

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 24, 2023 AT 9:00 AM
COUNTY-CITY BUILDING, ROOM 112

**COMMISSIONERS: Christa Yoakum, Chair; Sean Flowerday, Vice Chair;
Roma Amundson, Matt Schulte and Rick Vest**

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County Nebraska website, emailed to the media and published in the Lincoln Journal Star print and digital editions on January 20, 2023.

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

Others present: Dave Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; Candace Berens and John Ward, Deputy County Attorneys; Matt Hansen, County Clerk; Courtney Lyons, Deputy County Clerk; and Leslie Brestel and Meggan Reppert-Funke, County Clerk's Office

The meeting was called to order at 9:01 a.m., 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 January 17, 2023.

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

B. Approval of the minutes of the Tri-County Breakfast held on January 20, 2023.

MOTION: Flowerday moved and Vest seconded approval of the minutes. Flowerday, Vest, Amundson and Yoakum voted yes. Schulte abstained. Motion carried 4-0 with one abstention.

2) CLAIMS

A. Amendment of the claims report previously approved on January 17, 2023.

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

B. Approval to the claims processed through January 24, 2023.

MOTION: Amundson moved and Flowerday seconded approval of the claims. Amundson, Schulte, Flowerday, Vest and Yoakum 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 County Contract C-22-0077 with Total Tool Supply, Inc. for the annual supply of power and hand tools. (Bid No. 22-012. The amendment renews the contract for an additional term from February 1, 2023, through January 31, 2024. The cost to the County is not to exceed \$6,000.) (C-23-0045)
- B. Received and placed on file the Mileage Reimbursement Report for October – December 2022.

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

4) **NEW BUSINESS**

- A. Special Event Permit application from Jason Strohbahn for The Winter Endurance event to be held February 18, 2023.

Jason Strohbahn, Director of Operations from Gravel Worlds, provided information about the run and bicycle ride event. He stated the event helps to raise money for the National Interscholastic Cycling Association (NICA).

Vest asked if Gravel Worlds agrees with the recommendations by the County Departments. Strohbahn stated safety is our highest concern and participants must follow the rules of the road.

MOTION: Vest moved and Amundson seconded approval of the special event permit application. Flowerday, Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 5-0.

- B. Special designated license application from Meier’s Wine, Inc. d/b/a Meier’s Cork ‘n Bottle for an event at the Settje Agri Services & Engineering (15460 Northwest 48th Street Raymond, NE) on February 11, 2023.

MOTION: Vest moved and Amundson seconded approval of the special designated license application. Schulte, Flowerday, Vest, Amundson and Yoakum voted yes. Motion carried 5-0.

- C. Appointments of Torrey Wilson and Ed Hubbs to the Air Pollution Control Advisory Board for a term concluding December 12, 2025.

Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Manager, stated the nine member Air Pollution Control Advisory Board is made up of business industries and public representatives.

Gary Bergstrom, Lincoln-Lancaster County Health Department Environmental Health Supervisor, added Hubbs would be a public representative and Wilson would be an industry representative.

Hubbs introduced himself and provided background information.

Wilson introduced herself and provided employment information.

MOTION: Vest moved and Flowerday seconded approval of the appointments.

Schulte inquired about the different members that serve on the Air Pollution Control Advisory Board.

Bergstrom stated the Board has nine voting members made up of four industry and five public representatives. Wilson represents industry for Duncan Aviation Inc and Hubbs represents the public. He added the Board currently has three industry and four public representatives.

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

- D. Reappointment of Brian Wertz to the Air Pollution Control Advisory Board for a second term concluding September 1, 2025.

Bergstrom stated Wertz represents Kawasaki Motors Manufacturing Corporation and brings large industry perspective.

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

- E. Resolution in the matter of authorizing the County Board Chair to sign a Supplemental Task Order Agreement with Felsburg Holt & Ullevig to amend County Contract C-22-0337 by adding environmental consulting services. (Project 22-03; LCLC-5287(1); CN 13494; Northwest 56th Street from I-80 to West Holdrege Street) (R-23-0009)

Pam Dingman, County Engineer, noted the resolution authorizes the signing of Item 4F.

