

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY AUGUST 29, 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 25, 2023.

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

Others present: David Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; Candace Berens and John Ward, Deputy County Attorneys; Matt Hansen, County Clerk; and Meggan Reppert-Funke, County Clerk's Office

Yoakum called the meeting to order at 9:02 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 22, 2023.

MOTION: Amundson moved and Flowerday 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 29, 2023.

The clerk noted there was an amendment to the claims (Exhibit 1).

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

B. Approval of a claim to The Mediation Center in the amount of \$4,000. (Batch 298213, Document 815800)

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

C. Claims including billing for goods and services beyond the 90-day time period provided in Neb. Rev. Stat. § 23-135:

1. City of Lincoln Information Services dated August 2023, for a total of \$29,075.94. (Batch 298015-298732; Document 815478-732)

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

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-22-0428 with the Lancaster County Rural Water District No. 1 to clarify federal American Rescue Plan Act terms and conditions. (There is no change in cost to the County.) (C-23-0687)
2. C-21-0611 with TLC Dry Cleaners for the annual services of laundering uniforms for the County Sheriff and County Corrections. (Quote 6400. The amendment renews the contract from September 12, 2023, through September 11, 2024. The cost to the County is not to exceed \$7,100.) (C-23-0694)
3. C-21-0725 with Midwest Alarm Services for fire alarm panel inspection, testing, repair, and replacement. (Quote 6396. The amendment renews the contract from September 19, 2023, through September 18, 2024. The cost to the County is not to exceed \$6,000.) (C-23-0701)

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

1. David E and Deborah S Eilers, Pella Road and South 54th Street, in the amount of \$1,055. (Project 23-21 / X-180) (C-23-0688)
2. Gerald N and Judy L Behrends Revocable Trust, Princeton Road and South 25th Street, in the amount of \$1,230. (Project 23-21 / X-272) (C-23-0689)
3. Donald L Tiedeman Family Trust, Princeton Road and South 25th Street, in the amount of \$392.50 (Project 23-21 / X-272) (C-23-0690)

C. Change Order 3 to County Contract C-23-0451 with Pavers, Inc for additional asphalt repair work in the amount of \$27,746.33. (C-23-0704)

D. Grant contract with Board of Regents of the University of Nebraska on behalf of the University of Nebraska-Lincoln's Law Psychology Program for analysis of juvenile justice data and adult criminal justice data in the amount of \$100,000. (Term of the contract is September 1, 2023, through August 31, 2024.) (C-23-0695)

E. Grant contracts with the following (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):

1. Cedars Youth Services for the Reporting Center program in the amount of \$6,552. (C-23-0696)
2. Donald P Belau, PhD, for the Crisis Response program in the amount of \$6,000. (C-23-0697)
3. Lighthouse Inc for the 5-O Fun Club program in the amount of \$15,822. (C-23-0698)
4. Lighthouse Inc for the Restorative Practices program in the amount of \$41,606. (C-23-0699)

F. Grant contract with Fresh Start for the Transitional Program in the amount of \$27,810 (funded by the Joint Budget Committee for July 1, 2023, through June 30, 2024). (C-23-0700)

G. Setting public hearings on Tuesday, September 5, 2023, for the following:

1. Street Name Change 23003 to rename a portion of South 96th Street to South 96th Circle.
2. Applications for a Class I liquor license for James Arthur Vineyard LLC, (2001 W Raymond Road, Raymond) and a corporate manager's liquor license for James Ballard.

- H. Setting a public hearing on Tuesday, September 19, 2023 regarding Comprehensive Plan Amendment No. 23009 to amend the 2050 Lincoln-Lancaster County Comprehensive Plan by adopting the Local Food System Plan.

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

4) PUBLIC HEARING

- A. County Text Amendment No. 23010 (Amend Articles 2, 4, and 13 of the Lancaster County Zoning Resolution). (See correlating item 5A.)

