

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, NOVEMBER 10, 2015
9:00 A.M.

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on November 6, 2015.

Commissioners present: Roma Amundson, Chair; Larry Hudkins, Vice-Chair; Bill Avery, Deb Schorr and Todd Wiltgen

Others present: Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 9:00 a.m., the pledge of allegiance was recited and the location of the Nebraska Open Meetings Act was announced.

Amundson noted that November 11, 2015 is Veterans Day and thanked all veterans for their service.

1) MINUTES:

A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, November 3, 2015.

MOTION: Schorr moved and Wiltgen seconded approval of the minutes. Hudkins, Schorr, Wiltgen and Amundson voted aye. Avery was absent. Motion carried 4-0.

B. Approval of the minutes from the One & Six Road and Bridge Program public hearing held on October 29, 2015.

MOTION: Wiltgen moved and Schorr seconded approval of the minutes. Schorr, Wiltgen and Amundson voted aye. Hudkins abstained. Avery was absent. Motion carried 3-0 with one abstention.

Avery entered the meeting at 9:04 a.m.

2) CLAIMS: Approval of all claims process through November 10, 2015.

MOTION: Schorr moved and Hudkins seconded approval of the claims. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

3) OLD BUSINESS:

- A.** Contract with Kelly D. Brakenhoff to provide foreign language translation and interpretation services on a non-exclusive, as-needed basis. Term of the contract is through December 31, 2018. (C-15-0577)

Bob Walla, Assistant Purchasing Agent, told the Board that each interpreter is an independent contractor and set their own fees. He noted that the service would be on an as-needed basis.

Avery asked if sign language interpreting requires a high level of experience that would justify the higher rate of pay per hour. Walla said sign language does require a certification.

Hudkins inquired if the rates are comparable and if there are other options. Walla stated that they are in the process of "piggy-backing" with the State of Nebraska contract. He said this will provide interpreter services as well as video and audio services. Walla added this gives departments options in order to get the best value.

Schorr asked if the departments have easy access to the list of interpreters. Walla said the contracts are located on the contract management system with interpreter specific information.

MOTION: Wiltgen moved and Hudkins seconded approval of the contract. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

- B.** Contract with Nadia Wehrli to provide foreign language translation and interpretation services on a non-exclusive, as-needed basis. Term of the contract is through December 31, 2018. (C-15-0578)

MOTION: Schorr moved and Hudkins seconded approval of the contract. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.

4) NEW BUSINESS:

- A. Resolution in the matter of County Text Amendment No. 15009 regarding Commercial Wind Energy Conversion Systems. (R-15-0061)**

Gary Aldridge, 7112 S. 45th Street, Lincoln, appeared and commented that the majority of the discussion has been on noise levels with little discussion on economic impact.

David Levy, Baird Holm LLP, 1500 Woodmen Tower, Omaha, appeared on behalf of Volkswind. He said all land use regulation involves balance of protecting private property rights and protecting the public. Levy stated that the proposal before the Board does not reflect that balance. He presented maps demonstrating the difference in available space for wind turbines with the varying decibel levels (Exhibit A). Levy encouraged the Board to consider noise limits of 45 dBA, day and night, to achieve a balance.

Jeffrey Wagner, 6312 Southeast 44th Ave, Portland, Oregon, Volkswind Officer, stated that wind energy could make a positive difference in rural Lancaster County without harm to anyone. He encouraged the Board to consider reasonable regulations for wind energy.

NEW BUSINESS CONTINUED:

Avery asked Wagner what the lowest noise standard could be for a wind energy project in Lancaster County. Wagner said a limit of 45 dBA still maintains the feasibility of the project but anything lower than that would make it extremely difficult. He indicated that turbines all have software that adjust the pitch of the blades which could reduce noise and certain models are known to be more quiet. Wagner stated Volkswind would most likely walk away from the project with the current level that is being proposed.

Cindy Chapman, 1850 Gage Road, Firth; Curtis Schwaninger, 3750 West Hallam Road, Hallam; and Mark Hunzeker, 600 Wells Fargo Center, Lincoln, appeared in support of the Lincoln-Lancaster County Health Department (LLCHD) recommendations for setbacks and decibel levels. They noted health impacts, decreased property values and the impact to future residential developments if the levels are raised.

