

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
ZOOM MEETING
VIEWING AVAILABLE VIA YOUTUBE AT <https://www.youtube.com/lnktvcity>
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, MAY 26, 2020
9:00 A.M.

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on May 22, 2020.

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

Others present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk, and Monét McCullen, County Clerk's Office

The meeting was called to order at 9:06 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, May 19, 2020.**

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

- B. Approval of the minutes of the Board of Commissioners budget meeting held on Tuesday, May 19, 2020.**

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

2) CLAIMS:

- A. Approval of all claims processed through May 26, 2020.**

Dan Nolte, Lancaster County Clerk, noted there was an amendment to the claims for the payroll ending on May 20, 2020 (Exhibit 1).

MOTION: Schorr moved and Yoakum seconded approval of the claims with the amended payroll. Yoakum, Vest, Schorr, Amundson and Flowerday 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. **Utility Permit No. 1986 allowing Windstream to replace existing buried fiber and copper cables located in the northerly right-of-way of Saltillo Road starting 200 feet west of South 68th Street to 700 feet east of South 70th Street. This replacement is due to the construction of the South Beltway Project. There is no cost to the County. (C-20-0258)**
 - B. **Amendments on the following County contracts:**
 - 1. **C-18-0271 with Cornhusker State Industries for Letterhead (Bid No. 18-082. The amendment renews the contract from June 12, 2020 through June 11, 2021. The estimated cost to the County is not to exceed \$5,000.) (C-20-0259)**
 - 2. **C-18-0272 with Firespring for Business Cards (Bid No. 18-082. The amendment renews the contract from June 12, 2020 through June 11, 2021. The estimated cost to the County is not to exceed \$15,000.) (C-20-0260)**
 - 3. **C-18-0260 with TrueGreen L.P. (TruGreen) for Annual Service – Weed Control and Fertilization Services, County Corrections. (Quote No. 5866. The amendment renews the contract with additional services from June 5, 2020 through June 4, 2021. The cost to the County is not to exceed \$7,200.) (C-20-0261)**
 - C. **First Amendment to County Contract C-19-0727 with Speece Lewis Engineers, Inc., for additional services which include additional repair of the channel at Bridge H-207. (Project 20-07. The cost for additional services shall not exceed \$6,060 with an increased contract total estimated at \$19,400.) (C-20-0262)**
 - D. **Right-of-way contracts with the following:**
 - 1. **Edna's Acres, LLC, North 27th Street and Branched Oak Road, in the total amount of \$1,082. (2 contracts) (C-20-0263, C-20-0264)**
 - 2. **Robert Shumaker Properties, LLC, North 190th Street and O Street, in the amount of \$595. (C-20-265)**
 - 3. **James D. Nagel, 2100 Branched Oak Road, in the amount of \$887. (C-20-0266)**
 - E. **Grant contract with Houses of Hope for the Transitional Residential Substance Use program (funded by the Joint Budget Committee for the period of July 1, 2020 through June 30, 2021) in the amount of \$41,400. (C-20-0273)**
 - F. **Grant contract with Friendship Home for the Emergency Shelter: Children's Advocacy program (funded by Juvenile Justice Prevention Funds for the period of July 1, 2020 through June 30, 2021) in the amount of \$16,650. (C-20-0274)**

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

4) PUBLIC HEARING:

A. Amusement License application from Jerry McCabe, Sleepy Bees Lavender Farms LLC for an event at 25700 South 38th Street on Saturday, July 11, 2020. (See correlating item 5A)

The Chair opened the public hearing.

Jerry McCabe, applicant, was administered the oath. He gave a brief description of the event and noted that the intent was to have food trucks and music. With the COVID-19 pandemic, the food trucks have been eliminated but there may still be music. Event planners are currently trying to figure out a way to manage the crowd and are exploring the option of selling a limited number of tickets and conducting tours every hour.

Amundson asked if individuals would be exposed to beehives. McCabe said the hives are located away from the lavender fields and are blocked off. There will still be bees in the fields and he will let everyone know who and they can still participate at their own risk.

Amundson questioned what type of liability insurance the applicant has for the event. McCabe said they will have an umbrella policy that will go above and beyond their basic liability.

Schorr discussed her concern regarding parking. McCabe said with this type of event there is normally a rotating crowd and if needed, they do have additional parking in the field area.

Schorr asked about the possibility of having a two-day festival. McCabe said he was looking into potentially selling 10 to 15 tickets and conducting tours with small groups over the course of four to six Saturdays. He is waiting to see if a permit is needed to accomplish this with an attempt to keep people socially distant.

Schorr suggested holding the application while Mr. McCabe continues to explore his options and then he could provide the Board with an email update prior to the scheduled date of the event.

