

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 24, 2022 AT 9:00 AM
COUNTY-CITY BUILDING, ROOM 112

**COMMISSIONERS: Deb Schorr, Chair; Christa Yoakum, Vice Chair;
Roma Amundson, Sean Flowerday; 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 20, 2022.

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

Others present: Dave Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; John Ward, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy 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 CenterPointe tour held on Tuesday, May 13, 2022

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

B. Approval of the minutes of the Board of Commissioners meeting held on May 17, 2022

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

2) CLAIMS:

A. Approval of all claims processed through May 24, 2022

The Clerk noted there was an amendment to the claims for the payroll ending May 18, 2022 (Exhibit 1).

MOTION: Flowerday moved and Yoakum seconded approval of the claims as amended. Yoakum, Flowerday, Vest, Amundson and Schorr 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 approved of:

A. Amendments to the following County contracts:

1. C-15-0062 with Summit Food Service LLC for annual food service for Lancaster County correctional facilities. (The amendment reflects an 8% price increase for meals, snacks, and milk. The total cost to the County remains at \$5,700,000.) (C-22-0361)

2. C-21-0711 with Genuine Parts Company dba NAPA Auto Parts for aftermarket vehicle parts and supplies (product only). (State of Minnesota/Sourcwell RFP 032521-GPC MOU114. The amendment renews the MOU for an additional one (1) year term beginning May 20, 2022 through May 19, 2023. The cost to County is not exceed \$40,000.) (C-22-0390)
3. C-20-0470 with National Everything Wholesale, a NETWORK Distributor, for janitorial and sanitation supplies, equipment and related services. (City of Tucson RFP 202329-01 MOU083. The amendment renews the contract from June 1, 2022, through May 31, 2023. The estimated cost for products/services to the County is not to exceed \$210,000.) (C-22-0392)
4. C-18-0272 with Firespring for business card and letterhead printing (business cards only). (Bid No. 18-082. The amendment extends the contract for a term beginning June 12, 2022, through October 10, 2022. The cost to County is not to exceed \$3,350.) (C-22-0393)
5. C-18-0271 with Cornhusker State Industries for business card and letterhead printing (letterhead only). (Bid No. 18-082. The amendment extends the Contract for a term beginning June 12, 2022, through October 10, 2022. The cost to County is not to exceed \$1,400.) (C-22-0394)

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

1. Bakers Dozen Farm LLC, South 134th Street and Firth Road, in the amount of \$343. (Project 22-27 / Y-342) (C-22-0378)
2. Jerry L. Minchow Revocable Living Trust, North 98th Street and Davey Road, in the amount of \$991. (Project 22-27 / B-56) (C-22-0382)
3. Emily A. Harris, North 98th Street and Davey Road, in the amount of \$847. (Project 22-27 / B-56) (C-22-0385)
4. Jonathan D. & Stefanie L. Urbom, South 38th Street and Stagecoach Road, in the amount of \$1,372. (Project 22-21 / S-40) (C-22-0386)
5. Paul A. Voller, South 190th Street and Hickman Road, in the amount of \$343. (Project 22-27 / R-227) (C-22-0387)

C. Change Order 1 to County Contract C-22-0205 with Pavers, Inc., due to a plan revision. (The revision allows for shoulder work and additional patching. The increase shall not exceed \$189,436.73.) (C-22-0389)

D. Change Order 2 to County Contract C-20-0556 with Van Kirk Brothers Contracting due to the contractor overrunning the project by two (2) working days. (The decrease is in the amount of \$764.) (C-22-0395)

E. Setting a public hearing for Tuesday, May 31, 2022, at 9:00 a.m., in Room 112 of the County-City Building (555 S 10th Street, Lincoln, Nebraska) regarding a request from the Director of Building and Safety to revoke Special Permit No. 17027 by rescinding County Resolution No. R-17-0068, Tallgrass Hills Community Unit Plan, in the vicinity of SW 98th Street and West Yankee Hill Road.

