

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, AUGUST 10, 2021**  
**9:00 A.M.**

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

*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 August 6, 2021, and published in the Lincoln Journal Star print edition and website on August 6, 2021.*

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

**Others present: David Derbin, Chief Administrative Officer; Jen Holloway and Candace Berens, Deputy County Attorneys; Dan Nolte, County Clerk; Cori Beatie, Deputy County Clerk; and Leslie Brestel, County Clerk's Office**

**The meeting was called to order at 9:03 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, August 3, 2021.

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

**2) CLAIMS:**

- A.** Approval of all claims processed through August 10, 2021.

**MOTION:** Yoakum moved and Flowerday seconded approval of the claims. Flowerday, Amundson, Yoakum and Vest voted yes. 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.** Right-of-way contracts with the following:
  - 1.** Mary L Schuelke, North 176<sup>th</sup> Street and Bluff Road, in the amount of \$1,171. (C-21-0607)
  - 2.** Deane A and Susan J Novak Living Trust, Southwest 128<sup>th</sup> Street and West Wittstruck Road, in the amount of \$613. (C-21-0609)

- B.** Utility Permit 2137 allowing Windstream Nebraska LLC to replace communication line due to the removal and replacement of County Culvert N-3 at no cost to the county. (Install location is approximately 1,711 feet west of Southwest 84th Street on West Pioneers Boulevard.) (C-21-0599)
- C.** Change orders to the following County contracts:
1. C-21-0314 with Midwest Coatings Company Inc for an increase in number of cracks sealed. (Bid 21-019. Project 21-07 First Amendment. Crack Sealing Bituminous Surfacing 2021. Cost to the County shall not exceed \$30,563.28.) (C-21-0598)
  2. C-21-0396 with Midwest Infrastructure to add Part XVII to the Contract. (Bid 21-102. Project 21-21 Second Amendment. Culvert Maintenance 2021 (Phase II). Cost to the County shall not exceed \$70,584.43) (C-21-0605)
  3. C-21-0378 with Pavers Inc to add an additional part on South 56th Street between Saltillo Road and Yankee Hill Road. (Bid 21-084. Project 21-01 Fourth Amendment. Asphalt Paving and Resurfacing 2021. Cost to the County shall not exceed \$53,867.65) (C-21-0606)
- D.** Amendments to the following contracts:
1. C-16-0204 with JVCKenwood USA Corporation for Public Safety Communication Equipment (using the NASPO ValuePoint Master Agreement 06913, State of NE Contract No. 14305 OC. The amendment extends the contract from July 1, 2021, through December 31, 2021. Cost to the County shall not exceed \$35,000.) (C-21-0604)
  2. C-19-0434 with the State of Nebraska Department of Transportation for the provision of transportation services for the Lancaster County Public Rural Transit Program. (This amendment increased the federal funds to \$192,742 and reduces the state funds to \$11,085, reducing the required local match to \$11,085.) (C-21-0612)
- E.** Grant sub-award and contracts for the following:
1. HopeSpoke for programming (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Aid Grant for the period of July 1, 2021, through June 30, 2022, in the amount of \$76,203). (C-21-0600)
  2. HopeSpoke for the School Based Therapy program (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Grant for the period of July 1, 2021, through June 30, 2022, in the amount of \$45,854). (C-21-0603)
  3. People's City Mission for the Family & Women's Shelter program (funded by the Joint Budget Committee for the period of July 1, 2021, through June 30, 2022, in the amount of \$167,070). (C-21-0602)
  4. Robert F Kennedy National Resource Center for Juvenile Justice to provide design, programming, and technical assistance for respite and shelter care, particularly for youth in the Youth Services Center (for the period of June 1, 2021, through August 31, 2022, in the amount of \$69,139.20). (C-21-0601)
- F.** Received and placed on file the following reports for July 2021:
1. Assessor/Register of Deeds
  2. Clerk of the District Court
  3. County Clerk

- G.** Setting a public hearing for Tuesday, August 17, 2021, at 9:00 a.m., in Room 112 of the County-City Building (555 S 10<sup>th</sup> Street, Lincoln, NE) regarding Text Amendment 21005 to amend Article 14 Community Unit Plan and Article 15 Additional Use Regulations of the Lancaster County Zoning Regulations and amend Chapter 2 Definitions of the Lancaster County Subdivision Resolution to allow for Solar Energy Conversion Systems and all necessary appurtenances within an outlot.

