

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 4, 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 March 31, 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; John Ward, Deputy County Attorney; 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 9:03 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 March 28, 2023.

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

2) CLAIMS

A. Approval to the claims processed through April 4, 2023.

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

3) SPECIAL PRESENTATION

A. Recognition of Kim Etherton, Community Corrections Director, for her years of service to Lancaster County.

Vest presented Etherton with a clock. The Board thanked her for her years of service, leadership and dedication in helping build the Community Corrections team and added Etherton was revolutionary in helping members of the Lancaster County community.

Etherton thanked the Board for their support throughout the years and thanked her staff for their work to help fulfill a dream in creating Community Corrections.

4) 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. Amendments to the following County Contracts:

1. C-22-0603 with Daniel Leggiadro, Ph.D. for on-call specialized psychological services for the Mental Health Crisis Center to increase the number of allowable service hours and compensation. (The new total service hours allowed is 640 hours, and the new total compensation allowed is \$166,400. The contract term is unchanged.) (C-23-0276)
2. C-22-0214 with Sapp Bros. Inc. for annual supply of anti-freeze/coolants/windshield washer fluid. (Bid No. 19-069. The amendment extends the contract from April 10, 2023, through July 31, 2023. The cost to the County is not to exceed \$1,500.) (C-23-0287)
3. C-22-0215 with Thermo King Christensen Inc. for annual supply of anti-freeze/coolants/windshield washer fluid. (Bid No. 19-069. The amendment extends the contract from April 10, 2023 through July 31, 2023. The cost to the County is not to exceed \$400.) (C-23-0288)
4. C-19-0352 with Summit Fire Protection for annual service of fire extinguisher inspection, testing, and maintenance. (Bid No. 19-120. The amendment adds additional fire extinguishers to the contract. The cost to the County will increase by \$20,034 with a revised contract total of \$25,034 for the remainder of the current term.) (C-23-0294)
5. C-22-0863 with McKesson Medical-Surgical Government Solutions LLC for medical supply solutions. (Sourcewell RFP 022422-MML Contract MOU132. The amendment renews the contract from May 1, 2023, through April 30, 2024. The estimated cost to the County is not to exceed \$8,000.) (C-23-0290)
6. C-16-0241 with Acuity Special Products, dba Zep Inc., for comprehensive operational and janitorial supplies solutions. (Region 14 ESC/NCPA Master Agreement Contract No. 02-28. The amendment renews the contract from May 1, 2023, through April 30, 2024. The estimated cost to the County is not to exceed \$2,000.) (C-23-0289)

B. Right-of-way contracts with the following:

1. Lynn F and Debra L Lenhoff, North 98th Street (Holdrege Street to Adams Street), in the total amount of \$27,095. (Project No. 23-01) (C-23-0274) (C-23-0275)
2. Kenneth J and Peggy S Hain, North 98th Street (Holdrege Street to Adams Street), in the amount of \$15,315. (Project No. 23-01) (C-23-0282)
3. Karen Louise Hendricks, North 98th Street (Holdrege Street to Adams Street), in the amount of \$6,655. (Project No. 23-01) (C-23-0284)
4. Lyle L and Dorothea M Jesse, Northwest 12th Street and West Rock Creek Road, in the amount of \$2,370. (Project No. 22-29 / C-023) (C-23-0278)
5. David A and Torey L Dudley, South 96th Street and Roca Road, in the total amount of \$6,755. (Project No. 22-41 / S-180) (C-23-0280) (C-23-0281)
6. Jerry L. and Jamie S. Prange, South 110th Street and Pella Road, in the amount of \$541. (Project No. 22-30 / X-291) (C-23-0283)
7. Donald G and Sheri Biggerstaff, North 98th Street (Holdrege Street to Adams Street), in the amount of \$19,865. (Project 23-01) (C-23-0297)

C. Utility Permit No. 2336 allowing Windstream Nebraska, LLC to replace a communication line due to the paving of Southwest 14th Street. (Work is from West Bennet Road to West Roca Road.) (C-23-0268)

D. Utility Permit No. 2337 allowing Windstream Nebraska, LLC to install a new fiber optic line to service the University of Nebraska Lincoln Rogers Memorial Farms. (Windstream will place approximately 1800 feet of fiber optic cable on Adams Street for new services to 18600 Adams Street, UNL Rogers Memorial Farms.) (C-23-0269)

- E. Utility Permit No. 2340 allowing Allo Communications, LLC to install a new communication line along Northwest 56th Street. (Work is along Northwest 56th Street on the west side of the City of Lincoln, specifically in Section 19, Township 10N, Range 6E along the west boundary.) (C-23-0270)

NOTE: Pam Dingman, County Engineer, requested item 4E be pulled from consent items for further discussion.

