

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY JULY 25, 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 21, 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; Courtney Lyons, Deputy County Clerk; and Angela Zocholl, County Clerk's Office

Yoakum called the meeting to order at 9:00 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 18, 2023.

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

B. Approval of the minutes of the Board of Commissioners Special Presentation held on July 18, 2023.

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

2) CLAIMS

A. Approval of the claims processed through July 25, 2023.

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

B. Approval of a claim to El Centro de las Americas in the amount of \$10,121.91. (Batch No. 296774, Document No. 812293)

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.

C. Approval of a claim to Rabble Mill in the amount of \$6,141.07. (Batch No. 296774, Document No. 812295)

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

3) **SPECIAL PRESENTATION**

A. Graduation of the 2022-2023 Leadership Academy Class.

Kristy Bauer, Deputy Chief Administrative Officer, summarized this year's Leadership Academy Class and their accomplishments. There were 17 participants across 14 County agencies. She stated results from a survey showed participants rated the program highly.

Yoakum announced each graduate, and Flowerday presented each with a certificate.

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 the following County contracts:

1. C-22-0565 with Rose Equipment, Inc. for annual service of polypatch applicator rental and mastic pave patch. (Bid No. 22-105. The amendment renews the contract from July 26, 2023, through July 25, 2024. The cost to the County is not to exceed \$120,000.) (C-23-0618)
2. C-22-0605 with the Center for Legal Immigration Assistance. (The amendment authorizes American Rescue Plan Act (ARPA) funds to be utilized to make capital improvements and purchase office equipment. Total grant funds to be expended is decreased from \$25,000 to \$23,459.03.) (C-23-0603)

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

1. Oak Bluff LLC, Bluff Road and North 1st Street, in the amount of \$1,650. (Project No. 24-20 / F-136) (C-23-0605)
2. Mark E and Bobbie A Rappl, North 1st Street and West Davey Road, in the amount of \$1,027. (Project No. 22-28 / C-236) (C-23-0615)
3. Lower Platte South NRD, Northwest 84th Street and West Ashland Road, in the amount of \$460. (Project No. 22-29 / D-027) (C-23-0616)

C. Utility permits allowing Windstream Nebraska LLC to install new communication lines for the following:

1. No. 2398 along Waverly Road. (The installation route will be on the north side of Waverly Road starting at North 14th Street and going west past Northwest 12th Street to a private drive, then south under West Waverly Road to private property.) (C-23-0606)
2. No. 2397 along Bennet Road and South 54th Street. (The installation route beginning at the intersection of South 46th Street and Bennet Road, then east on the north side of Bennet Road to the intersection of South 54th Street, then south on the west side of South 54th Street to approximately 13800 South 56th Street, then east under South 54th Street to private property.) (C-23-0607)

D. Change Order No. 2 to County Contract C-23-0451 with Pavers, Inc. for asphalt resurfacing and patching. (Bid No. 23-109; Project No. 23-06. The total contract price will increase by \$80,792.56.) (C-23-0620)

E. Received and placed on file the following reports:

1. Mileage Reimbursement Report in accordance with R-21-0053 for April - June 2023
2. Mid Term 2020 Distress Warrants

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

5) NEW BUSINESS

- A. Resolution directing the County Engineer to conduct a study and the Planning Department to write a report regarding vacating portions of right-of-way east of the intersection of Northwest 40th Street and West Vine Street, more particularly described in Exhibit "A," and located in Lancaster County, Nebraska. (R-23-0053)

John Berry, Chief Deputy County Surveyor, said the resolution is a request to vacate a piece of roadway and described the location. Because of its location, the Lincoln City Council will also need to approve the vacation.

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

- B. Resolution setting a public hearing regarding the vacation of certain portions of right-of-way near the intersection of West Prucha Street and Southwest 112th Street, Crete, Nebraska, more particularly described in Exhibit "A," and located in Lancaster County, Nebraska. (R-23-054)

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

- C. Mini-grant contract with Nebraska Department of Transportation application for the Lancaster County Sheriff's Office to participate in the National Drive Sober or Get Pulled Over High Visibility Enforcement Mobilization in the amount of \$6,825. (The period of the grant is August 16, 2023, through September 4, 2023.) (C-23-0604)

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

- D. Grant contracts with the following using the Visitors Promotion Fund:

1. The Flatwater Shakespeare Company to promote its William Shakespeare's The Winter's Tale in an amount not to exceed \$493. (C-23-0608)
2. Lincoln Community Playhouse, Inc. to promote its Season 78 Marketing Expansion in an amount not to exceed \$4,564. (C-23-0609)
3. Nebraska Sports Council to promote its Heartland Havoc Digital/Social Media Advertising Campaign in an amount not to exceed \$5,000. (C-23-0610)
4. Nebraska Statewide Arboretum, Incorporated to promote its Spring Affair 2024 in an amount not to exceed \$5,000. (C-23-0611)
5. Nebraska Communities Playhouse to promote its Playhouse Communities' Outreach and Marketing Campaign in an amount not to exceed \$5,000. (C-23-0612)
6. Branched Oak Observatory to promote its 9th Annual StarBQ in an amount not to exceed \$5,000. (C-23-0617)

Matt Anderson, Co-Founder and CEO of Branched Oak Observatory, thanked the commission for the grant. He said last year's grant increased attendance at their annual StarBQ event. He described improvements from a \$500,000 capital improvement project.

