

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JUNE 23, 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 June 19, 2020.

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

Others present: Kerry Eagan, Chief Administrative Officer; David Derbin, Chief Administrative Officer; Doug Cyr, Chief Deputy County Attorney; Dan Nolte, County Clerk, and Monét McCullen, County Clerk's Office

The meeting was called to order at 9:02 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, June 16, 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, June 16, 2020.**

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

2) CLAIMS:

- A. Approval of all claims processed through June 23, 2020.**

Dan Nolte, Lancaster County Clerk, noted there was an amendment to the claims for the payroll ending on June 17, 2020 (Exhibit 1).

MOTION: Schorr moved and Yoakum seconded approval of the claims as amended. 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. Grant contracts with the following funded by the Joint Budget Committee (for the period of July 1, 2020 through June 30, 2021):**

1. **CASA for Lancaster County for the Court Advocacy for At-Risk Children program in the amount of \$10,000. (C-20-0325)**
 2. **Center for People in Need for the Neighborhood Food program in the amount of \$20,000. (C-20-0326)**
- B. Grant contracts with the following funded by the Juvenile Justice Prevention Funds (for the period of July 1, 2020 through June 30, 2021):**
1. **CASA for Lancaster County for the Advocacy for High Risk and Crossover Youth program in the amount of \$10,000. (C-20-0328)**
 2. **with The Mediation Center for the Restorative Justice Practices program in the amount of \$36,370. (C-20-0330)**
 3. **OMNI Inventive Care for the Parent Management Training program in the amount of \$20,000. (C-20-0331)**
 4. **OMNI Inventive Care for the Truancy Diversion program in the amount of \$11,726. (C-20-0332)**
- C. Grant contracts with the following funded by the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid Grant (for the period of July 1, 2020 through June 30, 2021):**
1. **Family Service Lincoln for the School Based Therapeutic Services program in the amount of \$65,000. (C-20-0334)**
 2. **Girl Scouts Spirit of Nebraska for the Juvenile Justice Outreach program in the amount of \$12,000. (C-20-0335)**
 3. **Lighthouse, Inc., for the Restorative Practices program in the amount of \$32,482. (C-20-0336)**
 4. **The Mediation Center for the Restorative Justice program in the amount of \$125,199. (C-20-0337)**
 5. **OMNI Inventive Care for the Truancy Diversion Therapy program in the amount of \$31,851. (C-20-0338)**
- D. Subawards with the following funded by the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid Grant (for the period of July 1, 2020 through June 30, 2021)**
1. **CEDARS Youth Services for the Crisis Stabilization and 5-0 Fun Club programs in the amount of \$71,268. (C-20-0342)**
 2. **El Centro de las Americas for the Youth Program in the amount of \$90,372.98. (C-20-0343)**
 3. **Family Service for the Family Service School-Based Therapy program in the amount of \$65,000. (C-20-0345)**
 4. **Lincoln Public Schools (LPS) for Lincoln High Schools program in the amount of \$214,446. (C-20-0346)**
 5. **Girl Scouts Spirit of Nebraska for the Juvenile Justice Outreach programs in the amount of \$12,000. (C-20-0347)**
 6. **Malone Leadership Academy for the Reduce Racial and Ethnic Disparities program in the amount of \$22,862.42. (C-20-0349)**
 7. **Lighthouse for the Restorative Practices program in the amount of \$30,782 (C-20-0350)**
 8. **The HUB for the Volunteer Coordination program in the amount of \$30,417. (C-20-0351)**

9. **HopeSpoke for the Pilots of Change program in the amount of \$95,918.90. (C-20-0364)**

