

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY JULY 11, 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 July 7, 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; John Ward, Deputy County Attorneys; Courtney Lyons, Deputy County Clerk; Meggan Reppert-Funke, County Clerk's Office

Yoakum called the meeting to order at 9:03 a.m. and announced the location of the Nebraska Open Meetings Act.

1) MINUTES

A. Approval of the minutes of the Board of Commissioners meeting held on June 27, 2023.

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

2) CLAIMS

A. Amendment to the payroll claims ending June 28, 2023.

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

B. Approval of the claims processed through July 11, 2023.

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

C. Approval of a claim to El Centro de las Americas in the amount of \$7,672.40. (Batch No. 296038, Document No. 809801)

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

D. Approval of claims including billing for goods and services beyond the 90-day time period provided in Neb. Rev. Stat. § 23-135:

1. Asian Community & Cultural Center, dated February 2023, for a total of \$1,014.20. (Batch No. 296051; Document No.809973)

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

3) SPECIAL PRESENTATIONS

- A.** Commissioners' Award of Excellence for May 2023 to Caitlin Ossian, Community Corrections, in the category of Productivity.

The Deputy Clerk read the nomination letter (see agenda packet).

Yoakum thanked Ossian for her work and the staff who nominated her. Flowerday presented Ossian with a plaque. Landon Parks, Assistant Director of Community Corrections, thanked the Board for the opportunity to recognize employees and the staff who made the nomination. Parks commended Ossian's leadership and her work. Ossian thanked her coworkers for attending. Flowerday thanked Community Corrections department staff for attending.

- B.** 2022 Department of Corrections Employee of the Year Award to Jacob Hawney. (See correlating item 6A.)

The Deputy Clerk read the nomination letter (see agenda packet).

Brad Johnson, Lancaster County Corrections Director, noted that two employees nominated Hawney and thanked Hawney for his work. Hawney thanked the Board, Department administration and his coworkers. He noted the difficulty of working in corrections but that it is rewarding. Board members thanked Hawney for his work and his family for supporting him. Hawney introduced his family in attendance.

- 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.** Amendment to the following County Contracts:

1. C-22-0568 with Thiele Geotech, Inc. for on-call material testing services at the request of the County Engineer. (The amendment increases the total allowable expenditures by \$15,000 for a new contract total not to exceed \$35,000.) (C-23-0551)
2. C-21-0380 with Keefe Commissary Network for County Corrections Commissary Services. (RFP No. 21-079. The amendment is for a price increase with no change in cost to the County.) (C-23-0560)
3. C-18-0424 with Fastenal Company for facilities maintenance and repair and operations (MRO) and industrial supplies. (NASPO ValuePoint 8497 – State of Oregon, State of NE PA 15002, MOU026. The amendment extends the MOU from July 1, 2023, through June 30, 2024. The estimated cost to the County is not to exceed \$40,000.) (C-23-0549)
4. C-18-0443 with Sid Tool Co, Inc., dba MSC Industrial Supply Co, Inc., for facilities maintenance and repair and operations (MRO) and industrial supplies. (NASPO ValuePoint 8499 – State of Oregon, State of NE PA 15003 OC, MOU027. The amendment is for a price increase and extension of the MOU from July 1, 2023, through June 30, 2024. The estimated cost to the County is not to exceed \$3,000. (C-23-0574)

- B.** Grant contracts with the following (funded by the Joint Budget Committee for July 1, 2023, through June 30, 2024):

