

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, JULY 13, 2021**  
**9:00 A.M.**

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board, the Lancaster County, Nebraska, web site, emailed to the media to the media on July 9, 2021, and published in the Lincoln Journal Star print edition and website on July 9, 2021.*

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

**Others present:** David Derbin, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk; and Leslie Brestel, County Clerk's Office

The meeting was called to order at 9:00 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, July 6, 2021.

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

**2) CLAIMS:**

- A. Approval of all claims processed through July 13, 2021.

Kevin Nelson, Accounting Operations Manager, County Clerk's Office, noted there was an amendment to the claims report for the Engineering Office (Exhibit 1) as these claims need to be paid this week.

**MOTION:** Amundson moved and Yoakum seconded approval of all claims processed through July 13, 2021, as amended.

Schorr clarified the amendment was for the eight claims as shown on the exhibit.

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

**3) SPECIAL PRESENTATIONS:**

- A. Commissioners' Award of Excellence for June 2021 to Kipp Spier, County Engineering, in the category of valor.

Nolte read the nomination.

Pam Dingman, County Engineer, said Spier is an excellent member of the Engineering team and is also a volunteer fireman. She thanked Spier and Steve Spader, Assistant Maintenance Supervisor, who submitted the nomination.

Spier thanked the Board and said he felt he was just doing his job.

Schorr and Vest thanked Spier for his efforts and commitment to the County.

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

1. Florence Horstman Trust, North 84<sup>th</sup> Street and Raymond Road, in the total amount of \$5,977. (C-21-0516) (C-21-0517)
2. Darren and Darcy Meinke, Southwest 114th Street and West Sprague Road, in the amount of \$195. (C-21-0518)

**B.** Grant contract funded by the Juvenile Justice Prevention Fund (for the period of July 1, 2021, through June 30, 2022) with Asian Community & Cultural Center for the Family Resource program (in the amount of \$10,702). (C-21-0521)

**C.** Grant contracts funded by the Joint Budget Committee (for the period of July 1, 2021, through June 30, 2022) with the following:

1. Boy Scouts of America, Cornhusker Council, for the Scoutreach program (in the amount of \$9,680). (C-21-0522)
2. Friendship Home of Lincoln for the Emergency Shelter: Children's Advocacy program (in the amount of \$18,933). (C-21-0523)

**D.** Received and placed on file quarterly reports (April – June 2021) for the following:

1. County Sheriff
2. County Attorney

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

**5) NEW BUSINESS:**

**A.** Request for an Exceptional Circumstance Award under Personnel Rule 17.14 (b) for Elisha Havick, Corrections, for a one-step pay increase.

Nolte read the award recommendation. Brad Johnson, Corrections Director, said this last year was stressful and Havick is well deserving of the award.

Schorr praised Havick for her talents and skills and appreciated her efforts this past year.

Havick stated many other employees also stepped up during this time and she thanked the Board for approving the emergency sick leave as many employees depended on that during the pandemic.

Amundson and Vest thanked Havick for her leadership.

**MOTION:** Flowerday moved and Schorr seconded to approve the Exceptional Circumstance Award. Yoakum, Flowerday, Schorr, Amundson and Vest voted yes. Motion carried 5-0.

- B. Special Designated License application from KNK, LLC, dba Big Ten Tavern, for an event at The Shed, 22500 S 176<sup>th</sup> Street, Adams, Nebraska, on Saturday, July 17, 2021.

Kurt Kontor, owner of Big Ten Tavern in Bennet, stated he was asked to provide alcohol service for a wedding reception at The Shed. He also noted this is his first time serving at a location in the County's jurisdiction.

Vest said the Planning Department has recommended the Board not approve the license.

Jen Holloway, Deputy County Attorney, noted the recommendations are based on issues with The Shed and not with the Special Designated License (SDL) applicant.

Schorr stated The Shed has an approved Special Permit and they are not adhering to recommendations. If the wedding reception is held, The Shed is in violation of the Special Permit. Holloway added The Shed should not have occupancy as the building permit has not been completed. Additionally, by the Board's own process, when presented with an SDL application the Board requests recommendations from County Engineering, County Sheriff's Office, Lincoln-Lancaster Building and Safety Department, Lincoln-Lancaster Planning Department and the Lincoln-Lancaster County Department of Health to be considered for the Board's review and decision.

There was general discussion about the number of entrances and exits to the County roads from The Shed's property.

Amundson said The Shed is also not meeting the wastewater requirements. Kontor offered to provide outdoor bathroom alternatives.

