

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY JULY 18, 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 14, 2023.*

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

Others present: David Derbin, Chief Administrative Officer; John Ward, Deputy County Attorney; Matt Hansen, County Clerk; Courtney Lyons, Deputy County Clerk; Meggan Reppert-Funke and Leslie Brestel, County Clerk's Office

Yoakum called the meeting to order at 10:01 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 July 11, 2023.

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

**2) CLAIMS**

**A.** Approval of the claims processed through July 18, 2023.

The Clerk noted there was an amendment to the claims regarding payroll (Exhibit #1).

**MOTION:** Vest moved and Flowerday seconded approval of the claims with payroll disbursements through July 12, 2023. Flowerday, Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 5-0.

**B.** Approval of a claims to the Indian Center in the total amount of \$14,217.14. (Batch No. 296363 & 296445, Document No. 810257 & 810348)

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

**C.** Approval of a claim to The Mediation Center in the amount of \$ 7,900. (Batch No. 296448, Document No. 810354)

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

**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. Amendment to the following County Contract C-21-0323 with the Nebraska Department of Health and Human Services (DHHS) for the Lancaster County Youth Services Center to provide detention services for juveniles committed or placed with DHHS. (This amendment increases the per diem rate for each detainee to \$334 and extends the contract term to April 13, 2025. The total expenditures by DHHS are not to exceed \$150,000.) (C-23-0582)
- B. Right-of-way contracts with the following:
  - 1. Edna's Acres, LLC, North 27<sup>th</sup> Street and Branched Oak Road, in the amount of \$ 1,179. (Project No. 22-28 / B-318) (C-23-0578)
  - 2. City of Lincoln, Nebraska municipal corporation, dba Lincoln Electric System (LES), Northwest 40<sup>th</sup> Street and West McKelvie Road, in the amount of \$946. (Project No. 22-29 / F-117) (C-23-0579)
  - 3. Robin Moore, North 98<sup>th</sup> Street (Holdrege St to Adams St), in the amount of \$13,615. (Project No. 23-01) (C-23-0580) (C-23-0581)
- C. Grant contracts with Clyde Malone Community Center for the Yes2Health program in the amount of \$30,900. (Funded by the Joint Budget Committee for July 1, 2023, through June 30, 2024) (C-23-0585)
- D. Grant contracts with the following (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Grant for July 1, 2023, through June 30, 2024):
  - 1. Clyde Malone Community Center for the Take Pause program in the amount of \$43,354. (C-23-0590)
  - 2. Family Service Lincoln for the School Based Therapeutic Services program in the amount of \$85,000. (C-23-0587)
  - 3. HopeSpoke for the Diversion Evaluations program in the amount of \$6,097. (C-23-0588)
  - 4. OMNI Inventive Care for the Parent Management Training program in the amount of \$8,824. (C-23-0591)
  - 5. The HUB - Central Access Point for Young Adults for the Volunteer Coordination program in the amount of \$38,372. (C-23-0589)
  - 6. YWCA Lincoln for the Life Skills program in the amount of \$45,456. (C-23-0592)
- E. Received and placed on file the following reports:
  - 1. 2023 Annual Inventory of County Real Property
  - 2. County Engineering (April 2023 to June 2023)
  - 3. County Attorney (April 2023 to June 2023)

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

#### **4) UNFINISHED BUSINESS**

- A. 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.

John Ward, Deputy County Attorney, stated the Clerk's Office notified him there was no original motion when the item was on the agenda the previous week. He asked Board members to vote again to approve the item.

**MOTION:** Amundson moved and Vest seconded approval of the special events permit application. Flowerday, Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 5-0.

## 5) PUBLIC HEARING

- A. Applications for a Class C liquor license for TCN Services, LLC, dba Blue Catfish (5700 West Raymond Road, Raymond), and a corporate manager's liquor license for TCN Services, LLC, dba Blue Catfish Tung C Nguyen. (See correlating item under New Business 6A.)

The Chair opened the public hearing.

The Clerk administered Tung C. Nguyen, the applicant, the oath. Nguyen described his business, a liquor and convenience store near Branched Oak Lake. Vest asked if Nguyen had completed all the requirements to receive a liquor license. Nguyen answered he believed this was the last step but that he would be willing to complete any other requirements.

