

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY CITY BUILDING, 555 S. 10TH STREET
ROOM 112 - CHAMBERS
THURSDAY, SEPTEMBER 16, 2021
8:30 A.M.**

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

Others Present: David Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; and Leslie Brestel, County Clerk's Office

Advanced public notice of the meeting was posted on the County-City Building bulletin board, and the Lancaster County, Nebraska, website and emailed to media on September 15, 2021, and published in the Lincoln Journal Star print edition and website on September 13, 2021.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:35 a.m.

AGENDA ITEM

1. APPROVAL OF STAFF MEETING MINUTES FOR SEPTEMBER 9, 2021

MOTION: Amundson moved and Yoakum seconded approval of the minutes. Flowerday, Amundson, Yoakum, and Vest voted yes. Schorr abstained. Motion carried 4-0 with 1 abstention.

2. BRIEFING ON SP17043A BORGMAN BORROW PIT – Steve Henrichsen, Development Review Manager, and Tom Cajka, County Planner, Lincoln-Lancaster County Planning Department

Henrichsen reviewed the summary report for a soil mining special permit (see agenda packet). The special permit application was recommended for approval by the Planning Commission but was appealed by another property owner. It was originally approved in January 2018 for three years after which an extension is required. The original permit expired in January 2021. The original permit was approved to remove 110,000 cubic yards of soil. To date, approximately 30,000 cubic yards of soil have been removed. Most of the testimony in opposition to the special permit was from neighbors to the east complaining of truck traffic. It was discovered that many of those trucks were not related to the soil mining project, but to a dredging project on Conestoga Lake.

Pam Dingman, County Engineer, stated the Engineering staff tried to address concerns in the area including stipulations in the road maintenance agreement, such as increased motor grader patrols at the pit owner's cost and the pit owner watering the road if there were more than four trucks per day out of the facility. Updated daily traffic counts were presented (Exhibit 1). She noted over the years there have been many detours causing increased traffic in the area.

Vest inquired about the traffic count numbers on Southwest 84th Street. Dingman said this is State Spur 55A which does have a fair amount of traffic. The Nebraska Department of Transportation

(NDOT) has jurisdiction over that portion. There is an average daily traffic count of over 300, when there were detours that number jumped to 700. This gravel road is on the list for roads to be paved. Additionally, in the new Long-Range Transportation Plan (LRTP), West Van Dorn is recommended to be paved. She stated the Engineering Office has worked with NDOT on the road maintenance agreement, which leaves her department to enforce it, which she does not have the capacity to do.

When asked to define soil mining, Henrichsen answered it is when companies gain access to a property to move soil from site to site for various projects. He noted at this site, it is a hillside that is being made flat.

3. ZONING APPLICATION FEES – David Cary, Director, Lincoln-Lancaster County Planning Department

Cary discussed the request to increase the County zoning application fees by 1.3% (see agenda packet). The increase is based on the consumer price index of the Midwest region. The intent is to keep the fee structure the same between the City and the County. The County's current annual revenue from fees is approximately \$235,000 and the fee increase would generate an extra \$800 for the County. The effective date of the fee increases would be October 1, 2021.

DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

A. Region V Services Committee Meeting – Yoakum

Yoakum reported there have been many positive COVID-19 cases recently. Also, Region V is contracting for both accounting and human resources services.

B. Region V Systems Governing Board Meeting – Yoakum

Yoakum said Region V is investing funds in more staff training and various substance abuse, trauma, suicide and mental health trainings. There were also discussions on the bed and staff shortages at the Lincoln Regional Center, the 988 mental health emergency number, and the upcoming Commission on Accreditation of Rehabilitation Facilities (CARF) review in October.

Amundson exited the meeting at 8:56 a.m.

4. INSURANCE UPDATE – Sue Eckley, Risk Manager; and Tom Champoux, President and Risk Consultant, UNICO

Eckley distributed an updated insurance review document (Exhibit 2). The County has a 14% rate increase, which is smaller than the 20-25% other entities are experiencing. The worker's compensation insurance will increase with employee increases and the property insurance will increase due to the increase in property valuations. Champoux stated the Sheriff's vehicle coverage has increased as there are now 97 units being insured as opposed to last year's 83. Vehicles that are added midyear are not charged for until the start of the following year. He noted the increase in insurance rates regarding pursuit vehicles is countrywide. Schorr requested Eckley review the vehicles to make sure the numbers are correct.

Regarding uninsured and underinsured motorist coverage, Champoux said if a non-insured motorist

injures a County employee, the worker's compensation insurance does not pay for general inconveniences. The County can increase uninsured/underinsured coverage from \$100,000 to \$250,000 for an additional premium of \$2,649 per year or to \$500,000 for an additional \$4,985 per year. The County has not had any of these claims yet. It was the consensus of the Board to increase the uninsured and underinsured motorist coverage insurances from \$100,000 to \$250,000.