1. CASA for Lancaster County for the Court Advocacy for At-Risk Children program in the amount of \$15,450. (C-23-0562)

2. Cause Collective for the Case Management Training program in the amount of \$15,480. (C-23-0571)
 3. CenterPointe for the Community Support, Outpatient Counseling, Medication Management, and Day Rehabilitation programs in the amount of \$264,488. (C-23-0563)
 4. Community Action Partnership of Lancaster and Saunders County for the Basic & Emergency Needs program in the amount of \$178,030. (C-23-0564)
 5. HopeSpoke for the Outpatient program in the amount of \$61,800. (C-23-0565)
 6. Houses of Hope for the Transitional Residential Substance Use Halfway House program in the amount of \$48,410. (C-23-0566)
 7. League of Human Dignity for the Center for Independent Living program in the amount of \$34,772. (C-23-0567)
 8. Legal Aid of Nebraska for the Legal Aid Responds program in the amount of \$20,600. (C-23-0568)
 9. Lincoln-Lancaster County Child Advocacy Center for the Child Advocate program in the amount of \$49,440. (C-23-0558)
 10. Matt Talbot Kitchen & Outreach for the Hunger Relief program in the amount of \$14,482. (C-23-0569)
 11. People's City Mission for the Family & Women's Shelter program in the amount of \$172,082. (C-23-0570)
 12. Waverly School District 145 for the Preschool Program in the amount of \$100,000. (C-23-0572)
- C. Grant contracts with the following (funded by the Juvenile Justice Prevention Funds for July 1, 2023, through June 30, 2024):
1. Boys & Girls Clubs of Lincoln/Lancaster County for the Family Engagement for High School Success program in the amount of \$13,779. (C-23-0556)
 2. Lincoln-Lancaster County Child Advocacy Center for the Therapy Dog for Child Victims of Abuse program in the amount of \$9,600. (C-23-0553)
 3. YWCA of Lincoln for the Girls Circle program in the amount of \$20,000. (C-23-0554).
 4. YWCA of Lincoln for the Project Restore Family Support program in the amount of \$15,000. (C-23-0555)
- D. Setting a public hearing for Tuesday, July 18, 2023, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding applications for a Class C liquor license for TCN Services, LLC, dba Blue Catfish, (5700 W. Raymond Road, Raymond) and a corporate manager's liquor license for Tung C Nguyen.
- E. Received and placed on file reports for the following:
1. Clerk of the District Court (June 2023)
 2. Assessor/Register of Deeds (June 2023)
 3. County Clerk (June 2023)
 4. Records & Information Management (June 2023)
 5. County Sheriff (April – June 2023)

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

5) PUBLIC HEARING

- A. Applications for a Class C liquor license for The Shed Wedding Venue LLC (22500 S. 176th Street, Adams) and a corporate manager's liquor license for Cortney Dissmeyer. (See correlating item 6B.)

The Chair opened the public hearing.

Stephen Henrickson, City Planning Department, was administered the oath. He stated the City has started to revoke the venue's special permit because of a lack of a building permit. The venue has completed the first step in obtaining a building permit. The venue is working on other steps to obtain an occupancy permit.

Henrickson reviewed the options for the required special designated license. He stated the current application is for a Class C license, which includes off-premise alcohol consumption similar to a liquor store. He recommended to approve a Class I license for only on-premise consumption. He noted the Department will pause revoking the special permit as long as the venue makes progress on required changes.

Amundson asked if approval of a Class I license should be contingent on the required changes. Henrickson answered yes. John Ward, Deputy County Attorney, noted the Board has 45 days from the time of the application to issue a recommendation to the Liquor Commission. He recommended to deny the application and have the applicant resubmit.

Cortney Dissmeyer, the applicant, was administered the oath. Dissmeyer stated she would like to obtain a Class C license because she would like to sell alcohol to people on party buses. Venue changes should be complete by the end of July. Yoakum asked when the 45-day deadline is and Reppert-Funke answered July 24.

Schulte asked Dissmeyer how long the venue has been operating. Dissmeyer answered she was unaware of the process required and they have been making progress, but it has been a long process.

Flowerday stated he supports recommending a Class I permit contingent on the needed changes. Schulte agreed.

Justin Daniel, Lincoln-Lancaster County Health Department, was administered the oath. He stated the venue provided plans to the Health Department that were approved to install a handwash sink but they are waiting for the venue to contact them for an onsite visit to verify the sink was installed. Schulte asked if the sink was the only change needed, and Yoakum answered the venue also needs to install bathrooms.

Henrickson stated the zoning does not allow for off-premise sales, and a Class C license is not appropriate. Flowerday asked Henrickson to explain the differences between a Class C and Class I license, and he answered the Class C license allows off-premise sales. He noted a winery previously applied for a Class C license and was denied because of zoning. Ward restated and agreed with Henrickson's explanation. Henrickson stated he contacted the Lincoln Building and Safety Department, who said they have not been notified that the required sink and bathrooms were installed.

Yoakum noted it was the last opportunity to approve the application before the July 24th deadline. Flowerday stated he would support approval of a Class I license contingent on a Health Department inspection and completing the occupancy requirements. Amundson asked if the applicant would need to reapply if the required work was not completed in time, and Ward answered yes and that there is a \$400 application fee from the Liquor Commission. Schulte noted discussion should move to the agenda item and not take place during the public hearing.

Dissmeyer noted examples of other venues with a Class C license. Henrickson noted one of the venues is in the Village of Roca, which has different zoning regulations. The zoning of the applicant's venue does not allow for off-premise sales.

The Chair closed the public hearing.

6) NEW BUSINESS

- A.** Request under Personnel Rule 17.14 (d) for a one-time cash award of \$500 to Jacob Hawney.

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

- B. Resolution in the matter of applications for a Class C liquor license for The Shed Wedding Venue LLC (22500 S. 176th Street, Adams) and a corporate manager's liquor license for Cortney Dissmeyer.