The Chair closed the public hearing.

## 6) NEW BUSINESS

- A. Resolution in the matter of applications for a Class C liquor license for TCN Services, LLC, dba Blue Catfish (5700 West Raymond Road, Raymond), and a corporate manager's liquor license for TCN Services, LLC, dba Blue Catfish, Tung C Nguyen. (R-23-0051)

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

- B. Resolution in the matter of authorizing the County Board Chair to sign an agreement with Felsburg Holt & Ullevig for preliminary engineering services related to a federal aid project on North 14th Street from Alvo Road to Ashland Road. (Program Agreement BL2257, County Contract C-23-0010). (R-23-0049)

Pam Dingman, County Engineer, explained items B and C. The resolution and the agreement are with the Nebraska Department of Transportation to complete a federal aid project to add shoulders and expand the road. The project is estimated to cost \$12 million and will use 80 percent federal funding.

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

Schulte thanked Dingman for her work to improve County infrastructure.

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

- C. Agreement with Felsburg Holt & Ullevig for preliminary engineering services for a federal aid project on North 14th Street from Alvo Road to Ashland Road. The total agreement amount is \$16,200, of which 80% will be paid using Federal Surface Transportation Block Grant Funds and 20% will be paid using County funds. (Program Agreement BL2257, County Contract C-23-0010). (C-23-0594)

Dingman explained the funding process for the project. Item D and the agreement in item C lay out the environmental engineering for the project.

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

- D. Resolution in the matter of authorizing the County Board Chair to sign an agreement with Felsburg Holt & Ullevig for professional environmental services related to a federal aid project on North 14th Street, from Alvo Road to Ashland Road (Program Agreement BL2257, County Contract C-23-0010). (R-23-0050)

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

- E. Agreement with Felsburg Holt & Ullevig for professional environmental services for a Federal Aid project on North 14th Street from Alvo Road to Ashland Road. The total agreement amount is \$9,700, of which 80% will be paid using Federal Surface Transportation Block Grant Funds and 20% will be paid using County funds. (Program Agreement BL2257, County Contract C-23-0010). (C-23-0596)

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

- F. Contract with Subsurface, Inc. to provide Cured-in-Place-Pipe Culvert Lining. The cost to the County is not to exceed \$327,425. (Phase I of Project 23-30 Bid No. 23-151, the work included in this Contract shall commence on or after August 1, 2023, and be completed on or before October 1, 2023.) (C-23-0597)

Dingman described cured-in-place-pipe culvert lining and its benefits. The process can be completed without closing roads. Up to three can be completed in one day. She displayed a map of the area (Exhibit #2)

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

- G. Release of easement for utilities on a 10-foot utility easement between Lots 12 and 13, Brush Creek Estates. (C-23-0583)

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

- H. Special events permit application from Eric Moser with GoodLife Racing, LLC for the Great Plains Gravel Triathlon event to be held on August 12, 2023, from 6:30 a.m. to 1:00 p.m.

Eric Moser, the applicant, requested approval of the use of County roads and described the event. He stated he has approval from Nebraska Game and Parks, Branched Oak State Recreation Area, Seward County, Butler County, Saunders County and the Lower Platte South Natural Resources District. There will be personnel and signage to direct participants. About fifty participants are registered.

Vest asked Moser if he was aware of letters from the County Sheriff and the County Engineer, and Moser answered he finds the requirements from them acceptable.

**MOTION:** Vest moved and Amundson seconded approval of the special events permit application. Flowerday, Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 5-0.

- I. Special Designated License applications from Fucor, Inc for two events at Prairie Pines Nature Preserve (3100 N. 112th Street, Lincoln) on the following dates:

1. August 5, 2023 (for Run 4 the Pines event)
2. August 26, 2023 (for Feast on the Farm event)

Eric Pomajzl, Events and Community Manager at Venue Catering and Events, described the events and that they will be providing drink service to participants at both.

**MOTION:** Vest moved and Amundson seconded approval of the special designated license applications. Schulte, Flowerday, Vest, Amundson and Yoakum voted yes. Motion carried 5-0.

