

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, MAY 16, 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 May 12, 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; Candace Berens and John Ward, Deputy County Attorneys; Matt Hansen, County Clerk; Courtney Lyons, Deputy County Clerk; Meggan Reppert-Funke, County Clerk's Office

The meeting was called to order at 9:00 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 May 9, 2023.

**MOTION:** Amundson moved and Flowerday 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 May 16, 2023.

**MOTION:** Vest moved and Amundson 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 Inc in the amount of \$1,926.19. (Batch No. 294130, Document No. 805401 and Batch No. 294149, Document No. 805519).

**MOTION:** Flowerday moved and Vest 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.** Amendments to the following County Contracts:

1. C-17-0422 with The Board of Regents of the University of Nebraska, on behalf of the University of Nebraska - Lincoln and its Children's Justice Clinic at the University of Nebraska, for the representation of indigent juveniles in the Separate Juvenile Court of Lancaster County. (The amendment revises rates and renews the contract for five years, from July 1, 2023, through June 30, 2028.) (C-23-0380)

2. C-23-0277 with Blackstone Environmental for Phase II of an environmental study concerning a portion of property to be used as a Civil Protective Custody unit located at 635 J Street Lincoln. (The cost to the County is \$16,240.) (C-23-0395)
3. C-21-0331 with Lincoln Journal Star for the annual service of publishing legal notices and all other verbiage necessary to conduct City/County/Public Building Commission Business. (Bid No. 21-080. The amendment renews the contract from June 9, 2023, through June 8, 2024. The cost to the County is not to exceed \$5,000.) (C-23-0409)

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

1. Nancy J Cerone, North 176<sup>th</sup> Street and Davey Road, in the amount of \$505. (Project No. 22-28 / A-232) (C-23-0378)
2. Lynn C Brazda, Northwest 84<sup>th</sup> Street and West Little Salt Road, in the amount of \$3,415. (Project No. 22-29 / D-290) (C-23-0379)
3. The Hargens Family Trust, Northwest 40<sup>th</sup> Street and West McKelvie Road, in the amount of \$946. (Project No. 22-29 / F-117) (C-23-0381)
4. Linda K Guill and Richard L Klauz, Northwest 105<sup>th</sup> Street and West McKelvie Road, in the total amount of \$2,160. (Project No. 22-48 / E-038) (C-23-0382) (C-23-0383)
5. Coffey Grounds LLC, Northwest 40<sup>th</sup> Street and West McKelvie Road, in the amount of \$136. (Project No. 22-29 / F-117) (C-23-0385)
6. Jerry L Barger, North 176<sup>th</sup> Street and Rock Creek Road, in the amount of \$505. (Project No. 22-28 / A-125) (C-23-0386)
7. Timothy W and Nancy J Newman, North 98<sup>th</sup> Street (Holdrege Street to Adams Street), in the total amount of \$17,675. (Project No. 23-01) (C-23-0387) (C-23-0391)
8. Exclusive Financial Services LLC, South 54<sup>th</sup> Street and Martell Road, in the amount of \$946. (Project No. 22-30 / S-163) (C-23-0394)
9. Georgia Properties LLC, South 120<sup>th</sup> Street and Yankee Hill Road, in the amount of \$370. (Project No. 22-28 / Q-301) (C-23-0402)
10. Matterhorn LLC, South 120<sup>th</sup> Street and Yankee Hill Road, in the amount of \$298. (Project No. 22-28 / Q-301) (C-23-0403)

**C. Utility Permit No. 2369 allowing Windstream Nebraska LLC to reinstall a communication line for the Southwest 42nd Street paving project. (Project No. 21-09. Windstream is to replace temporary buried cable on Southwest 42nd Street between West Pella Road and Hallam Road in the Hallam exchange.) (C-23-0375)**

**D. Utility Permit No. 2364 allowing Windstream Nebraska LLC to install a new communication line in Southeastern Lancaster County around the Hallam area. (Work is to be done on Southwest 42nd Street from West Pella Road to West Gage Road, West Pella Road from Southwest 42nd Street to Southwest 14th Street, Southwest 29th Street from West Pella Road to West Gage Road and Southwest 14th Street one half mile north and south of West Hallam Road.) (C-23-0404)**

**E. Utility Permit No. 2365 allowing Windstream Nebraska LLC to install a new communication line in southeastern Lancaster County around the Hallam area. (Work is to be done on West Panama Road from Southwest 58th Street to Southwest 42nd Street, Southwest 42nd Street from West Panama Road to West Princeton Road, West Princeton Road from Southwest 58th Street to Southwest 29th Street, and West Olive Creek Road from Southwest 42nd Street to Southwest 58th Street.) (C-23-0405)**

**F. Utility Permit No. 2370 allowing Allo Communications LLC to install new communication lines along West Sprague Road from Southwest 142nd Street to Southwest 114th Street. (C-23-0406)**

