

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY AUGUST 22, 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 18, 2023.

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

Commissioners absent: Sean Flowerday, Vice Chair

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 9:03 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 15, 2023.

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

2) CLAIMS

A. Approval of the claims processed through August 22, 2023.

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

B. Approval of a claim to El Centro de las Americas in the amount of \$8,619.27. (Batch 297883, Document 815208)

MOTION: Amundson moved and Vest seconded approval of the claim. Schulte, Vest and Amundson and voted yes. Flowerday was absent. Yoakum abstained. Motion carried 3-0 with one abstention.

C. Approval of a claim to Rabble Mill in the amount of \$8,828.80. (Batch 297973, Document 815451)

MOTION: Amundson moved and Vest seconded approval of the claim. Amundson, Schulte, Vest and Yoakum voted yes. Flowerday 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. Amendment to the following County Contracts:

1. C-22-0734 with Cintas Corporation for rental and cleaning of mats and various linen and related items. (Bid 22-135. The amendment renews the contract from September 1, 2023, through August 31, 2024. The cost to the County is not to exceed \$5,250.) (C-23-0668)
2. C-18-0548 with Garcia-Chicoine Enterprises Inc for on-call guardrail repair and replacement services. (NDOT Contract QH1804. The amendment renews the contract from September 1, 2023, through August 30, 2024. The cost to the County is not to exceed \$30,000.) (C-23-0661)
3. C-17-0812 with Ron Turley Associates Inc for RTA Fleet Management Software. (Sole Source SS-61. The amendment renews the contract from September 1, 2023, through August 31, 2024. The cost for products/services to the County is not to exceed \$8,434.) (C-23-0662)
4. C-19-0654 with Sapp Bros Inc for the annual supply of lubricants. (Bid 19-190. The amendment renews the contract from September 1, 2023, through November 30, 2023. The cost to the County will not change.) (C-23-0663)
5. C-20-0196 with subsidiaries of Enterprise Holdings Inc for Nationwide Car Rental. (Set forth on Schedule 1 of the Master Agreement State of Oregon, NASPO ValuePoint Master Agreement 9408. The amendment renews the contract from September 16, 2023, through September 15, 2024. The estimated cost to the County is not to exceed \$15,000.) (C-23-0686)
6. C-22-0699 with JEO Consulting Group for on-call professional wetland delineation, permitting, and related tasks. (The amendment increases the total amount the County is authorized to pay JEO by \$35,000 for a new contract total of \$110,000.) (C-23-0672)
7. C-04-0208 with Tyler Technologies Inc for additional services for the Lancaster County Assessor/Register of Deeds Office. (The additional cost to the county shall not exceed \$6,400.) (C-23-0678)

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

1. Loree J and Linda Pospisil, Southwest 114th Street and West Princeton Road, in the amount of \$505. (Project 23-21 / V-035) (C-23-0658)
2. David L and Susan M Paschold Revocable Trust, Pella Road and South 54th Street, in the amount of \$2,480. (Project 23-21 / X-180) (C-23-0673)
3. Randall F and Sharon K Thompson, Southwest 14th Street and West Bennet Road, in the amount of \$505. (Project 23-21 / T-051) (C-23-0674)
4. Herbert H Eilers Life Insurance Trust, Pella Road and South 54th Street, in the total amount of \$3,147.50 (Project 23-21 / X-180 and X-045) (C-23-0675) (C-23-0676)
5. James Jay and LaVerna R Ossenkop, South 148th Street and A Street, in the amount of \$25. (Project 22-28 / J-039) (C-23-0677)

C. Grant contracts with the following (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Grant for the term of July 1, 2023, through June 30, 2024):

1. Blue Valley Behavioral Health for the Diversion Evaluations program in the amount of \$6,097. (C-23-0683)
2. The HUB - Central Access Point for Young Adults for the Back on Track program in the amount of \$40,000. (C-23-0685)

