

**MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY SEPTEMBER 5, 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 September 1, 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 9:04 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 29, 2023.

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

B. Approval of the minutes of the Board of Commissioners budget public hearing held on August 29, 2023.

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

2) CLAIMS

A. Approval of the claims processed through September 5, 2023.

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

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

1. Encompas, dated August 24, 2023, for a total of \$53,164.75. (Batch 298251; Document 815965)

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

Schulte noted the claim was for the cost of a remodeling project and submitted additional documents related to the claim (Exhibit 1).

ROLL CALL: 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-16-0526 with Information First Inc for professional services to support the County's upgrade from HP Records Manager V9.3 to Content Manager V23.3. (The cost to the County is not to exceed \$22,580.) (C-23-0716)
2. C-19-0783 with U.S. Bank for the annual services of remote deposit capture services. (Bid 19-192. The amendment renews the contract from November 1, 2023, through October 31, 2027. The cost to the County is not to exceed \$11,690.40.) (C-23-0722)
3. C-20-0663 with Safety Kleen Systems to provide annual service of the used oil collection program. (Quote 6235. The amendment renews the contract from October 13, 2023, through October 12, 2024. The cost to the County is not to exceed \$5,000.) (C-23-0723)

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

1. Marvin Mueller Family Farms Inc, South 162nd Street and A Street, in the amount of \$9. (Project 22-28 / J-273) (C-23-0711)
2. Diane A Ossenkop, South 148th Street and A Street, in the amount of \$235. (Project 22-28 / J-039) (C-23-0712)
3. Chuck Swab Investments LLC, West Pella Road and Southwest 58th Street, in the amount of \$1,112.50 (Project 23-21 / W-272) (C-23-0713)
4. Ryan and Sara Axmann, North 70th Street and Branched Oak Road, in the amount of \$2,035. (Project 23-21 / B-310) (C-23-0714)
5. Joetta M and Darin K Schwaninger, Southwest 128th Street and West Hallam Road, in the total amount of \$567.50. (Project 23-21 / V-019) (C-23-0718) (C-23-0719)
6. Billy and Desiree Rosales, North 70th Street and Branched Oak Road, in the amount of \$1,925. (Project 23-21 / B-310) (C-23-0720)
7. David Benes, North 27th Street and Agnew Road, in the amount of \$3,430. (Project 22-43 / C-284) (C-23-0725)
8. Lois J Ronhovde et al, North 70th Street and Branched Oak Road, in the amount of \$325. (Project 23-21 / B-310) (C-23-0726)

C. Received and placed on file the following reports for August 2023:

1. Clerk of the District Court
2. Assessor/Register of Deeds
3. County Clerk

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

4) PUBLIC HEARING

- A.** Street Name Change 23003 to rename a portion of South 96th Street to South 96th Circle. (See correlating item 5A.)

Yoakum opened the public hearing.

The Clerk administered the oath to Steve Henrichsen, City Principal Planner. He stated the street is no longer a through street and is now a circle. The property owners had no objections to the change. Schulte asked if the County should vacate the street, and Henrichsen answered that would require a separate process.

Yoakum closed the public hearing.

- B. Applications for a Class I liquor license for James Arthur Vineyards LLC (2001 West Raymond Road, Raymond) and a corporate manager's liquor license for James Ballard. (See correlating item 5B.)

Yoakum opened the public hearing.

The Clerk administered the oath to Jim Ballard, the applicant, who explained the reasons for the application. He would like the ability to sell alcoholic beverages other than wine. Vest asked what the definition of "on-sale" is, and Ballard answered it means the winery could only sell alcohol to be consumed on the property. Schulte asked if this application is approved if the winery would need to obtain additional special designated licenses. Ballard answered yes because the State would still need to approve.

Yoakum closed the public hearing.

5) NEW BUSINESS

- A. Resolution in the matter of Street Name Change 23003 to rename a portion of South 96th Street to South 96th Circle. (R-23-0064)

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

- B. Resolution in the matter of applications for a Class I liquor license for James Arthur Vineyards LLC (2001 West Raymond Road, Raymond) and a corporate manager's liquor license for James Ballard. (R-23-0068)

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 exceeding the budgeted restricted funds limit for the 2023-24 fiscal year by an additional one percent. (R-23-0065)

Dennis Meyer, Budget and Fiscal Director, explained the reason for the resolution and clarified that the resolution allows the base amount of the budget to increase by one percent. It does not increase property taxes by one percent.

Flowerday asked where the County ranks in the growth of property taxes collected. Meyer answered the County is one of the lowest. Flowerday noted he agrees with the flexibility of the resolution.

MOTION: Vest moved and Amundson seconded approval of the resolution. Amundson, Flowerday, Vest and Yoakum voted yes. Schulte voted no. Motion carried 4-1.

- D. Resolution in the matter of approving the Lancaster County budget for the 2023-24 fiscal year. (R-23-0066)

Meyer noted there was one change from the proposed budget to increase the cost of contracted services and decrease the cash reserve to account for possible additional grant funding.

MOTION: Vest moved to approve the budget but with an amendment to remove funding for an appraiser in the Assessor/Register of Deed's Office.

Vest expressed concern about a staffing change in the Assessor/Register of Deed's Office that would decrease the number of appraisers and add an administrative position. He proposed approval of the budget but with removal of funding for one appraiser position. Flowerday agreed.

Flowerday seconded the motion.

Flowerday and Vest explained their reasoning for the motion, including that it sidestepped the Board's budget process.

