

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 20, 2022 AT 9:00 AM
COUNTY-CITY BUILDING, ROOM 112

**COMMISSIONERS: Deb Schorr, Chair; Christa Yoakum, Vice Chair;
Roma Amundson, Sean Flowerday; 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 16, 2022.

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

Others present: Kristy Bauer, Deputy Chief Administrative Officer; John Ward, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Meggan Reppert-Funke, County Clerk's Office

The meeting was called to order at 9:00 a.m., and the location of the Nebraska Open Meetings Act was announced.

1) MINUTES

A. Approval of the minutes of the Board of Commissioners meeting held on September 13, 2022.

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

B. Approval of the minutes of the Broadband meeting held on September 14, 2022.

MOTION: Amundson moved and Yoakum seconded approval of the minutes. Flowerday, Amundson and Schorr voted yes. Vest and Yoakum abstained. Motion carried 3-0 with two abstentions.

2) CLAIMS

A. Approval of the claims processed through September 20, 2022.

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

B. Approval of a claim to The Mediation Center in the amount of \$3,350. (Batch No. 284967, Document No.779039)

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

C. Approval of a claim to Rabble Mill in the amount of \$10,370.12. (Batch No. 284965, Document No.779032)

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

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. Amendments to the following County Contracts:

1. C-20-0663 with Safety Kleen Systems for the used oil collection program. (Quote No. 6235. The amendment renews the contract from October 13, 2022 through October 12, 2023. The cost to the County is not to exceed \$5,000.) (C-22-0746)
2. C-20-0749 with Envirotech Services, Inc., for corrosion inhibited liquid magnesium chloride. (Using the State of Nebraska Contract No. 15366 OC, MOU090. The amendment renews the contract from September 22, 2022 through September 21, 2023, and approves a price increase of .09/Gal. The estimated cost to the County is not to exceed \$65,000.) (C-22-0741)
3. C-19-0760 with Pavers, Inc. for the annual supply of cold mix asphalt. (Bid No. 19-214. The amendment renews the contract with a price increase from September 17, 2022 through September 16, 2023. The cost to the County is not to exceed \$3,270.) (C-22-0745)
4. C-20-0634 with BJ's Fleet Wash, LLC for vehicle washes and related services. (Quote No. 6273. The amendment renews the contract from September 17, 2022 through September 16, 2023. The cost to the County is not to exceed \$2,000.) (C-22-0743)
5. C-20-0635 with JetSplash Full Service Car Wash for vehicle washes and related services. (Quote No. 6273. The amendment renews the contract from September 17, 2022 through September 16, 2023. The cost to the County is not to exceed \$5,000.) (C-22-0744)
6. C-21-0725 with Midwest Alarm Services for the annual service of fire alarm panel inspection, testing, repair and replacement. (Quote No. 6396. The amendment renews the contract from September 19, 2022 through September 18, 2023. The cost to the County is not to exceed \$6,000.) (C-22-0742)
7. C-22-0237 with Erickson Sullivan Architects to add additional architectural design services related to renovation of property located at 600 South 70th Street, Lincoln. (C-22-0762)

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

1. Emanuel E. Bartek, Northwest 70th Street and West Little Salt Road, in the amount of \$1,709. (Project 23-20 / D-228) (C-22-0735)
2. Earlene L. Knox Living Trust, Northwest 40th Street and West Mill Road, in the amount of \$1,115. (Project 23-20 / F-68) (C-22-0736)
3. Earlene L. Knox Living Trust, Northwest 27th Street and West Mill Road, in the amount of \$1,259. (Project 23-20 / F-69) (C-22-0752)
4. Joshua T. & Kailah M. Ward, Northwest 40th Street and West Mill Road, in the amount of \$343. (Project 23-20 / F-68) (C-22-0753)
5. Pauline J. Lindholm, Northwest 27th Street and West Mill Road, in the amount of \$527. (Project 23-20 / F-69) (C-22-0756)

C. Change Order No. 1 to County Contract C-22-0634 with Northwest Asphalt Maintenance for a project overrun in an amount not to exceed \$35,851.19. (Project No. 22-11; Bid No. 22-160) (C-22-0747)

D. Change Order No. 1 to County Contract C-22-0472 with Dynamic Dirtworks & Demolition, LLC for a project extension. (Bid No. 22-134; Project No. 21-53. There will be no additional cost to the County.) (C-22-0755)

E. Amended Change Order No. 3 to County Contract C-22-0216 with Constructors, Inc., for project line-item overruns. (Bid No. 22-049; Project No. 21-09. This change order rescinds C-22-0688 and is not to exceed \$65,034.10.) (C-22-0754)

