

**MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY SEPTEMBER 26, 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 22, 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; John Ward, Deputy County Attorney; Matt Hansen, County Clerk; and Meggan Reppert-Funke, County Clerk's Office

Yoakum called the meeting to order at 9:00 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 September 19, 2023.

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

2) CLAIMS

A. Approval of the claims processed through September 26, 2023.

The Clerk noted there was an amendment to the payroll claim (Exhibit 1).

MOTION: Vest moved and Amundson seconded approval of the claims as amended to pay claims through September 26, 2023 and payroll disbursements through September 20, 2023. Flowerday, Vest, Amundson, Schulte and Yoakum voted yes. Motion carried 5-0.

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

1. Clark Enersen Partners dated September 20, 2023, for a total of \$750. (Batch 299171; Document 819631)

MOTION: Amundson moved and Vest seconded approval of the claim. Schulte, Flowerday, Vest, Amundson 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. Right-of-way contracts with the following:

1. Jeffrey and Trisha Kubik, South 54th and Stagecoach Road, in the total amount of \$713. (Project 23-21 / S-077) (C-23-0765) (C-23-0766)
 2. Douglas D Faehnrich, South 54th Street and Gage Road, in the amount of \$3,210. (Project 22-30 / X-006) (C-23-0767)
 3. Essink Family Trust, South 148th Street and Pella Road, in the amount of \$565. (Project 22-28 / Y-361) (C-23-0768)
 4. John J and Nancy L Becker Family Revocable Trust and Menke Revocable Trust, Southwest 114th Street and West Wittstruck Road, in the amount of \$2,160. (Project 22-30 / U-119) (C-23-0770)
- B.** Utility Permit 2405 allowing Bauer Underground Inc, under project management of JEO Consulting Group Inc, to install underground duct work for future installation of communication cable for ARPA Broadband Phase II, Run 6. (Installation starts at the intersection of South 148th Street and Old Cheney Road, running west on the north side of Old Cheney Road to the intersection of South 98th Street, and starts at the intersection of South 120th Street and Old Cheney Road, running north on the west side of South 120th Street to the intersection of South 120th Street and Pioneers Boulevard.) (C-23-0771)
- C.** Utility Permit 2406 allowing Bauer Underground Inc, under project management of JEO Consulting Group Inc, to install underground duct work for future installation of communication cable for ARPA Broadband Phase II, Run 7. (Installation starts at the Village of Holland, continuing north with South 96th Street to Hickman Road and heading west to the intersection of South 68th Street.) (C-23-0772)
- D.** Utility Permit 2407 allowing Bauer Underground Inc, under project management of JEO Consulting Group Inc, to install underground duct work for future installation of communication cable for ARPA Broadband Phase II, Run 8. (Installation starts at the intersection of South 68th Street and Hickman Road, continuing north with South 68th Street to the intersection of the new South Beltway and at the intersection of South 68th Street and Roca Road, going west with Roca Road to the Village of Roca.) (C-23-0773)
- E.** Utility Permit 2408 allowing Bauer Underground Inc, under project management of JEO Consulting Group Inc, to install underground duct work for future installation of communication cable for ARPA Broadband Phase II, Run 9. (Installation starts at the intersection of South 68th Street and the South Beltway, running north through the road shift to South 70th Street and continuing north with South 70th Street to Yankee Hill Road.) (C-23-0774)

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

4) PUBLIC HEARING

- A.** Setting the final tax request at a different amount than the prior year tax request. (See correlating Item 5A.)

Yoakum opened the public hearing.

The Clerk administered the oath to Dennis Meyer, Budget and Fiscal Director. Meyer explained the statutory requirements for adoption of the resolution under item 5A and described the budget process. Meyer discussed how higher valuations and the County's levy affect tax revenues.

Flowerday asked why the rural library budget is separated from the main budget. Meyer answered it is separate because it uses the fifteen-cent fund. Schulte asked what is included in the rural library area, and Meyer answered areas outside the City of Lincoln.

Yoakum closed the public hearing.

- B. Vacation of a portion of Branched Oak Road between North 27th Street and North 40th Street, located in Lancaster County, Nebraska.

Yoakum opened the public hearing.

The Clerk administered the oath to John Berry, Chief Deputy County Surveyor. Berry described the location of the proposed vacated road and provided photos (Exhibit 2). He stated it would be expensive to build a standard road at the location. About seventeen people use the road per day. Flowerday asked if the County has contacted local property owners, and Berry answered yes.