MOTION: Vest moved and Amundson seconded to pull item 4E from consent. Schulte, Flowerday, Vest, Amundson, and Yoakum voted yes. Motion carried 5-0.

MOTION: Vest moved and Schulte seconded approval of the remaining consent items (Items 4A to 4D). Amundson, Schulte, Flowerday, Vest and Yoakum voted yes. Motion carried 5-0.

Dingman stated she wanted the Board to be aware Allo Communications, LLC started work without the proper permit. The Engineering Department has discussed the proper procedure with Allo and recommends approval of the utility permit. She noted Allo is aware lines being installed along Northwest 56th Street will need to be relocated later, and they would do the work at no charge to the County.

Yoakum asked for clarification on if Allo was informed verbally to proceed with the installation and forming the contract. Dingman stated the contract before the Board is the legal contract. Dingman stated Allo has not installed many lines in the County and were not aware of the County's permit process.

MOTION: Amundson moved and Vest seconded to approve Utility Permit No 2340 (Item 4E). Vest, Amundson, Schulte, Flowerday and Yoakum voted yest. Motion carried 5-0.

5) NEW BUSINESS

- A. Appointment of Amanda Burki as the Emergency Management Deputy Director at an annual salary of \$83,636.80, effective April 20, 2023.

Jim Davidsaver, Emergency Management Director, introduced Burki to the Board.

Burki provided her employment history.

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

- B. Appointment of Ryan Swaroff to the Lancaster County Indigent Defense Advisory Committee for the remainder of a three-year term, expiring April 30, 2025.

Kristi Egger, Public Defender provided information about the Lancaster County Indigent Defense Advisory Committee and recommended approval of the appointment.

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

- C. Request for an Exceptional Circumstance Award under Personnel Rule 17.9 (b) for Virgil Dearmont, Civil Engineer III, for a one-step pay increase.

Dingman stated Dearmont is terminated and rehired each year without a pay increase. Dingman recommended a one-step pay increase because of his over 30 years of work experience and his help on bridge systems on a temporary basis since he retired in 2015.

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

D. Resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-23-0020)

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

Vest asked for clarification of the unclaimed witness fees process.

John Ward, Deputy County Attorney, stated unclaimed witness fees are payments that have remained unclaimed for a period of more than six months. The resolution before the Board is fees that have not been claimed since September 2022.

Kevin Nelson, Accounting Operations Manager, stated he prepares the documents for the resolution and that the process is for instances when people do not claim their witness fees within six months. A resolution then goes before the Board and if the fees remain unclaimed for six months, the funds are turned over to the County Treasurer and transferred to the Lancaster County school districts.

ROLL CALL: The Chair called for a vote on the motion to approve the resolution. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

E. Resolution instituting eminent domain proceedings against Linda K Guill and Richard L Klauz. (Project No. 22-48, Bridge E-38) (R-23-0021)

Alex Olson, County Engineering Right-of-Way Manager, stated the resolution is part of the bridge project outside of Malcolm and presented a map of the area (Exhibit 1).

Vest inquired about the process to reach an agreement.

Olson stated he and the County Engineer have met with the property owner many times to provide different options to find a way to fit a driveway onto the property and showed on the map a guardrail that needs to be protected. He noted an agreement has not been reached. Vest asked if agreements have been reached with the remaining property owners. Olson stated yes. Dingman stated the Engineering Department will continue to try and reach an agreement with the property owners, and an agreement is often reached before the hearing date.

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

F. Contract with Kubert Appraisal Group for the appraisal of land near Northwest 105th Street and Malcolm Road in the amount of \$3,200. (Project No. 22-48, Bridge E-38) (C-23-0296)

Olson stated the contract correlates to item 5F and due to a conflict of interest, it is best practice for the Engineering Department to remove themselves from the appraisal process.

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

G. Contract with Highway Improvement Inc. to provide Crack Sealing 2023. The cost to the County is not to exceed \$309,855.70. (Project No. 23-05. Bid No. 23-041. This contract shall be effective upon execution.) (C-23-0293)

Dingman presented a map of the areas that crack sealing would be applied (Exhibit 2). She added crack sealing is added to pavement to help prevent moisture damage.