- F. Grant contract with Berniklau Educational Solutions Team for the BEST Alternative School program in the amount of \$15,000. (Funding is from the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid Grant for the term of May 1, 2022, through June 30, 2023.) (C-22-0749)
- G. Amendments to the following grant contracts (funding is from the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Aid Grant):
 - 1. C-21-0583 with Family Service Lincoln for the School Based Therapeutic Services program for an increase of \$5,086.72. (C-22-0740)
 - 2. C-22-0079 with the Asian Community & Cultural Center for the Serving Refugee & Other Immigrant Youth program. (C-22-0751)
 - 3. C-21-0686 with Cedars Youth Services, Inc. for the Reporting Center program for an increase of \$9,924. (C-22-0761)
- H. Amendments to the following grant contract (Funding is from the Juvenile Justice Prevention Funds for the extended period of July 1, 2022 through June 30, 2023.):
 - 1. C-21-0457 with Asian Community & Cultural Center for the Yezidi Youth program. (C-22-0750)
 - 2. C-21-0462 with OMNI Inventive Care for the Parent Management Training program. (C-22-0758)
 - 3. C-21-0463 with OMNI Inventive Care for the Truancy Diversion program. (C-22-0757)
- I. Received and placed on file the Lancaster County Election Commissioner's report of the All-Mail Special Election conducted for the Palmyra School District (OR-1) on August 9, 2022.
- J. Setting a public hearing on Tuesday, September 27, 2022 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding setting the final tax request at a different amount than the prior year tax request.

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

4) PUBLIC HEARING

- A. Health Department amendments regarding the following:
 - 1. Sections VI, XV, and XXIX of Resolution No. R-20-0053. (See correlating item 5A)
 - 2. Article 1, Section 6 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS). (See correlating item 5B)
 - 3. Section XI of Resolution No. R-20-0055. (See correlating item 5C)
 - 4. Lancaster County Air Pollution Control Resolution No. R-20-0056. (See correlating item 5D)
 - 5. Section XIII of Resolution No. R-20-0057. (See correlating item 5E)

The Chair opened the public hearing.

Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Manager, was administered the oath. He stated the resolutions address updated fees. A 3% increase was generally proposed, however, some fees were not increased and one was decreased. Holmes explained the latter was related to coal-fired power plants. One plant in Lancaster County has decreased emissions over the past several years and the fee reduction reflects that effort. He added the percent of energy from wind and solar continues to increase, therefore, coal usage has decreased which reduced emissions.

Vest asked if this was a routine review of fees. Holmes explained the department does fee reviews and receives guidance from the Air Pollution Control Advisory Board and others before bringing forth incremental fee increases.

John Ward, Deputy County Attorney, was administered the oath. He said a typographical error was detected regarding item A5, Resolution R-20-0057. He noted about half-way down page 3, it references fees beginning September 1, 2022 which should be 2023. Ward indicated he would be back for New Business item 5E to recommend that the Board's motion include this change.

No one appeared to testify in opposition or in a neutral position.

The Chair closed the public hearing.

5) NEW BUSINESS:

- A.** Resolution in the matter of amending Sections VI, XV, and XXIX of Resolution No. R-20-0053. (R-22-0082)

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

- B.** Resolution in the matter of amending Article 1, Section 6 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS). (R-22-0083)

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

- C.** Resolution in the matter of amending Section XI of Resolution No. R-20-0055. (R-22-0084)

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

- D.** Resolution in the matter of amending Lancaster County Air Pollution Control Resolution No. R-20-0056. (R-22-0085)

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

- E.** Resolution in the matter of amending Section XIII of Resolution No. R-20-0057. (R-22-0086)

Ward recommended approval of the resolution with the change from 2022 to 2023 on page 3 as previously noted.

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

- F.** Resolution in the matter of a request to vacate a 50-foot right-of-way located in Raymond, Nebraska, more particularly described in Exhibit "A", and located in Lancaster County, Nebraska. (R-22-0081)

The Clerk announced an email was received in opposition from Ann Post on behalf of Jansa Rentals LLC, owned by Todd Jansa (Exhibit 1).

Vest offered a motion which he felt reflected the County Board's position.

MOTION: Vest moved to hold item 5F to give the parties time to present to the County Attorney's Office equitable terms and conditions to vacate the road described in Exhibit A. The parties should present the terms and conditions to the County Attorney's Office by October 18, 2022. The County Board will reconsider this item on October 25, 2022.

The motion was seconded by Yoakum.

Schorr confirmed that the intent of the motion is to allow discussions to continue.

Vest added that the Board appreciates the parties working together to find a solution.

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

G. Resolution in the matter of recognizing September as National Suicide Prevention Month. (R-22-0087)

Sandy Morrissey, Region V Systems Regional Prevention Coordinator, provided an update on what Region V Systems has done recently to help reduce the number of suicides in the area. She added the 988 number has been added to signage to make the public aware of the nationwide suicide and crisis lifeline.

The Clerk read the resolution into the record.

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

H. Special Events Permit application from Charles Schilling for a Goldenride Bikefest event to be held September 23, 2022.

