

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 28, 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 June 24, 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 and 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 June 21, 2022.

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

2) CLAIMS

A. Amendment of the claims report previously approved on June 21, 2022.

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

B. Approval of all claims processed through June 28, 2022

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

3) SPECIAL PRESENTATIONS

A. Graduation of the 2021-2022 Leadership Academy Class.

Ron Rohde, Accountant III, provided a brief overview of the 2021-22 County Leadership Academy and praised the graduating class for their participation. He noted Kristy Bauer, Deputy Chief Administrative Officer, will be the program director for 2022-2023.

Bauer thanked Rohde for his leadership over the past year. She stated the 2021-2022 class was asked to complete personal leadership statements and she read a few excerpts.

The Clerk read the list of the 2021-2022 Leadership Academy graduates. Certificates and pins were presented by Commissioner Schorr.

The Board thanked Rohde for directing this year's Academy. They also thanked the graduates for their participation and dedication to County leadership.

- B. Commissioners' Award of Excellence for May 2022 to Jared Hanner, Corrections, in the category of Productivity.

The Clerk read the nomination into the record.

Brad Johnson, Corrections Director, stated that Hanner has done an excellent job training new employees and thanked him for his dedication to County Corrections.

The Board thanked Hanner for his service and Commissioner Flowerday presented him with a plaque.

Flowerday exited the meeting at 9:20 a.m. to attend a press conference in Ashland, Nebraska, regarding a second water source for the City of Lincoln.

4) **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 County Contract C-18-0468 with Datashield Corporation for On-Site Secure Document Shredding (using the State of NE Contract No. 81421 O4, (MOU025. The amendment renews the contract from July 15, 2022 through July 14, 2023. The estimated cost to the County is not to exceed \$10,000.) (C-22-0487)
- B. Amendment to Grant Contract C-21-0584 with Girl Scouts Spirit of Nebraska for the Juvenile Justice Outreach program. (The program is funded by the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Aid Grant for an increase of \$6,108.24.) (C-22-0474)
- C. Right-of-way contracts with the following:
 - 1. Ross G. Brockley, Southwest 70th Street and West Saltillo Road, in the amount of \$271. (Project 22-23 / N-160) (C-22-0473)
 - 2. Gary R. and Martha J. Williams, Southwest 70th Street and West Saltillo Road, in the amount of \$415. (Project 22-23 / N-160) (C-22-0475)
 - 3. John Clifton Ragland II, South 134th Street and Hickman Road, in the amount of \$847. (Project 22-27 / R-307 - R-331) (C-22-0478)
 - 4. Forest Brook, R & J, LP, South 190th Street and Hickman Road, in the amount of \$703. (Project 22-27 / R-227) (C-22-0489)
- D. Utility Permit No. 2262 allowing Unite Private Networks to install communication lines along South Coddington Avenue for the new WarHorse Gaming Casino. (Installation starts south of West Claire Avenue and runs north of West Burnham Street along South Coddington Avenue. There is no cost to the County.) (C-22-0464)
- E. Utility Permit No. 2263 allowing Unite Private Networks to install new communication lines on the south side of West Denton Road to the Lincoln Race Course. (Installation starts at the intersection of West Denton Road and South Coddington Avenue and runs east to the Race Course. There is no cost to the County.) (C-22-0465)
- F. Change Order #4 to County Contract C-22-0169 with JJK Construction due to a material overrun (Bid No. 22-026; Project No. 21-40. The increase is not to exceed \$18,440.45.) (C-22-0468)

MOTION: Amundson moved and Yoakum seconded approval of the consent items. Amundson, Yoakum, Vest and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

5) PUBLIC HEARING

- A.** Text Amendment 22002, Enforcement Revocation and Cancellation of Special Permits of the Lancaster County Zoning Regulations (See correlating Item 6A).

The Chair opened the public hearing.