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

- H. Grant Contract with Nebraska State Historical Society - History Nebraska to reimburse promotional costs from the Visitors Promotion Fund for the Righting A Wrong: Japanese Americans and WWII exhibit in an amount not to exceed \$5,000. (C-23-0271)

Vest noted the Visitors Promotion Fund assists entities in publicizing their events to help the Lancaster community realize all the diversity events in the community.

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

- I. Grant Contract with LUX Center for the Arts to reimburse promotional costs from the Visitors Promotion Fund for the 2023 EMERGE LNK Street Art and Mural Festival in an amount not to exceed \$5,000. (C-23-0273)

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

- J. Grant Contract with the Board of Regents of the University of Nebraska on behalf of the University of Nebraska-Lincoln's University of Nebraska State Museum to promote its Summer Staycation promotion at Morrill Hall in an amount not to exceed \$5,000 from the Visitors Promotion Fund. (C-23-0291)

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

- K. Grant Contract with Stephen Siller Tunnel to Towers Foundation to promote its Tunnel to Towers 5K Run & Walk in Lincoln in an amount not to exceed \$5,000 from the Visitors Promotion Fund. (C-23-0298)

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

- L. Agreement with NRG Media LLC for advertising for the Lancaster Sheriff's Office. The cost to the County will not exceed \$4,820. (C-23-0292)

Ben Houchin, Chief Deputy Sheriff, stated the County Sheriff's Office has had recruiting issues and this would help address that.

MOTION: Schulte moved and Flowerday seconded approval of the agreement.

Yoakum inquired if the advertising would direct the recruitment to Eleanor Creative. Houchin stated yes the Sheriff's Office plans to add this option to see what works for finding recruits.

ROLL CALL: The Chair called for a vote on the motion to approve the agreement. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

- M. Contract with Aramark Correctional Services, LLC to provide food services to Lancaster County's Department of Corrections, Youth Services Center, and Mental Health Crisis Center. The cost to the County for the first year is \$1,689,244.50. (Bid No. 23-001. The initial contract term is four (4) years.) (C-23-0295)

Flowerday inquired if the County Attorney's Office agreed with the terms of the contract. Ward stated yes.

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

- N. Contract with Miller Seed Company to provide grass seed. The cost to the County is not to exceed \$1,000. (Bid No. 23-073. The contract shall be effective for one (1) year upon execution.) (C-23-0285)

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

- O. Contract with United Seeds Inc. to provide grass seed. The cost to the County is not to exceed \$25,000.00. (Bid No. 23-073. This contract shall be effective for one (1) year upon execution.) (C-23-0286)

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

- P. Agreement with Blackstone Environmental to perform an environmental site assessment located at 635 J Street in Lincoln. The cost to the County is \$3,005. (American Rescue Plan Act (ARPA) funds will be used to fund this project.) (C-23-0277)

Kerin Peterson, Facilities & Properties Director, stated the project was ahead of schedule for Phase 1 of the 635 J Street improvement project for the Civil Protective Custody Center.

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

- Q. Settlement agreement and release between Brenda Love and Lancaster County. (C-23-0272)

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

6) **LEGISLATIVE UPDATE**

Flowerday noted that many of the bills going through the Legislature will be 20 or more bills amended into one bill.

- 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**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 6, 2023, at 9:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, April 11, 2023, at 9:00 a.m. regarding Text Amendment No. 23003, to amend Articles 2, 6, 13, and 17 of the Lancaster County Zoning Resolution.
- C. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, April 11, 2023, at 9:00 a.m. in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- D. County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.

E. The Lancaster County Board of Commissioners meeting is broadcast live on LNKTU (LNKTU.lincoln.ne.gov). LNKTU is available on Allo channel 2 and Spectrum channel 1300. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTU). Meetings are also streamed live on YouTube and Facebook (YouTube.com/LNKTUcity and Facebook.com/lancasterne). LNKTU apps are also available on Roku, Apple TV and Amazon Fire TV.

9) **ADJOURNMENT**

MOTION: Vest moved and Amundson seconded to adjourn at 9:41 a.m. Schulte, Flowerday, Vest, Amundson and Yoakum voted yes. Motion carried 5-0.



Matt Hansen
Lancaster County Clerk