Marilyn McNabb, 1701 Rose Street, Lincoln; Greg Schwaninger, 2401 West Hallam Road, Hallam; Senator Ken Haar, 13901 Northwest 126th Street, Malcolm; Lisa Sullivan, NextEra Energy, 700 Universe Boulevard, Juno Beach, Florida; Chelsea Johnson, 2926 P Street, Lincoln; and John Atkeisan, 2601 North 44th Street, Lincoln, appeared in support of higher decibel levels and reasonable compromise. They noted such items as property tax relief, increased income for property owners, impact of future wind projects in other counties throughout Nebraska and providing clean energy.

MOTION: Schorr moved and Hudkins seconded approval of Text Amendment No. 15009 as presented.

MOTION: Avery moved to amend the noise standard to 45 dBA and to strike language relating to the non-conforming use of the turbine (Exhibit B); seconded by Wiltgen.

Avery said his amendment makes a wind energy project possible. He stated striking the non-conforming language will eliminate the possibility of property owners constructing a dwelling unit after the turbine is placed just for the purpose of shutting down the turbine. Avery noted that this is a middle ground proposal and balances both public and private interest.

Wiltgen said the Board has erred by focusing only on southern Lancaster County and not the County as a whole. He stated a good compromise was reached on the physical setbacks. Wiltgen said that 45 dBA, daytime and nighttime, would be also be a reasonable compromise. He noted that the standards proposed are too extreme and will defeat commercial wind energy in Lancaster County.

Schorr questioned the language regarding "non-conforming use of the turbine".

Steve Henrichsen, Development Review Manager, Lincoln-Lancaster County Planning Department, told the Board that the purpose of the language was to make it clear that if a dwelling was built next to an existing turbine the turbine could remain. He noted that a section in the zoning regulations addresses other non-conforming circumstances and makes it clear that the turbines can remain.

Avery asked permission of the seconder to restore the language regarding non-conforming use. The seconder agreed.

NEW BUSINESS CONTINUED:

ROLL CALL ON MOTION TO AMEND: Avery and Wiltgen voted aye. Hudkins, Schorr and Amundson voted no. Motion failed 2-3.

ROLL CALL ON ORIGINAL MOTION: Schorr, Hudkins and Amundson voted aye. Wiltgen and Avery voted no. Motion carried 3-2.

B. Keno Human Services Prevention Fund Guidelines effective for the grant cycle of 2016. (Round 40)

Sara Hoyle, Human Services Director, told the Board that the City of Lincoln and Lancaster County agreed to put aside five percent of Keno revenue for prevention and intervention activities. She said the guidelines were amended to reflect an annual review cycle as opposed to a two-year cycle.

Schorr noted that priority is given to programs preventing gambling addiction.

Hudkins stated that he is grateful that the focus is still given to educating and assisting the families that are impacted by gambling problems.

MOTION: Schorr moved and Wiltgen seconded approval of the guidelines. Avery, Schorr, Hudkins, Wiltgen and Amundson voted aye. Motion carried 5-0.

C. Request to create the classification of Records Administrator (C15) at the proposed pay grade of \$50,683.36 to \$64,918.88.

Schorr expressed appreciation to the County Clerk's Office and Human Resources in developing the classification of Records Administrator.

Amundson thanked Schorr and Wiltgen for working with the two departments.

MOTION: Schorr moved and Avery seconded approval of the request. Hudkins, Wiltgen, Schorr, Avery and Amundson voted aye. Motion carried 5-0.

D. Request to amend Rule 18.1 of the Personnel Rules – Compensation for Absence on Holidays.

Nicole Gross, Human Resources Compensation Technician, said language has been deleted that required employees to use personal holiday hours in not less than two-hour blocks of time. The change will give unrepresented employees more freedom to use personal holiday time.

MOTION: Schorr moved and Hudkins seconded approval of the request. Schorr, Avery, Wiltgen, Hudkins and Amundson voted aye. Motion carried 5-0.

E. Contract with GIS Workshop to provide County Extension with an updated database and GIS software, training, and support for its Biosolids Program. Cost to the County is \$9,490. (C-15-0585)

NEW BUSINESS CONTINUED:

Karen Woebig, Extension Educator Unit Leader, said the cost is actually from the City of Lincoln biosolids contract.

Hudkins noted that this is a great program for the City of Lincoln and Lancaster County. He asked how the software will help the biosolids program.

David Smith, Biosolids Coordinator, told the Board there are certain environmental restrictions and criteria that have to be followed. He said the software will help manage record keeping and reports that are required by the Environmental Protection Agency (EPA).

MOTION: Hudkins moved and Wiltgen seconded approval of the contract. Avery, Hudkins, Schorr, Wiltgen and Amundson voted aye. Motion carried 5-0.