Steve Henrichsen, Lincoln-Lancaster County Planning Department, Development Review Manager, was administered the oath.

Henrichsen stated the text amendment includes a process for an applicant to rescind a special permit.

No one appeared to testify in opposition or in a neutral position.

The Chair closed the public hearing.

- B.** Miscellaneous 22007, request to vacate Eden Acres Addition final plat, on 4770 Agnew Road (See correlating Item 6B).

The Chair opened the public hearing.

Steve Henrichsen, Lincoln-Lancaster County Planning Department, Development Review Manager, was administered the oath.

Henrichsen stated the request is from the property owner Jason Eden to vacate the final plat for farming. The vacation does not negatively impact the surrounding property. The Planning Department recommended approval of the vacation.

No one appeared to testify in opposition or in a neutral position.

The Chair closed the public hearing.

6) NEW BUSINESS:

- A.** Resolution in the matter of County Text Amendment No. 22001, to amend Section 13.005 of the Lancaster County Zoning Regulations by adding language to rescind a special permit by an owner, applicant, or permittee. (R-22-0048)

MOTION: Yoakum moved and Vest seconded approval of the resolution. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- B.** Resolution to vacate the final plat of Eden Acres Addition, located at 4770 Agnew Road, Lancaster County, Nebraska. (R-22-0049)

MOTION: Amundson moved and Vest seconded approval of the resolution. Amundson, Vest, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- C.** Resolution directing the County Engineer to conduct a study and the Planning Department to write a report regarding vacating portions of Road 1208, more particularly described in Exhibit "A", and located in Lancaster County, Nebraska. (R-22-0047)

John Berry, County Engineering, Chief Deputy Surveyor, stated there will be a joint effort between the Planning Department, the City of Lincoln and County Engineering regarding this project.

MOTION: Vest moved and Amundson seconded approval of the resolution. Yoakum, Vest, Amundson and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- D. Special Designated License applications from James Arthur Vineyards for events at 2001 West Raymond Road, Raymond, Nebraska on July 16, July 23, July 30, August 6, August 13, August 20, August 27, September 2 and September 10, 2022.

Jim Ballard, James Arthur Vineyards, provided a brief overview of the events and explained that the special designated licenses are necessary in order to serve local craft beers.

MOTION: Vest moved and Yoakum seconded approval of the special designated license applications. Amundson, Yoakum, Vest and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- E. Setting the annual salary for Alisha D. Jimenez, Deputy County Attorney, in the amount of \$76,935.04 (Step 3) as Attorney I, effective June 27, 2022.

Dan Zieg, Chief Deputy County Attorney, introduced Jimenez and provided a brief overview of her employment history and education.

The Board thanked Jimenez for bringing her skills to help serve the Lancaster County community.

MOTION: Vest moved and Yoakum seconded approval of the annual salary. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- F. Political subdivision tort claim filed against Lancaster County by Colin Perkins.

Zieg stated due to the nature of the tort claim, Lancaster County's liability has not been determined. The County Attorney's Office recommended denial of the tort claim.

MOTION: Vest moved and Amundson seconded to deny the tort claim. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- G. Appointments to the Lancaster County Veterans Service Committee:

1. Bruce Trautwein (reappointment) for the term July 1, 2022, through June 30, 2027
2. Michael Kunce for the term July 1, 2022, through June 30, 2026

MOTION: Amundson moved and Yoakum seconded approval of the appointments. Yoakum, Vest, Amundson and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- H. Appointments to the Visitors Promotion Advisory Committee for a term from July 1, 2022, through June 30, 2026:

1. Aaron Stitt (reappointment)
2. Tom Lorenz

MOTION: Vest moved and Yoakum seconded approval of the appointments. Amundson, Yoakum, Vest and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- I. Fee agreement with William F. Austin, Attorney at Law, to provide professional legal services to Lancaster County in an amount not to exceed \$5,000. (C-22-0469)