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

- F. Supplemental Task Order Agreement with Felsburg Holt & Ullevig to amend County Contract C-22-0337 by adding environmental consulting services. The estimated cost to the County is \$14,837.65. (Project 22-03; LCLC-5287(1); CN 13494; Northwest 56th Street from I-80 to West Holdrege Street. The total agreement amount with the amendment is \$74,188.25, of which \$59,350.60 is the federal share.) (C-23-0049)

Dingman stated the project funding breakdown is 80% Federal funds and 20% County funds. Without federal funding, paving the County roads would take longer.

MOTION: Vest moved and Amundson seconded approval of the agreement.

Schulte thanked Dingman for finding funding for these projects.

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

- G. Contract with Vogtscapes, Inc. to provide Culvert Maintenance 2023 (Phase I). The cost to the County is not to exceed \$662,454.25. (Project No. 23-20; Bid No. 22-241. This contract shall be effective upon execution.) (C-23-0044)

Dingman presented a map of the area (Exhibit 1). She said the project is \$100,000 under the estimate.

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

- H. Recommendation from the Purchasing Agent to award a bid to Bauer Underground, Inc. for broadband conduit installation, in the amount of \$2,674,829.40 (Bid. No. 22-259 Lancaster County Broadband Southwest Quadrant. American Rescue Plan Act (ARPA) funds will be used for this project.)

Candace Berens, Deputy County Attorney, stated this recommendation is for the first quadrant of the broadband project. Bauer Underground, Inc. was the lowest bid.

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

Schulte stated applications to utilize the conduit were due by January 20, 2023 and asked if any applications were received.

Yoakum stated the number of conduit applications is not the item before the Board and therefore would need to be discussed at a future meeting with proper notice.

Vest added the question about the conduit applications creates a new order of business and changes the agenda. Item 4H has been posted beforehand for the public and is the item that the Board should discuss.

Schulte stated he did not want to change the agenda but wanted to ask the Board the number of applications received to use the conduit. Vest agreed.

Berens stated that the Board could discuss and ask about applicants that bid on this project or items relevant to awarding this bid at this time. She stated that any questions from the Board about applications on the leasing of the conduit would be a separate item for which the County needs to provide public notice.

Abby Eccher, Lincoln-Lancaster County Information Services Director was available for questions.

ROLL CALL: Vest, Amundson, Flowerday and Yoakum voted yes. Schulte voted no. Motion carried 4-1.

- I. Contract with Constructor's Inc. for Southwest 14th Street Paving. The cost to the County is not to exceed \$1,795,527.78. (Project 21-02; Bid No. 22-253. The contract is considered a thirty (30) working day project and is effective upon execution and commences on or about April 1, 2023.) (C-23-0048)

Dingman stated the project will pave the last two miles of gravel road and presented a map of the area (Exhibit 2).

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

- J. Interlocal agreement with the City of Lincoln to grant American Rescue Plan Act (ARPA) funds to Lincoln Youth Complex to be utilized for sitework preparation for a multi-field baseball and softball sports complex in Lincoln. The City will grant up to \$4,500,000, and the County will grant up to \$4,000,000. (C-23-0043)

Jeff Maul, Executive Director Lincoln Convention and Visitors Bureau on behalf of the Lincoln Youth Complex, provided information on the multi-field baseball and softball sports complex. He stated that with approval of the agreement, construction could start in the spring, with the facility opening in the fall of 2024. He added the project will be a great opportunity for underserved youth and help bring tourism to the County.

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

- K. Agreement with Great Plains Appraisal Company for qualified professional appraisal services to assist the County Assessor's Office in performing the appraisal functions necessary to process the Tax Equalization and Review Commission (TERC) appeals for the 2023-2031 tax years. The total compensation for services shall not exceed \$200,000 for each calendar year. (C-23-0042)

Dan Zieg, Chief Deputy County Attorney, stated the agreement extends the current contract.

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

- L. Agreement with the Board of Regents of the University of Nebraska, on behalf of the University of Nebraska-Lincoln, to establish an internship program through Human Services. (The term of the agreement is from January 1, 2023, through December 31, 2028.) (C-23-0046)

Sara Hoyle, Human Services Administrator, stated the partnership with the University expired over the pandemic. The program helps University students learn more about the juvenile justice system.