- F. Contract with McKesson Medical-Surgical Minnesota Supply for the annual supply of exam gloves (Bid No. 15-131). Term of the contract is one year from the date of execution. Cost to the County is not to exceed \$8,000. (C-15-0586)**

MOTION: Schorr moved and Hudkins seconded approval of the contract. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

- G. Contract with Genoa to provide pharmacy services for a Pilot Program for General Assistance clients at Health 360 Integrated Care. Term of the contract is one year from the date of execution. (C-15-0587)**

Sara Hoyle, Human Services Director, said the pilot program allows clients to use the on-site pharmacy at the Health 360 clinic. She told the Board the program will be evaluated in one year.

Judy Halstead, Lincoln-Lancaster County Health Department Director, added that this provides better service for General Assistance clients as it will all be located at one site.

MOTION: Schorr moved and Wiltgen seconded approval of the contract. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

- H. Grant contract with OMNI Behavioral Health in the amount of \$50,000 to provide Functional Family Therapy to youths in the Truancy Diversion Program. Term of the contract is July 1, 2015 to June 30, 2016. (C-15-0588)**

Hoyle said the contract allows therapists to work in the home with the families and youths placed in the program.

MOTION: Hudkins moved and Avery seconded approval of the contract. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

NEW BUSINESS CONTINUED:

- I. **Amendment to County Contract No. C-14-0620 with Lampe's Clean Air Specialists for the annual supply of HVAC filters. The amendment renews the contract for an additional one-year term from December 9, 2015 through December 8, 2016. Cost to the County is not to exceed \$6,000. (C-15-0589)**

MOTION: Wiltgen moved and Schorr seconded approval of the amendment. Avery, Hudkins, Schorr, Wiltgen and Amundson voted aye. Motion carried 5-0.

- J. **Amendment to County Contract No. C-14-0075 with Office Depot, Inc. for office and educational supplies. The amendment renews the contract for an additional one-year term from October 18, 2015 through October 17, 2016. Cost to the County is not to exceed \$240,000. (C-15-0590)**

MOTION: Schorr moved and Hudkins seconded approval of the amendment. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

- K. **Amendment to County Contract No. C-13-0578 with A Photo Identification for the annual supply of inmate ID wristbands. The amendment renews the contract for an additional one-year term from December 1, 2015 through November 30, 2016. Cost to the County is not to exceed \$5,500. (C-15-0591)**

MOTION: Hudkins moved and Schorr seconded approval of the amendment. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

5) **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. **Receive and place on file the following reports for October, 2015:**

1. **Assessor/Register of Deeds**
2. **Clerk of the District Court**
3. **County Clerk**
4. **Records & Information Management**

B. **Receive and place on file the County Treasurer's report on 2014 distress warrants.**

C. **Right-of-way contracts between Lancaster County and the following:**

1. **Larry F. and Mary L. Rademaker, South 68th Street and Firth Road, in the total amount of \$7,403. (2 contracts) (C-15-0592)(C-15-0593)**

CONSENT ITEMS CONTINUED:

MOTION: Hudkins moved and Schorr seconded approval of the consent items. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. 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.

Richard Hedrick, 404 Mormon Trail, Lincoln, NE, 68521, presented the Board with comments regarding agricultural land use and wind energy (Exhibit C).

Gary Aldridge, 7112 S. 45th Street, Lincoln, NE 68516, noted that today's proceedings is what democracy should look like.

7) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 12, 2015 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 their next regular meeting on November 17, 2015 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 County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.**
- D. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesday and Saturday on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.**

The Clerk announced that the Board will attend the Tri-County Meeting on Monday, November 16, 2015 at 8:30 a.m., at Bellevue University.

8) ADJOURNMENT

MOTION: Wiltgen moved and Avery seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:32 a.m. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.