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

4) PUBLIC HEARING

- A. Applications for a Class Y liquor license** for Capriolo Winery LLC dba Windcrest Winery (3110 West Branched Oak Road, Raymond) and a corporate manager's liquor license for Shannon Martin-Roebuck (See correlating item under New Business 5A.)

The chair opened the public hearing.

Shannon Martin-Roebuck, applicant, was administered the oath. She provided background information about herself and Capriolo Winery LLC dba Windcrest Winery. In response to Schorr's inquiry, Martin-Roebuck confirmed the tasting room would remain open and online purchases will be available.

John Berry, Chief Deputy Surveyor, County Engineering Department, was administered the oath. He stated after further review of the application, County Engineering has found that the driveway needs to be regraded to slope away from the shoulder of the connecting roadway to meet County standards. If it remains as is, County Engineering would recommend denial of the application. Berry added if the applicant would go on record stating that they are committed to fixing the driveway, the Engineering Department would recommend approval of the Class Y liquor license.

Schorr inquired if Martin-Roebuck was made aware of this concern prior to today. Berry stated the driveway permit was issued on May 23, 2022, thus, there was not enough time to provide the applicant notice before the public hearing. Vest asked what would be involved for the project to meet County standards. Berry said the driveway would need to be graded to create a 3'-4' slope to allow for proper water drainage. He noted the applicant has a 60-day Temporary Operating Permit and Engineering would require the work to be completed before that expiration date.

John Ward, Deputy County Attorney, was administered the oath. He noted the resolution only references the Class Y liquor license, although, the public hearing was for the liquor license and a corporate manager's license for Shannon Martin-Roebuck. He said a resolution for the manager's license would need to be addressed by the Board at a future meeting. It was confirmed that the resolution would be on next week's agenda under New Business and Ms. Martin-Roebuck would not need to appear.

Vest asked for clarification from Martin-Roebuck that in the event the liquor license and corporate manager's license were approved by the Board, she would agree to comply with the recommendation from County Engineering regarding the driveway before the Temporary Operating Permit expired. Martin-Roebuck agreed.

The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. Resolution in the matter of applications for a Class Y liquor license for Capriolo Winery, LLC dba Windcrest Winery (3110 West Branched Oak Road, Raymond) and a corporate manager's liquor license for Shannon Martin-Roebuck. (R-22-0036)

MOTION: Vest moved and Flowerday seconded approval of the resolution for the Class Y liquor license with the understanding that the applicant has agreed to make the changes recommended by the County Engineering Department. Vest, Amundson, Yoakum, Flowerday and Schorr voted yes. Motion carried 5-0.

- B. Resolution directing the County Engineer to conduct a study and the Planning Department to write a report regarding vacating a 50-foot right-of-way located in Raymond, Nebraska, more particularly described in "Exhibit A", and located in Lancaster County, Nebraska. (R-22-0034)

John Berry, Chief Deputy Surveyor, County Engineering Department, stated there was a petition to vacate North Street in the Village of Agnew and he presented a map of the area (Exhibit 2).

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

- C. Resolution directing the County Engineer to conduct a study and the Planning Department to write a report regarding vacating a portion of NW 25th Street, Raymond, Nebraska, more particularly described in "Exhibit A", and located in Lancaster County, Nebraska. (R-22-0035)

Berry stated this resolution would direct the Engineering Department to perform a study regarding vacating a portion of NW 25th Street in Raymond. The petition was submitted by the two adjacent landowners that are currently providing the maintenance on this section of road and he presented a map of the area (Exhibit 3).

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

- D. Resolution in the matter of authorizing the County Board Chair or Vice Chair to sign the Task Order Agreement with FHU for NEPA (Environmental) services (Project 22-02; LCLC-3340(8) CN 13493 Fletcher Ave 84th to 148th) (R-22-0037)

Pam Dingman, County Engineer, stated items 5D through 5G are part of the Federal Aid projects on Fletcher Avenue. She presented a map of the area (Exhibit 4).

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

- E. On-Call Professional Services Task Order Agreement with Felsburg Holt & Ullevig for NEPA (Environmental) services in the amount of \$11,197.40. (Project 22-02 LCLC-3340(8) CN 13493 Fletcher Ave 84th to 148th) (C-22-0397)

Dingman stated the contract is to scope the environmental process.