The Clerk administered the oath to Ann Post, an attorney at the law firm Rembolt Ludtke. She was present on behalf of Ballard Family LLC, the applicant of the text amendment. She described James Arthur Winery, owned by the Ballard Family, and the reasons for the text amendment. She stated the applicant would like to expand offerings to include a microdistillery and social hall. Post stated she was aware of the proposed amendment to the text amendment and her client does not object to the changes.

The Clerk administered the oath to Steve Henrichsen, Planning Department Principal Planner. He distributed an amendment to the proposed amendment (Exhibit 2) to update the language to consider those applying for multiple types of licenses. He stated there has been no change to the Planning Department's previous recommendation to approve.

Yoakum closed the public hearing.

5) NEW BUSINESS

- A. Resolution in the matter of County 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. (R-23-0059)

MOTION: Flowerday moved and Schulte seconded approval of the resolution as amended by the staff recommendation.

John Ward, Deputy County Attorney, noted he would provide the Board with an updated resolution to sign.

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

Vest thanked all parties for collaborating to improve the text amendment.

- B. Resolution in the matter of final allocation of levy authority to all political subdivisions subject to Lancaster County levy authority. (R-23-0062)

Dennis Meyer, Budget and Fiscal Director, described the resolution and that it sets levies for entities under the 15 cent allocation process. The resolution is the next step in the budget process.

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

- C. Resolution in the matter of recognizing September 2023 as National Preparedness Month. (R-23-0060)

Jim Davidsaver, Emergency Management Director, discussed the importance of the resolution. Vest thanked Davidsaver for his work.

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

- D. Recommendation from Emergency Management to award a bid to Federal Siren Corporation for three outdoor warning sirens in the amount of \$91,589.40. (B-23-193)

Daidsaver noted the siren purchase is pursuant to a hazard mitigation project that makes the County eligible for partial reimbursement.

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

- E. Resolution in the matter of authorizing the County Engineer to sign the 2022-2023 Annual Certification Form regarding use of cash payment funds from the State. (R-23-0061)

Pam Dingman, County Engineer, described the cash payment funds and the reasons for the resolution. She stated funding in the previous year was used on bridges.

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

- F. Resolution in the matter of authorizing the County Board Chair to sign a project program agreement with the Nebraska Department of Transportation (NDOT) and to commit County funds for the project. (See correlating item 5G) (R-23-0063)

Dingman stated items F and G were for Bridge N-119 located in Denton and that the resolution would allow the County to be part of the County Bridge Match Program to replace the bridge.

MOTION: Schulte moved to approve the resolution. The motion died for lack of a second.

Flowerday stated his intent is for the County to move forward on replacing the bridge but that he did not want to accept State money that would force the County to perform ongoing maintenance on the bridge. He said the best option is to build the bridge using County funds then vacate the bridge to multiple entities.

Schulte stated he supports accepting the State funding. Amundson noted that when the County provided funding to the Rural Water District, the County required them to provide some funding.

Dingman noted another option is to ask the NDOT to give the County more time to make a decision on acceptance of the funding.

Board members continued to discuss whether to accept State funding.

Dingman said she was concerned turning down the funding would hurt future grant opportunities.

- G. County Bridge Match Program (CBMP) Agreement with Nebraska Department of Transportation (NDOT). The total project cost is estimated at \$950,000. (The County's CBMP project C005510720P - .5S DENTON AT STREAM (N 114). NDOT will reimburse the County for 55% of total cost, up to a maximum of \$250,000.) (C-23-0706)

MOTION: Schulte moved to approve the agreement. The motion died for lack of a second.

- H. Request from Lancaster County Engineering to increase the total allowable expenditures in County Contract C-20-0232 with Uretex USA for soil stabilization by \$200,000.

Dingman described Uretex USA and the services they provide to the County. The technique has been successful in stabilizing bridges. The request would allow the Engineer's Office to stabilize additional bridges.