Dan Nolte

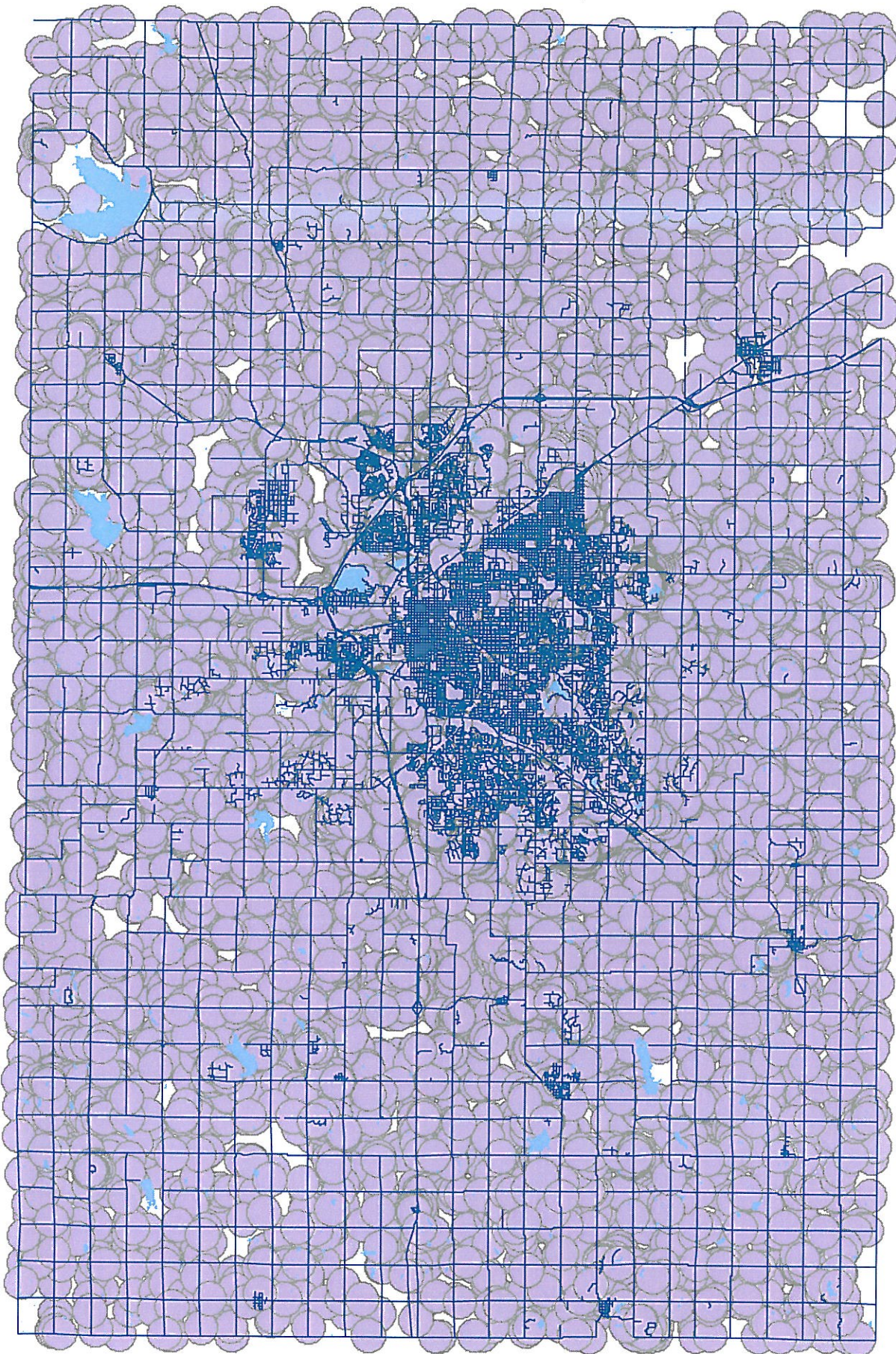
Dan Nolte, County Clerk



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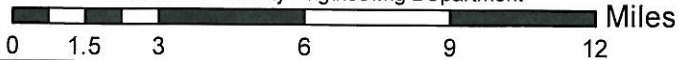
Lancaster County, Nebraska

