

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, SEPTEMBER 21, 2021**  
**9:00 AM**

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

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board, the Lancaster County, Nebraska, web site, emailed to the media to the media on September 17, 2021, and published in the Lincoln Journal Star print edition and website on September 17, 2021.*

**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; Jen Holloway, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Leslie Brestel, County Clerk's Office**

**The meeting was called to order at 9:01 a.m., 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 Tuesday, September 14, 2021

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

**2) CLAIMS:**

- A.** Approval of all claims processed through September 21, 2021.

**MOTION:** Schorr moved and Amundson seconded approval of the claims. Flowerday, Schorr, Amundson, Yoakum and Vest 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.** Right-of-Way contracts with the following:

- 1.** Matthew Burgess, North 70<sup>th</sup> Street and Little Salt Road, in the amount of \$1,459 (C-21-0702)
- 2.** Eugene J. & Betty J. Tvrdy Living Trust, North 27<sup>th</sup> Street and Ashland Road, in the amount of \$1,241 (C-21-0703)

- B.** Amendments to the following contracts:

1. C-20-0749 with Envirotech Services, Inc., (using the State of NE Contract No. 15366 OC) for Corrosion Inhibited Liquid Magnesium Chloride, (MOU090. The amendment renews the contract from September 22, 2021, through September 21, 2022. The estimated cost for products to the County is not to exceed \$25,000) (C-21-0707)
  2. C-19-0760 with Pavers, Inc. for Cold Mix Asphalt. (Bid No. 19-214. The amendment renews the contract with a price increase from September 17, 2021, through September 16, 2022. The cost to the County is not to exceed \$3,000.) (C-21-0710)
  3. C-20-0341 with Whitehead Oil Company for Annual Supply - Motor Fuel. (Bid No. 20-137. The amendment will amend the contract to hedge the supply of Motor Fuel at costs and amounts listed on Attachments from January 1, 2022, through June 20, 2022.) (C-21-0712)
  4. C-18-0536 with NMC, Inc. for Annual Repair Services for Construction and Purpose-Built Equipment. (Bid No. 18-167. The amendment reflects a price increase with no additional cost to the County. The cost to the County shall not exceed \$500,000 for Contracts for the remainder of the current term without County Board approval) (C-21-0713)
- C. Change Order #1 to County Contract C-21-0388 with Topkote Inc. (Bid 21-103; Project 21-13; Subdivision Chip Seal) for change in dilution and application rates for Fog Seal for a net increase of \$0.14. (C-21-0706)
- D. Change Order #2 to County Contract C-21-0314 with Midwest Coating Company, Inc. (Bid 21-019; Project 21-07; Crack Sealing Bituminous Surfacing 2021) for end of project reconciliation of an overrun in the amount of \$32,983.16 due to increase of cracks needing to be sealed. (C-21-0708)
- E. Change Order #1 to County Contract C-21-0342 with Tim Sisco Construction LLC (Bid 21-025; Project 21-20; Culvert Maintenance 2021 (Phase I)) for plan revision #2 for a net increase of \$26,796. (C-21-0709)
- F. Contract with Genuine Parts Company dba NAPA Auto Parts for Aftermarket Vehicle Parts and Supplies (Product Only), (using the State of Minnesota/Sourcewell RFP 032521-GPC (Lead Contract), MOU114. This MOU will be effective upon execution through May 19, 2022, with the option to renew for four (4) additional one (1) year terms under the same terms and conditions according to the renewals allowed by the Lead Contract. The cost to the County is not to exceed \$22,000.) (C-21-0711)

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

#### 4) **PUBLIC HEARINGS:**

- A. Appeal of Special Permit 17043A to allow soil mining and excavation on property generally located at SW 112<sup>th</sup> Street and W Van Dorn Street (See correlating item 5A)

The Chair opened the public hearing.

Vest provided opening remarks regarding the order of business.

Steve Henrichsen, Lincoln-Lancaster County Planning Department Development Review Manager, was administered the oath. He stated the application is for a soil mining permit, which was recommended for approval by the Planning Commission. The permit was previously approved for a 3-year period.

