

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
ZOOM MEETING
VIEWING AVAILABLE VIA YOUTUBE AT <https://www.youtube.com/lnktvcity>
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JANUARY 12, 2021
9:00 A.M.

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board, the Lancaster County, Nebraska, web site, emailed to the media and published in the Lincoln Journal Star print edition and website on January 8, 2021.

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

Others present: David Derbin, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Monét McCullen, County Clerk's Office

The meeting was called to order at 9:01 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 5, 2021.**

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

2) CLAIMS:

- A. Amendment of payroll claims report previously approved on January 5, 2021.**

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

- B. Approval of all claims processed through January 12, 2021.**

MOTION: Amundson moved and Yoakum seconded approval of the claims. Yoakum, Flowerday, Schorr, Amundson and Vest 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. Amendment to the following County contracts:**
- 1. C-12-0703 with Cellco Partnership, dba Verizon Wireless to provide Wireless Voice Service (Cell Phones), Wireless Broadband Service, Accessories and Equipment (using the WSCA Contract No. 1907/State of Nebraska Contract 53233 O4. The term of the extension is January 1, 2021 through March 31, 2021. The cost to the County for the term of the extension is not to exceed \$20,000). (C-21-0019)**
 - 2. C-18-0013 with Hood Masters, Inc., for Annual Service – Kitchen Exhaust Hood & Equipment Cleaning. (Bid No. 17-312. The amendment renews the contract from January 24, 2021 through January 23, 2022. The cost to the County is not to exceed \$6,500. (C-21-0020)**
 - 3. C-18-0066 with Jim Peterson Auction Company for Unclaimed Property Auction Services. (The amendment renews the contract from February 12, 2021 through February 11, 2022. The estimated cost for services to the County is not to exceed \$5,000.) (C-21-0022)**
 - 4. C-20-0733 with Public Health Management Corporation for RANT Plus software for the Lancaster County Adult Drug Court to match offenders with appropriate services for improved public safety and public health. (The amendment added DUI-RANT-Plus to the license for an additional \$5,000. The amended cost to the County is \$15,000 per year.) (C-21-0025)**
- B. Amendments to the following Administrative Service Agreements between the County and Prudential Retirement Insurance and Annuity Company (“Prudential”) to reflect a reduction in Prudential’s fee from 7.5bps to 6.5bps effective 1/1/2021:**
- 1. C-08-0663 Lancaster County, Nebraska Employees Retirement Plan (401(a), Plan #006371). (C-21-0023)**
 - 2. C-08-0664 Lancaster County, NE 457 Deferred Compensation Plan (457(b), Plan #006372). (C-21-0024)**
- C. Right-of-way contracts with the following:**
- 1. Wayne Harlan and Norma Norwee Hagaman Revocable Family Trust, South 148th Street and Pioneers Blvd, in the amount of \$4,399. (C-21-0003)**
 - 2. Linda E. Hammer Living Trust, North 148th Street and Agnew Road, in the amount of \$613. (C-21-0021)**
- D. Received and placed on file the monthly report for December, 2020.**
- 1. Records and Information Management.**
 - 2. Clerk of the District Court**
 - 3. Assessor/Register of Deeds**
 - 4. County Clerk**
- E. Received and placed on file a letter from the District Energy Corporation (DEC) regarding the issuance of long-term bonds.**

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

4) PUBLIC HEARING:

- A. Amendment to Article 4.005H of the Lancaster County Zoning Regulations relating to Farm Wineries, by allowing craft breweries as an accessory to a farm winery. (See correlating item 6A)**

The Chair opened the public hearing.

Steve Henrichsen, Lincoln-Lancaster County Planning Department, was administered the oath and said the applicant has an existing farm winery that he is interested in selling. The potential buyers have expressed interest in the option of selling craft beers on site. The text amendment ensures this will be an accessory use and does not become the primary use. The Planning Commission approved this application unanimously and there was no opposition received from the public.

No one appeared in support or opposition.

Jim Ballard, James Arthur Vineyard, was administered the oath and suggested adding language that would also include micro distilleries.

In regard to Vest's question, Henrichsen said in order to add that language at this time, the application would need to go back in front of the Planning Commission.

Schorr asked for clarification of what a micro distillery is and what James Arthur Vineyard sees as a long-term plan with this usage. Ballard explained a micro distillery would allow for spirits to be produced and consumed whereas the brewery would only allow for craft beers. As for long term, James Arthur Vineyards would like to look at such opportunities for expansion.

Jen Holloway, Deputy County Attorney, said she would suggest taking action on this item today and Mr. Ballard could begin his process with the Planning Department to add language that included distilleries.

The Chair closed the public hearing.

The Board voted on item 6A.

5) SPECIAL PRESENTATION:

- A. Proclamation declaring January 12, 2021 as the 50th Anniversary of the Lancaster County Public Defender's Office – Joe Nigro, Lancaster County Public Defender. (See correlating item 6B).**

Vest said this is a special day for the County by marking the 50th anniversary of the Public Defender's Office in Lancaster County. The call to seek justice in our society is very strong and very challenging. Lancaster County is fortunate that individuals in our Public Defender's Office have stepped up to provide justice.

The Clerk read the Proclamation into the record (See agenda link).

