

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, AUGUST 4, 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 31, 2020.

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

Commissioner absent: Roma Amundson

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 9:00 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 28, 2020.**

MOTION: Vest moved and Yoakum seconded approval of the minutes. Schorr, Yoakum, Vest and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

2) CLAIMS:

- A. Approval of all claims processed through August 4, 2020.**

Dan Nolte, Lancaster County Clerk, noted there was an amendment to the claims for the payroll ending on July 29, 2020 (Exhibit 1).

MOTION: Schorr moved and Yoakum seconded approval of the claims as amended. Vest, Schorr, Yoakum and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

- 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. Utility Permit No. 2005 allowing Omaha Power Public District (OPPD) to install new underground electric line from 13300 South 190th Street to 14300 South 190th Street. (C-20-0469)**

B. Amendments on the following County contracts:

1. **C-19-0578 with Murphy Tractor & Equipment Co., for Annual Supply - John Deere Filters. (Sole Source SS-89. The amendment renews the contract with a price increase from August 19, 2020 through August 18, 2021. The cost to the County is not to exceed \$9,500.) (C-20-0468)**
2. **C-18-0548 with Garcia-Chicoine Enterprises, Inc., (using the NDOT (Nebraska Department of Transportation) Contract No. QH1804) for On-Call Guardrail Repair and Replacement Services (MOU033. The amendment renews the contract from September 1, 2020 through August 31, 2021. The estimated cost to the County is not to exceed \$35,000.) (C-20-0471)**
3. **C-18-0534 with Diamond Vogel (Vogel West, Inc.) for Paint and Related Products. (University of Nebraska RFP #2951-18-7215, MOU031. The amendment renews the contract from August 1, 2020 through July 31, 2021. The cost to the County is not to exceed \$1,000.) (C-20-0472)**
4. **C-18-0535 with Sherwin-Williams Company for Paint and Related Products. (University of Nebraska RFP #2951-18-7215, MOU031. The amendment renews the contract from August 1, 2020 through July 31, 2021. The cost to the County is not to exceed \$2,000.) (C-20-0473)**

C. First amendment to County Contract C-20-0041 (Lancaster County Visitors Improvement Fund grant contract) in the amount of \$10,000 with Lancaster County as the Sponsor and the Board of Regents of the University of Nebraska and its Nebraska State Museum for the "Tracks, Scat & Other Clues: Investigating Animal Diversity" project. The amendment extends the grant term to February 28, 2021. (C-20-0474)

D. Right-of-way contracts with Joel D. & Renee D. Heusinger, North 14th Street and Arbor Road, in the total amount of \$13,220. (4 contracts) (C-20-0475, C-20-0476, C-20-0477, C-20-0478)

E. Received and placed on file the following:

1. **2020-21 Lancaster County Proposed Budget.**
2. **2018 Mid-year distress warrants reports.**

MOTION: Vest moved and Yoakum seconded approval of the consent items. Yoakum, Vest, Schorr and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

4) PUBLIC HEARINGS:

A. Temporary addition to the Class IK liquor license held by Prairie Plate Restaurant, LLC located at 10405 Branched Oak Road, Waverly, Lancaster County.

The Chair opened the public hearing.

Jerry and Renee Cornett, Prairie Plate Restaurant owners, were administered the oath and said the temporary addition is being submitted to allow alcohol and food sales during the pandemic.

The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **Resolution in the matter of an application for a temporary addition to the Class IK liquor license held by Prairie Plate Restaurant, LLC located at 10405 Branched Oak Road, Waverly, Lancaster County, Nebraska. (R-20-0040)**

MOTION: Vest moved and Yoakum seconded approval of the resolution. Yoakum, Vest, Schorr and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

- B. **Amusement license renewal application submitted by Jan and Darril Hauser for an event at Pine Creek Farms, 11505 North 14th Street on September 12, 2020.**

Jan Hauser, applicant, said she has had a number of events on the property. She is aware that no parking is allowed on North 14th Street. She will also be providing hand washing stations. The vendors will be asked to wear masks and handle their own products.