Nate Burnett, REGA Engineering Group, and Mark Smith, High Plains Enterprises, were administered the oath. Burnett said with the prior permit most of the complaints centered around dust and traffic. A water truck will be onsite for use. There will be an average of four trucks per hour (approximately 32 trucks per day going to and from the site). Burnett noted the County Engineer was a proponent of the project. Smith added some of the previous dust concerns were regarding a project unrelated to the special permit. With the previous permit, only 25,000 of the 110,000 cubic yards have been excavated.

Schorr inquired if a complaint log was maintained. Smith answered High Plains does not. If a complaint is made, many times it is the County contacting him. He found many times when a complaint was made, it was during a time when the pit was not operating. A log of when the pit is in use is kept, and the County is informed when the pit is in use. He felt it is the company's responsibility to help offset the amount of increased dust when the trucks are on the roadway. In prior operations, the road would be watered at heavy traffic use periods, including morning, lunch and at the end of the day.

Vest asked if the pit was in use every day. Smith answered the pit is not in use every day, and when it is in use, the County is alerted. High Plains is the contractor on the roundabout project at Folsom and South Streets. Burnett added the pit was previously used for County projects.

No one spoke in support of the special permit.

The following appeared in opposition and were administered the oath individually:

- Andrew Willis, attorney for area residents
- Craig Johnson

Vest asked Willis about his thoughts on approved routes, including West Van Dorn Street. Willis noted there are five approved routes in the road maintenance agreement. He felt if the routes were changed to direct truck traffic to pavement sooner, then the dust issue is solved. He also felt that he does not know how the dust mitigation nor dust inhibitors would be enforced and knowing how they would be enforced would bring peace of mind to his clients.

No one testified in a neutral capacity.

Schorr asked Henrichsen about dust control methods. He stated the conditions recommended by the Planning Commission include the applicant needs to have a road maintenance agreement for West Van Dorn Street. He said the special permit does not list the conditions of the road maintenance agreement. He noted as part of special permit additional conditions could be added.

Pam Dingman, County Engineer, was administered the oath. She said the draft road maintenance agreement includes truck limits for road maintenance and monitoring purposes. She noted her office has received complaints about trucks that were not associated with the pit and also some that were. For the complaints that were associated with the pit, those issues were addressed with the pit owner.

Regarding dust control, Dingman stated the estimated cost for dust control for this portion of road would be \$60,000 per year. The road is graded and is extra wide. The County does have a test area for dust control of which the results, including longevity of the treatment or how it withstands weather conditions, have not yet been determined.

Concerning limiting the routes, Dingman said if routes were restricted to 112<sup>th</sup> Street to get to a paved route one would have to drive to 112<sup>th</sup> and O Street or to West Denton Road. It is important to keep a route that is minimum distance to get to pavement. Also, she said her department tries not to limit routes for these types of operations unless there are issues with the bridges or other concerns in the area.

Vest asked about a speed limit reduction on the road. Dingman answered speed limits are based on the Manual of Uniform Traffic Control Devices and Engineering Study, and there is nothing about the road at this time that is justified in the Manual to lower the speed limit.

Burnett said the County and applicant can work out the road maintenance agreement. The road maintenance agreement is a requirement of the special permit, but the specifics need to be in the road maintenance agreement not in the special permit. Smith added mitigation is a very vague term in the contract. The safety of the project and the public is of the utmost concern.

The Chair closed the public hearing.

Amundson exited the meeting at 9:43 a.m.

**B.** Adoption of the Lancaster County zoning and subdivision fee schedules (See correlating item 5B)

Henrichsen was administered the oath. He stated the fees are proposed for 1.07% increases which assists in keeping up with staffing and mailing costs.

Amundson returned to the meeting at 9:44 a.m.

No one appeared in support, opposition, or in the neutral capacity.

The Chair closed the public hearing.