**MOTION:** Amundson moved to approve the Consent Items.

Schorr entered the meeting at 9:08 a.m.

Jen Holloway, Deputy County Attorney, requested Consent Item G be removed for discussion and a separate vote.

Amundson restated her motion to include the approval of the Consent Items except for Item G. Yoakum seconded the motion.

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

#### **ITEM G**

Holloway stated the applicant has requested to delay the public hearing until August 31, 2021; therefore, the voting session will be held on September 7, 2021 (Exhibit 1).

Schorr noted she is out of town on September 7 but will be available for the public hearing.

**MOTION:** Flowerday moved and Amundson seconded to move the public hearing to August 31, 2021, with the vote on September 7, 2021. Yoakum, Flowerday, Schorr, Amundson and Vest voted yes. Motion carried 5-0.

#### **4) PUBLIC HEARINGS:**

- A.** Corporate manager applications for Krystal M Carter in connection with Class D liquor licenses for Casey's General Store 2967 (10200 S 158th Street, Bennet) and Casey's General Store 2721 (4131 Old Woodlawn Road, Lincoln). (See correlating item 5A.)

The Chair opened the public hearing.

Debra Jeffers, District Manager for Casey's General Stores and representative for the applicant, was administered the oath and said Carter has met all of the requirements.

No one appeared in opposition or in the neutral position.

The Chair closed the public hearing

- B.** Corporate manager application for Krystal M Salisbury in connection with a Class I liquor license for VFW 3606 (3340 West A Street, Lincoln). (See correlating item 5B.)

The Chair opened the public hearing.

Krystal Salisbury, applicant, was administered the oath and said she has completed all the required training by the Nebraska Liquor Control Commission (LCC) as required for the position.

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 corporate manager liquor license applications for Krystal M Carter in connection with Class D liquor licenses for Casey's General Store 2967 (10200 S 158th Street, Bennet) and Casey's General Store 2721 (4131 Old Woodlawn Road, Lincoln). (R-21-0045)

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

- B.** Resolution in the matter of a corporate manager liquor license application for Krystal M Salisbury in connection with a Class I liquor license for VFW 3606 (3340 West A Street, Lincoln). (R-21-0046)

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

- C.** Resolution in the matter of striking uncollectible property tax from the tax list. (R-21-0044)

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

- D.** Resolution for the County Board to provide its approval of the tax-exempt financing for Community Action Partnership, which will be done by the City of Wahoo. (This approval is required by Section 147(f) of the Internal Revenue Code since the project is not located within the jurisdictional boundaries of the issuer, the City of Wahoo.) (R-21-0047)

Mike Rogers, Gilmore & Bell P.C., said Community Action received support from the City of Wahoo to serve as the conduit issuer of the bond. The County has already issued \$10,000,000 financing for the year and does not fit the bank qualified designation; therefore, the request for the County to serve as the conduit issuer is void. While the City of Wahoo can be the issuer, the federal tax code requires the elected body for the jurisdiction of the project location to give approval as well.

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

- E.** Special Designated License application from Deer Springs Winery LLC for an event at 16255 Adams Street, Lincoln, on September 21, 2021.

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

- F.** Special Designated License application from Seven Diamonds LLC for an event at Hillside Events Center, 12400 West Denton Road, Denton, on September 4, 2021.

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

- G. Reappointment of Tracy Edgerton to the Lincoln-Lancaster County Planning Commission for a term to expire on August 24, 2027.

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

- H. Appointment of Jay Jarvis to the Lincoln-Lancaster County Board of Health for a term to expire on April 15, 2024.

Jarvis appeared and introduced himself.

**MOTION:** Yoakum moved and Amundson seconded approval of the appointment.

Flowerday said it is good to have a service industry leader on the Board. Schorr added these individuals are stepping forward as volunteers to lead the community.