Flowerday noted the Lincoln-Lancaster County Health Department did recommend approval of this application.

Jen Holloway, Deputy County Attorney, said insurance has not been received and asked the Board to approve the application contingent on receipt of insurance.

MOTION: Schorr moved and Yoakum seconded approval of the amusement license renewal application pending receipt of insurance. Schorr, Yoakum, Vest and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

- C. **Approval of the 2020 Southeast Nebraska Community Wildfire Protection Plan (CWPP) for Butler, Cass, Gage, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Sarpy, Saunders, and Seward Counties.**

Jim Davidsaver, Lincoln-Lancaster County Emergency Management Director, said the Nebraska Forest Services was the coordinating agency and this was initiated in the Fall of 2019. This plan involves soliciting input from 18 fire departments that serve Lancaster County.

MOTION: Vest moved and Yoakum seconded approval of the 2020 Southeast Nebraska Community Wildfire Protection Plan. Vest, Schorr, Yoakum and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

- D. **Contract with National Everything Wholesale to provide Janitorial and Sanitation Supplies, Equipment and Related Services (MOU083). The term of the contract is upon execution through May 31, 2021. The pricing will be pursuant to the OMNIA/City of Tucson's contract. The cost to County is not to exceed \$250,000. (C-20-0470)**

MOTION: Schorr moved and Vest seconded approval of the contract. Yoakum, Vest, Schorr and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

- E. **Nebraska Crime Commission Sub-Recipient Audit Acknowledgement for fiscal year 2018-2019.**

MOTION: Schorr moved and Yoakum seconded approval of the audit acknowledgement. Yoakum, Vest, Schorr and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

- F. **Deed Restriction Agreement with Timothy and Linda Aschoff for property located at 1950 Southwest 112th Street, Lancaster County, Nebraska. (C-20-0447)**

Mark Hunzeker, Baylor Evnen Law, appeared on behalf of Timothy and Linda Aschoff. The special permit and letter of acceptance have already been approved and filed. The deed restriction is approved separately by the Board.

In response to Vest's question, Mr. Hunzeker confirmed the Lincoln-Lancaster County Planning Commission has already approved the special permit and this is the final step in the approval process.

MOTION: Vest moved and Schorr seconded approval of the deed restriction agreement. Schorr, Yoakum, Vest and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

G. Release of Easement with Lancaster County for utilities within Lots 1, 2 and 3 Fisherman's Landing 2nd Addition. (C-20-0479)

Holloway said the incorrect version was linked to the agenda. The correct version was forwarded to the Clerk's Office for signature (Exhibit 2).

MOTION: Vest moved and Yoakum seconded approval of the release of easement. Vest, Schorr, Yoakum and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

H. Real estate sales agreement with the City of Hickman as the Buyer and the County of Lancaster as the Seller for the sale of real property generally located at 6700 Hickman Road (Hickman, Nebraska, 68372 and legally described in the agreement) for the purchase price of \$5,000. (Closing to occur on or before August 31, 2020.) (C-20-0480)

Pam Dingman, Lancaster County Engineer, said this property is in the floodplain and improvements cannot be made to the building. There is also no bathroom, running water or heat.

MOTION: Schorr moved and Yoakum seconded approval of the real estate sales agreement. Yoakum, Vest, Schorr and Flowerday voted yes. Amundson was absent. Motion carried 4-0.

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

Flowerday said the dial dropped last week and the Health Department attributed that to the number of people wearing masks. He encouraged individuals to continue the usage of masks.

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

Jan Hauser discussed her concerns with the closure of the bridge on North 14th Street. She requested prior notification when there is an intent to close roads.