Amundson asked for details about this year's StarBQ event, and Anderson said it will be held September 9th from 5:00 p.m. to 11:00 p.m. Anderson further described event activities.

Vest thanked Anderson for appearing and showing the impact of grants from the Visitors Promotion Fund. Anderson thanked the Board for their support.

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

- E. Agreement with Brumidi Group LLC to provide federal advocacy services. The cost to the County is \$70,000. (Term of the contract is November 1, 2023, through October 31, 2024.) (C-23-0598)

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

- F. Agreement with Integrated Behavioral Health Services LLC to provide crisis de-escalation and behavior management training to employees at the Crisis Center. Total cost to the County is not to exceed \$4,600. (C-23-0619)

John Ward, Deputy County Attorney, stated there was a change to the liabilities section that still needs approval from Risk Management. He asked for a motion to approve the agreement contingent upon Risk Management's approval of the insurance language.

MOTION: Amundson moved and Flowerday seconded approval of the agreement contingent upon Risk Management's approval of the insurance language.

Scott Etherton, Mental Health Crisis Center Director, said the contract is needed in order to continue providing the training after the previous trainer retired. Vest commended Etherton for offering the training. Etherton noted the training is required to be certified and licensed by the State. Flowerday asked what the training curriculum was, and Etherton answered Crisis Prevention Institute's Nonviolent Crisis Intervention training.

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

- G. Contract with Sapp Bros, Inc. to provide the annual supply of antifreeze, coolants, and windshield washer fluid. The cost to the County is not to exceed \$21,000. (Bid No. 23-028. The contract shall be effective August 1, 2023, through July 31, 2024.) (C-23-0613)

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

- H. Contract with Atlas Technical Consultants LLC to provide air quality testing. The cost to the County is not to exceed \$18,018. (Quote No. 6606. The contract shall be effective for one year upon execution.) (C-23-0614)

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

Ed Lahmann, Facilities Manager, said the item was a recommendation from a facilities study.

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

- I. Settlement agreement and release with Ralph Snyder. (C-23-0599)

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

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

Laura Rauscher, Lancaster resident, read a response to last week's presentation from Wayne Bena.

Jeannine Preszler, Lancaster resident, displayed the Heritage Foundation Election Integrity Scorecard (Exhibit 1) and discussed Nebraska's rankings in election integrity.

Roger Preszler, Lancaster resident, discussed election integrity and displayed a chart on inflated voter registration and turnout (Exhibit 2).

Rachel Mulcahy, licensed drug and alcohol counselor and Lancaster resident, discussed her history of conducting drug and alcohol evaluations at the County jail. She encouraged use of diversion programs over extended incarceration for non-violent offenders.

Wayne Smith, Lancaster resident, discussed his concerns on election fraud and weaknesses in our election system.

Connie Reinke, Lancaster resident, discussed her concerns over fraud and ballot stuffing and displayed charts on vote reporting and alleged ballot stuffing (Exhibit 3).

Peggy Cicmanec, Lancaster resident, discussed and showed charts on the vote reporting ratio from the 2020 presidential election (Exhibit 4).

Penny Stevens, Lancaster resident, expressed concern over not having additional public comment time at the last week's Board of Commissioners meeting and discussed censorship.

Dean Cook, Lancaster resident, discussed his concerns over alleged voter fraud (Exhibit 5).

Larry Ortega, Nebraska Voter Action Project, discussed his concerns over alleged voter fraud in Nebraska.

Ken Anderson, Silver City, Iowa resident, read an email he was sending to the Board of Commissioners regarding election concerns.

Amber Parker, Lancaster resident, discussed her concerns over elections and freedom of speech.

Susan Kess, Lancaster resident, shared her concerns over elections and over the auditing of votes by the County Election Commissioner.

7) ANNOUNCEMENTS

- A.** The Lancaster County Board of Commissioners will hold a budget hearing on Tuesday, July 25, 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 27, 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 its next regular meeting on Tuesday, August 1, 2023, 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 (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.

8) ADJOURNMENT

MOTION: Vest moved and Flowerday seconded to adjourn at 10:28 a.m. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.



Matt Hansen
Lancaster County Clerk