E. Amendments to the following County contracts:

1. **C-19-0236 with Cellebrite Inc., for Universal Forensic Extraction Device. (The amendment renews the contract from June 9, 2020 through June 8, 2021. The estimated cost to the County is not to exceed \$76,000.) (C-20-0333)**
2. **C-17-0831 with Soval Solutions, LLC for consulting services to evaluate the Supervised Sentence Conversion Reentry Program. (This amendment extends the contract for an additional one-year period. The cost to the County is not to exceed \$30,000.) (C-20-0339)**
3. **C-19-0617 with Tradebe Environmental Services, LLC for Annual Services - Hazardous Waste Services. (RFP No. 19-103. The amendment renews the contract from July 1, 2020 through June 30, 2021. The cost to the County is not to exceed \$1,000.) (C-20-0340)**
4. **C-18-0356 with Company Care for the Employee Medical Exams. (The amendment renews the contract from July 3, 2020 through July 2, 2021. The estimated cost to the County is not to exceed \$15,000.) (C-20-0348)**

F. Right-of-way contract with Board of Regents for University of Nebraska, North 190th Street and Havelock Avenue, in the amount of \$1,911. (C-20-0352)

G. Change Order #2 to County Contract C-18-0262 with the City of Lincoln and the Lower Platte South Natural Resources District (Interlocal Agreement that includes County Bridge O-37 Protection Project) for the repair of two piles at the east abutment of Bridge O-37 for an increase of \$21,915. (C-20-0353)

H. Setting public hearings on Tuesday, June 30, 2020 for the following:

1. **Amusement license application from Jerry McCabe with Sleepy Bees Lavender Farm for events at 25700 South 38th Street, Firth Nebraska on July 11, 18, and 25, 2020, and August 1 and 8, 2020.**
2. **Change of Zone 20014 - AG Agricultural to AGR Agricultural Residential on 7.59 acres located at 13350 North 84th Street, Lancaster County, Nebraska.**

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

Schorr noted items A, B, C and D include over \$500,000 in funding from Lancaster County for youth programs in the community.

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

4) OLD BUSINESS:

A. Agreement with Pharmerica for pharmacy services at the Mental Health Crisis Center. The term of the agreement is for three months from the date of execution. The cost to the County is \$8,700 (Held over from June 9, 2020 agenda) (C-20-0307)

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

5) **NEW BUSINESS:**

- A. **HIPAA Business Associate Agreement with MedReview, LLC. The BAA relates to an audit of Lancaster County's employee benefits plans. (C-20-0354)**

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

- B. **Professional services agreement with Soval Solutions, LLC for consulting services to evaluate the Department of Community Corrections' Reentry Expansion and Enhancement Program. The term of the contract is from January 1, 2020 through September 30, 2023. The cost to the County is not to exceed \$105,000. (C-20-0355)**

Kim Etherton, Lancaster County Community Corrections Director, said this is a 2019 enhancement grant for the research partner.

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

- C. **Agricultural lease agreement with Andrew Neujahr for use of up to 54.7 acres of agricultural land located in Lancaster County as legally described in the agreement. Mr. Neujahr will pay the County \$85.37 per acre. The term of the agreement is March 1, 2020 through February 28, 2021. (C-20-0356)**

Kerin Peterson, Facilities and Properties Director, said this lease is for land purchased in Waverly for the Beltway project. It includes a provision stating that if the taxes ever exceed the lease obligations, the lessee would pay the difference.

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

- D. **Agreement with the Systematic Alien Verification for Entitlements Program for General Assistance. The total cost is \$300 for the period of July 1, 2020 through June 30, 2022. (C-20-0357)**

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

- E. **Information Services Policy Committee Software Policy (Policy # ISPC-SEC-SW-P).**

David Young, Chief Information Officer, said this is the first of a series of policies that will be brought forward to standardize the Information Services operating environment for both the City of Lincoln and Lancaster County. He noted Commissioner Yoakum assisted with the development of the process. There is a two-year implementation plan on the project.

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

- F. **Agreement with Delta Restoration Services of Lincoln and Southeast Nebraska for disinfection services for the in-person protest hearings. The term of the agreement is June 1, 2020 through August 31, 2020. The cost to the County is \$1,350 per night. (C-20-0358)**

MOTION: Yoakum moved and Schorr seconded approval of the agreement.

Schorr asked if there was any indication on how many days this service will be needed. Nolte said the deadline to file protests is June 30th but currently there have only been a small number of individuals who have requested in-person hearings.

Bob Walla, Purchasing Agent, said this agreement was initially not expected to be used more than two nights.

