

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JULY 14, 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 July 10, 2020.

Commissioners present: Sean Flowerday, Chair; Rick Vest, Vice Chair; Roma Amundson; Deb Schorr; 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 Monét McCullen, County Clerk's Office

The meeting was called to order at 9:01 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 7, 2020.**

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

2) CLAIMS:

- A. Review of vouchers 689124 through 689135 payable to Candice Wooster in the total amount of \$19,388.30 for services performed in Juvenile Court in 2018 and 2019. (These claims are beyond the 90-day time period (see Neb. Rev. Stat. §23-135.)**

MOTION: Schorr moved and Amundson seconded denial of the claims (vouchers 689124 through 689135).

Candace Wooster said the total amount of the claims is around \$19,000, but the late amount is around \$7,000. She stated she was under the impression that she was able to submit her claims between three and six months. The total amount of the claims that are within the correct timeframe to submit is \$11,763 and asked that amount not be denied.

Schorr said she knows the claims were all submitted as one and asked what the procedure would be to approve the portion of the claim that was submitted within the proper timeframe. Kevin Nelson, Lancaster County Accounting Operations Manager, said it was his understanding that the portion of the claim that was submitted within the 90-days has been paid out. Wooster said she has not received payment. Nelson said he would look further into it.

Schorr withdrew her motion as she felt if there were submissions within the 90-days that those should be paid.

In response to Flowerday's questions, David Derbin, Chief Administrative Officer, said the Board may make a motion to deny all claims past the 90-days and that would clean up the motion.

MOTION: Schorr moved and Amundson seconded to deny all claims submitted past 90-days.

Wooster clarified there was a three to six month timeframe to submit claims through juvenile court as she felt she had claims paid out that have been submitted past the 90-days. Derbin said State Statute §23-135 states there is a 90-day claim procedure for the County.

Flowerday said the Board has not approved any claim submitted that were past 90-days. Amundson felt the 90-day procedure needs to be abide by as approving anything outside of that timeframe could set a precedent. Schorr also noted this request dates back two fiscal years and she is not comfortable approving anything that far back.

Vest clarified the motion is to deny all claims submitted outside of 90-days.

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

B. Approval of all claims processed through July 14, 2020.

MOTION: Vest moved and Amundson seconded approval of the claims. 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 contract with Rabble Mill for the All-Access Pass program (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Grant. The term of the grant contract is July 1, 2020 through June 30, 2021) in the amount of \$64,025. (C-20-0418)**

B. **Subawards with the following (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Grant. The terms of the subawards are July 1, 2020 through June 30, 2021.):**

1. **Asian Community & Cultural Center for the Serving Immigrant & Refugee Youth program in the amount of \$48,500. (C-20-0412)**
2. **Big Brothers Big Sisters Lincoln for the Community Based Mentoring program in the amount of \$36,286. (C-20-0413)**
3. **Boys & Girls Club of Lincoln/Lancaster County for the Great Futures Initiative program, in the amount of \$24,390. (C-20-0414)**
4. **The HUB Central Access Point for Young Adults for the Back on Track program, in the amount of \$27,100. (C-20-0415)**
5. **Lighthouse, Inc. for the Strengthsfinder Coaching program, in the amount of \$31,050. (C-20-0416)**
6. **Rabble Mill for the All-Access Pass program, in the amount of \$64,025. (C-20-0417)**

- C. Amendments to the following County contracts:**
- 1. C-19-0225 with Production Creek Specialty Advertising (Production Creek, LLC) for Annual Supply - Clothing, Screen Printed and/or Embroidered Apparel. (Bid No. 19-067. The estimated expenditures for this contract will be increased by \$9,000 for the remainder of the contract term with a revised total amount of \$10,000.) (C-20-0419)**
 - 2. C-19-0401 with Hamilton Equipment Co., for Annual Supply – Skid Steer Loader Rental. (Bid No. 19-088. The amendment renews the contract with a price increase from August 1, 2020 through July 31, 2021. The cost to the County is not to exceed \$6,675.) (C-20-0425)**
- D. Amendment to the following County contracts for Annual Supply - Ice Melt (Bid No. 19-153. The amendments renew the contracts from August 12, 2020 through August 11, 2021.):**
- 1. C-19-0621 with Egan Supply. (The estimated cost to the County is not to exceed \$2,100.) (C-20-0426)**
 - 2. C-19-0622 with Helena Chemical Company. (The estimated cost to the County is not to exceed \$1,500.) (C-20-0427)**
 - 3. C-19-0620 with Nebraska Landscape Solutions, Inc. (The estimated cost to the County is not to exceed \$5,000.) (C-20-0428)**
- E. Utility Permits with no cost to the County for the following:**
- 1. No. 2003 allowing Windstream to reinstall communication lines due to County project 19-20 for the removal and replacement of structure H-115. (C-20-0420)**
 - 2. No. 1998 allowing Windstream to install service to 5220 Northwest 105th Street. (C-20-0422)**
- F. Right-of-way contract with John G. and Charlotte A. Huck, North 14th Street and Branched Oak Road in the amount of \$1,609. (C-20-0424)**
- G. Received and placed on file the following:**
- 1. County Attorney Office and the County Sheriff’s Office quarterly reports.**
 - 2. County Clerk and the Assessor/Register of Deeds reports for June, 2020.**
- H. Setting a public hearing on Tuesday, July 21, 2020, regarding the proposed sale of property generally located at 300 Tyler Street in the City of Bennet, Lancaster County, Nebraska (which includes declaring that the property no longer serves a County purpose, determining fair market value and setting the date for sale of the property).**

MOTION: Amundson 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. County Text Amendment 19007 to amend the Lancaster County Zoning Resolution, Articles 2, 4, 5, 6, 7, 9, 13 and 17, related to large and small solar facilities. (See correlating item 5A)**

Steve Henrichsen, Lincoln-Lancaster County Planning Department, was administered the oath and said he was available for questions.