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

- I. License agreements with BNSF Railway Company to allow the County to construct, maintain and use fiber optic cable across or along the BNSF rail corridor for the following: (The fees and costs for each license total \$956.)
 1. 23W-17867 (C-23-0707)
 2. 23W-17865 (C-23-0708)
 3. 23W-18307 (C-23-0709)
 4. 23W18308 (C-23-0710)

Vest commended BNSF Railway Company for providing access for the cables.

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

- J. Appointment to the Air Pollution Control Advisory Board for terms expiring September 1, 2026:
 1. Joe Francis
 2. Katie Gutierrez

The Clerk stated Board members wished to hold the item until a later meeting.

- K. Reappointment of Elizabeth Vanwormer to the Air Pollution Control Advisory Board (APCAB) for a term expiring September 1, 2026.

Gary Bergstrom, Lincoln-Lancaster County Health Department Environmental Health Supervisor, stated he recommended the reappointment and listed Vanwormer's experience. Flowerday asked Bergstrom to provide an air quality update. Bergstrom said the Health Department would be issuing a press release addressing wildfire smoke due to Canadian wildfires and weather patterns.

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

- L. Reappointment to the Aging Partners Areawide Advisory Council for terms expiring June 30, 2026:
 1. Sharon Busch
 2. Lee Kreimer

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

Vest commended those who volunteer to serve on boards.

- M. Appointments of Melissa Hood, Youth Services Center Administrator, and Greg Harre, Youth Services Center Chief of Operations, as Facility Administrators for purposes of developing and maintaining policies and procedures for the Youth Services Center effective August 11, 2023. (These appointments are necessary to comply with Title 83, Chapter 2, Section 005, of the Nebraska Standards for Juvenile Detention Facilities and shall expire upon appointment of a permanent Youth Services Center Director.)

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

- N. Recommendation from Purchasing to award a bid to Hampton Commercial Construction Inc for Lincoln/Lancaster County civil protective custody renovations in an amount not to exceed \$1,465,026. (B-23-174)

Kerin Peterson, Facilities and Properties Director, noted all bids could be found in the agenda packet. She stated the bid process was competitive and she would like to proceed with construction. She described the renovations. She estimated substantial completion by July of 2024. Schulte asked Peterson to describe the bids. She answered there were six general contractors who submitted bids, and the bids were very close in cost.

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

- O. Memorandum of Understanding with Steelcase Inc for office furniture and related services. The estimated cost to the County is not to exceed \$25,000. (The term is upon execution through April 30, 2024, using OMNIA/University of California Contract 2019.001899, MOU169.) (C-23-0705)

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

- P. Memorandum of Understanding with The Sherwin-Williams Paint Company for paint and related products. The estimated cost to the County is not to exceed \$2,000. (The term is one (1) year, beginning August 1, 2023 through July 31, 2024, using the University of Nebraska RFP 3822-23-7215, MOI167.) (C-23-0702)

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

- Q. Contracts with the following to provide the annual supply of ice melt. The cost to the County is not to exceed \$15,000 for all contracts. (Bid No. 23-153, the contracts shall be effective for one (1) year upon execution.)
 1. Ferguson Enterprises LLC (C-23-0692)
 2. Heritage Landscape Supply Group Inc (C-23-0693)

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

- R. Agreement with Bill Lange to provide referee services to hear valuation protests for the 2023, 2024, and 2025 tax years and to transmit to the Lancaster County Board of Equalization all papers relating to such protests together with written findings and recommendations. (C-23-0703)

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

- S. Renewal Application for the County's cyber insurance policy with Resilience.

MOTION: Vest moved and Amundson seconded approval of the agreement and certification report. 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.

No one appeared to speak.

7) **ANNOUNCEMENTS**

- A. 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.
- B. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, August 31, 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, September 5, 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 Amundson seconded to adjourn at 9:44 a.m. Amundson, Schulte, Flowerday, Vest and Yoakum voted yes. Motion carried 5-0.



Matt Hansen
Lancaster County Clerk