Dan Nolte, Assessor/Register of Deeds, stated the Board was micromanaging an elected office. Flowerday said the Board has budgetary authority. Flowerday and Nolte continued to discuss the staff reclassification. Yoakum stated she was not supportive of the motion because the staff reclassification was within the authority of an elected official.

Nolte stated he would change the staff position back to an appraiser.

Vest stated he would withdraw his amendment to the budget if the number of appraisers remained the same. Nolte added there was an immediate need for administrative work in the office. Yoakum asked if the need would be long-term, and Nolte answered yes. Nolte and Board members discussed the lack of communication about the issue.

Amundson explained she approved the Assessor/Register of Deed's budget based on a certain number of appraisers. The County is growing and needs to maintain the number of appraisers.

Flowerday agreed to Vest's removal of the amendment to the budget and maintained his second.

Vest restated his motion was to approve the budget with no reduction to the Assessor/Register of Deed's Office budget if the number of appraisers remained the same.

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

- E. Resolution in the matter of authorizing the County Board Chair to sign a program agreement with the Nebraska Department of Transportation (NDOT) to set out the various duties and funding responsibilities for improvements on Interstate 80 from the Pleasant Dale Interchange to Northwest 56th Street. (NDOT Project NH-80-8(103). See correlating item 5F) (R-23-0067)

Pam Dingman, County Engineer, stated the resolution is to authorize NDOT to conduct work on four bridges. She added the projects will require detours, which have been approved by NDOT.

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

- F. Agreement with the Nebraska Department of Transportation for improvements on Interstate 80 from Pleasant Dale Interchange to Northwest 56th Street and modifications to County roads and bridges on Northwest 126th, Northwest 112th, Northwest 98th and Northwest 84th Streets. (NDOT Project NH-80-8(103). Construction is expected to begin in 2025, and all construction costs will be paid by the State.) (C-23-0721)

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

G. Special Designated License applications from James Arthur Vineyards at 2001 West Raymond Road, Raymond, on the following dates:

1. October 7, 2023
2. October 14, 2023
3. October 15, 2023

Ballard stated the special designated licenses are needed for two weddings and a fundraiser.

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

H. Special Designated License application from Messiah Lutheran Foundation for an event just outside of the Lincoln City limits at 1800 South 84th Street, Lincoln, on October 7, 2023.

Andrew Greer, pastor at Messiah Lutheran Church, stated the application was for an event called Luther Fest for the Messiah Lutheran Foundation. Schulte asked if the event had been held in the past, and Greer said it had been held in the past but will be bigger this year.

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

I. Renewal of an Agreement between Lancaster County and the City of Lincoln Transportation and Utilities for office space and facilities for Adult Probation. The term is September 1, 2023, through August 31, 2024. The cost to the County is \$82,600. (C-23-0727)

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

J. Agreement with HUB International Great Plains LLC to provide employee benefits consulting services for the County's employee benefits programs. This is a five-year agreement, and the County's total expenditures are estimated to be \$163,148.40. (C-23-0715)

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

K. Adoption of the bargaining agreement with International Brotherhood of Electrical Workers Local 1536 General for a two-year contract (2023-2025). (C-23-0717)

Nicole Gross, Human Resources Total Rewards Division Leader, described the contract and that it includes a wage increase, increased compensatory time, higher sick leave accrual and paid parental leave.

Schulte asked which employers are in the union. Gross answered the union includes mostly clerical and administrative staff. Schulte asked why there was an increase in compensatory time. Gross answered it was based on comparability and negotiations. Schulte asked how an employee uses compensatory time, and Gross answered how it works. Schulte asked for the reason for the increase in sick leave, and Gross answered the change would bring union members in line with other County employees.

Vest asked if there were changes in the agreement beneficial to the County. Gross stated the changes are beneficial to County employees.

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

- L. Adoption of the Summary Plan Description for the Lancaster County, Nebraska, Employees Retirement Plan.

David Derbin, Chief Administrative Officer, stated the item was the final step in making vesting changes to the County retirement plan, which were discussed previously.

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

- M. Fiduciary Liability Coverage Renewal Information Request for the Lancaster County, Nebraska, Retirement and Deferred Compensation Plans.

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

- N. Subaward contract with Pine Lake Behavioral Health for the Youth Mental Health Diversion Program in the amount of \$10,000. (Funding is by the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention Award, Number 20-MO-BX-0015. The term of the grant contract is July 1, 2023, through September 30, 2023.) (C-23-0724)

MOTION: Amundson moved and Vest seconded approval of the contract. 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.

Penny Stephens, Lancaster resident, expressed concerns with online voter registration and displayed various documents related to voter registration (Exhibit 2).

Robert Borer, Lancaster resident, played an audio clip from his phone and expressed concerns with election integrity.

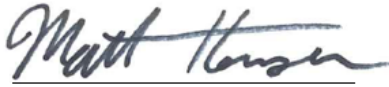
7) **ANNOUNCEMENTS**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 7, 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 their next regular meeting on Tuesday, September 12, 2023, in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will hold a public hearing on September 19, 2023, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding Comprehensive Plan Amendment 23009 to amend the 2050 Lincoln-Lancaster County Comprehensive Plan by adopting the Local Food System Plan.
- 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 9:53 a.m. Amundson, Schulte, Flowerday, Vest and Yoakum voted yes. Motion carried 5-0.



Matt Hansen
Lancaster County Clerk