- J. Authorize Daniel J. Zieg, Chief Deputy County Attorney, to sign a Termination of Record Lease for a Memorandum of Lease dated November 1, 2000, and recorded with the Lancaster County Register of Deeds on November 9, 2000, as Instrument No. 2000-053578.

Zieg explained the reason for the Termination of Record Lease. All bonds have been paid and the property will be sold.

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

- K. Authorizing Barb McIntyre, Lincoln-Lancaster County Human Resources Director, to sign the following U.S. Department of Homeland Security documents in response to a Request for Evidence for an H1-B Petition:

1. Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28)
2. Petition for a Nonimmigrant Worker (Form I-129)
3. H Classification Supplement to Form I-129 (Form I-129H)

McIntyre stated the Human Resources Department submitted a visa application at the beginning of the year but only 15 percent are approved. The Department is applying to certify the County as a research organization so the County is exempt from the cap for H-1B visas.

Schulte asked if the reason for the visa application was for a candidate, and McIntyre answered the reason is for a current employee who is currently suspended on unpaid leave until the County secures the correct visa. Laura Leppy, Human Resources Talent Acquisition Division Leader, stated the employee is a staff attorney in the District Court Office and described the steps so far in securing the visa.

Schulte asked if the County applies for a visa for each employee or if this process would apply to all future candidates or employees. Leppy said the County would petition for an H-1B visa when someone qualifies. There are five employees of the County who have a visa but not necessarily an H-1B visa. Approval of this petition would allow the County to hire more employees under the H-1B visa. McIntyre said this visa applies only to employees with certain specialized degrees. Yoakum noted the H-1B visa process is not simple.

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

- L. Recommendation from the Personnel Policy Board to revise the classification of Accounting Operations Manager (C21)

Matt Hansen, County Clerk, summarized the request to revise the classification for the position. He stated the position is currently vacant and that the classification is outdated. The revisions also include removing payroll duties from the position, and he plans to create a similar position for payroll duties in the future. McIntyre stated Human Resources and the Clerk's Office worked collaboratively on the revisions.

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

- M. Contract with Tradebe Environmental Services, LLC to provide annual service to City of Lincoln and Lancaster County Hazardous Waste Services. The cost to the County is not to exceed \$5,000. (RFP No. 23-054 This contract shall be effective July 1, 2023 through June 30, 2024.) (C-23-0593)

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

- N. Contract with Forest Lawn Funeral Home for cremation/burial services as outlined in Lancaster County's General Assistance Program, beginning May 1, 2023, and ending December 31, 2028. (C-23-0584)

Sara Hoyle, Human Services Director, stated the contract is with a funeral home in Douglas County for a resident who had an autopsy performed in Omaha.

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

- O. Grant contract with El Centro de las Americas for the Youth program in the amount of \$105,581. (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, 2023, through June 30, 2024.) (C-23-0586)

Hoyle stated the contract is for State funding to supplement an existing youth program.

**MOTION:** Amundson moved and Vest seconded approval of the contract.

Schulte asked if the item was to receive the funding or to apply for the funding, and Hoyle answered it is to receive the funding. Schulte asked if the County will retain any of the funding, and Hoyle answered no.

**ROLL CALL:** Vest, Amundson, Schulte and Flowerday voted yes. Yoakum abstained. Motion carried 4-0 with one abstention.

- P. Contract with Rise N' Shine to provide the annual service for janitorial services for three (3) Public Building Commission and Lancaster County Facilities. The cost to the County is not to exceed \$24,240. (Bid No. 23-148, the contract shall be effective for one (1) year upon execution.) (C-23-0595)

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

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

Yoakum announced the policies for providing public comment.

Kirstie Engel, Justice in Action member and reverend, described the organization Justice in Action and their priorities. Their focus is on mental health and corrections reform. The organization is opposed to the increase in the County Department of Corrections (County Corrections) budget. She asked all members of Justice in Action to stand.

Tobi White, Justice in Action member and pastor, stated the request from Justice in Action for the Board to allocate \$500,000 to diversion services. She said support for inmates is important to prevent recidivism. She listed the benefits of diversion programs.

Judy Kelly, Justice in Action member, expressed opposition from Justice in Action for the increase in the County Corrections budget. She described the jail population and their need for treatment and access to diversion programs. She asked the Board to increase funding to diversion programs.