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

- M.** Grant contract with Rabble Mill for the All Access Pass program in the amount of \$55,249. (Funding is from the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Enhancement Grant for the term of January 1, 2023, through June 30, 2023.) (C-23-0047)

Hoyle stated the grant will help Rabble Mill expand their skate park.

MOTION: Vest moved and Amundson seconded approval of the contract. Vest, Amundson, Schulte and Yoakum voted yes. Flowerday abstained. Motion carried 4-0 with one abstention.

- N.** Designation of authorized representative for Nebraska Emergency Management Agency (NEMA) grant programs. (This attachment will update the grant application to NEMA to add three (3) outdoor warning sirens to the existing network of sirens providing coverage to Lancaster County found at C-22-0650.)

Jim Davidsaver, Emergency Management Director, stated this is a new authorized representative form to reflect the new County Board leadership.

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

O. Lancaster County Rural Fire Districts Steering Committee Recommendations:

- 1.** Recommendation to accept a proposal from RFCC, LLC in the amount of \$25,000 to perform a public safety radio system needs assessment. County American Rescue Plan Act (ARPA) funds will be used to fund this project.

Berens stated the County Board received a letter from the Chairman of the Rural Fire Radio Communications Steering Committee (RFCC) that recommended accepting a bid from RFCC to perform a public safety needs assessment. She added RFCC was the lowest bid.

MOTION: Amundson moved and Vest seconded approval of the recommendation to accept a proposal from RFCC, LLC. Amundson, Schulte, Flowerday, Vest and Yoakum voted yes. Motion carried 5-0.

- 2.** Recommendation for Lancaster County to enter into an agreement with Jared Ritze to compensate him for being the Rural Fire District's primary point of contact through the needs assessment process.

Berens stated the second part of the letter of recommendation from the Rural Fire Radio Communications Steering Committee was to enter into an agreement with Jared Ritz as the primary point of contact.

Bill Austin, Facilitator for the Rural Fire Districts Steering Committee, provided background information on Ritze. Austin stated Ritze does not feel comfortable being compensated for his service and that he would provide his service free to the County.

Flowerday suggested putting an item on the Thursday agenda naming Ritze the official coordinator but not as a paid position. He added having Ritze on the Board will be a great resource.

MOTION: Flowerday moved and Amundson seconded to table item 4O-2. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

- P. Recommendation from the Purchasing Agent to accept a proposal from RFCC, LLC in the amount of \$25,000 to perform a public safety radio system needs assessment for Lancaster County Rural Fire Districts. County ARPA funds will be used for this project. (B-22-201)

Berens stated the recommendation covers procedural requirements and that the Purchasing Agent has recommended accepting Item 4O-1.

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

5) LEGISLATIVE UPDATE

No update was given.

- 6) **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.

7) ANNOUNCEMENTS

- A. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, January 31, 2023, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will not hold a staff meeting on Thursday, February 2, 2023. The County Board will hold its mid-year budget retreat at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- 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 (LNKTv.lincoln.ne.gov). LNKTv is available on Allo channel 2 and Spectrum channel 1300. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTv). Meetings are also streamed live on YouTube and Facebook (YouTube.com/LNKTvcity and Facebook.com/lancasterne). LNKTv apps are also available on Roku, Apple TV and Amazon Fire TV.

8) EXECUTIVE SESSION - (Pending and Potential Litigation and Legal Advice)

MOTION: Vest moved and Amundson seconded to enter Executive Session at 9:44 a.m. for the purposes of pending and potential litigation, receiving legal advice, and to protect the public interest.

The Chair said it has been moved and seconded that the Board enter Executive Session.

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

The Chair restated the purpose for the Board entering Executive Session.

MOTION: Flowerday moved and Amundson seconded to exit Executive Session at 10:02 a.m. Amundson, Schulte, Flowerday, Vest and Yoakum voted yes. Motion carried 5-0

9) ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn at 10:02 a.m. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

Matt Hansen

Matt Hansen
Lancaster County Clerk

