

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
ZOOM MEETING
VIEWING AVAILABLE VIA YOUTUBE AT <https://www.youtube.com/lnktvcity>
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, MARCH 9, 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 March 5, 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 9:04 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, March 2, 2021.**

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

2) CLAIMS:

- A. Approval of all claims processed through March 9, 2021.**

MOTION: Amundson moved and Yoakum seconded approval of the claims. Flowerday, Schorr, Amundson, Yoakum 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. Right-of-way contracts with the following:**

- 1. Linda G. Novotny, Northwest 56th Street and West Ashland Road, in the amount of \$404. (C-21-0201)**
- 2. The Jerry J. Maher and Janice K. Maher Revocable Trust, Northwest 56th Street and West Ashland Road, in the amount of \$125. (C-21-0202)**
- 3. Russell F. and Rennae K. Anderson, North 27th Street and Waverly Road, in the amount of \$823. (C-21-0203)**

- B. First Amendment to County Contract C-20-0649 with JEO for additional wetland delineation, permitting, and related tasks for construction sites in Lancaster County. (Project 21-84. The expenditure for these additional services shall not exceed \$10,000.) (C-21-0204)**
- C. Second Amendment to County Contract C-19-0508 with Mainelli Wagner & Associates, Inc., for additional structural consultation services related to bridges in Lancaster County, Nebraska. (The additional services are not to exceed \$50,000.) (C-21-0213)**
- D. Amendments to County contracts for Unit Price – Painting Services (Bid No. 16-286. The amendments renew the contracts from March 1, 2021 through February 28, 2023. The cost to the County is not to exceed \$30,000 for all contracts.) with the following:**

 - 1. C-17-0142 with Athey Painting (C-21-0171)**
 - 2. C-17-0143 with Dickey - Hinds - Muir Incorporated (C-21-0172)**
 - 3. C-17-0144 with Schneider Construction LLC (C-21-0173)**
- E. Amendments to County contracts for Unit Price – Irrigation Maintenance and Repair Services (Bid No. 16-291. The amendments renew the contracts from March 1, 2021 through February 28, 2023. The cost to the County is not to exceed \$10,000 for all contracts.) with the following:**

 - 1. C-17-0084 with Lamplighters Lighting and Irrigation (C-21-0175)**
 - 2. C-17-0082 with Hunt Irrigation, Inc. (C-21-0176)**
 - 3. C-17-0083 with Judson Irrigation, Inc. (C-21-0177)**
- F. Amendments to County contracts for Unit Price – Roofing Services (Bid No. 16-294. The amendments renew the contracts from March 1, 2021 through February 28, 2023. The cost to the County is not to exceed \$60,000 for all contracts.) with the following:**

 - 1. C-17-0120 with MC Enterprises (C-21-0180)**
 - 2. C-17-0122 with Neemann & Sons Inc. (dba Sprague Roofing) (C-21-0181)**
 - 3. C-17-0123 with Weathercraft Company of Lincoln (C-21-0182)**
 - 4. C-17-0124 with White Castle Roofing & Gutters (White Castle Roofing & Contracting Inc.) (C-21-0183)**
- G. Amendments to County contracts for Unit Price – Electrical and Large Scale Electrical Services (Bid No. 16-284. The amendments renew the contracts with a price increase from March 1, 2021 through February 28, 2023. The cost to the County is not to exceed \$120,000 for all contracts.) with the following:**

 - 1. C-17-0136 with Capitol City Electric Inc. (C-21-0184)**
 - 2. C-17-0137 with Commonwealth Electric Company of the Midwest (C-21-0185)**
 - 3. C-17-0138 with Gregg Electric Company (C-21-0186)**
 - 4. C-17-0139 with Hy-Electric, Inc. (C-21-0187)**
 - 5. C-17-0140 with Progressive Electric (C-21-0188)**
 - 6. C-17-0141 with Willmar Electric Service (C-21-0189)**