D. Grant contracts with the following (funded by the Joint Budget Committee for July 1, 2023, through June 30, 2024):

1. Asian Community & Cultural Center for the Family Resource program in the amount of \$30,900. (C-23-0681)
2. Cedars Youth Services for the Emergency Shelter program in the amount of \$314,150. (C-23-0682)

3. St. Monica's Behavioral Health Services for Women for the Peer Support program in the amount of \$36,050. (C-23-0680)

E. Grant contract with Voices of Hope for the Coordinated Response to Reducing Domestic Violence program in the amount of \$36,755 (funded by the Violence Against Women Act (VAWA) from the period of July 1, 2023, through June 30, 2024). (C-23-0679)

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

4) **PUBLIC HEARING**

A. 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.

Yoakum opened the public hearing.

The Clerk administered the oath to Desarie Ball, the applicant. Her husband Lorenzo Ball was also in attendance. She stated they recently purchased the winery, and the license is to continue the business practices of the previous owner.

Yoakum noted the winery has been in existence for several years but under different names. Yoakum asked if it was Ball's first time having a liquor license, and she answered yes. Ball further described the business and future plans.

Vest noted the benefits of the business to the community. Amundson commended the quality of the staff.

Yoakum closed the public hearing.

5) **NEW BUSINESS**

A. Resolution in the matter of 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. (R-23-0057)

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

B. Resolution in the matter of a request to vacate 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-23-0056)

John Berry, Chief Deputy County Surveyor, described the resolution and the location of the vacation. He stated the vacation does not include the alleyway and that the petitioner agreed to that exclusion when they met.

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

C. Resolution directing the County Engineer to conduct a study and the Planning Department to write a report regarding vacating a portion of Branched Oak Road between North 27th Street and North 40th Street, more particularly described in "Exhibit A," and located in Lancaster County, Nebraska. (R-23-0058)

Berry described the location of the area and provided a map (Exhibit 1). He stated it is a section of roadway the County Engineer's Office would like to vacate.

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

D. Documents in support of the County's application to the U.S. Department of Energy for the Energy Efficiency and Conversation Block Grant (EECBG) program:

1. EECBG Program Pre-Award Information Sheet
2. Financial Assistance Certifications and Assurances

Nikki Suesz, County Grant Coordinator, described the grant opportunity and the forms she needs the Board to sign in order to apply.

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

E. Work Plan Form providing notice to the Nebraska Department of Environment and Energy- Petroleum Remediation Section of the County's plan for a pre-investigation assessment to be conducted at 210 Malcolm Road.

Ed Lahmann, County Facilities Manager, described the need for the work plan form.

MOTION: Vest moved and Amundson seconded approval of the work plan form. Vest, Amundson, Schulte and Yoakum voted yes. Flowerday was absent. Motion carried 4-0.

F. Bid award appeal from Dynamic Dirtworks & Demolition LLC.

Candace Berens, Deputy County Attorney, provided an overview of the bid award appeal and stated the last step is for the Board to make a final determination. Vest asked Berens to describe the Procurement Appeals Board. Berens said the Board is made up of community members with an expertise in procurement and bidding. She noted the finding of the Procurement Appeals Board is a recommendation and their recommendation is to deny the appeal.

John Ward, Deputy County Attorney, provided input on the motion required.

MOTION: Vest moved and Amundson seconded to deny the appeal. Schulte, Vest, Amundson and Yoakum voted yes. Flowerday was absent. Motion carried 4-0.

G. Contract with Tim Sisco Construction LLC to provide Culvert Maintenance 2023 (Phase II). The cost to the County is not to exceed \$677,747.80. (Project 23-21, Bid No. 23-145. The contract shall be effective upon execution and will be considered a 97 working day project.) (C-23-0548)

Pam Dingman, County Engineer, provided a map of the proposed pipe replacements (Exhibit 2). She stated the County Engineer's Office recommends award of the contract to Tim Sisco Construction LLC.