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

- I. Recommendations from the Personnel Policy Board:
  - 1. Change the pay grade of Registered Nurse from C15 (\$57,482.88 - \$73,627.84) to C19 (\$66,216.80 - \$84,816.16)
  - 2. Change the pay grade of Nursing Supervisor from C18 (63,912.16 - \$81,868.80) to C22 (\$73,627.84 - \$94,311.36)
  - 3. Amend Rule 17.11 of the Personnel Rules – Employees Temporarily Assigned to a Higher Classification

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

- J. Application for Berkley Public Entity Supplemental Insurance

Derbin noted both Items J and K were forwarded to the Board from County Risk Management and are required for the County to continue its insurance program.

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

- K. Application for Excess Workers' Compensation Coverage - Individual Self-Insurance Renewal

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

- L. Contract with the Board of Regents of the University of Nebraska on behalf of Extension-Lincoln, Institute of Agriculture and Natural Resources, to establish the Nutrition Education Program to address the nutritional needs of limited-income clientele in Lincoln Housing Authority Units and in Lancaster County. The term of the contract is September 1, 2021, through August 31, 2022. The cost to the County shall not exceed \$29,235. (C-21-0610)

Karen Wobig, Lancaster County Extension Educator, and Emily Gratopp, Extension Educator for the Expanded Food and Nutrition Education Program (EFNEP), thanked the Board for their support and investment in the health of community residents. Gratopp added this past year included sending recipe bags home with program participants and meeting with them virtually.

Schorr asked how many clients are served in a typical year. Gratopp answered thousands of individuals are reached, including students and their families, as well as lower income adults and senior citizens.

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

- M. Contract with TLC Dry Cleaners to provide Annual Service - Laundering Uniforms (County Sheriff & County Corrections - Quote No. 6400) The term of the contract is September 12, 2021, through September 11, 2022. The cost to the County shall not exceed \$6,300. (C-21-0611)

**MOTION:** Schorr moved and Yoakum seconded approval of the contract. Amundson, Yoakum Flowerday, Schorr and Vest 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.

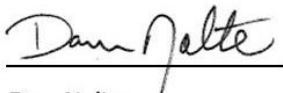
No one appeared for public comment.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Tuesday, August 10, 2021, immediately following the Board of Equalization meeting in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will not hold a staff meeting on Thursday, August 12, 2021, due to their attendance at the 12<sup>th</sup> Annual Federal Legislative Summit at 8:30 a.m., at the Strategic Air Command & Aerospace Museum, 28210 W. Park Highway, Ashland, Nebraska.
- C. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, August 17, 2021, 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](mailto: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](http://lincoln.ne.gov) (keyword: LNKTv). Meetings are also streamed live on LNKTv and can be viewed on YouTube (LNKTvcity).

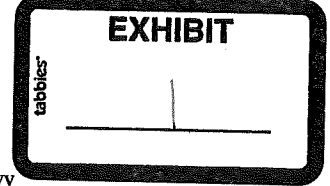
8) **ADJOURNMENT**

**MOTION:** Schorr moved and Amundson seconded to adjourn at 9:30 a.m. Schorr, Amundson, Yoakum, Flowerday and Vest voted yes. Motion carried 5-0.



Dan Nolte  
Lancaster County Clerk





David C. Levy

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August 9, 2021

**VIA ELECTRONIC MAIL**

Honorable Commissioners  
Lancaster County  
555 South 10th Street, Suite 110  
Lincoln, Nebraska 68508

**Re: Text Amendment 21005 County Solar Energy Regulations – Request  
to Delay Hearing**

Honorable Commissioners:

On behalf of the Applicant for the above-referenced text amendment, I write to respectfully request that the Lancaster County Board of Commissioners delay its public hearing on this item by two weeks to its August 31 meeting, and delay its vote on this item by two weeks to its September 7 meeting (or a subsequent date if the Board is not meeting that day due to the Labor Day holiday). The Applicant would like more time to work with landowners prior to this hearing.

Thank you for considering this request.

Very truly yours,



David C. Levy

cc: Mr. David Derbin  
Mr. Steve Henrichsen  
Mr. Tom Cajka  
Ms. Geri Rorabaugh  
Jen Holloway, Esq.