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

- F. Professional Services Agreement with Nebraska Department of Transportation for Lancaster County to perform Scoping Preliminary Engineering Services in the total amount of \$3,208.37 (\$2,566.62 is the Federal share and \$641.65 is the LPA share; Project LCED 22-02 NDOT Preliminary Engineering Services Agreement LCLC-3340(8) CN 13493 BK2241 Fletcher Ave, 84th Street to 148th Street.) (C-22-0398)

Dingman stated the contract is for preliminary engineering services on Fletcher Avenue from 84th Street to 148th Street.

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

- G. Resolution in the matter the authorizing the County Board Chair or Vice Chair to sign the Professional Service Agreement with Nebraska Department of Transportation for preliminary engineering services (Project LCED 22-02 NDOT Preliminary Engineering Services Agreement LCLC-3340(8) CN 13493 BK2241 Fletcher Ave, 84th Street to 148th Street.) (R-22-0038)

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

- H. Special Event Permit application from Dave Mlnarik, Nebraska Sports Council, for the 2022 Cornhusker State Games Gravel Grinder cycling event to be held July 16, 2022.

Dave Mlnarik, Nebraska Sports Council, provided information about the 38th Annual Cornhusker State Games Gravel Grinder cycling event. He stated the County Engineering Department provided a recommended change to the route for the safety of the cyclists and that change has been made.

Amundson inquired about the route length. Mlnarik stated there are two routes - one is 100 kilometers (64.7 miles) and one is 40 kilometers (26.2 miles)

The Board thanked the Nebraska Sports Council and the volunteers for providing the event.

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

- I. Request for an Exceptional Circumstance Award under Personnel Rule 17.9 (b) for Cari Forbes, Accountant II, for a one-step pay increase.

Kevin Nelson, Accounting Operations Manager, County Clerk's Office, stated Cari Forbes has been with the County for 20 years and with the County Clerk's Office for over 10 years. Forbes was recently reclassified to an Accountant II to better reflect the duties she currently performs and this step increase would compensate her for taking on additional responsibilities over the last few years.

The Board thanked Forbes for her years of service and for her efforts in helping to modernize County functions.

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

- J. Appointments to the Lancaster County Indigent Defense Advisory Committee for the term of May 1, 2022, through April 30, 2025:
 1. Heidi Hayes (reappointment)
 2. Andrew Weeks
 3. Spike Eickholt

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

Flowerday clarified that Spike is the nickname of Christopher Eickholt.

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

- K. Agreement with Arthur Anderson for job shadowing at the Youth Service Center. (C-22-0371)

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

- L. Grant contracts (using ARPA (American Rescue Plan Act) funds for the term of March 1, 2022, through June 30, 2026) with the following:
 1. Cedars Youth Services in the amount of \$813,835 (C-22-0362)
 2. Family Services Lincoln in the amount of \$500,000 (C-22-0363)
 3. Fresh Start in the amount of \$274,350 (C-22-0364)
 4. Mental Health Association in the amount of \$230,000 (C-22-0365)
 5. Mourning Hope Grief Center in the amount of \$100,000 (C-22-0366)
 6. St. Monica's Home in the amount of \$350,000 (C-22-0367)
 7. The Hub in the amount of \$142,315 (C-22-0368)
 8. Voices of Hope in the amount of \$167,000 (C-22-0369)
 9. Yazda – Yezidi Cultural Center in the amount of \$75,000 (C-22-0370)

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

- M. Grant awards and sub-awards (using the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Grant for the term of July 1, 2022, through June 30, 2023) with the following:

1. CenterPointe for the Truancy Diversion Therapy program in the amount of \$3,328 (C-22-0380)
2. Family Service Lincoln for the School Based Therapeutic Services program in the amount of \$85,000 (C-22-0388)
3. Girl Scouts Spirit of Nebraska for the Juvenile Justice Outreach program in the amount of \$19,966 (C-22-0381)
4. Mediation Center for the Restorative Justice program in the amount of \$86,560 (C-22-0383)
5. The HUB-Central Access Point for Young Adults for the Volunteer Coordination program in the amount of \$36,207 (C-22-0379)
6. YWCA of Lincoln for the Life Skills program in the amount of \$61,036 (C-22-0384)