2,450 foot buffer around each address point: 40 dB



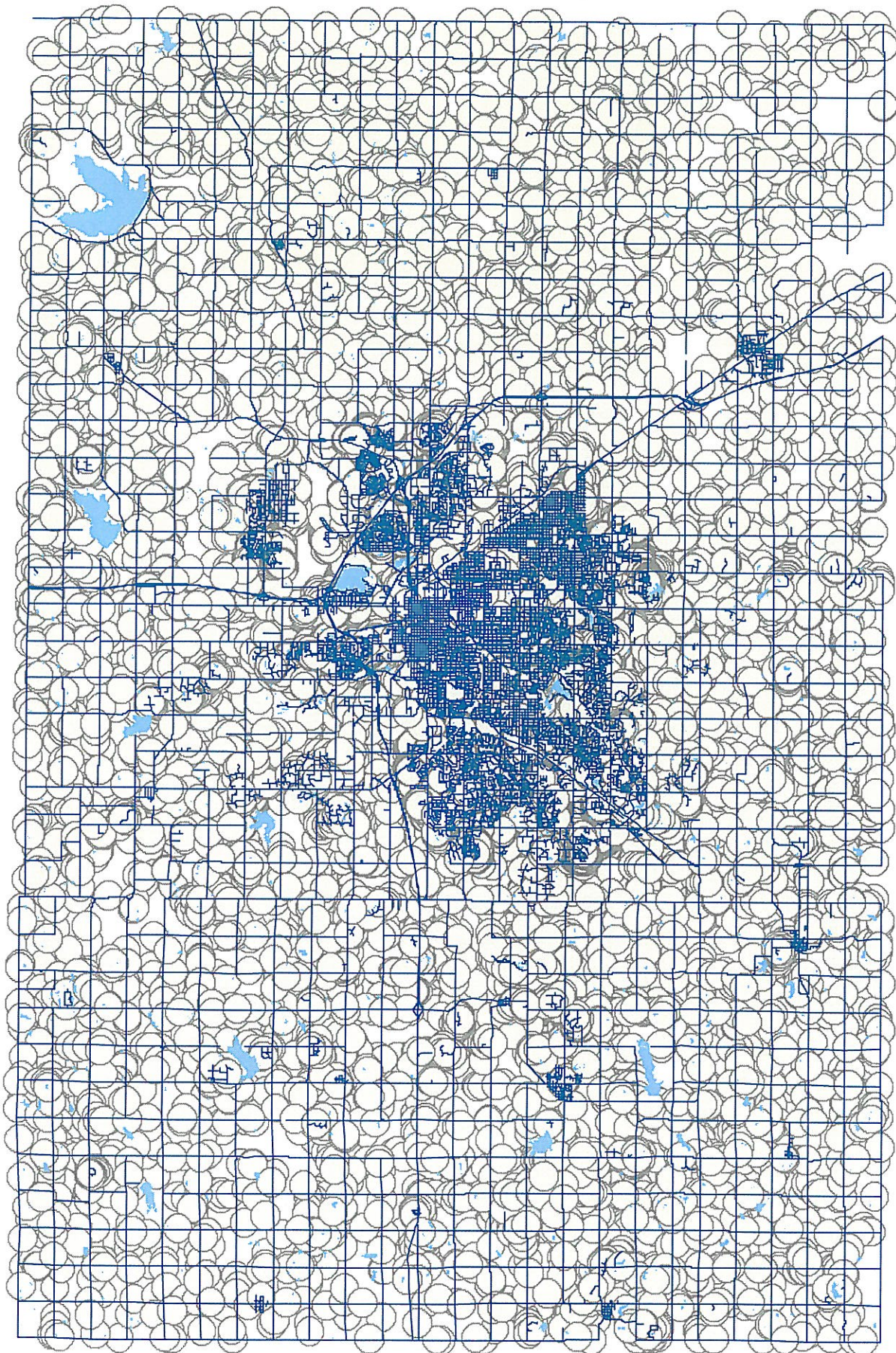
Lancaster County Engineering Department

98,521 Address Points
Road Centerlines and Lakes for reference