MOTION: Schulte moved approval of Item B. Motion died for lack of a second.

Flowerday stated he supports approval of a Class I license because he is against allowing a Class C license in an area that is not zoned for that purpose. His support is contingent upon the occupancy permit and a passing Health Department inspection.

MOTION: Schulte moved and Vest seconded approval of a Class I license pending the granting of an occupancy permit.

Schulte stated he supports the motion because there is a similar venue that has a Class C license. Henrickson clarified the other example venue Dissmeyer provided is located in Gage County.

Board members and Ward discussed the correct procedures regarding the motions.

MOTION: Flowerday moved and Vest seconded to amend the previous motion to include language that approval of a Class I license is contingent upon passing an inspection by the Health Department. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

Schulte restated the motion as amended. Yoakum stated she opposes the motion because of slow progress of the venue towards completion of all requirements. Board members discussed the motion. Flowerday and Vest stated they support the motion even if it is possible the venue does not meet the deadlines.

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

- C. Resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-23-0046)

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

- D. Resolution in the matter of authorizing the County Board Chair/Vice Chair to sign the program agreement with Nebraska Department of Transportation (NDOT), setting out various duties and funding responsibilities for the Federal-aid project at South 68th Street, Hickman to Roca Road. (R-23-0047)

Pam Dingman, County Engineer, stated this item and the following item are federal aid contracts and described the location of the projects (Exhibit 1). She described the process for receiving the federal aid and completing the project.

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

Schulte and Flowerday noted the need for the project. Schulte asked when the project would be completed. Dingmans answered the goal is for federal fiscal year 2025-2026. Dingman said she may ask the Board at a later date for approval to conduct construction ahead of time and be reimbursed by the federal government.

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

- E. Program agreement with Nebraska Department of Transportation (NDOT) for use of Federal Highway Safety Improvement funds and Surface Transportation Block Grant funds for shoulder-widening at South 68th Street, Hickman to Roca Road. The total cost of the project is currently estimated to be

\$1,539,900. The estimated Lancaster County share is \$307,980. (Project No. LCLC-HSIP-3265(12), Control No. 13564) (C-23-0575)

MOTION: Vest moved and Schulte seconded approval of the agreement.

Dingman displayed a map of the area (Exhibit 2). Schulte stated as the County accepts federal funding, the Board should set funding aside for the projects. Vest agreed. Dingman added the projects will be game changing for the County.

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

- F. Contract with Pavers, Inc. to provide North 98th Street grading and paving (Adams Street to Holdrege Street). The cost to the County is not to exceed \$1,234,917.73. (Bid No. 23-150, Project No. 23-01. The contract shall be effective upon execution.) (C-23-0552)

Dingman described the item and noted the high amount of traffic in the area. She provided a map of the area (Exhibit 3). The project has been delayed due to regulations around protection of the long-eared brown bat. Vest asked when construction would begin, and Dingman answered next year after trees are removed.

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

- G. Contract with Vogtscapes, Inc. to provide replacement of County Bridges R-184 and S-180. The cost to the County is not to exceed \$2,321,728.50. (Projects No. 22-40 & No. 22-41, Bid No. 23-082. The contract shall be effective upon execution.) (C-23-0573)

Dingman described the condition of the bridges under the item and provided a map of the area. She stated her office is struggling to obtain a US Army Corps of Engineers permit. Schulte asked if the Board could help obtain the permit, and Dingman answered she has been told permit approval is in progress.

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

- H. Special events permit application from Gravel Worlds, Gravel Adventures LLC, for a bicycle ride and ultra run event to be held August 25 to 26, 2023, from 5:00 a.m. to 12:00 a.m.

Jason Strohbehn, Gravel Worlds Director of Operations and Marketing noted the increased revenue to the community because of the event. There will be fewer participants this year, but he anticipates a successful event. He reported the amount of donations collected and where the donations will be allocated. This year's event will include a 25k and a 10k run as well as live music. He thanked the County Engineer's Office for their help in preparing for the event.

Yoakum stated there was a motion to approve. Schulte seconded approval of the special events permit application. Schulte, Flowerday, Vest, Amundson and Yoakum voted yes. Motion carried 5-0.

- I. Agreement with HUB International Great Plains, LLC to provide employee benefits consulting services for the County's employee benefits programs. The County will pay \$29,998.80 in Year 1, \$31,827.60 in Year 2, \$32,781.60 in Year 3, \$33,764.40 in Year 4, and \$34,776 in Year 5. (C-23-0561)

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

- J. Agreement between the Mental Health Crisis Center and Union College to provide educational training opportunities to Nursing Program students. There is no cost to the County. (C-23-0546)

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

- K. Agreement with Educational Service Unit 18 (ESU 18) for ESU 18 to provide educational services to youth detained at the Youth Services Center. The cost to the County is \$967,620. (The term of agreement is one year.) (C-23-0547)

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

Schulte asked how many staff were included in providing the services. Flowerday answered three or four. Schulte said he was in support but that it seemed like a lot of staff for the number of youths served.