Champoux reviewed the building and contents numbers (Exhibit 2). Eckley said there will be a change at the jail due to a recent jail evaluation by the insurance company. As a result of the evaluation, a current storage warehouse and contents will be added to the policy.

Concerning workers compensation insurance, Champoux informed the Board that the County covers the first \$900,000 of each loss. The rate increased from \$.196 per \$100 to \$.21 per \$100. Payroll increased from \$54,000,000 to \$56,000,000. Eckley added there are currently three claims over \$900,000. She also reminded the Board these are over the life of the claim and for self-insured retention. Usually, those claims are fatalities or very significant injuries.

Eckley and Champoux discussed cyber liability insurance. The insurance companies are increasing their pricing for policies and also requiring multi-factor authentication (MFA) to obtain coverage. Champoux recommended the County implement MFA. Eckley added MFA will be available before the end of the calendar year. If nothing is done, the County will not have cyber liability insurance from September 1 to December 31. The City of Lincoln found cyber coverage but the coverage price doubled and the limits decreased. She felt the County would run into the same scenario. The County currently has \$3,000,000 in coverage until September 30. Champoux will request an extension until the MFA is in place. Bauer suggested an affidavit from Information Services (IS) be given to Champoux for use in negotiations for cyber liability insurance.

5. FLU SHOT UPDATE – Sue Eckley, Risk Manager; and Amy Schlichting, Employee Health and Wellness Program Coordinator, and David Humm, Public Health Education Manager, Lincoln-Lancaster County Health Department

Schlichting reviewed the previous year's County employee vaccination rate (see agenda packet). There were no recommendations for changes in vaccine locations for this year. Eckley added the jail and Mental Health Crisis Center (MHCC) have vaccines administered onsite. This year's flu shot clinics will be offered in November.

6. MATCH FUNDING FOR THE INDIAN CENTER INC. NIFA PROJECT – Kim Etherton, Director, Community Corrections

Etherton stated she is working with the Indian Center as they have received NIFA funds for a phase community action plan and self-service portal for housing opportunities and for housing plans in conjunction with St. Monica's. She said the housing portal will be useful for Community Corrections caseworkers and other community providers. The intent was for the County to partner with the Indian Center using American Rescue Plan Act (ARPA) funding; however, since the NIFA funds are federal funds, County ARPA funds cannot be used in the project. She requested Board approval for \$30,000 in matching funds which could be covered by savings from open positions in the Community Corrections budget.

Dennis Meyer, Budget and Fiscal Director, said cost savings will need to be proved. He requested to

see the available funds and the estimated timeframe to fill any open positions as this will be helpful for budgeting purposes, especially when considering additional appropriations.

Yoakum asked who will be managing the portal. Etherton said the Indian Center will contract with someone to design the portal and they will eventually manage it. Etherton added she has volunteered to sit on the committee with the Indian Center when the portal is designed.

Vest reiterated all similar requests from departments will be scrutinized the same as this request. Flowerday stated this next budget year will be more difficult than this past year.

Derbin said a grant contract will come to the Board for action at a future meeting.

BREAK

The meeting was recessed at 9:50 a.m. and resumed at 10:04 a.m.

Amundson returned to the meeting at 10:04 a.m.

7. LEGISLATIVE UPDATE – Joe Kohout and Brennen Miller, Kissel, Kohout, ES Associates LLC

A legislative report (Exhibit 3), redistricting hearing notes (Exhibits 4 and 5), and a notice of new clients (Exhibit 6) were distributed.

Kohout stated the redistricting special session has had various maps and levels of many political subdivisions. The Legislature had three different bills introduced and Congress had two different plans on redistricting. Speaker Hilgers announced his intent to take up a congressional redistricting map to be advanced this afternoon. The redistricting hearing is tomorrow.

A bill of interest was to increase the number of legislators from 49 to 50. Flowerday asked what the implications for cloture would be, and if the Lieutenant Governor could vote on cloture. Kohout said cloture is 2/3 of the membership, and that a Lieutenant Governor can only vote when there is a tie. He added the Nebraska Constitution says there can be 50 legislators. There are 49 to help eliminate possible ties. He noted bills have been introduced in previous years to increase the membership, but nothing has happened.

Amundson exited the meeting at 10:11 a.m. and returned at 10:12 a.m.

CHIEF ADMINISTRATIVE OFFICER REPORT

C. Commissioner Attendees for COVID Briefing with Legislative Delegation

The Board discussed dates and attendees for the upcoming calls with the senators. Schorr and Amundson will attend the Friday call.