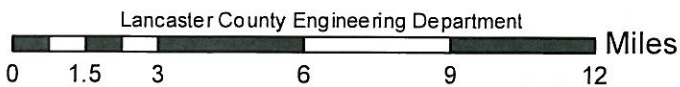


Lancaster County, Nebraska

2,050 foot buffer around each address point: 42 dB



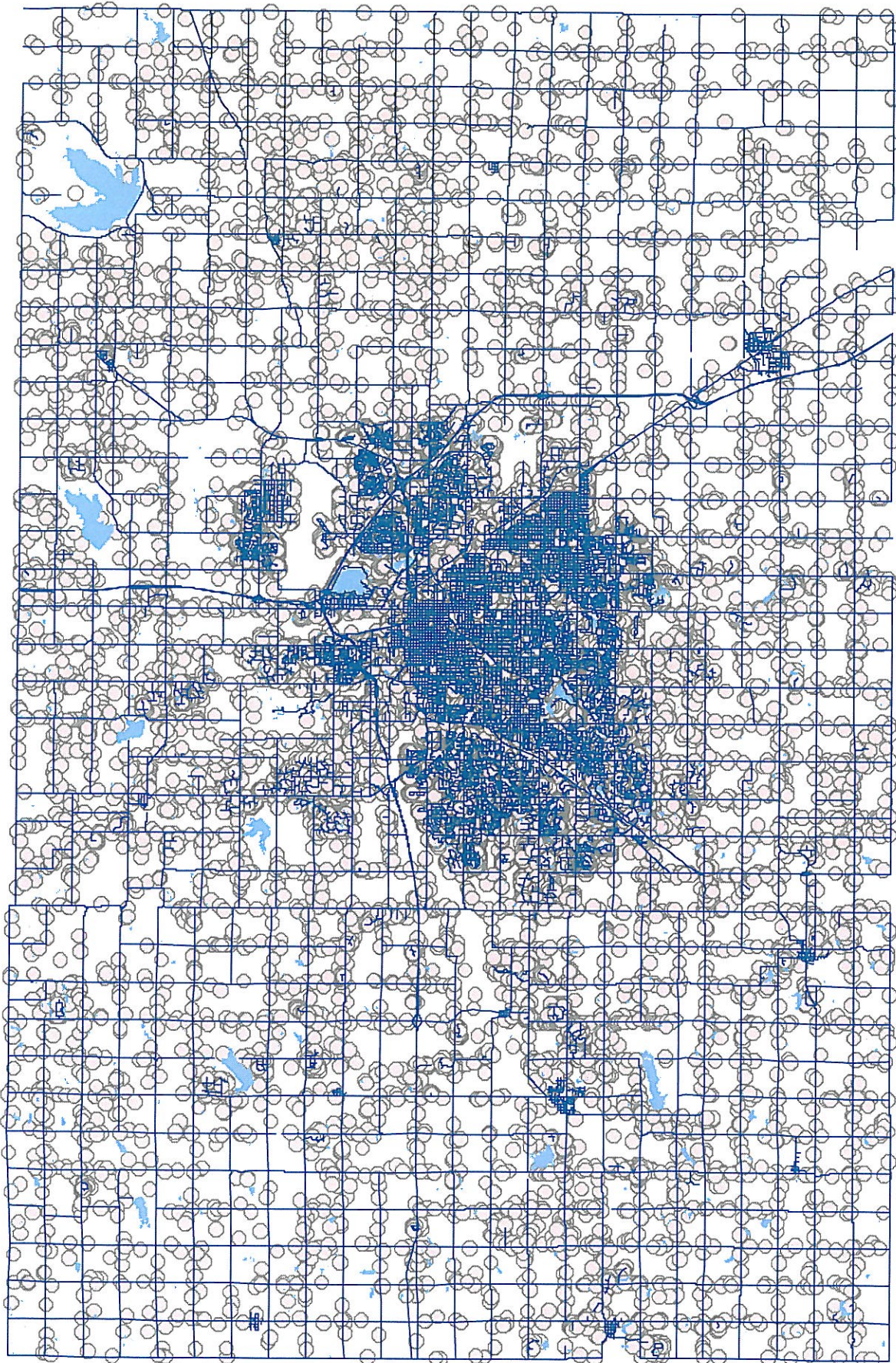
98,521 Address Points
Road Centerlines and Lakes for reference