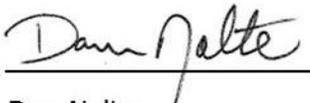
8) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, August 6, 2020 at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).**
- B. The Lancaster County Board of Equalization will hold a meeting on Thursday, August 6, 2020 at 1:00 p.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 11, 2019 at 9:00 a.m., 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 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 9:23 a.m. Yoakum, Vest, Schorr and Flowerday voted yes. Amundson was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk





LANCASTER COUNTY PAYROLL DISBURSEMENTS
For the Pay Period July 16, 2020 thru July 29, 2020
Pay Date: August 6, 2020

Gross Pay:	<u>\$ 2,160,200.77</u>
Employer FICA:	<u>\$ 156,398.44</u>
Pension Contribution:	<u>\$ 154,796.85</u>
PEHP Contribution:	<u>\$ 11,275.00</u>
PEHP Payout:	<u>\$ -</u>
Group Insurance:	<u>\$ 3,923.14</u>

RELEASE OF EASEMENT

IN CONSIDERATION of the release of unneeded easements, LANCASTER COUNTY, NEBRASKA, a Nebraska political subdivision, does hereby forever release and terminate all right, title, lien, and interest of said party their successors and assigns, in and to:

RELEASE #1

Description of a 10' wide Utility Easement for release across a part of Lots 1 and 2, Fisherman's Landing 2nd Addition located in the Southeast Quarter of the Northeast Quarter of Section 26, Township 7 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska. The centerline of said 10' wide Utility Easement, the edge of said easement being 5' on either side of said centerline is more particularly described as follows:

Referring to the common corner of said Lots 1 and 2 located on the Westerly 60' Right-of-Way line of Bayview Place; thence in a Westerly direction on the line common to said Lots 1 and 2, and on an assumed bearing of S 89°45'42" W, for a distance of 10.00' to the POINT OF BEGINNIG; Thence continuing in a Westerly direction on the line common to said Lots 1 and 2, S 89°45'42" W, for a distance of 281.37' to the bend point of said common line; Thence S 47°02'58" W on the common line of said Lots 1 and 2, for a distance of 200.00' to the point of termination of said Utility Easement and containing a calculated area of 4814 square feet or 0.11 acres, more or less.

RELEASE #2

Description of a 10' wide Utility Easement for release across a part of Lots 2 and 3, Fisherman's Landing 2nd Addition located in the Southeast Quarter of the Northeast Quarter of Section 26, Township 7 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska. The centerline of said 10' wide Utility Easement, the edge of said easement being 5' on either side of said centerline is more

particularly described as follows:

Referring to the common corner of said Lots 2 and 3 located on the Southerly 60' Right-of-Way line of Bayview Place; thence in a Southerly direction on the line common to said Lots 2 and 3, and on an assumed bearing of S 21°20'14" W, for a distance of 10.00' to the POINT OF BEGINNING; Thence continuing in a Southerly direction on the line common to said Lots 2 and 3, S 21°20'14" W, for a distance of 416.52' to the bend point of said common line; Thence S 68°01'36" W on the common line of said Lots 2 and 3, for a distance of 400.00' to the point of termination of said Utility Easement and containing a calculated area of 8166 square feet or 0.19 acres, more or less.

Said easement was dedicated in the Fisherman's Landing 2nd Addition Final Plat, recorded in the Lancaster County Register of Deeds Office on December 9, 2011, as Instrument No. 2011-0055151.

This Release of Easement in no way releases any other easement rights over any other portion of the above described property granted by Instrument No. 2011-0055151.

This Release of Easement may be executed in more than one counterpart each of which shall be deemed an original and all of which shall constitute the same instrument and any of the undersigned may execute this Release of Easement by signing any counterpart.

- SIGNATURE PAGES TO FOLLOW -

Executed this ____ day of _____, 2020.

ATTEST:

LANCASTER COUNTY, NEBRASKA,
a Nebraska political subdivision

County Clerk

By:

Sean Flowerday, Chairperson
Lancaster County Board of
County Commissioners

STATE OF NEBRASKA)
) ss:
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me on this ____ day of _____, 2020, by Sean Flowerday, Chairperson of the Lancaster County Board of County Commissioners, a Nebraska political subdivision.

Notary Public

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