Dan Nolte, Lancaster County Clerk, said 39 emails have been received in support (Exhibit 1) and one email was received in the neutral position (Exhibit 2). Note: The County Clerk's office received two additional emails in support following the meeting (Exhibit 3).

David Levy, Baird Holm Law Firm, 625 S. 14th Street, was administered the oath and discussed concerns with the regulation regarding screening of nonparticipating residences (Exhibit 4).

Schorr asked if it would be better to approve the regulations as planned and in unique situations allow the applicant to ask for a waiver of the setbacks. Levy said there might still be waiver requests for screenings as these come forward. However, as a matter of drafting policies, it is his opinion that it is better to not rely on waivers and he encouraged the Commissioners to approve the regulations with clear direction.

In response to Vest's question, Levy said for screening purposes, he believes the trees would need to be planted 25 feet apart. Fencing and berming are also acceptable, but the preferred method is planting trees.

Amundson asked what the height of the solar panels would be. Levy said the typical solar panels installed are usually around 12 feet off the ground when at their maximum tilt position and when flat, they are usually around six to eight feet off the ground (Exhibit 5).

John Hansan, Nebraska Farmer's Union President, was administered the oath and came forward in support.

No one appeared in opposition or in the neutral position.

The Chair closed the public hearing.

5) NEW BUSINESS:

- A. Resolution in the matter of County Text Amendment 19007 to amend the Lancaster County Zoning Resolution, Articles 2, 4, 5, 6, 7, 9, 13 and 17, related to large and small solar facilities, as provided in Exhibit A. (R-20-0037)**

MOTION: Amundson moved approval.

Motion failed due to lack of a second.

MOTION: Yoakum moved and Vest seconded approval of the resolution as amended.

Flowerday provided a printout of the proposed amendment (Exhibit 6).

Jen Holloway, Deputy County Attorney, discussed the amendments (Exhibit 7).

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

- B. Agreement with the Child Advocacy Center to conduct interviews and medical examinations of child abuse victims to aid law enforcement and prosecutors in their investigations of child abuse. The term of the agreement is October 1, 2020 through September 30, 2021. The County will pay \$30,000 for the services. (C-20-0429)**

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

C. Nebraska Crime Commission grant award for Operation Tipping Point for the period of July 1, 2020 through June 30, 2021, in the amount of \$89,115. (C-20-0431)

Sara Hoyle, Human Services Director, said this is a State grant that funds the gang outreach program.

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

D. Contract with Murphy Tractor & Equipment Co., Inc., to provide Annual Supply Compact Track Loader Rental (Bid No. 20-136). The term of the contract is four years from the date of execution with the option to renew for an additional four-year renewal term. The cost to the County is not to exceed \$246,240. (C-20-0421)

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

E. Agreement with The Schemmer Associates, Inc., for professional engineering services for the replacement of County Bridge D-88 (Project 21-40). The work will begin upon notice to proceed by the County and all work shall be completed on or before January 8, 2021. The cost shall not exceed \$138,488. (C-20-0430)

Pam Dingman, Lancaster County Engineer, said Bridge D-88 is on Agnew Road and was damaged in the flood of 2015 and subsequently damaged multiple times after that. This has required three stabilization projects, but the bridge was not able to be stabilized long-term. There will need to be a new design for a bridge in this corridor to prevent an extended closure in the area.

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

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

Schorr mentioned discussions with Rachel Garver, County Treasurer, regarding the DMV facility on 46th Street. Schorr expressed concerns with exposure at the entrance door.

Garver said the worst exposure is at the front door when employees attempt to assist patrons and help the flow of traffic to prevent individuals from congregating in one area. There are masks available for those that do not have one on, but most people do not take one.

In response to Schorr's question, Garver said the facility can have between 1,200 and 1,500 patrons per day. This is based on the number of registrations and titles that need to be renewed.

Vest asked what percentage of individuals are wearing masks. Garver said they are lucky to have 50% wearing masks.

Garver confirmed there is one employee who has tested positive for COVID. She also discussed the number of phone calls and the amount of work in comparison to the same time last year. Garver noted she is aware that requiring masks would affect certain funding, but she feels it is necessary for the safety of the employees and public.

Schorr asked if a sign could be posted on the front doors asking patrons to wear masks. Then the Commissioners would send a letter to the Governor to request permission to temporarily require masks at this location. Amundson agreed with this approach.

Flowerday said in the Governor's guidance he specifically mentioned DMV's and County buildings could not require masks. He felt the Governor will not make the exception, but it would still be worth trying.

It was suggested that the Governor's office be contacted before placing a sign on the building about requiring masks.

Yoakum expressed her concern regarding not just the current risks, but the extended risks. Garver noted the second half of real estate tax payments will be due at the end of July. This will cause an increase in traffic for the Treasurer's Office in the County-City Building. Options were discussed regarding providing a drop box for payments.

Flowerday suggested working with the Health Department in an attempt to provide additional safety equipment for staff while the Board attempts to meet with the Governor.

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

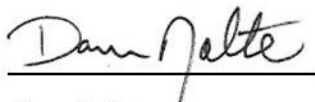
No one appeared for public comment.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a special staff meeting on Tuesday, July 14, 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, July 16, 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, July 21, 2020 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.
- 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 10:15 a.m. Yoakum, Vest, Schorr, Amundson and Flowerday voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

