

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY AUGUST 15, 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 August 11, 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; and Meggan Reppert-Funke, County Clerk's Office

Yoakum called the meeting to order at 9:01 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 August 8, 2023.

MOTION: Flowerday 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 August 15, 2023.

The Clerk noted there was an amendment to the payroll claim (Exhibit 1).

MOTION: Vest moved and Amundson seconded approval of the claims as amended to include payroll disbursements through August 9, 2023. Flowerday, Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 5-0.

3) SPECIAL PRESENTATION

A. Commissioners' Award of Excellence for June 2023 to Colleen Lawson, Corrections, in the category of Safety.

The Clerk read the nomination into the record (see agenda packet).

Brad Johnson, County Corrections Director, commended Lawson for her work and congratulated her on the award. Vest presented Lawson with a plaque and thanked her for her efforts. Lawson stated her training made her effort possible. Board members thanked her for her work.

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. Amendment to the following County Contracts:

1. C-18-0051 with Rochester Armed Car for armored car services. (Bid 17-290. Expenditures for the County will increase by \$1,854.) (C-23-0642)
 2. C-20-0142 with Orkin LLC for annual pest control services. (Bid 20-022. The amendment adds additional products and services. The cost to the County is not to exceed \$1,080.) (C-23-0652)
- B.** Grant contracts (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) with the following:
1. CenterPointe for the Diversion Evaluations program in the amount of \$6,097. (C-23-0653)
 2. Lighthouse Inc for the StrengthsFinder program in the amount of \$39,851. (C-23-0654)
- C.** Right-of-way contracts with the following:
1. Everett F Hodtwalker Living Trust, South 120th Street and Old Cheney Road, in the amount of \$373. (Project 22-28 / Q-251) (C-23-0645)
 2. Roy L and Judith A Hansmeyer, West Pella Road and Southwest 58th Street, in the amount of \$271. (Project 23-21 / W-272) (C-23-0646)
 3. Larry C and Gloria M Edgar Life Estates, Princeton Road and South 120th Street, in the amount of \$1,855. (Project 23-21 / Y-187 & Y-322) (C-23-0647)
 4. Doeschot Family Farms Limited Partnership, Princeton Road and South 120th Street, in the amount of \$3,039. (Project 23-21 / Y-187 & Y-322) (C-23-0648)
 5. Ryan Knapp Revocable Trust and Amanda Knapp Revocable Trust, South 120th Street (Old Cheney Road to Pioneers Boulevard), in the amount of \$21,705. (Project 23-23) (C-23-0655)
- D.** Change Order 2 to Contract C-23-0089 with Bauer Underground Inc to extend the substantial completion date to August 16, 2023, and the contract completion date to September 15, 2023. (There is no additional cost to the County.) (C-23-0643)
- E.** Setting a public hearing for Tuesday, August 22, 2023, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding applications for a Class YK liquor license for Ball Vineyard & Estates LLC, dba Capitol View Winery & Vineyards, (2361 Wittstruck Road, Roca) and a corporate manager's liquor license for Desarie Ball.
- F.** Setting a public hearing on Tuesday, August 29, 2023, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding Text Amendment 23010 to amend the Lancaster County Zoning Resolution to allow a Farm Winery Social Hall and to allow the sale of spirits at farm wineries.
- G.** Setting a public hearing on Tuesday, August 29, 2023, immediately following the 9:00 a.m. Board of Commissioners meeting, in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding Lancaster County's Proposed Budget for Fiscal Year 2023-24.

MOTION: Amundson moved and Flowerday seconded approval of the consent items.

David Derbin, Chief Administrative Officer, stated there was a conflict of interest for one of the Board members. He suggested item B2 be removed from the consent agenda and considered separately.

MOTION: Amundson restated the motion but with an amendment to remove item 4B2. Flowerday seconded.

Schulte expressed concern that item 4D, an extension of a contract with Bauer Underground Inc, had just been extended forty days ago.

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

MOTION: Schulte moved and Amundson seconded to approve item 4B2. Amundson, Schulte, Flowerday and Yoakum voted yes. Vest abstained. Motion carried 4-0 with one abstention.

5) PUBLIC HEARING

- A.** Vacation of certain portions of right-of-way near the intersection of West Prucha Street and Southwest 112th Street, Crete, Lancaster County, Nebraska.

Yoakum opened the public hearing.

The Clerk administered the oath to John Berry, Chief Deputy County Surveyor. Berry described the location of the intersection and stated it was brought to the Engineer's Office by petition. He displayed a map and photos of the area (Exhibit 2). He discussed the reasons for the County to vacate the right-of-way. He recommended the alleyway and the street be vacated but to not vacate a different street in the area. He recommended to vacate the alley and Southwest 112th Street but not Fourth Street and to retain an easement of twenty feet wide along the West side of 6th Street. He noted the petition to vacate was submitted by Mark Widick, an adjacent property owner.

The Clerk administered the oath to Mark Widick. Widick stated he wants portions of the area vacated to build an outbuilding. Yoakum asked if Widick had discussed the petition with neighbors, and Widick said yes, they signed the petition. Amundson asked how long he has owned the property, and he answered 23 years.