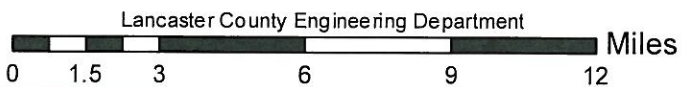
ehubl 11/5/2015

Lancaster County, Nebraska

1,000 foot buffer around each address point: 50 dB



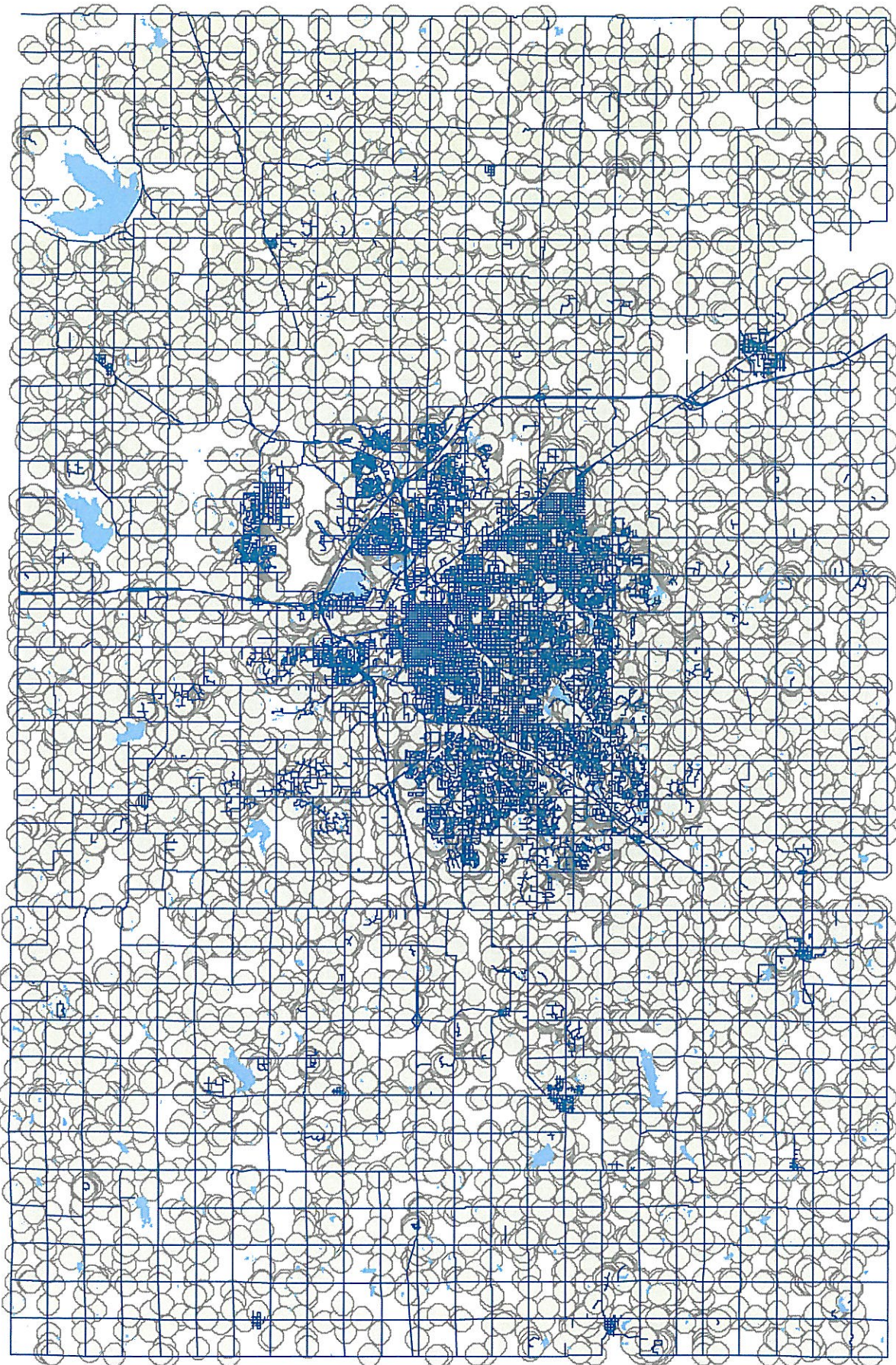
98,521 Address Points
Road Centerlines and Lakes for reference



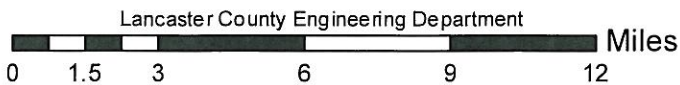
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Lancaster County, Nebraska

1,600 foot buffer around each address point: 45 dB



98,521 Address Points
Road Centerlines and Lakes for reference



ehubl 11/5/2015

Buffer Zones

- The maps are shown only for sound setbacks. Setbacks do not include distance-from-residence or distance-from-public-right-of-way setbacks.
- A specific setback yields a dB-level at the outside wall of a residence (address point on the map) in a maximum wind.
- Remaining white spaces on a map show where a pair of turbines could be located outside any buffer zone (see the first bullet point above).

37db = 3100 ft buffer zone

40db = 2450 ft buffer zone

42db = 2050 ft buffer zone

45db = 1600 ft buffer zone

50db = 1000 ft buffer zone

Methodology

“The radii of sound buffer zones (setbacks) were calculated assuming sound emission from two nearby turbines locations. These distances would be conservative as in reality there would be multiple turbines in close proximity.

“The work was done by a Certified Sound Engineer at Epsilon Associates.”

-Joe Wood

Contact

Joe Wood, Project Manager at Volkswind

206.412-4764

Joe.Wood@Volkswind.com

Ken Haar, Nebraska State Senator, District 21

402.499.6265

khaar@leg.ne.gov

Amendment to proposed subsection (i) in County Attorney prepared resolution:

Section (i) Noise:

1) Strike: If a turbine violates a noise standard on a dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.