**C.** Setting the final tax request at a different amount than the prior year tax request for Lancaster County and the Rural Library for Lancaster County. (See correlating item 5C)

Dennis Meyer, Budget and Fiscal Officer, was administered the oath. He said the County levy last year was \$.281576. This year the County levy will decrease to \$.264076. He noted revenue tax is increasing by approximately \$3,500,000 due to the increase in real property valuations. Also, the rural libraries are a part of the resolution and that levy will increase from \$.017486 to \$.015820. The County's total operating budget is increasing by 22.88% from the previous year. This is mainly due to the receipt of American Rescue Plan Act (ARPA) funds. Flowerday noted this same situation with the ARPA funds will happen again next year.

No one appeared in support, opposition or in the neutral capacity.

The Chair closed the public hearing.

**5) NEW BUSINESS:**

**A.** Resolution in the matter of an Appeal of Special Permit 17043 allowing soil mining and excavation on property generally located at SW 112th Street and W Van Dorn Street.

Vest noted a vote on the item will be held at a special meeting next Tuesday, September 28, immediately following the regular Board of Commissioners meeting.

**B.** Resolution regarding the adoption of the Lancaster County Zoning and Subdivision fee schedules attached as Exhibit A.

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

- C. Resolution in the matter of setting the 2021-22 property tax request for Lancaster County and the Rural Library for Lancaster County at a different amount than that of the prior year (R-21-0064)

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

- D. Resolution to direct the County Treasurer to issue tax sale certificates to the County of Lancaster upon all parcels of real estate upon which there are delinquent taxes and which were not sold for want of bidders at the last annual tax sale. (R-21-0061)

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

- E. Resolution authorizing the installation of traffic control devices in Lancaster County. (R-21-0062)

Dingman discussed the sign locations.

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

- F. Resolution authorizing the Deputy Chief Administrative Officer to function as the Authorized Organization Representative for purposes of securing and administering grant funding through the U.S. Department of Justice, Office of Justice Programs, and the State of Nebraska Commission on Law Enforcement and Criminal Justice. (R-21-0063)

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

- G. Special designated license application from Seven Diamonds LLC for an event on October 9, 2021

**MOTION:** Schorr moved and Yoakum seconded approval of the special designated license application.

Vest noted the Health Department submitted a recommendation of approval (Exhibit 1).

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

- H. Special designated license application from Seven Diamonds LLC for an event on October 16, 2021

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

- I. Grant Contract with LUX Center for the Arts to promote its EMERGE LNK Mural and Street Arts Festival. The County will reimburse promotional costs in an amount not to exceed \$5,000 from the Visitors Promotion Fund. (C-21-0701)

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

- J. Grant Contract with Lincoln Children’s Museum to promote Game Day Play Dates. The County will reimburse promotional costs in an amount not to exceed \$5,000 from the Visitors Promotion Fund. (C-21-0705)

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

- K. Recommendation from the Pension Review Committee to place the following funds on the watch list for purposes of the Lancaster County Employees Retirement and 457 Deferred Compensation Plan Statement of Overall Investment Objectives and Policy:
  - 1. American Funds Fundamental Investors Class R-5E; and
  - 2. Eaton Vance Atlanta Capital SMID-Cap Fund Class R6

Derbin reported these funds were underperforming and the Pension Review Committee recommended they be on the watchlist.

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

- L. Settlement agreement with Brenda Peters for \$143.04 regarding an incident that occurred on April 26, 2021, at 625 North 46th Street, Lincoln, Nebraska. (C-21-0704)

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

- M. An agreement with JEO Consulting Group, Inc. for structural consultation services related to bridges in Lancaster County, Nebraska. The expenditure for these services shall not exceed \$40,000. (C-21-0714)

Dingman stated this is an annual contract for specialized bridge consulting.

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

- N. Approval and submission of an Equal Employment Opportunity Plan (EEOP) Certification Form declaring that Lancaster County has submitted an EEOP Utilization Report to the Office for Civil Rights. This includes authorizing the Deputy Chief Administrative Officer to electronically sign the Certification Form on behalf of the Chair. The Certification Form is required for receipt of certain grants.