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

G. Agreements with the following individuals to provide referee services to hear valuation protests for the 2020 tax year and to transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations:

- 1. Professional Property Valuations LLC – Tyler Hawkins at a rate of \$110 (C-20-0359)**
- 2. Sally Webster at a rate of \$130. (C-20-0360)**

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

H. Recommendation from the Purchasing Agent to award a contract to Whitehead Oil for the Annual Supply - Motor Fuel (Bid No. 20-137). The estimated cost is \$500,000. (B-20-0137)

Walla said there is currently a contract in place with Sapp Brothers for fuel that ends on January 23, 2021. The reason this bid was placed for January 24, 2021 was in order to take advantage of hedging fuel through the end of the period, which would be June 20, 2021. There will technically be two contracts in place, but this one clearly states that there will be no purchases made until after the current contract expires.

Vest asked how the actual cost would be determined. Walla said with hedging for natural gas and fuel, he gives a total dollar amount of what it would cost on the market based on the bid prices. Then if they can hedge at a lower rate, the contract is amended. It is expected that the total dollar amount will be lower than the estimated cost in the contract.

MOTION: Amundson moved and Vest seconded approval of the recommendation.

Ron Bohaty, Road Maintenance Superintendent, County Engineer's Office, said the total amount encompasses fuel for the Lincoln Police Department (LPD), as well as the County. LPD is moving their shop location and the County is working with them to provide fuel as the new location has no fuel pumps.

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

I. Contract with Whitehead Oil Company to provide Annual Supply - Motor Fuel. (Bid No. 20-137. This contract shall be effective upon execution through June 21, 2021. The cost to the County is not to exceed \$500,000.) (C-20-0341)

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

J. Resolution in the matter of authorizing use of County Visitors Improvement Fund for visitor promotion. (R-20-0032)

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

Kerry Eagan, Chief Administrative Officer, said state statutes allow the Visitor Improvement Fund to be used for promotional purposes if it is determined by the Visitors Promotion Committee that facilities are adequate. This resolution lays out the steps that have been completed to make sure everything is in order when using the Improvement Fund for promotional purposes as opposed to capital improvements.

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

K. Resolution authorizing the installation of traffic control devices in Lancaster County. (R-20-0033)

Pam Dingman, Lancaster County Engineer, said the speed limit will be lowered to 45 miles per hour on the portion of Saltillo Road in Lancaster County's jurisdiction from 27th Street to about 120th Street (Exhibit 2).

Flowerday asked if Dingman has spoken with the State about this issue. Dingman said she is waiting for a return call from the State.

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

L. Resolution authorizing Sean Flowerday to sign the Environmental Services agreement with Felsburg, Holt & Ullevig, Inc., for environmental services at South 98th Street from Old Cheney Road to A Street. (R-20-0034)

Dingman said this agreement is for a study of environmental issues in this corridor and will be paid 80% by Nebraska Department of Transportation (NDOT) and 20% by Lancaster County (Exhibit 3).

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

M. Agreement with Felsburg Holt & Ullevig for environmental services for the federal-aid transportation project on South 98th Street from Old Cheney Road to A Street (Project No. LCLC-5275(1)). The cost to the County shall not exceed \$10,472.44. (C-20-0361)

Dingman said this agreement is associated with the previous agenda item (see 5L).

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

N. Agreement with Felsburg Holt & Ullevig for professional engineering services, as specified in the agreement, related to 2020 countywide Traffic and Safety analysis services. The term of the agreement shall be for two years. The cost to the County is not to exceed \$25,000. (C-20-0362)

Dingman said there are current safety studies on the N. 148th Street and S. 68th Street corridors. This agreement will have the consultants selected for when additional safety studies are required.

In response to Vest's inquiry, Dingman confirmed that costs will accrue on an as-needed basis.

Schorr asked if this agreement was specific to the two existing safety studies. Dingman said no. She added the County Engineer's Office will continue to aggressively seek safety funding for roads.

Amundson asked if this company could be used when moving from O Street to A Street on South 98th Street. Dingman said those projects use different fund sources.