- H. Amendments to County contracts for Annual Service – County Snow Removal – Truck Mounted Plow Services (Bid No. 19-032 The amendments renew the contracts from March 19, 2021 through March 18, 2022.) with the following:**
- 1. C-19-0228 with K2 Construction (K2 Real Estate Development). (The cost to the County is not to exceed \$15,000.) (C-21-0190)**
 - 2. C-19-0229 with Vasa Construction (The cost to the County is not to exceed \$60,000) (C-21-0191)**
- I. Amendments to County contracts for Unit Price – General Construction Service (Bid No. 16-278. The amendments renew the contracts from March 1, 2021 through February 28, 2023. The cost to the County is not to exceed \$100,000 for all contracts.) with the following:**
- 1. C-17-0135 with Vasa Construction (C-21-0196)**
 - 2. C-17-0132 with Kingery Construction Co. (C-21-0197)**
 - 3. C-17-0129 with Dickey – Hinds – Muir Incorporated (C-21-0198)**
 - 4. C-17-0128 with Brager Construction Inc. (C-21-0199)**
 - 5. C-17-0126 with DE Builders, LLC (C-21-0200)**
- J. Amendments to County contracts for Unit Price – HVAC and HVAC Control Services (Bid No. 16-281. The amendments renew the contracts from March 1, 2021 through February 28, 2023. The cost to the County is not to exceed \$70,000 for all contracts.) with the following:**
- 1. C-17-0150 with Benes Heating and Air Conditioning, Inc. (C-21-0205)**
 - 2. C-17-0153 with Engineered Controls Inc. (C-21-0206)**
 - 3. C-17-0154 with Hayes Mechanical (C-21-0207)**
 - 4. C-17-0155 with Johnson Controls, Inc. (C-21-0208)**
 - 5. C-17-0157 with MMC Contractors Inc. (C-21-0209)**
 - 6. C-17-0158 with Siemens Industry (C-21-0210)**
 - 7. C-17-0152 with Control Services, Inc. (C-21-0211)**
 - 8. C-17-0151 with Capitol Heating & Air Conditioning, Inc. (C-21-0212)**
- K. Amendments to the following County contracts:**
- 1. C-18-0086 with Waste to Energy Lincoln, LLC dba A 1st Rate Pumping Service, Inc., for Annual Services – Pumping, Hauling and Disposal Services (Bid No. 18-002. The amendment renews the contract with a price increase from March 3, 2021 through March 2, 2022. The cost to the County is not to exceed \$7,000.) (C-21-0174)**
 - 2. C-18-0111 with Mid-Continent Safety, DXP (DXP Enterprises INC) for Annual Supply - Personal Protective Equipment (PPE) and First Aid Supplies. (Bid No. 18-021. The amendment renews the contract from March 20, 2021 through March 19, 2022. The cost to the County is not to exceed \$2,000.) (C-21-0192)**
 - 3. C-18-0144 with A-TEC Recycling for Annual Requirements – Fluorescent Bulb and Battery Recycling Services. (Quote No. 5798. The amendment renews the contract from March 29, 2021 through March 28, 2022. The cost to the County is not to exceed \$500.) (C-21-0195)**

L. Received and placed on file the following reports for February, 2021:

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

MOTION: Amundson moved and Schorr seconded approval of the consent items.

Schorr noted in regard to all the unit price contract renewals how apparent it is of the number of entities need to keep Lancaster County functioning and the number of local companies used, which is important to the community.

ROLL CALL: Flowerday, Schorr, Amundson and Vest voted yes. Yoakum was unable to vote due to technical difficulties. Motion carried 4-0.

4) NEW BUSINESS:

- A. Special designated license application from Sesostris Shrine for an event at 1050 Saltillo Road, Roca, Nebraska on May 22 and 23, 2021.**

Dan Bolin, Sesostris Shrine Office Manager, appeared with Doug Koozer, Iron Nobles, and discussed details of the event.

In response to Vest's question, Bolin said this will be the first time doing the bike show, but they have had a number of similar events on the property.

MOTION: Amundson moved and Schorr seconded approval of the special designated license application. Amundson, Flowerday, Schorr and Vest voted yes. Yoakum was unable to vote due to technical difficulties. Motion carried 4-0.

- B. Resolution in the matter of transferring appropriations from the General Fund Miscellaneous Budget to the General Fund General Assistance and Election Commissioner Budgets. The amount to be transferred is \$800,000. (R-21-0014)**

Dennis Meyer, Budget and Fiscal Director, said this transfer will be to General Assistance and the Election Commissioner, which will allow the two departments to have spending authority through the remainder of the fiscal year.

MOTION: Amundson moved and Schorr seconded approval of the resolution. Schorr, Amundson, Flowerday and Vest voted yes. Yoakum was unable to vote due to technical difficulties. Motion carried 4-0.

- C. Resolution in the matter of authorizing the County Board Chair and Vice Chair to sign the Professional Services Agreement Supplemental No. 1 with Felsburg Holt & Ullevig. (See correlating item 4D) (R-21-0015)**

Pam Dingman, Lancaster County Engineer, said this item is to authorize the Chair to sign item 4D, which is the contract for environmental work. The road on South 98th Street currently does not exist (Exhibit 1) and there will be a number of environmental issues that will need to be addressed prior to construction.