- G. Utility Permit No. 2372 allowing Olsson, Inc. to take soil borings for a geotechnical report for a new trunk sewer line. (The soil borings will start 500 feet south of Pioneers Boulevard along 98th Street and continue north for 1.23 miles (500 feet north of Van Dorn Street). Work will be performed in the right-of-way along 98th Street at a total of six boring locations.) (C-23-0408)
- H. Change Order No. 2 to County Contract C-22-0551 with JJK Construction to add additional structural steel due to a plan revision. (The cost to the County is not to exceed \$6,629.64) (C-23-0396)
- I. Change Order No. 1 to County Contract C-23-0048 with Constructors, Inc. to add additional materials for earthwork measured in embankment. (The cost to the County is not to exceed \$5,087.85) (C-23-0398)
- J. Change Order No. 1 to County Contract C-23-0237 with Tim Sisco Construction LLC to extend the project start date to June 19, 2023, per the contractor's request. (There is no cost to the County.) (C-23-0399)
- K. Grant contract with Cedars Youth Services for the Carriage House program in the amount of \$250,000. (Funding is from the Joint Budget Committee for the term of May 16, 2023, through June 30, 2023.) (C-23-0410)
- L. Agreements with the following for speaking services for the 2023 Nebraska Community Aid & Juvenile Justice Conference. (Funding is from the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Enhancement Grant.)
  - 1. Alexandra Miller in an amount not to exceed \$1,500. (C-23-0388)
  - 2. Christian Bijoux in an amount not to exceed \$1,650. (C-23-0389)
  - 3. RFK Community Alliance in an amount not to exceed \$2,200. (C-23-0390)
  - 4. School Avoidance Alliance in an amount not to exceed \$2,200. (C-23-0400)
  - 5. Smart GEN Society in an amount not to exceed \$1,650. (C-23-0407)

**MOTION:** Flowerday moved and Vest seconded approval of the consent items.

Schulte requested Item K be pulled from the consent items.

**MOTION:** Schulte moved and Flowerday seconded to remove Item K from the consent items. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

Yoakum restated the original motion to approve the remaining consent items.

**ROLL CALL ON REMAINING CONSENT ITEMS:** Amundson, Schulte, Flowerday, Vest and Yoakum voted yes. Motion carried 5-0.

**MOTION:** Flowerday moved and Amundson seconded to approve Item 3K.

Schulte stated he was contacted by a nonprofit organization that was interested in receiving \$250,000 towards a project. He was checking on the process to apply for Joint Budget Committee (JBC) funding. Flowerday said the nonprofit could send a funding request to the JBC to the attention of Sara Hoyle, Human Services Director.

Schulte also said he has concerns about the transparency on funding for particular projects that do not go through the same budgeting process as other County items. He indicated he would vote no on the motion.

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

#### 4) NEW BUSINESS

- A. Resolution in the matter of authorizing the County Board Chair or Vice Chair to sign Professional Services Agreement Supplement No. 1, amending County Contract C-22-0249 with Felsburg Holt & Ullevig for additional environmental services. (Project No. 22-44, LCLC-5272(1), CN 13492, Arbor Road Bridge.) (R-23-0031)

Larry Legg, Assistant County Engineer, outlined the resolution, noting Item B is the accompanying project contract for Bridge F-201.

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

- B. Professional Services Agreement Supplement No. 1, amending County Contract C-22-0249 with Felsburg Holt & Ullevig for environmental services. (Project No. 22-44, LCLC-5272(1), CN 13492, Arbor Road Bridge. The total cost for Supplement No. 1 is not to exceed \$100,615.71 of which \$80,492.57 is the Federal share and \$20,123.14 is the County share.) (C-23-0397)

Legg said the engineering agreement was approved at last week's meeting.

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

- C. Resolution in the matter of increasing the speed limit on Southwest 14th Street between N-33 and West Saltillo Road from 50 MPH to 55 MPH. (This road segment was recently paved.) (R-23-0032)

Legg displayed a map of the area (Exhibit 1). State statute dictates the speed limit on paved county roads to be 55 miles per hour unless determined otherwise through a speed study.

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

- D. Road maintenance agreement with Gana Trucking & Excavating related to Special Permit No. 20014A for Coffey Grounds LLC to excavate soil, sand, and gravel on property located west of Northwest 40th Street and north of US Highway 34 in Lancaster County. (C-23-0401)

John Berry, Chief Deputy County Surveyor, stated this agreement is part of the renewal process for Gana's special permit.

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

- E. Recommendation from County Engineering to award a bid to Midwest Infrastructure, Inc. for ARPA (American Rescue Plan Act) Culvert Maintenance (Phase II). The estimated total cost to the County is \$694,371.33. (Project No. 22-29, Bid No. 23-126) (B-23-126)

Legg displayed a map of the project area (Exhibit 2).

**MOTION:** Amundson moved and Schulte seconded approval of the recommendation. Schulte, Flowerday, Vest, Amundson 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, including budget hearings, on Thursday, May 18, 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, May 23, 2023, at 9:00 a.m., and department budget hearings immediately following, 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](mailto: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, Legal Advice, and Union Negotiations)**

**MOTION:** Vest moved and Amundson seconded to enter Executive Session at 9:23 a.m. for the purposes of pending and potential litigation, receiving legal advice, union negotiations, and to protect the public interest.

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

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

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

**MOTION:** Vest moved and Flowerday seconded to exit Executive Session at 9:34 a.m. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

9) **ADJOURNMENT**

**MOTION:** Flowerday moved and Amundson seconded to adjourn at 9:34 a.m. Flowerday, Vest, Amundson, Schulte, and Yoakum voted yes. Motion carried 5-0.

  
Matt Hansen  
Lancaster County Clerk





# Lancaster County, NE

## Project 22-29

### ARPA Culvert Maintenance Phase II

