

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 18, 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 April 14, 2023.

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

Others present: David Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; John Ward, Deputy County Attorney; Matt Hansen, County Clerk; 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 April 11, 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 18, 2023.

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

B. Approval of a claim to Indian Center in the amount of \$8,000. (Batch No. 292998, Document No. 802112)

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

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. Greg and Lauren M Wilmes, Northwest 40th Street and West Rock Creek Road, in the amount of \$3,241. (Project No. 22-29 / C-322) (C-23-0329)
2. Kane Family Trust, Northwest 40th Street and West Rock Creek Road, in the amount of \$622. (Project No. 22-29 / C-322) (C-23-0330)

3. Sandra K Maahs Revocable Trust, South 162nd Street and A Street, in the amount of \$3,640. (Project No. 22-28 / J-273) (C-23-0331)
 4. Robert D and Debra D Peterson, South 110th Street and Pella Road, in the amount of \$298. (Project No. 22-30 / X-291) (C-23-0332)
- B. Utility Permit No. 2346 allowing Black Hills Energy to install natural gas service to the West Prairie Subdivision. (The subdivision is located at approximately Southwest 49th Street and West Van Dorn Street.) (C-23-0325)
 - C. Utility Permit No. 2348 allowing Windstream Nebraska LLC to install a new communication line connecting a cellular tower. (Windstream will place 3,800 feet of fiber optic cable to the tower location at 9201 West Agnew, Valparaiso.) (C-23-0326)
 - D. Received and placed on file the independent auditor's report for Lancaster County for the fiscal year ending June 30, 2022.
 - E. Received and placed on file the following quarterly reports for January to March 2023:
 1. County Sheriff
 2. County Attorney
 - F. Setting a public hearing on Tuesday, May 2, 2023, regarding Comprehensive Plan Amendment No. 23001 to amend the 2050 Lincoln-Lancaster County Comprehensive Plan to add the Major Streets and Right-of-Way Map and associated text.

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

4) NEW BUSINESS

- A. Resolution in the matter of authorizing the County Engineer to install a 55 MPH traffic sign on the northbound side of South 84th Street approximately 200 feet north of Saltillo Road in Lancaster County. (R-23-0024)

John Berry, County Engineering Chief Deputy Surveyor, stated a speed study was conducted and the County Engineering Department recommends a 55 MPH traffic sign. He presented a map of the location (Exhibit 1). Vest inquired about the request and current speed in the area. Berry stated a Lancaster citizen requested the speed limit be set at 55 and was unsure of the current speed but thought it was 45 MPH.

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

- B. Agreement with JEO to conduct fracture critical bridge inspections for Bridges C-220, C-224, F-224, H-083, H-120, M-178, R-015, and V-090 in Lancaster County. The cost to the County is not to exceed \$17,600. (C-23-0327)

Berry stated JEO has specialized equipment to inspect bridges and presented a map of the bridges to be inspected (Exhibit 2).

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

- C. Contract with JJK Construction LLC to replace County Bridge E-38. The cost to the County is not to exceed \$1,002,680.25. (Bid No. 23-081) (C-23-0333)

Berry stated Bridge E-38 is located by Malcom, Nebraska. He added the start of construction should be in May 2023. The Clerk's Office was provided with a map of the bridge location (Exhibit 3).

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

- D. Recommendation from the Purchasing Agent and County Engineering to award a bid to Vogtscapes, Inc. for replacement of County Bridges R-184 and S-180. The estimated total cost to the County is \$2,321,728.50. (Projects 22-40 & 22-41) (B-23-082)

Berry stated the two bridges are located east of Roca on Roca Road and presented a map of the area (Exhibit 4). He added Vogtscapes, Inc was the lowest bid of the three (3) bidders and was under the original estimated amount. Berry stated May is the estimated start date for the project.

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

- E. Special designated license application from Seven Diamonds LLC for an event at Prairie Creek Inn (2400 South 148th Street Walton, NE) on May 27, 2023.

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

- F. Special designated license applications from Meier's Wine, Inc., dba Meier's Cork 'N Bottle, for the following events:

1. Roca Ridge (5265 Prairie Sage Drive Roca, NE) on June 3, 2023,
2. Prairie Creek Inn (2400 South 148th Street Walton, NE) on June 17, 2023.

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

- G. Grant contract with the City of Lincoln Police Department for the Lincoln/Lancaster County Investigative Narcotics Cooperative (LINC) in the amount of \$120,894. (Funding is from the U.S. Department of Justice and will be used to fund assigned County Attorneys responsible for prosecution of LINC cases.) (C-23-0328)

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

- H. Agreement with Baylor Evnen PC to provide professional legal services to Lancaster County. (C-23-0334)

The Clerk noted item 4H is being held.

5) LEGISLATIVE UPDATE

Flowerday noted AM1121 to LB255 was brought to the Board's attention. The amendment would prevent local political subdivisions in exercising the power of eminent domain on fifty acres or real property for electric generation. The Clerk's Office was provided with a copy of amendments to LB255 (Exhibit 5). Flowerday recommended the Board take a position of opposition against AM 1121 that would restrict Lancaster County eminent domain more than other counties.

Amundson inquired who brought the amendment forward. Flowerday stated he thought it was Senator Bostelman's amendment to Senator Brewer's Bill. Schulte inquired about LB255. Flowerday stated LB255 changes eminent domain and renewable energy generation provisions relating to certain power suppliers.

MOTION: Flowerday moved and Vest seconded to oppose AM1121 to LB255. Amundson, Schulte, Flowerday, Vest and Yoakum voted yes. 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.

No one appeared for public comment.

7) ANNOUNCEMENTS

- A.** The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, April 20, 2023, 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 on Tuesday, April 25, 2023, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- C.** The Lancaster County Board of Commissioners will hold a public hearing on Tuesday, April 25, 2023, at 9:00 a.m. regarding Health Department amendments to various sections and appendices of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS).
- 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 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](https://www.youtube.com/LNKTVcity) and [Facebook.com/lancasterne](https://www.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 Flowerday seconded to enter Executive Session at 9:23 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: Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

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

MOTION: Vest moved and Amundson seconded to exit Executive Session at 9:30 a.m. Flowerday, Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 5-0.

NOTE: The Board returned to Item 4H.

MOTION: Schulte moved and Flowerday seconded to approve Item 4H. Schulte, Flowerday, Vest, Amundson and Yoakum voted yes. Motion carried 5-0.

9) ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn at 9:31 a.m. Amundson, Schulte, Flowerday, Vest and Yoakum voted yes. Motion carried 5-0.

Matt Hansen

Matt Hansen
Lancaster County Clerk