**MOTION:** Schorr moved and Yoakum seconded approval of the certification form. Schorr, Amundson, Yoakum, Flowerday and Vest 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 for public comment.

7) **ANNOUNCEMENTS:**

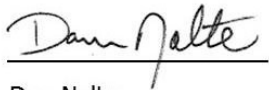
- A. The Lancaster County Board of Commissioners will hold its next staff meeting on Thursday, September 23, 2021, at 8:30 a.m. in Room 113 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will conduct interviews for the Youth Services Director position on Friday, September 24, 2021, at 8:30 a.m. in Room 113 (Bill Luxford Studio) 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 28, 2021, 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](mailto:commish@lancaster.ne.gov).
- E. The Lancaster County Board of Commissioners meeting is broadcast live on LNKTv City. For the rebroadcast schedule visit [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: LNKTv). Meetings are also streamed live on LNKTv and can be viewed on YouTube (LNKTvcity).

8) **ADJOURNMENT**

**MOTION:** Schorr moved and Flowerday seconded to adjourn at 10:00 a.m.

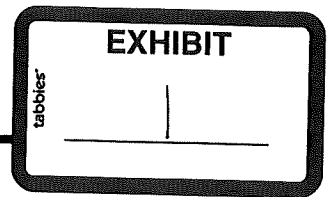
Nolte read the announcements.

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



Dan Nolte  
Lancaster County Clerk





**Leslie E. Brestel**

**From:** Justin L. Daniel  
**Sent:** Monday, September 20, 2021 1:50 PM  
**To:** Leslie E. Brestel  
**Cc:** Nancy K. Ghilarducci  
**Subject:** RE: SDL licenses: Seven Diamonds, event 10-9-21

Health Department approves.

Justin L. Daniel, REHS, CP-FS  
Environmental Health Supervisor  
Lincoln-Lancaster County Health Department  
402-441-8033 (phone)  
402-441-6206 (fax)

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**From:** Leslie E. Brestel <LBrestel@lancaster.ne.gov>  
**Sent:** Thursday, September 16, 2021 2:34 PM  
**To:** Amy L. Shandera <AShandera@lancaster.ne.gov>; Barbi M. Loschen <bloschen@lancaster.ne.gov>; Candace L. Berens <CBerens@lancaster.ne.gov>; David A. Derbin <DDerbin@lancaster.ne.gov>; Kristy R. Bauer <KBauer@lancaster.ne.gov>; David R. Cary <dcary@lincoln.ne.gov>; Greg R. Topil <gtopil@lincoln.ne.gov>; Jenifer T. Holloway <JHolloway@lancaster.ne.gov>; Justin L. Daniel <jdaniel@lincoln.ne.gov>; Karen L. Wilson <KWilson@lancaster.ne.gov>; Larry L. Legg <LLegg@lancaster.ne.gov>; Nancy K. Ghilarducci <NGhilarducci@lincoln.ne.gov>; Robert K. Simmering <RSimmering@lincoln.ne.gov>; Steve S. Henrichsen <shenrichsen@lincoln.ne.gov>; Terry A. Kathe <tkathe@lincoln.ne.gov>; Tom J. Cajka <tcajka@lincoln.ne.gov>  
**Cc:** County Board Agenda <CBagenda@lancaster.ne.gov>  
**Subject:** SDL licenses: Seven Diamonds, event 10-9-21

Attached is an SDL application received today from Seven Diamonds for an event at Hillside Events on October 9, 2021. Due to the timing of the SDL application requirements for Liquor Control, this application will be placed on this **upcoming Tuesday Board of Commissioners agenda, September 21, 2021**. Please have recommendations returned to [cbagenda@lancaster.ne.gov](mailto:cbagenda@lancaster.ne.gov) by 1:00pm tomorrow, Friday, September 22, 2021 for inclusion on the agenda link.

If your department will have a denial, concerns or questions about the event, please plan on attending the Board meeting.

*Leslie Brestel*  
Administrative Services Officer  
Lancaster County Clerk's Office  
555 S. 10th St., Room 108  
Lincoln, NE 68508  
402-441-6336