2) Replace existing text regarding noise limits of 40 dBA (day) and 37 dBa (night) with:

Forty-five (45) dBA maximum 10 minute Leq or;

Five (5) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 24-hour period.

As a redline:

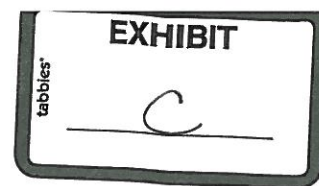
(i) Noise: No CW ECS or combination of CW ECS turbine(s) shall be located as to cause an exceedance of the following as measured at the closest exterior wall of any dwelling located on the property. ~~If a turbine violates a noise standard on a dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.~~ For both participating and nonparticipating properties:

(1) ~~From the hours of 7 am to 10 pm:~~

- o ~~Forty (40) Forty-five (45) dBA maximum 10 minute Leq or;~~
- o ~~Five Three (5 3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 15 24 hour period.~~

(2) ~~From the hours of 10 pm to 7 am:~~

- o ~~Thirty seven (37) Forty five two (4542) dBA maximum 10 minute Leq or;~~
- o ~~Five Three (5 3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 9 hour period.~~



Richard Hedrick
404 Mormon Tr.
Lincoln, Nebraska 68521
402 474;2603

LANCASTER GOUNTY BOARD COMMISSIONERS

COW COUNTRY

County, Cites, Towns, Villages are divided into different use. Living, houses, Manufacture, Business, Farming Etc.

County; Agriculture is for farming.

Agricultural is not Acreage

Legislature Designated farms in County's to be no smaller than 25 Acres.

Farmers need tools to raise electricity to help make a living.

To put Wind Generators on Agriculture land is property

To limit Wind Generators use is taking property.

Property taken can be compensated.

City of Lincoln is fighting lost property of a Porno business

Richard Hedrick
404 Mormon Tr.
Lincoln, Nebraska 68521
402 474;2603

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, NOVEMBER 10, 2015
IMMEDIATELY FOLLOWING THE LANCASTER COUNTY
BOARD OF COMMISSIONERS MEETING

Advance public notice of the Board of Equalization meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on November 6, 2015.

Commissioners present: Roma Amundson, Chair; Larry Hudkins, Vice-Chair; Bill Avery, Deb Schorr and Todd Wiltgen

Others present: Scott Gaines, County Assessor/Register of Deeds Office; Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

The Chair called the meeting to order at 10:32 a.m., and the location of the Nebraska Open Meetings Act was announced.

1) MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, November 3, 2015.

MOTION: Wiltgen moved and Hudkins seconded approval of the minutes. Avery, Hudkins, Schorr, Wiltgen and Amundson voted aye. Motion carried 5-0.

2) ADDITIONS AND DEDUCTIONS TO THE TAX ASSESSMENT ROLLS: (See attached additions and deductions)

MOTION: Schorr moved and Hudkins seconded approval of the additions and deductions. Hudkins, Schorr, Wiltgen, Avery and Amundson voted aye. Motion carried 5-0.

3) PUBLIC HEARING:

A. Motor Vehicle Tax Exemption Applications

**Immanuel
People's City Mission
The Salvation Army
School Sisters of Christ the King**

The Chair opened the public hearing.

No one appeared to testify in support, opposition or in a neutral position.

PUBLIC HEARING CONTINUED:

The Chair closed the public hearing.

MOTION: Hudkins moved and Wiltgen seconded approval of the exemptions. Schorr, Wiltgen, Avery, Hudkins and Amundson voted aye. Motion carried 5-0.

4) PROPOSED CHANGE IN EXEMPTION STATUS:

Catholic Bishop of Lincoln
Educational Environments (2 parcels)

Cori Beattie, Deputy County Clerk, requested that due to a publication oversight the Board hold Item 4 for two weeks at which time the item would return under a public hearing format.

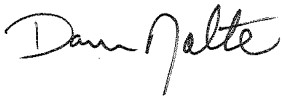
MOTION: Wiltgen moved and Avery seconded to hold Item 4. Wiltgen, Avery, Hudkins, Schorr and Amundson voted aye. Motion carried 5-0.

5) PUBLIC COMMENT: Those wishing to speak on items relating to County Board of Equalization business not on the agenda may do so at this time.

No one appeared for public comment.

6) ADJOURNMENT

MOTION: Schorr moved and Wiltgen seconded to adjourn the Lancaster County Board of Equalization meeting at 10:35 a.m. Wiltgen, Schorr, Hudkins, Avery and Amundson voted aye. Motion carried 5-0.



Dan Nolte, County Clerk