The Chair closed the public hearing.

1) NEW BUSINESS:

A. Amusement License application from Jerry McCabe, Sleepy Bees Lavender Farms LLC for an event at 25700 South 38th Street on Saturday, July 11, 2020.

MOTION: Amundson moved and Schorr seconded to postpone action on item 5A for two weeks. Schorr, Amundson, Yoakum, Vest and Flowerday voted yes. Motion carried 5-0.

B. Resolution in the matter of adopting the Lower Platte South Multi-Jurisdictional Hazard Mitigation Plan. (R-20-0023)

Jim Davidsaver, Lincoln-Lancaster County Emergency Management Director, said this process started in early 2019. He noted hazard mitigation is considered part of disaster response and is federal money that requires a 25% local match. Projects that are submitted and approved will be funded at a rate of 75%. This has already been approved at the State and Federal level.

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

C. Resolution in the matter of extending the deadline for hearing protests regarding real property in Lancaster County from July 25, 2020, to August 10, 2020. (R-20-0024)

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

D. Resolution to join the Southeast Nebraska Development District. (R-20-0025)

Dennis Meyer, Budget and Fiscal Officer, introduced Tom Bliss, Executive Director for Southeast Nebraska Development District (SENDD). Bliss thanked the Board for their consideration and stated he felt the Board would be pleased with the level of performances SNDD provides to the communities.

Trey Ertmer, SENDD Economic Development Specialist, explained the benefits of district membership and outlined the process going forward. A contract for administrative services will be needed and a public hearing will be held to amend the County's current economic development guidelines into housing guidelines. The main goal is to repurpose the economic development fund.

Amundson asked when the funds would be available. Ertmer said once all public hearing requirements have been met, the program can get started quickly.

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

Schorr noted this would be a good topic for the next meeting with County villages.

E. Interlocal Cooperation Agreement to join Southeast Nebraska Development District. (C-20-0267)

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

F. Interlocal agreement with the State of Nebraska Probation Administration for two probation officers to provide additional presentence investigation report services to decrease the time needed to complete presentence investigations of inmates housed by the Lancaster County Corrections Department. The term of the agreement is July 1, 2020, through June 30, 2021. The County will pay up to \$63,450 for the services. (C-20-0268)

MOTION: Schorr moved and Amundson seconded approval of the interlocal agreement.

Vest asked how the reduction in timeframes will be measured. Meyer said Jeff Curry, Chief Adult Probation Officer, can provide monthly and quarterly updates on the estimated cost savings.

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

G. Review of the Board of Equalization letter and the polices and procedures.

Jen Holloway, Deputy Lancaster County Attorney, said the letter and guidelines include more requirements specifically related to COVID-19 for the individuals who opt to have in person hearings.

Schorr questioned the highlighted portion of the letter referring to the purchase of masks. Holloway said that section will be removed. The County Clerk's office will only provide masks for Great Plains staff and the County Clerk staff. The public will be responsible for providing their own mask. Great Plains is reviewing the waiver that will also be sent advising individuals of the mask requirement.

Schorr clarified that the waiver form is different than the precaution form. Holloway confirmed the two forms are different. The waiver will be sent after someone opts out of a telephone hearing. It releases the County of any liability as the individual assumes the risk of being exposed to COVID-19.

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

H. Department of Justice grant award for (BJA FY20) Coronavirus Emergency Supplemental Funding Program for the period of January 20, 2020 through January 31, 2022 in the amount of \$58,008. (C-20-0269)

Sara Hoyle, Human Services Director, said this items 5H & 5I are both Department of Justice Grants. This one is directly from the Bureau of Justice Assistance and item 5I is a pass-through grant from the Department of Justice through the Crime Commission. This was done to lessen the burden of tax dollars that were expended on COVID-19 response for the criminal justice entities.

The Commissioners thanked Ms. Hoyle for her work on the grants.

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

I. Nebraska Crime Commission grant award for the Coronavirus Emergency Supplemental Funding for the period of March 1, 2020 through September 30, 2020 in the amount of \$146,461 (C-20-0270)

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

J. Nebraska Crime Commission grant award for Department of Justice funding for the Coordinated Response to Reducing Violence Against Women in Lancaster County for the period of July 1, 2020 to June 30, 2020 for the following:

- 1. 2017 in the amount of \$17,518. (C-20-0271)**
- 2. 2019 in the amount of \$218,566. (C-20-0272)**

Hoyle said this grant funds positions with the Lincoln Police Department, County Sheriff's Office and the County Attorney's Office all related to domestic violence and sexual assault cases. Funds are also distributed to the Family Violence Council and to victim advocates at Voices of Hope. This is all part of Lancaster County's coordinated response. This also helps staff the threat assessment team in the County.