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

H. Recommendation from the County Engineer to award and execute a purchase order to Buel Trucking Inc for the supply and hauling of crushed rock surface coarse material in the amount of \$469,850. (Bid 23-189 for bid lines 1 and 6.) (C-23-0664)

Dingman said the County Engineer's Office solicits bids in a way to give smaller companies the opportunity to grow.

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

- I. Recommendation from the County Engineer to award and execute a purchase order to RL Tiemann Construction for supply and hauling of crushed rock surface coarse material in the amount of \$451,685. (Bid 23-189 for bid lines 2, 4, and 10.) (C-23-0665)

Dingman stated the recommendation for the bid award. Schulte asked if the purchase is an annual purchase. Dingman answered they purchase rock and gravel twice per year to prevent running out.

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

- J. Recommendation from the County Engineer to award and execute a purchase order to Westover Rock & Sand Inc for the supply and hauling of crushed rock surface coarse material in the amount of \$540,625. (Bid 23-189; Bid Lines 3, 5, 7, 8 and 9) (C-23-0666)

Dingman stated the recommendation for the bid award.

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

- K. Recommendation from the County Engineer to award contracts to K2 Construction and Jake's Odd Jobs Inc for County snow removal and truck mounted plow services in a combined total amount of \$65,600. (Bid 23-171) (B-23-171)

Dingman stated the contract is for on-call snow removal services mostly in subdivisions.

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

- L. Recommendation from the County Engineer to award contracts to K2 Construction, Van Dorn Valley Construction LLC, and Gana Trucking & Excavating for County snow removal and motor grader services in the combined total amount of \$116,800. (Bid 23-172) (B-23-172)

Dingman stated the contract is for heavy equipment for on-call snow removal services. Vest asked if businesses are guaranteed payment even if they are not needed. Dingman said the County pays only if their services are used.

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

- M. Recommendation from the Voluntary Crisis Response Center Request for Proposals (RFP) Review Committee to approve an award of up to \$2.3 million in Lancaster County American Rescue Plan Act (ARPA) funds to Integrated Behavioral Health Services for capital improvements for the program.

Yoakum stated the award is for a project the County has been working on with Region V Services.

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

- N. Setting the annual salary for Jeff Kilpatrick, Community Corrections Director, at \$110,000, effective August 14, 2023.

Jeff Kilpatrick, County Community Corrections Director, introduced himself.

MOTION: Schulte moved and Amundson seconded approval of the setting of salary.

Vest asked Kilpatrick to describe his work experience. Kilpatrick described his work experience.

ROLL CALL: Schulte, Vest, Amundson and Yoakum voted yes. Flowerday was absent. Motion carried 4-0.

- O. Agreement with the University of Nebraska Board of Regents and the Lincoln Housing Authority for operation of the Nutrition Education Program to address the nutritional needs of certain limited income persons living in urban housing in Lancaster County. (Term of the agreement is September 1, 2023, through August 31, 2024. There is no estimated cost to the County.) (C-23-0660)

Emily Gratopp, County Extension Educator, stated the agreement has been in place for thirty years. She described the agreement and how it is used to serve low-income individuals.

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

- P. Agreement with Mary Rittenburg, MED, LADC to provide substance abuse evaluation services at the request of the Lancaster County Mental Health Crisis Center. Services shall not exceed twenty hours per week, and the County will pay \$120 per evaluation completed and \$40 per hour for other related services. (C-23-0671)

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

- Q. Contract with CJJA to provide for a staffing assessment and policy review at the Youth Services Center. The cost to the County is \$37,436. (C-23-0670)

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

- R. Acceptance of a Grant Award and Special Conditions from the Nebraska Crime Commission's SFY 2024 County Justice Reinvestment Grant for the Lancaster County Department of Corrections in the amount of \$62,690. (C-23-0659)

MOTION: Vest moved and Amundson seconded approval of the award and special conditions. Schulte, Vest, Amundson and Yoakum voted yes. Flowerday was absent. Motion carried 4-0.