8. BREAK

The break was moved forward on the agenda.

CHIEF ADMINISTRATIVE OFFICER REPORT

- A. Claim for Review: Voucher 735521 on Batch 271110 to Daniel Ullman, dated September 08, 2021, for a total of \$10.30. These claims include mileage reimbursements from May 11, 2021, and May 18, 2021. These claims are beyond the 90-day time period (see Neb. Rev. Stat. §23-135 and Resolution No. R-21-0041)**

Derbin noted the only issue with the claim is that it was beyond the 90-day time period. It was the consensus of the Board to roll the claim to the next Tuesday meeting as a regular claim.

B. Elected Officials Salary Committee

Derbin stated the Nebraska Association of County Officials (NACO) will be generating a report of elected official salaries for all 93 counties. The County will convene a committee to review the recommendations. He added Human Resources has provided administrative support for the committee. There was general discussion on possible members for the committee.

Schorr requested the membership list of the Personnel Policy Board and previous Elected Officials Salary Committee be forwarded to the Board.

DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

C. Youth Crisis Response Committee – Amundson

Amundson reported CEDARS served 44 youth this past month. Lincoln Public Schools (LPS) and Probation have seen an increase in stress and anxiety in students. There have been six outreach calls for attempted suicides. Region V has had many referrals and there are 44 youth on a wait list for services. Additional discussions included upcoming visits from Kahoots and the Robert F Kennedy (RFK) Foundation, and the 988 mental health emergency line.

D. Parks & Recreation Advisory Board Meeting –Vest

Vest indicated he did not attend the meeting.

E. Lincoln - Lancaster County Board of Health – Flowerday

Flowerday reported 72.6% of the County's population is at least partially vaccinated and vaccination rates have increased. The number of positive COVID-19 cases have dropped 24% in the last two weeks.

F. Public Building Commission – Amundson / Flowerday / Derbin

Amundson stated the Secretary of State is amending their lease contract to add one more month before moving out of the K Street building. The contract for the renewal of natural gas services was discussed. Projects including the County Attorney's office remodel, the law enforcement memorial, and work on the 9th Street side of the City-County Building will be completed soon. Flowerday added the County has been conservative on natural gas purchases and was able to sell extra natural gas

when the polar vortex happened. He congratulated the Purchasing Department on their work on the natural gas contract.

- 9. EXECUTIVE SESSION (UNION NEGOTIATIONS, LEGAL ADVICE AND PENDING AND POTENTIAL LITIGATION)** – Doug McDaniel, Director, Nicole Gross, Compensation and Classification Manager, and Amy Sadler, Human Resource Specialist, Lincoln-Lancaster County Human Resources; and Dan Zieg, Chief Deputy County Attorney, and Jenifer Holloway, Deputy County Attorney

MOTION: Schorr moved and Flowerday seconded to enter Executive Session at 10:33 a.m. for the purposes of union negotiations, receiving legal advice, pending and potential litigation, and to protect the public interest.

The Chair said it has been moved and seconded that the Board enter Executive Session.

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

The Chair restated the purpose for the Board entering Executive Session.

MOTION: Schorr moved and Amundson seconded to exit Executive Session at 11:17 a.m. Schorr, Yoakum, Flowerday, Amundson and Vest voted yes. Motion carried 5-0.

10. COVID-19 UPDATE

No updates were given.

11. CHIEF ADMINISTRATIVE OFFICER REPORT

- A. Claim for Review: Voucher 735521 on Batch 271110 to Daniel Ullman, dated September 08, 2021, for a total of \$10.30. These claims include mileage reimbursements from May 11, 2021, and May 18, 2021. These claims are beyond the 90-day time period (see Neb. Rev. Stat. §23-135 and Resolution No. R-21-0041)**
- B. Elected Officials Salary Committee**
- C. Commissioner Attendees for COVID Briefing with Legislative Delegation**

Items moved forward on agenda.

12. DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

- A. Region V Services Committee Meeting – Yoakum**
- B. Region V Systems Governing Board Meeting – Yoakum**
- C. Youth Crisis Response Committee – Amundson**
- D. Parks & Recreation Advisory Board Meeting –Vest**
- E. Lincoln - Lancaster County Board of Health – Flowerday**
- F. Public Building Commission – Amundson / Flowerday / Derbin**

Items moved forward on agenda.

13. SCHEDULE OF BOARD MEMBER MEETINGS

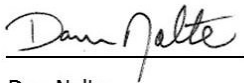
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14. EMERGENCY ITEMS

There were no emergency items.

15. ADJOURNMENT

MOTION: Schorr moved and Amundson seconded to adjourn at 11:18 a.m. Yoakum, Flowerday, Amundson, Schorr and Vest voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