MOTION: Amundson moved and Yoakum seconded approval of the agreement. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- J. Agreement with the Bridge Behavioral Health (“the Bridge”) for Lancaster County to provide on-site food delivery for individuals housed at the Bridge. The County shall provide no more than 80 meals per day at the rate of \$2.035 per meal. (C-22-0488)

MOTION: Vest moved and Amundson seconded approval of the agreement. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- K. Agreement with Johna R Stephens, LMHP, LADC, to provide substance abuse evaluations and substance abuse education classes for female inmates in the custody of the Lancaster County Department of Corrections. The cost to the County is not to exceed \$27,660. (C-22-0467)

MOTION: Yoakum moved and Amundson seconded approval of the agreement. Yoakum, Vest, Amundson and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- L. Software sharing agreement with the Nebraska State Patrol at the request of the Lancaster County Sheriff’s Office for use of MACH and TraCS software. The cost to the County is \$24 per user per year for MACH and \$37.50 per user per year for TraCS. (The term of the agreement is one year upon execution and will automatically renew for five years unless terminated.) (C-22-0466)

MOTION: Vest moved and Yoakum seconded approval of the software sharing agreement. Amundson, Yoakum, Vest and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- M. Supplemental Application for Network Security and Privacy Coverage for the Lancaster County Mental Health Crisis Center.

MOTION: Amundson moved and Yoakum seconded approval of the supplemental application. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- N. Application with Berkley for Public Entity General Liability Insurance.

MOTION: Vest moved and Yoakum seconded approval of the application. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- O. Applications for Cyber Insurance with the following:

1. Resilience
2. X.L. America

MOTION: Amundson moved and Yoakum seconded approval of the applications. Yoakum, Vest, Amundson and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- P. Multi-Factor Authentication Attestation related to an application for Cyber Insurance with Travelers.

MOTION: Amundson moved and Yoakum seconded approval of the attestation. Amundson, Yoakum, Vest and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- Q. Grant contract with the Board of Regents of the University of Nebraska on behalf of the University of Nebraska-Lincoln for the evaluation of Project Restore in the amount of \$5,000. (The term of the contract is June 1, 2022 through June 30, 2022.) (C-22-0476)

Sara Hoyle, Human Services Administrator, stated the grant evaluates the Project Restore program and ensures the County adheres to the terms and services of the program.

MOTION: Amundson moved and Yoakum seconded approval of the grant contract. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- R. Grant contract with Clyde Malone Community Center for the Take Pause program in the amount of \$51,354. (The grant is funded by the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Grant. The term of the grant contract is July 1, 2022, through June 30, 2023.) (C-22-0486)

Hoyle stated the program provides an opportunity to build good relationships between Lancaster County youth and law enforcement.

MOTION: Vest moved and Amundson seconded approval of the grant contract. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- S. Grant contracts (using the Juvenile Justice Prevention Funds for the term of July 1, 2022 through June 30, 2023) with the following:

1. Brain Injury Alliance of Nebraska in the amount of \$5,000 (for the Brain Injury Support for Justice-Involved Youth program.) (C-22-0481)
2. CASA in the amount of \$10,000 (for the Court Advocacy for High Risk & Crossover Youth program.) (C-22-0480)
3. Clyde Malone Community Center in the amount of \$33,000 (for the Leadership Academy program.) (C-22-0482)
4. Clyde Malone Community Center in the amount of \$48,000 (for the Therapy program.) (C-22-0483)
5. Rabble Mill in the amount of \$33,000 (for the All-Access Pass program.) (C-22-0485)
6. The Mediation Center in the amount of \$14,370 (for the Restorative Justice Practices program (C-22-0484)

Vest disclosed that he serves on the Mediation Center Board of Directors and inquired if he should recuse himself from voting. Dave Derbin, Chief Administrative Officer, said yes.