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

N. Juvenile Justice Prevention Fund (JJPF) recommendations for 2022-2023.

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

- O.** Contract with Office Interiors & Design, Inc., to provide office furniture to the County Attorney. The cost to the County is not to exceed \$202,365.26. (Bid No. 22-091. This contract shall be effective upon execution with period of performance per contract.) (C-22-0391)

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

- P.** Contracts with the following for the annual supply of traffic channelizing and barricade devices in an amount not to exceed \$30,000 for all contracts (Bid No. 21-237. Terms of the contracts are for one year from the date of execution through February 3, 2023, with the option to renew for three (3) additional one (1) year terms.):
 1. All Road Barricades, Inc. (C-22-0376)
 2. J & A Traffic Products (C-22-0377)

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

- Q.** Access agreement with the Board of Regents of the University of Nebraska to allow the University of Nebraska-Lincoln's Conservation and Survey Division to collect soil samples in the County right-of-way. (The location is approximately 200 to 1,800 feet west of the intersection of West Hallam Road and Southwest 58th Street within 20 to 50 feet of the centerline of West Hallam Road on the south side of West Hallam Road.) (C-22-0396)

Alex Olson, Right-of-Way Manager, County Engineering Department, stated this agreement is like a utility permit but the University of Nebraska documents are worded differently. It was noted the County Attorney's Office has reviewed the agreement.

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

- R.** Agreements to provide referee services to hear valuation protests for the 2022 tax year and to transmit to the Lancaster County Board of Equalization all papers relating to such protests together with written findings and recommendations with the following individuals:

1. Mickey Tuttle (C-22-0372)
2. James Shotkoski (C-22-0373)
3. Elizabeth Duncan (C-22-0374)
4. Greg Heinzmann (C-22-0375)

Ward noted there was a correction made to item R1 which was originally listed on the agenda published on Friday May 20, 2022 as “Douglas Tuttle.” He confirmed the agreement is with Mickey Tuttle.

MOTION: Vest moved and Yoakum seconded approval of the agreements. Flowerday, Vest, Amundson, Yoakum and Schorr 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.

Dianne Heidtbrink, citizen, appeared and spoke about the need for more funding to improve and pave North 98th Street. She said the increased traffic and dust is a health concern for the neighborhood.

Schorr stated the increased traffic due to the new school will be considered when the Board reviews the County Engineer’s budget.

Lynn Lenhoff, citizen, appeared and spoke about the increased traffic, heavy truck usage and trash dumping along North 98th Street.

Schorr stated the Board will share these concerns with the County Sheriff.

7) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will be attending the Lincoln Chamber’s May Public Policy Forum on Wednesday, May 25, 2022, from 8:00 a.m. to 9:00 a.m., at 1128 Lincoln Mall, Suite 100, Lincoln.
- B. The Lancaster County Board of Commissioners will hold a staff meeting, including budget hearings, on Thursday, May 26, 2022, at 8:30 a.m., in Room 112 of the County-City Building (555 S 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, May 31, 2022, 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 City. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTU). Meetings are also streamed live on LNKTU, YouTube, Roku and Apple TV.

8) EXECUTIVE SESSION

- A. Pending and potential litigation, legal advice and union negotiations.

MOTION: Vest moved and Amundson seconded to enter Executive Session at 9:45 a.m. for the purposes of pending and potential litigation, 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.

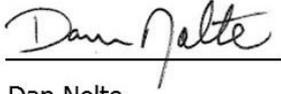
ROLL CALL: Yoakum, Flowerday, Vest, Amundson and Schorr voted yes. Motion carried 5-0.

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

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

9) ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn at 10:03 a.m. Vest, Amundson, Yoakum, Flowerday and Schorr voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