In response to Amundson's question, Dingman said in the original agreement when Lancaster County acquired the right-of-way, there was a commitment stating the road would be open no later than the year 2030. If that does not happen, the right-of-way will revert back to the original landowner.

MOTION: Amundson moved and Schorr seconded approval of the resolution. Flowerday, Schorr, Amundson and Vest voted yes. Yoakum was unable to vote due to technical difficulties. Motion carried 4-0.

- D. Professional Services Agreement Supplemental No. 1 with Felsburg Holt & Ullevig for NEPA (National Environmental Policy Act) Services on South 98th Street from A Street to O Street. (Project LCLC-5275(2), CN 13418, LCED 19-28) The additional cost to the County is not to exceed \$118,442. The total estimated cost is \$129,243.52. (C-21-0214)**

MOTION: Schorr moved and Flowerday seconded approval of the Professional Services Agreement Supplemental No. 1. Flowerday, Schorr, Amundson and Vest voted yes. Yoakum was unable to vote due to technical difficulties. Motion carried 4-0.

- E. Agreement with Felsburg Holt & Ullevig for Professional Engineering Services to evaluate seven crossings on the OPPD (Omaha Public Power District) Rail Lines for potential safety improvements (Project 21-87). The cost to the County is not to exceed \$12,305. (C-21-0215)**

Dingman shared Exhibit 2 showing the OPPD rail lines as it leaves the City of Lincoln. The lines now have train traffic and there are concerns within Lancaster County that there may be some site distance issues at some of the crossings. The RTSD (Railroad Transportation Safety District) has been asked to reimburse the County for this study.

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

- F. Recommendation from the County Engineer and Purchasing Agent to award a contract to Straight-Line Striping Inc., for Pavement Marking 2021 (Bid No. 21-032, Project 21-83) for a total cost of \$60,155.01. (B-21-0032)**

Dingman said this is the annual striping agreement to ensure the roads meet reflectivity standards.

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

- G. Contract with Culligan of Lincoln for Annual Supply and Delivery of Water Softener Salt (Quote No. 6353). The contract is for one-year with the option to renew for three additional one-year terms. The cost to the County is not to exceed \$8,000. (C-21-0194)**

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

- H. Recommendation from the Personnel Policy Board to create a Community Corrections Lead Drug Screening Technician (C02 - \$36,293.92 - \$46,492.16).**

Kim Etherton, Community Corrections Director, said these positions were approved during the mid-year budget review.

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

- I. **Agreement with the Board of Regents of the University of Nebraska for the University of Nebraska-Lincoln through its Public Policy Center for assistance in planning and facilitating a Threat and Hazard Identification and Risk Assessment process. The cost to the County is \$6,000. (C-21-0218)**

Jim Davidsaver, Emergency Management Director, said the intent is to schedule and host this event in October, 2021, which provides a workshop of facilitated discussions and allows for a community-wide review of the 32 core capabilities that FEMA (Federal Emergency Management Agency) has identified. This will allow the County to focus on resiliency and continuity of operations. This event last took place in November, 2015 and that event brought out 119 participants from 57 different entities. Davidsaver noted there would be no additional fund request needed as these funds were approved in the budget.

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

- J. **Contract with MMC Contractors for an Isolation Room at the Youth Services Center (Bid No. 21-018). The work is to be completed within 90 days from the County's notice to proceed. The cost to the County is \$11,966. (C-21-0178)**

Kerin Peterson, Property Management, said this contract will take two existing isolation rooms at the Youth Services Center and modify them to allow for negative air flow rooms. This is a response due to the COVID-19 pandemic.

In response to Flowerday's question, Peterson said she is looking into providing negative air flow rooms at the Mental Health Center.

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

- K. **Contract with Sunset Law Enforcement to provide Annual Supply - Ammunition (Quote No. 6351). The term of the contract is from March 7, 2021 through March 6, 2022. The cost to the County is not to exceed \$25,000. (C-21-0179)**

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

- L. **Agreement renewal with Journal Star Printing, Co. (Lincoln Journal Star) for advertising for the Election Commissioner. The term of the agreement is March 1, 2021 through December 31, 2021. (C-21-0217)**

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

- M. **Contract with Capital Arborist Tree for Unit Price – City/County Tree Trimming and Removal Services (Bid No. 20-267). The contract is for one-year with the option to renew for three additional one-year terms. The cost to the County is not to exceed \$20,000 for all unit price contracts. (C-21-0193)**

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

- N. Grant contract with the Board of Regents of the University of Nebraska on behalf of the University of Nebraska-Lincoln to assist in the Emergency Rental Assistance Program for households that are unable to pay rent and utilities due to the COVID-19 pandemic. The term of the contract is from February 15, 2021 through December 31, 2021. The cost to the County is \$50,000. (C-21-0216)**