The Clerk administered the oath to Steve Henrichsen, City of Lincoln Principal Planner. Henrichsen displayed maps of the area (Exhibit 3) and described concerns about lots losing frontages, despite no longer being used as individual lots. He was also concerned because some lots would have frontage on a street that was not accessible, and the change would create an alleyway that was not accessible. He stated the application should be revised and a final plat submitted to accommodate these issues. If this did not happen, he recommended not including certain portions of the area.

Board members and Henrichsen discussed various options for vacation of portions of the area.

Yoakum asked Widick for the location of the planned outbuilding, and Widdick answered. Board members, Widdick and Henrichsen continued to discuss options for vacation. The consensus was to only vacate Southwest 112th Street.

Schulte asked if the Board needed to vote on the item. John Ward, Deputy County Attorney, clarified that the resolution would be on next week's agenda. He asked Berry if the County Engineer's Office would still need access, and Berry said no.

The Clerk administered the oath to Pam Dingman, County Engineer, and Ward.

Dingman noted that utility easements have to be vacated separately in addition to roads. She stated the intention is not to vacate the utility easements.

Yoakum closed the public hearing.

6) NEW BUSINESS

- A.** Proclaiming August 15, 2023, as Barney Day.

The Clerk read the proclamation into the record.

Sara Hoyle, Human Services Director, introduced Barney's handlers. She discussed the benefits of having Barney at the County and invited everyone to Barney's birthday party immediately following the meeting.

Yoakum thanked Barney's handlers for their work.

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

Hoyle thanked the Board for their support.

- B. Special Designated License application from Kramer Bar & Grill Inc for an event at Kramer Arena, 23701 Southwest 114th Street, Kramer, on September 9, 2023.

MOTION: Amundson moved and Vest seconded approval of the special designated license application.

Vest noted there were no objections to the event from County departments.

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

- C. Licensure renewal application with the Nebraska Department of Health and Human Services for operation of the Lancaster County Mental Health Crisis Center. The licensure renewal fee is \$250.

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

- D. Agreement with the Nebraska Association of County Officials (NACO) allowing Lancaster County to use NACO's bulk mail permit to mail postcards required by Neb. Rev. Stat. § 77-1633. (There is no additional cost to the County.) (C-23-0651)

MOTION: Amundson moved and Flowerday seconded approval of the agreement.

Ward said the agreement was a renewal to allow the County to use NACO's bulk mail permit.

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

- E. Purchase agreement with the City of Lincoln for the County to convey its one-half (1/2) interest in property located at 1005 "O" Street to the City. The City will subsequently sell the property to a third party for not less than \$500,000 and pay the County one-half (1/2) of the proceeds received from the sale, minus one-half (1/2) of the closing costs incurred by the City (up to \$7,500) in the course of the subsequent sale. (C-23-0640)

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

- F. Recommendation from the County Engineer to award and execute a purchase order to R L Tiemann Construction for the supply and hauling of gravel coarse material in the amount of \$491,550. (Bid 23-184, Lines 1, 3, 5, 6, 7, and 8) (C-23-0650)

Dingman stated the purchase order was the lowest bid for this location.

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

- G. Recommendation from the County Engineer to award and execute a purchase order to Westover Rock & Sand Inc for the supply and hauling of gravel coarse material in the amount of \$225,080. (Bid 23-184, Lines 2, 4, and 9) (C-23-0649)

Dingman stated this was the second recommendation for gravel to prepare for the winter.

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

- H. Amendment to Grant Contract C-22-0604 with Rabble Mill for the All-Access Pass program. (Funding is from the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Grant for an increase of \$8,828.80.) (C-23-0644)

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

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

John Juricek, Denton Board Trustee, stated Denton was not going to contribute any funding to bridges in Lancaster County. He expressed concerns with working with the County Engineer and that the safety of Denton residents was not considered. He said a bridge was closed and traffic rerouted through a residential street. He requested a written apology from the County Engineer.

Ken Anderson, Omaha resident, discussed concerns about election integrity. He discussed news stories from other counties and displayed a website (<https://newjerseyglobe.com/local/monmouth-recount-after-ess-screwup-changes-results-of-2022-election/>). He recommended hand counting all votes. He read a postcard he wrote to elected officials.

Ross Blackledge, Village of Denton Maintenance Supervisor, expressed concern that there was not any communication regarding rerouting traffic through a residential street from the County Engineer. He did not approve of the plan, and not all signs he requested were placed. He asked for more consideration in the future.

Penny Stephens, Lancaster resident, discussed concerns about election integrity. She displayed several graphics regarding election accuracy (Exhibit 4). She claimed her household received unrequested mail-in ballots in the 2020 election.

8) **ANNOUNCEMENTS**

- A. The Lancaster County Board of Commissioners will hold a Legislative Retreat on Thursday, August 17, 2023, at 8:30 a.m., in Room 113 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, August 22, 2023, in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will hold its next staff meeting on Thursday, August 24, 2023, 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.

9) ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn at 9:58 a.m. Vest, Amundson, Schulte, Flowerday and Yoakum voted yes. Motion carried 5-0.

Matt Hansen

Matt Hansen
Lancaster County Clerk