MOTION: Amundson moved and Vest seconded approval of Item S, Nos. 1-5. Yoakum, Vest, Amundson and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

MOTION: Amundson moved and Yoakum seconded approval of Item S, No. 6. Amundson, Yoakum and Schorr voted yes. Vest abstained. Flowerday was absent. Motion carried 3-0 with one abstention.

- T. Grant contracts (using the Joint Budget Committee funds for the period of July 1, 2022 through June 30, 2023.)

1. Lincoln/Lancaster County Child Advocacy Center in the amount of \$48,000 (for the Child Advocate program.) (C-22-0479)
2. People's City Mission in the amount of \$167,070 (for the Family & Women's Shelter program.) (C-22-0477)

Schorr inquired about the grant amount for the People's City Mission.

Hoyle explained that the Mission provides a separate living unit for women and children that are homeless.

MOTION: Vest moved and Amundson seconded approval of the grant contracts. Amundson, Yoakum, Vest and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- U. Contract with Dynamic Dirtworks & Demolition, LLC to provide Channel Repair of Concrete Box Culverts B-215 and B-216. The cost to the County is not to exceed \$222,894. (Project No. 21-53; Bid

No. 22-134. Work is to be completed within 30 calendar days from Notice to Proceed with a completion date on or before October 12, 2022.) (C-22-0472)

Pam Dingman, County Engineer, stated the erosion project is to stabilize the structures at B-215 and B-216. She provided the Clerk's office with a map of the project location (Exhibit 1).

MOTION: Amundson moved and Yoakum seconded approval of the contract. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- V. Recommendation from the Purchasing Agent and County Engineering to execute a purchase order to TEC Equipment (Volvo Truck Dealer - Nebraska) for a 2022 Volvo semi-tractor with wet kit and pusher axle in the amount of \$125,471. (Pricing is off State of Nebraska Contract 15348 OC.) (C-22-0470)

Leroy "Bud" Geistlinger, Assistant Road Maintenance Superintendent, County Engineering, explained the purchase of a semi-tractor with a wet kit and pusher axle for hauling heavy loads will increase the productivity and efficiency of County Engineering operations by reducing the need to hire contractors. He provided a picture of a semi-tractor (Exhibit 2).

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

Vest asked how many semi-tractors are owned by the County and the average hours of operation per week. Geistlinger stated with the approval of the new semi-tractor the County will have three. He noted the semi-tractors would typically run 20-25 hours per week but this was dependent on the project.

ROLL CALL: Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- W. Recommendation from the Purchasing Agent and County Engineering to execute a purchase order to Trail King for a side dump trailer in the amount of \$75,086.70. (Pricing is off Sourcewell Contract 121918-TKI.) (C-22-0471)

Geistlinger presented a picture of a side dump trailer which will be used with the new semi-tractor (Exhibit 3).

MOTION: Vest moved and Yoakum seconded approval of the recommendation. Yoakum, Vest, Amundson and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

- X. Recommendation from the Purchasing Agent and County Engineering to award a bid to Proseal Inc for pavement rejuvenation in the amount of \$359,081.76. (Bid 22-146; Project 22-10) (B-22-8146)

Dingman provided a map of the area where pavement rejuvenation would occur. Sealant would be applied to extend the life of the asphalt and help prevent potholes (Exhibit 4).

MOTION: Vest moved and Amundson seconded approval of the recommendation. Amundson, Yoakum, Vest and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

7) 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.

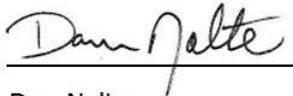
8) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a meeting with city and village representatives on Thursday, June 30, at 8:30 a.m. in Room 303 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 30, 2022, at 10:30 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, July 5, 2022, at 9:00 a.m., with the Board of Equalization immediately following, 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, YouTube, Roku and Apple TV.

9) **ADJOURNMENT**

MOTION: Vest moved and Amundson seconded to adjourn at 9:53 a.m. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