- S. Federal Equitable Sharing Agreement and Annual Certification Report for the Lancaster County Sheriff's Office regarding equitable sharing activity of drug forfeiture funds for the fiscal year ending June 30, 2023. (C-23-0667)

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

- T. Recommendation from the County Sheriff to award and execute a purchase order to Anderson Auto Group for the purchase of six half ton crew cab 4 x 4 trucks in the total amount of \$318,804. (State of Nebraska Contract 15779 OC) (C-23-0669)

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

- U. Lease agreement with CenterPointe for approximately 8,947 square feet of office space at Midtown Center, 2966 O Street, Lincoln. Rent is \$5,875.20 per month. (Term of the agreement is September 1, 2023, through August 31, 2025.) (C-23-0656)

Kerin Peterson, County Facilities and Properties Director, stated the agreement is a series of renewals. CenterPointe has occupied the building for a long time. The agreement reflects a three percent increase. CenterPointe pays all expenses including capital improvements. She noted the agreement is for two years and terminates if there is a sale of the building. She stated CenterPointe intends to eventually purchase the building.

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

- V. Lease agreement between Lancaster County as lessor and CenterPointe as lessee, for the Old Juvenile Attention Center Building located at 2220 South 10th Street, Lincoln. Rent is \$4,410 per month. (Term of the agreement is May 1, 2024, through April 30, 2026.) (C-23-0657)

Peterson stated the agreement reflects a three percent increase. CenterPointe pays for all expenses and intends to purchase the building.

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

- W. Amendment and Restatement of the Lancaster County, Nebraska Employees Retirement Plan, using Adoption Agreement No. 001 with the Pre-Approved Defined Contribution Governmental 401(a) Plan, Basic Plan Document No.17, effective August 1, 2023.

David Derbin, County Chief Administrative Officer, stated the change is to improve the vesting schedule so that employees who separate due to disability or layoff would be vested. Schulte asked if the change applies only to those employees, and Derbin answered yes.

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

- X. Adoption of the Summary of Plan Features and Summary of Material Modifications for the Lancaster County, Nebraska Employees Retirement Plan.

Derbin stated the item is to make the changes from item W.

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

- Y. Application for Berkley Public Entity Supplemental Insurance.

Sue Eckley, County Risk Management Director, asked Board members to sign the application. The application will then go to the broker to market. She stated she will return at a later Board meeting with specific numbers.

MOTION: Amundson moved and Vest seconded approval of the application for insurance. Vest, Amundson, Schulte and Yoakum voted yes. Flowerday was absent. Motion carried 4-0.

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

Eckley stated the item is similar to item Y but for workers' compensation coverage. Vest commended Eckley for her work.

MOTION: Vest moved and Amundson seconded approval of the application for insurance. Schulte, Vest, Amundson and Yoakum voted yes. Flowerday was absent. Motion carried 4-0.

AA. Special Designated License application from Willow Springs Bottling Co Inc for an event at Stillwater Equestrian Center, 18221 South 68th Street, Hickman on October 14, 2023.

MOTION: Amundson moved and Vest seconded approval of the special designated license application. Amundson, Schulte, Vest and Yoakum voted yes. Flowerday was absent. Motion carried 4-0.

BB. Grant contract with Mediation Center for the Restorative Justice program in the amount of \$80,000 (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Grant for the term of July 1, 2023, through June 30, 2024.) (C-23-0684)

MOTION: Amundson moved and Schulte seconded approval of the contract. Amundson, Schulte and Yoakum voted yes. Vest abstained. Flowerday was absent. Motion carried 3-0 with one abstention.

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 to speak.

7) ANNOUNCEMENTS

A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, August 24, 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, August 29, 2023, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).

1. Regular meeting
2. Public Hearing regarding Text Amendment No. 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.

C. The Lancaster County Board of Commissioners will hold 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.

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 Amundson seconded to adjourn at 9:47 a.m. Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 4-0.

Matt Hansen

Matt Hansen
Lancaster County Clerk