Sara Bevans, Justice in Action member, described her background and her privilege. She stated inmates at County Corrections need care and support.

John Spilker, professor and Justice in Action member, stated his opposition to the increase in the County Corrections budget. He requested the funding be diverted to rehabilitation programs.

Larry Ortega, Bellevue resident, described his background and expressed concerns about election integrity. He stated instances of alleged fraud, including the use of fake ballots and fake voter registrations. He stated the Secretary of State has not provided a summary of votes cast that is required by law. He provided documents (Exhibit #3)

Connie Reinke, Lancaster resident, displayed a graph on the 2020 election (Exhibit #4). She expressed concerns about election integrity and instances of fraud she believes has happened. She provided additional documents regarding electronic voting machines (Exhibit #5). She requested the County defund election machines and software.

Iris Dutton, Ponca resident, discussed the rural urban divide in Nebraska (Exhibit #6). She expressed concerns about election integrity and inaccurate results due to vulnerable voting equipment. She requested ballots be hand counted. She thanked the Board for keeping Lincoln beautiful.

Ed Ostlund, pastor and Justice in Action member, read a letter from Tina Alder describing her experience with her son being housed in County Corrections. She advocated for more funding towards diversion programs.

Tammy Hanson, Justice in Action member, described her experience with prison ministry and her support for diversion programs.

Joe Nigro, Justice in Action member, thanked Amundson for her service on the Board and for her leadership in juvenile justice reform. He discussed his experience as the former Lancaster County Public Defender and his opposition to housing inmates in other counties. He stated he opposes building another jail and supports expanding diversion programs. He added he supports ending cash bail.

Mary Hamilton, Lancaster property owner and Seward County resident, expressed her concern about election integrity during the 2020 election. She described her experience checking signatures working as a Lancaster County election worker and provided documents (Exhibit #7)

Susan Smith, pastor and Lancaster resident, described her experience as a teacher in Florida where many of her students had incarcerated parents. She also discussed her experience in prison ministry. She opposed housing women in other counties where they would be far from their families and supported expanding diversion programs.

Erick Hill, vicar and Lancaster resident, expressed his opposition to housing inmates in other counties and his support for diversion programs. He discussed his experience working in the mental health field helping those afflicted with mental health issues.

Elizabeth Kocher, reverend and Justice in Action member, expressed opposition to housing inmates in other counties and her support for diversion programs and alternatives to incarceration. She requested the Board extend the time for public comment.

Catherine Gebers, reverend and Lancaster resident, voiced support for diversion and treatment instead of housing inmates in other counties. She discussed methods to reduce recidivism.

Penny Stephens, Lancaster resident, stated there were 25,000 missing mail-in ballots in the 2020 presidential election. She expressed concern about election integrity. She said the Secretary of State was wrong to blame voters for the missing ballots. She requested more time to speak and requested a hearing for those concerned with election integrity.

Sarah Hetrick, Lancaster resident, described her experience with a son in County Corrections and her experience serving jail time in another county. She opposed housing inmates in other counties and supported expanding diversion programs.

Yoakum stated the hour for public comment had ended. She thanked speakers for being orderly and apologized not everyone had the opportunity to speak.

**MOTION:** Schulte moved to extend the time for public comment by thirty minutes. The motion died for lack of a second.

## 8) ANNOUNCEMENTS

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, July 20, 2023, at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold the following meetings on Tuesday, July 25, 2023, in Room 112 of the County-City Building (555 S. 10th Street, Lincoln):
  - 1. Regular Board of Commissioners meeting
  - 2. Budget hearing
- C. County Commissioners can be reached at 402-441-7447 or [commish@lancaster.ne.gov](mailto:commish@lancaster.ne.gov).
- D. The Lancaster County Board of Commissioners meeting is broadcast live on LNKTv ([LNKTv.lincoln.ne.gov](http://LNKTv.lincoln.ne.gov)). LNKTv is available on Allo channel 2 and Spectrum channel 1300. For the rebroadcast schedule visit [lincoln.ne.gov](http://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 Flowerday seconded to adjourn at 11:35 a.m. Vest, Amundson, Flowerday and Yoakum voted yes. Schulte voted no. Motion carried 4-1.



Matt Hansen  
Lancaster County Clerk