Flowerday inquired if the Board can approve the SDL contingent upon The Shed meeting their Special Permit requirements. Schorr added, according to The Shed's website, it seems as if they have been operating for a while.

Dingman said the County does not allow parking in the County right-of-way. Also, the driveway is 100 feet wide adjacent to the county road and County Engineering would like to have the ditch restored for the Special Permit.

Vest asked what the ramifications would be if the event were held. Holloway answered that would be up to the Sheriff's Office if The Shed would be ticketed for operating without an approved Special Permit. She noted there is a process to revoke a Special Permit.

Derbin recommended the Sheriff be notified of the event to begin the revocation process.

Schorr asked if the application can be completed by the Nebraska Liquor Control Commission. Kontor said he has been in touch with Nebraska Liquor Control Commission and, with the Board's approval, the application will be completed.

**MOTION:** Amundson moved and Yoakum seconded to deny the Special Designated License and to notify the Sheriff if the event continues.

Schorr asked if the Special Permit violations are items that could be corrected by Saturday.

Kontor inquired what would be the difference if the SDL were approved and the Special Permit were revoked after the event. Flowerday and Amundson said there is a process for Special Permits and those processes have not been followed.

Holloway recommended denial of the SDL application.

It was suggested that the item be deferred until later in the meeting so that a representative from the Planning Department could be in attendance for further discussion.

The previous motion and second were withdrawn.

- C. Contract with Zelle, LLC, to recruit candidates for the position of Youth Services Center Director, in the amount of \$15,000, plus expenses as detailed in the contract. (C-21-0519)

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

- D. Agreement between Region V Systems and The Bridge Behavioral Health for The Bridge to assist the County and Region V by including in the services it presently provides the detention of individuals who are in Emergency Protective Custody (EPC). Term of the agreement is July 1, 2021, through June 30, 2022. (C-21-0520)

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

- E. Contract with BiC Construction, LLC, for Election Commission Expansion Construction. Cost to the County is not to exceed \$622,000. (Bid No. 21-137) (C-21-0524)

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

Vest requested a motion to add an emergency item to the agenda to discuss the ongoing situation at the Lancaster Event Center (LEC) as they prepare for the National High School Finals Rodeo (NHSFR).

**MOTION:** Amundson moved and Schorr seconded to add an emergency item to the agenda. Yoakum, Flowerday, Schorr, Amundson and Vest voted yes. Motion carried 5-0.

Vest restated the purpose of the emergency item is to provide an update on the LEC as they recover from weather events and prepare for the NHSFR.

## **EMERGENCY ITEM**

Vest reported that he spoke with Amy Dickerson, Managing Director at the LEC, who said the recent storm destroyed stalls and other areas to be used for the NHSFR. Thanks to the efforts of volunteers all of the stalls that the LEC is responsible for have been restored and covered. The large, covered barns not owned by the LEC are in the process of being restored in which horse stalls will be installed. The LEC is grateful for any additional volunteer help that is offered. Schorr added volunteers are needed throughout the entire event.

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

Gary Tharnesh, City of Lincoln resident, discussed his ideas on funds that could be used towards the improvement of County infrastructure, including inheritance tax, American Rescue Plan Act (ARPA) funds and County funds freed up following the State's expansion of Medicaid.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a budget meeting on Tuesday, July 13, 2021, immediately following the regular meeting beginning at 9:00 a.m., 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 15, 2021, 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, July 20, 2021, 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](mailto: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](http://lincoln.ne.gov) (keyword: LNKTVCity). Meetings are also streamed live on LNKTVCity and can be viewed on YouTube (LNKTVCity).

The meeting was recessed at 9:55 a.m. and resumed at 10:08 a.m.

**RETURNING TO NEW BUSINESS ITEM 5B**

Steve Henrichsen, Principal Planner, Lincoln-Lancaster County Planning Department, said The Shed was approved for a Special Permit that required changes to a site plan, including wastewater management system, driveway improvements and building permits. None of the improvements have been completed at this time and should have been completed before occupancy and use of the building as an event facility.

Ron Rehtus, Zoning Coordinator, Building & Safety Department, added a building inspector had visited with the property owner in February. He said another inspection can be made.

**MOTION:** Amundson moved and Yoakum seconded to deny the Special Designated License. Schorr, Amundson, Yoakum, Flowerday, and Vest voted yes. Motion carried 5-0.

8) **ADJOURNMENT**

**MOTION:** Schorr moved and Yoakum seconded to adjourn at 10:16 a.m. Yoakum, Flowerday, Schorr, Amundson and Vest voted yes. Motion carried 5-0.

*Dan Nolte*

Dan Nolte  
Lancaster County Clerk