Dennis Keefe, retired Lancaster County Public Defender, thanked the Board for recognizing the anniversary and thanked all who have served in the Public Defender's Office.

Joe Nigro, Lancaster County Public Defender, thanked the Board for their recognition. He provided a history of the office and commended Mr. Keefe for providing a tradition of quality representation.

Schorr thanked Mr. Keefe for his quality of leadership and for his years of service.

Flowerday said the Public Defender's Office is one of the great institutions in our County.

Yoakum said the Public Defender's Office is widely respected by its peers in the private sector. She praised the Public Defender's Office for its work, who they hire and the culture of their department.

Amundson thanked the Public Defender's Office for their work.

6) NEW BUSINESS:

- A. Resolution in the matter of amending Article 4.005H of the Lancaster County Zoning Regulations relating to Farm Wineries, by allowing microbreweries as an accessory to a farm winery. (R-21-0003)**

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

- B. Proclamation in the matter of declaring January 12, 2021 as the 50th Anniversary of the Lancaster County Public Defender's Office.**

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

- C. Resolution in the matter of fixing salaries for Elected Officials' Chief Deputies for the 2021 calendar year, effective December 17, 2020. (R-21-0004)**

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

- D. Resolution in the matter of authorizing the Chair to sign as Chief Executive Officer and accept the Emergency Rental Assistance Program award terms on behalf of the County Board. (R-21-0005)**

MOTION: Amundson moved and Flowerday seconded approval of the resolution.

David Derbin, Chief Administrative Officer, said Sara Hoyle, Human Services Director, has the application prepared and everything will be submitted today, upon Board approval, which will still meet the application deadline.

In response to Vest's question, Derbin said due to legislation that was recently passed at the federal level, this allows for certain municipalities with a population over 200,000 to apply for rental assistance.

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

- E. US Department of the Treasury Emergency Rental Assistance Program award terms. (C-21-0026)**

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

F. Recommendation from the Personnel Policy Board to create an Emergency Paid Sick Leave Human Resources policy bulletin.

Doug McDaniel, Human Resources Director, said the Personnel Policy Board approved this policy per the Board's request that will extend emergency sick leave until the end of January, 2021.

Schorr asked what the fiscal impact has been of this policy since its original institution. Derbin said the total through December, 2020 was around \$300,000 for all local and federal pandemic leave usage.

Flowerday said this was initially extended through January as it was unclear what Congress planned to do and he would have no objection to extending it past January.

In response to Schorr's question, McDaniel said if a new federal program or policy was introduced it could supersede this action to allow the Board to make changes as needed.

In response to Flowerday's question, McDaniel said he did not think extending it to February 28th would affect the County.

MOTION: Flowerday moved and Yoakum seconded approval of the emergency paid sick leave with the amendment to extend the deadline to February 28, 2021. Flowerday, Schorr, Amundson, Yoakum and Vest voted yes. Motion carried 5-0.

G. Right-of-way certificate for the County Federal-Aid Highway Project for the following:

- 1. Emergency Repair of Q-080 on Old Cheney Road.**
- 2. Wagon Train SRR Project.**

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

H. Settlement agreement and release of subrogation interest between Aviva Canada Inc., and Lancaster County. (C-21-0027)

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

I. Letter to the Lincoln-Lancaster County Planning Department extending the timeline to amend Section 13.048 (Commercial Wind Energy Conversion System (CWECS)) of the 1979 Zoning Resolution of Lancaster County.

Schorr thanked the Board for considering this item. She discussed the concerns of her constituents about the public hearing due to COVID and requested a delay.

Amundson was in agreement as she felt a minor delay would not be a significant amount of time that would affect the start of a wind energy project.

Flowerday, Yoakum and Vest expressed their opposition in delaying the public hearing any further.

MOTION: Schorr moved and Amundson seconded to send a letter to the Planning Department requesting a 60-day delay with regard to the upcoming wind energy public hearing scheduled in front of the Planning Commission on January 20, 2021. Schorr and Amundson voted yes. Yoakum, Flowerday and Vest voted no. Motion failed 2-3.

7) **UPDATE ON COVID-19 AND LANCASTER COUNTY RESPONSE:**

Flowerday said several State Senators have expressed their appreciation for Friday's debriefing from Lincoln-Lancaster County Health Department Director Pat Lopez regarding COVID-19 and they intend to attend the next debriefing.

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

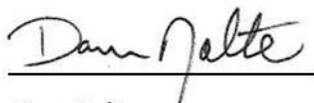
No one appeared for public comment.

- 9) **ANNOUNCEMENTS:** The Lancaster County Board of Commissioners meetings will also be broadcast in Room 112 of the County-City Building (555 S. 10th Street, Lincoln.) It will also be broadcast live on LNKTv City and streamed live on LNKTv and on YouTube (<https://www.youtube.com/lnktvcity>).

- A. The Lancaster County Board of Commissioners will hold a staff meeting via Zoom on Thursday, January 14, 2021 at 8:30 a.m.
- B. The Lancaster County Board of Commissioners will hold its next regular meeting via Zoom on Tuesday, January 19, 2021 at 9:00 a.m., with the Board of Equalization immediately following.
- C. 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 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).

10) **ADJOURNMENT**

MOTION: Schorr moved and Yoakum seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:51 a.m. Flowerday, Schorr, Amundson, Yoakum and Vest voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