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

- O. Notices of termination effective March 31, 2021 due to Medicaid Expansion for the following County contracts:**

C-17-0556 & C-17-0557 with Urology PC and Urology Surgical Ctr	C-17-0622 with Horizon Physical Therapy
C-17-0891 with Advanced Medical Imaging	C-17-0551 with Star Anesthesia
C-17-0626 with Nebraska Orthopedic & Sports Medicine	C-17-0627 with Nebraska Surgery Center
C-17-0625 with Nebraska Hematology-Oncology	C-17-0697 with Lincoln Endoscopy Center
C-17-0520 with Lincoln Nephrology & Hypertension	C-17-0600 with Lincoln PT & Sports Rehab
C-17-0597 with Husker Rehab & Wellness Center PC	C-17-0558 with Wayne V. Videtich, DPR
C-17-0517 with Lincoln Surgery Center - Endoscopy	C-17-0598 with Lincoln OB GYN PC
C-17-0623 with Lincoln Anesthesiology Group (CHI)	C-17-0538 with David Timperley DC, PC
C-17-0663 with Southwest Lincoln Surgery Center	C-17-0679 with Neurology Associates
C-17-0678 with Consultants in Infectious Disease	C-17-0624 with Lincoln Surgical Group
C-17-0698 with Nebraska Oral and Facial Surgery	C-17-0537 with Dan L. Mosier, DC, PC
C-17-0546 with Nebraska Dermatology LLC	C-17-0740 with Heartland Urgent Care
C-17-0609 & C-17-0549 with South Lincoln Dermatology	C-17-0516 with Lincoln Surgical Hospital
C-17-0699 with Nebraska Surgical Specialists	C-17-0553 with Surgical Associates
C-18-0040 with Lincoln Digestive Health Center	C-17-0608 with David Samani, MD
C-17-0605 with Nebraska Neurosurgery Group	C-17-0555 with Trinity Chiropractic
C-17-0552 with Sue Jeffrey Physical Therapy, PC	C-17-0554 with Surgical Care PC
C-17-0550 & C-17-0664 with Southeast Nebraska Hematology	C-17-0724 with Women's Clinic of Lincoln
C-17-0758 with Madonna Rehabilitation Hospital	C-17-0544 with Lincoln Eye & Laser Institute

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

- P. Authorization for Prudential Bank & Trust, FSB, the Trustee for the County's Employees Retirement Plan and 457 Deferred Compensation Plan to take all actions necessary to apply for and enter into the attached contract amendment regarding Crediting Methodology with its affiliate, Prudential Insurance Company of America. (C-21-0219)**

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

- Q. Agreement with The Lincoln Marriott Cornhusker to provide a meeting room and services for the Lancaster County Employee Recognition Breakfast on October 5, 2021, including catering and service fees. The estimated cost to the County is \$18 per attendee. (C-21-0220)**

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

- R. **Settlement agreement with Joseph M. Ethridge for \$148 regarding an incident that occurred on January 8, 2021 resulting in damage to property generally located at 2377 South 119th Circle, Walton, Nebraska. (C-21-0221)**

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

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

Vest said he has spoken to Constituents who have provided feedback on how efficient and organized the process is while getting their vaccine.

Schorr said she had the opportunity to visit the vaccination site at Speedway Motors and thanked their management for working with the Lincoln-Lancaster Health Department to provide space when Pinnacle Bank Arena is not available.

6) **LEGISLATIVE UPDATE**

No discussion was held.

- 7) **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.

- 8) **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 on Thursday, March 11, 2021 at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold its next regular meeting via Zoom on Tuesday, March 16, 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).

9) **EXECUTIVE SESSION:**

- A. **Potential and pending litigation and legal advice.**

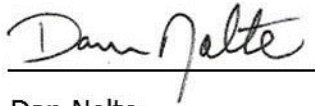
MOTION: Schorr moved and Flowerday seconded to enter executive session for the purposes of potential and pending litigation, legal advice and to protect the public interest at 9:43 a.m. Flowerday, Schorr, Amundson, Yoakum and Vest voted yes. Motion carried 5-0.

The Chair restated the motion.

MOTION: Schorr moved and Amundson seconded to exit executive session at 9:54 a.m. Yoakum, Flowerday, Schorr, Amundson and Vest voted yes. Motion carried 5-0.

10) **ADJOURNMENT**

MOTION: Schorr moved and Amundson seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:54 a.m. Schorr, Amundson, Yoakum, Flowerday and Vest voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