Charles Schilling, Goldenride Bikefest Director, provided information about the event and added on Friday September 9, 2022 his team discovered the road exiting Roca to the south connecting to the Homestead Trail had fresh gravel which would be unsafe for the bike riders. He recommended an alternate route be used along Roca Road.

MOTION: Amundson moved and Flowerday seconded approval of the special events permit application.

Vest inquired about the route change. Schilling said the route team discovered that new gravel had recently been applied. Vest asked if the Sheriff's Office needs to be notified of the new route since Roca Road is well traveled. Schilling stated they would inform the County Sheriff's Office of the change.

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

A map of the new route was provided to the County Clerk's Office (Exhibit 2).

I. Special Events Permit applications from Gravel Adventures LLC for the following events:

1. Randy's Ride to be held on October 2, 2022
2. Larry's Ride to be held on October 16, 2022

Jason Strohbehn, Gravel Worlds Director of Operations and Marketing, provided information about the two events. He stated Randy's Ride is a fundraising event and provided information on how to donate via gravel-worlds.com. Larry's Ride is a small group ride that crosses some Lancaster County roads.

MOTION: Vest moved and Yoakum seconded approval of the special events permit applications. Yoakum, Flowerday, Vest, Amundson and Schorr voted yes. Motion carried 5-0.

J. Special Designated License applications from Creekside Weddings & Events LLC for the following events at the Party Pavilion Roca Berry Farms, 16531 South 38th Street, Roca Nebraska, on the following dates:

1. October 7, 2022
2. October 14, 2022

3. October 21, 2022
4. October 28, 2022

Jordan Schaefer, Roca Berry Farm/Creekside Weddings & Events LLC, provided information about the venue and the events. He explained that the establishment has had a liquor license since 2017 and has operated multiple events over the years. They would now like to use a covered pavilion as a beer garden on the proposed dates only in the evenings while customers visit the Roca Scary Farm. In response to Schorr's inquiry, Schaefer confirmed that the beer garden is in a different location than the event venues and both security and bartenders will be checking IDs.

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

- K. Special Designated License applications from Meier's Wine, Inc dba Meier's Cork 'n Bottle for the following events at Roca Ridge Event Center, 5265 Prairie Sage Drive, Roca Nebraska, on the following dates:

1. October 29, 2022
2. December 10, 2022

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

- L. Authorize the Chair to sign IRS Form 8038 in conjunction with the issuance of Revenue and Refunding Bonds (Bryan Projects), Series 2022C, in a principal amount not to exceed \$100,000,000, for the purpose of making a loan to Bryan Medical Center to finance and refinance certain capital projects.

MOTION: Vest moved and Flowerday seconded to authorize the Chair to sign the form. Flowerday, Vest, Amundson, Yoakum and Schorr voted yes. Motion carried 5-0.

- M. Adoption of the 2023 Lancaster County Legislative Priorities.

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

- N. Amendments to the following grant contracts with Clyde Malone Community Center:

1. C-21-0458 for the Leadership Academy program. (Funding is from the Juvenile Justice Prevention Funds for the extended period of July 1, 2022 through June 30, 2023.) (C-22-0759)
2. C-21-0449 for the Youth program. (Funding is from the Joint Budget Committee for the extended period of July 1, 2022 through June 30, 2023.) (C-22-0760)

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

- O. Subaward contract with the Clyde Malone Community Center for the Education Advocate program not to exceed the amount of \$175,000. (Grant 2020-JX-FX-K006. Funding is from the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for the term of September 15, 2022, through September 30, 2024.) (C-22-0748)

Sara Hoyle, Human Services Administrator, stated the contract is to add an education advocate employed by the Malone Center to work closely with the local school system to understand the school culture and acronyms and to provide advocacy for families who are facing barriers. She added that a youth advocate will also work with the education advocate at the Malone Center.

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

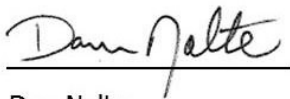
No one appeared for public comment.

7) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 22, 2022 at 8:30 a.m., in Room 112 of the County City Building (555 S. 10th Street, Lincoln).
- B. A joint public hearing involving the City of Hickman, Raymond Central Public Schools, Waverly Public School District and Southeast Community College will be held on Thursday, September 22, 2022 at 6:30 p.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln). The hearing will include presentations by each political subdivision regarding its intent to increase its property tax request and the effect of such request on its budget.
- C. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, September 27, 2022, beginning at 9:00 a.m., 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, the City government access channel. 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 LNKTv.lincoln.ne.gov, YouTube.com/LNKTvcity and Facebook.com/lincolnnebraska. In addition, LNKTv apps are available on Roku, Apple TV and Amazon Fire TV.

8) ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn at 9:44 a.m. Flowerday, Vest, Amundson, Yoakum and Schorr voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