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

- O. Agreement with Thiele Geotech, Inc., to obtain the services of qualified professional to provide material testing services for the County. The length of this agreement shall be for one-year from July 1, 2020 with the option to renew for one addition year. The total amount is not to exceed \$19,027. (C-20-0363)**

Dingman said this contract is for testing pipe replacements, as well as concrete and asphalt to make sure those two meet specifications.

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

- P. Contract with Dickey – Hinds – Muir Incorporated for Office Remodel – County Engineer. (Bid No. 20-139. The work shall begin on or before July 3, 2020. The cost to the County is not to exceed \$188,900. (C-20-0344)**

Dingman said this contract is for remodeling the County Engineer's Office. No updates have been done to the building since 1994 and there are a number of standards which need to be met. She noted there is money in the budget available for this project.

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

- Q. Recommendations from the Purchasing Agent and the County Engineer to award bids to the following:**

- 1. Tim Sisco Construction for Culvert Maintenance (Phase 2 - Bid No. 20-132) in the amount of \$605,483.55. (B-20-0132)**
- 2. Van Kirk Brothers Contracting for Concrete Box Culvert M-164 (Bid No. 20-134) for a total amount of \$686,924. (B-20-0134)**
- 3. Murphy Tractor for Line Items 1 and 2 for the Annual Supply of Track Loader Rental (Bid No. 20-136). The total cost over the four-year rental period for four units is \$246,240. (B-20-0136)**
- 4. Van Kirk Brothers Contracting for Replacement of Box Culvert H-115 (Bid No. 20-138) for a total cost of \$318,459. (B-20-0138)**
- 5. Office Interiors and Design for County Engineer Office Furniture (Bid No. 20-140) for a total cost of \$130,635.17. (C-20-0140)**

Dingman discussed Item Q1 and provided a map of the culvert locations (Exhibit 4). Vest asked for clarification regarding culvert maintenance. Dingman said it was for pipe replacement and replacing metal culverts.

Dingman discussed Item Q2 and stated M-164 is a large box culvert that has been closed since the 2019 flooding (Exhibit 5).

Dingman said Item Q4 is a smaller box culvert that has been closed since the 2015 flooding. When performing maintenance, it was discovered that the road was moved at some point in the last 100 years and was not technically in the right-of-way. There were also environmental concerns as it drains into Camp Creek (Exhibit 6). This cost will be covered by a 75% Hazard Mitigation Grant from the Nebraska Emergency Management Agency.

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

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

Flowerday said that he received word that the order requiring masks in the courthouse has been rescinded.

Schorr asked if that applied for all three courtrooms. Flowerday said he has no further details.

7) PUBLIC COMMENT: Those wishing to speak on items relating to County business not on the agenda may do so at this time.

Angela Garver discussed her concerns with racism and the Sheriff's Office tactics that are used. She asked the Commissions to further review the Sheriff's Office budget.

Apollo Matthews, Black Leaders Movement Organization Inc., discussed his concerns about racism in the community.

Flowerday stated there will be a City-County Common meeting on July 13, 2020 to discuss ongoing training and tactics of both the Sheriff's Office and Lincoln Police Department.

Amundson said the Juvenile Detention Alternative Initiative Leadership group is putting together a meeting that is currently scheduled for July 23, 2020.

Dario Rossin discussed his concerns regarding racism and encouraged the use of body cameras on Sheriff's deputies.

Jenny Tyler discussed her concerns regarding the Sheriff's use of force and the conditions of the jail.

8) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a special budget hearing with City of Lincoln staff on Tuesday, June 23, 2020 at 10:00 a.m., or immediately following the Board of Commissioners meeting in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).**
- B. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, June 25, 2020 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, June 30, 2020 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 LNKTV City. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTV). Meetings are also streamed live on LNKTV and can be viewed on YouTube (LNKTVcity).

9) **ADJOURNMENT**

MOTION: Schorr moved and Vest seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:02 a.m. Amundson, Yoakum, Vest, Schorr and Flowerday voted yes. Motion carried 5-0.

Dan Nolte
Lancaster County Clerk