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

K. Quitclaim deed from the County of Lancaster to Jean D. Larkins, quitclaiming the County's interest, if any, in a tract of land located in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 33, Township 9 North, Range 7 East, of the 6th Principal Meridian, Lancaster County, Nebraska (more particularly described as all of the South 33.00 feet of the North 50.00

feet of Lot 1, Block 1; Nealrene Acres, located in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 33, Township 9 North, Range 7 East, of the 6th Principal Meridian, Lancaster County, Nebraska. Containing 0.17 acres, more or less.)

MOTION: Amundson moved and Yoakum seconded approval of the quitclaim deed.

Holloway said she was not sure what this was regarding but based on the legal description she thinks it is related to the County taking more land than necessary closing on property. County took more land than necessary for right-of-way. The deed is intended to correct that issue.

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

- L. Appointment of David Derbin as the Chief Administrative Officer for the Lancaster County Board of Commissioners at an annual salary of \$135,000 effective June 1, 2020 and with a minimum salary increase of \$12,500 after six months.**

MOTION: Amundson moved and Schorr seconded approval of the appointment.

David Derbin, appointee, thanked the Board for the opportunity and said he is excited to get started.

Flowerday said he was happy with decision and thanked Kerry Eagan for his service.

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

- M. Political subdivision tort claim filed against Lancaster County by Dyrrell Mattox with an alleged date of loss of:**

- 1. October 31, 2019.**
- 2. November 30, 2019.**

MOTION: Schorr moved and Vest seconded to deny both tort claims dated October 31, 2020 and November 30, 2020 Schorr, Amundson, Yoakum, Vest and Flowerday voted yes. Motion carried 5-0.

2) UPDATE ON COVID-19 AND LANCASTER COUNTY RESPONSE:

- A. Re-opening Working Group.**

Dave Derbin, Chief Administrative Officer, said he is beginning to review the reopen plans that have been submitted by the various offices and departments. The idea is to come up with a generalized plan on how each office planned to move forward and then aggregate that and run it through some of the operational partners. Each department will have to operate differently based on what is recommended and what is achievable. There will be a report for the Board to review based on the minimum standards for each application.

Flowerday said moving forward, he would like to coordinate plans with the City of Lincoln to simplify things for the general public.

Derbin said that is a key component with this working group. The Public Building Commission will also be included with discussions of reopening.

Schorr encouraged the Commissioners to think about when they intend to be meeting in person for County Board meetings. Flowerday said this is a topic of discussion on Thursday's Staff meeting agenda.

3) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting, including department budget hearings via Zoom on Thursday, May 28, 2020 at 8:30 a.m. (County-City Building, Room 113)
- B. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, June 2, 2020 at 9:00 a.m., via Zoom with the Board of Equalization immediately following. (County-City Building, Room 112)
- C. The Lancaster County Board of Commissioners will hold budget hearings on Tuesday, June 2, 2020 at 10:00 a.m., or immediately following the Board of Equalization via Zoom (County-City Building, Room 113)
- 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 LNKTVCity. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTVCity). Meetings are also streamed live on LNKTVCity and can be viewed on YouTube (LNKTVCity).

4) **EXECUTIVE SESSION:**

- A. Legal advice and potential litigation.

MOTION: Schorr moved and Amundson seconded to enter executive session for legal advice and potential litigation and for the purpose of protecting the public interest at 10:07 a.m. Schorr, Amundson, Yoakum, Vest and Flowerday voted yes. Motion carried 5-0.

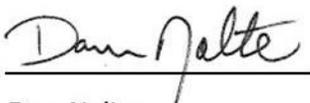
The Chair restated the motion.

Vest exited the meeting.

MOTION: Amundson moved and Yoakum seconded to exit executive session at 10:26 a.m. Schorr, Amundson, Yoakum and Flowerday voted yes. Vest was absent. Motion carried 4-0.

5) **ADJOURNMENT**

MOTION: Schorr moved and Amundson seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:28 a.m. Yoakum, Schorr, Amundson and Flowerday voted yes. Vest was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk





LANCASTER COUNTY PAYROLL DISBURSEMENTS
For the Pay Period May 7, 2020 thru May 20, 2020
Pay Date: May 28, 2020

Gross Pay:	<u>\$ 2,145,440.12</u>
Employer FICA:	<u>\$ 154,843.72</u>
Pension Contribution:	<u>\$ 156,010.62</u>
PEHP Contribution:	<u>\$ 11,450.00</u>
PEHP Payout:	<u>\$ -</u>
Group Insurance:	<u>\$ 1,046,854.57</u>