased the testimony time length to three minutes. She wanted to allow adequate time for testifiers to be aware of the time allotted and prepare their testimony.

Vest voiced his concern of the Board's ability to absorb information if a longer testimony timeframe were used. He said he personally finds it more challenging with longer testimony times.

Schorr suggested limiting the testimony timeframe to four minutes per individual.

Vest stated he wanted an exemption from the time limit for one of the appeal filers. He indicated he was going to say "Sir/Ma'am, is there anything else you would like to tell us?"

Schorr noted there were two appeals filed and inquired which of the appeals was he referring to. He did not indicate which appeal he was referring to, though he did say he would pick just one of the filers and not both.

Vest asked Holloway if both of the appeals filed have equal status or if one supersedes the other. Holloway answered once an appeal is filed that is what begins the timing requirements for Board procedures. The appeals all equally matter.

Regarding the testimony, Holloway suggested equal treatment for all testifiers. She would not single out and allow certain testifiers to have additional time. Henrichsen noted between 15-20 individuals testified in opposition and 10 in favor of the application at the Planning Commission hearing.

Holloway added the Board could adjust the testimony timeframe the day of the hearing if deemed necessary.

It was the consensus of the Board to offer 4 minutes of testimony.

Holloway discussed the 300-foot setback from a CUP as in the zoning regulations. The distance is specified in Article 15 of the regulations and is not a condition of the special permit. To change the distance for the special permit would require an amendment to the Text Amendment. Setbacks that do not involve a CUP are able to be adjusted.

Schorr asked if the Board is acting in a different capacity because the application being heard has been appealed. Holloway answered the Board has two functions: administrative and quasi-judicial. She stated the Board will need to give any ex-parte communication (communications with and from constituents, meetings, emails, and visits to the special permit site) from the time the appeal was filed. Any communications received by the Commissioners need to be forwarded to the Clerk's Office. Communications that are received through the Board's general email account will also be forwarded to the Clerk's Office. The summary of the communications needs to be detailed and include any information that could be used in decision making so the public knows what was discussed.

Flowerday thanked the staff for their work on this process.

B. General Update

Cary provided a Planning Quarterly Update (Exhibit 2).

4. COUNTY BOARD REDISTRICTING – David Cary, Director, and Paul Barnes, Long Range Planning Manager, Lincoln-Lancaster County Planning

Cary and Barnes reviewed the County Board district boundaries (see agenda packet). The boundaries are based on various other district boundaries. The Board will take action on a corresponding resolution at the upcoming Tuesday meeting.

Flowerday noted the proposed new boundaries have a population variance of 3.8%.

Bauer said a motion will be needed to direct the County Attorney's Office to prepare the resolution.

MOTION: Amundson moved and Flowerday seconded to direct the County Attorney's Office to prepare a resolution including the map provided.

Vest asked how a Commissioner could request changes to the boundaries.

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

Flowerday exited the meeting at 9:31 a.m. and returned at 9:33 a.m.

The meeting was recessed at 9:34 a.m.

5. BOARD OF CORRECTIONS – Brad Johnson, Director, Corrections

Separate minutes.

The meeting reconvened at 10:08 a.m.

6. UNCLASSIFIED SALARIES – Doug McDaniel, Director, Lincoln-Lancaster County Human Resources

McDaniel stated almost every position in the unclassified salaries is less than market value. He reminded the Board that the salaries are fixed, there could be compression issues and the October 2021 Consumer Price Index (CPI) has increased over 6% from last year. He also noted there is competition in the workforce for skilled labor.

McDaniel confirmed Flowerday's inquiry that employees in the classified category received a 2.75% increase in pay.

Schorr felt there are two components to the discussion: 1) the salary increases and 2) market adjustment and job responsibility adjustments.

Bauer said the item will be on the Board agenda the first Tuesday in January.

7. COVID-19 UPDATE AND RESPONSE

Bauer reported Human Resources has received 748 requests for vaccination and booster incentive payments.

The Board had general discussion about the possibility of sharing this information publicly at a future COVID update.

8. ACTION ITEMS

- A. Setting the annual salary for Landon Parks, Community Corrections Assistant Director, at \$94,372, effective November 18, 2021.**

MOTION: Schorr moved and Flowerday seconded approval of Park's annual salary at \$94,372. Yoakum, Schorr, Amundson, Flowerday and Vest vote yes. Motion carried 5-0.

- B. Change Order to C-21-0524 with BIC Construction, LLC, to replace a storm sewer area drain for the Election Commission Expansion (Bid No. 21-137). The Change Order is an increase of \$1,076. – Kerin Peterson, Director, Facilities and Properties**

Peterson reported the change order is to address eroded sewer drains damaged during construction (Exhibit 3).

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

Peterson discussed the project.

9. DEPUTY CHIEF ADMINISTRATIVE OFFICER REPORT

A. Invitation to LPS Superintendent Search Input Session

It was the consensus of the Board to move the Tuesday, December 14 meeting to 10:00 a.m. instead of 9:00 a.m.

B. Lincoln Chamber of Commerce Celebrate Business Awards Luncheon

The Board will not attend the luncheon due to the public hearing on Special Permit 21042.

10. DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

A. Lincoln Partnership for Economic Development (LPED) Meeting – Vest/Schorr

Schorr reported there were presentations on the American Rescue Plan Act (ARPA) projects for economic development, Launch Lincoln Development and the Lincoln Manufacturing Council Education Program.

B. Chamber Coffee – Vest/Yoakum

Vest and Amundson stated there were discussions on tourism, the 2050 Comprehensive Plan, federal funds for infrastructure projects, solar energy regulations, the University of Nebraska-Lincoln, redistricting, COVID vaccinations and the 20-year anniversary of the Lancaster Event Center.

OTHER MEETINGS ATTENDED

Schorr noted she met with Joe Kohout, Kissel, Kohout, ES Associates LLC; Senator Hilgers, Senator Brandt, Dennis Meyer, Budget and Fiscal Director; and Bauer to discuss the infrastructure bridge bill.

11. SCHEDULE OF BOARD MEMBER MEETINGS

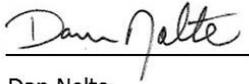
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12. EMERGENCY ITEMS

There were no emergency items.

13. ADJOURNMENT

MOTION: Schorr moved and Amundson seconded to adjourn at 10:39 a.m. Schorr, Amundson, Yoakum, Flowerday and Vest voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