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

- L. Memorandum of Understanding with Mentoring Plus to provide programming to youth at the Youth Services Center on topics such as Strength Finders, Social and Emotion Learning, and Spiritual Connections. There is no cost to the County. (C-23-0550)

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

- M. Agreement with the State of Nebraska Department of Transportation for the provision of transportation services for the Lancaster County Public Rural Transit Program. The cost to the County shall be any remaining eligible costs not paid by Federal and State funds and shall not exceed \$59,876. (Term of the agreement is July 1, 2023, through June 30, 2025.) (C-23-0545)

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

- N. Grant contract with El Centro de las Americas for the Community Assistance Specialist program in the amount of \$30,900. (Funding is from the Joint Budget Committee for July 1, 2023, through June 30, 2024.) (C-23-0557)

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

- O. Building use agreement with Tomas and Resa Helikar for property located on Lot 3, Block 2, Bronco Hills Estates Addition, Lancaster County, Nebraska. (C-23-0576)

Ward explained the item is an agreement to ensure the property is used continuously as a single-family dwelling.

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

- P. Amendment to C-08-0663 and C-08-0664, Administrative Services Agreement with Empower Annuity Insurance Company ("Empower"), FKA Prudential Retirement Insurance Annuity Company, for Lancaster County, NE Employees Retirement Plan (401(a), Plan 006371) and Lancaster County, NE 457 Deferred Compensation Plan (457(b), Plan 006372), including agreements with Millenium Trust Company for Automatic Rollover Services and related amendments thereto. (The amendment amends the recordkeeping services in the agreements to reflect the transition from Prudential to Empower, effective August 18, 2023.) (C-23-0559)

Julie Klassen, Empower Relationship Manager (via Zoom), described the amendment. She stated the changes are a result of requests from David Derbin. Fees, products and services remain the same, but there are some changes with the Goalmaker tool. The agreement includes optional services and outlines recordkeeping requirements.

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

Q. Recordkeeping Services Addenda for Lancaster County, Nebraska Employees Retirement Plan (401(a), Plan 006371) and Lancaster County, Nebraska 457 Deferred Compensation Plan (457(b), Plan 006372).

Klassen described the item, which included clarification of changes in the Goalmaker tool, rebalancing frequency, and vesting options.

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

R. Agreement with Baylor Evnen PC to provide professional legal services to Lancaster County

MOTION: Vest moved and Flowerday seconded approval of the agreement. Vest, Amundson, Flowerday and Yoakum voted yes. Schulte voted no. Motion carried 4-1.

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

Robert Borer, Lancaster resident, shared concerns he has about the United States government and potential violations of the Constitution.

Amber Parker, Lancaster resident, shared concerns about electronic voting machines and the accuracy of election results.

Victoria Riis, Lancaster resident, shared concerns about electronic voting machines and the accuracy of election results. She stated she had requested a cast vote record from the County Election Commissioner.

George Olmer, Lancaster resident, shared concerns about electronic voting machines and the accuracy of election results.

Connie Reinke, Lancaster resident, shared concerns about electronic voting machines and the accuracy of election results. She shared a handout with the Board (Exhibit 4).

Kenneth Anderson, resident of Silver City, IA, shared concerns about electronic voting machines and the accuracy of election results. He displayed language from the National Institute of Standards and Technology (Exhibit 5).

Peggy Cicmanec, Lancaster resident, shared concerns about electronic voting machines and the accuracy of election results.

Susan Kess, Lancaster resident, shared concerns about electronic voting machines and the accuracy of election results.

Richard Hergot, Lancaster resident, shared concerns about electronic voting machines and the accuracy of election results.

8) ANNOUNCEMENTS

- A. The Lancaster County Board of Commissioners will hold budget hearings on Tuesday, July 11, 2023, 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, July 13, 2023, 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 the following meetings on Tuesday, July 18, 2023, in Room 112 of the County-City Building (555 S. 10th Street, Lincoln), beginning at 9:00 a.m.:
1. Special Board of Commissioners meeting
 2. Regular Board of Commissioners meeting
 3. Board of Equalization meeting
 4. Budget hearings
- 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 (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](https://www.youtube.com/LNKTVcity) and [Facebook.com/lancasterne](https://www.facebook.com/lancasterne)). LNKTV apps are also available on Roku, Apple TV and Amazon Fire TV.

9) ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn at 10:57 a.m. Flowerday, Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 5-0.



Matt Hansen
Lancaster County Clerk