The Clerk administered the oath to Pam Dingman, County Engineer. Dingman said one of the property owners who built a house on the road was told by a realtor the County would improve the road, which is untrue. Dingman listed the reasons against improving the road. She said she had discussions with the Village of Davey, and it was decided to vacate the road between two properties.

Flowerday asked if there would be value in delaying the vacation. Dingman said the property owner who built a house on the road was currently living there and that he had access to and from the property even with the vacation. Dingman showed the vacation area on the map on Exhibit 2. Berry noted the Village of Davey would also maintain access to areas they need.

The Clerk administered the oath to Zachary Benesch, a landowner in the affected area. He showed where his property is located on Exhibit 2. He stated he uses the road often for farming. He asked the Board to not vacate the road. He said there was not discussion of closing the road until a house was built on it.

Yoakum asked Benesch to discuss the safety of using farm equipment on the road. Benesch answered people know the area and drive slowly. There is a hill on the road, but the slope makes it easy to see oncoming vehicles.

Vest asked if Benesch is okay with the road being a minimum maintenance road, and Benesch answered yes. Vest asked if he would need to take longer routes if the road was vacated, and Benesch answered yes.

Amundson asked if the road was wide enough for large farm equipment, and Benesch answered yes. He described the process of two vehicles passing each other. Amundson asked if he uses semis on the road, and Benesch answered yes. Amundson asked Dingman to describe maintenance required of a minimum maintenance road and the requirements of designating a road as a minimum maintenance road, and Dingman complied. She noted it would be too expensive to gravel the road.

Board members continued to ask Dingman about options for the road. Dingman stated she proposed no changes to the road that would be vacated, and that the road would be absorbed by local property owners.

Benesch stated a compromise would be to gravel the road up to the houses on the road to maintain access.

Yoakum closed the public hearing.

5) NEW BUSINESS

- A. Resolution in the matter of setting the 2023-24 property tax request for Lancaster County and the Rural Library for Lancaster County at a different amount than that of the prior year. (R-23-0075)

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

- B. Bylaws establishing the Assemble Lincoln Standing Committee.

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

Eliot Bostar, State Senator for Legislative District 29, and Kenneth Zoeller, Director of the Governor's Policy Research Office, described the origins and purpose of the Assemble Lincoln Standing Committee. The main goal is to use funding from a recently passed state law to build a convention center in Lincoln. The new law requires a public entity to own the project, and this committee would be that entity.

Flowerday discussed the collaboration in creating the committee. Yoakum noted the County will benefit from a new convention center but not have to use County taxpayer funds.

Schulte asked if there are benefits to residents outside the City of Lincoln. Bostar said those residents would drive in to use the convention center and that it would financially benefit the whole County. Zoeller added a convention center would bring in tax dollars from outside the County and State.

Schulte asked how management of a convention center would work. Bostar answered the committee would have a Request for Proposals for a private company to manage it. Zoeller said these discussions would take place in a public setting through the committee.

Schulte suggested requiring a member of the committee who represents the County outside of Lincoln. Flowerday said he did not support changing the bylaws.

Vest stated he supports a new convention center and thanked all those involved in the project.

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

- C. Appointment of a County Commissioner to the Assemble Lincoln Standing Committee pursuant to Paragraph 3.1 of the Bylaws.

MOTION: Amundson moved and Vest seconded appointing Flowerday to the committee. Schulte, Flowerday, Vest, Amundson and Yoakum voted yes. Motion carried 5-0.

- D. Resolution setting a public hearing regarding the vacation of portions of right-of-way east of the intersection of Northwest 40th Street and West Vine Street, more particularly described in Exhibit "A," and located in Lancaster County, Nebraska. (R-23-0077)

Berry said the areas are within the City of Lincoln's jurisdiction and it has already acted to vacate. The road has been used as a driveway for over fifty years. He provided a map of the area (Exhibit 3).

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

- E. Resolution in the matter of authorizing the County Engineer to reopen and update load posting signs for Bridge X-9 (located 1,950 feet north of Pella Road on South 25th Street in Lancaster County). (R-23-0076)

Dingman displayed a map of the area (Exhibit 4) and described the need for the resolution. The bridge was closed due to damage to a beam from a vehicle that was too heavy. The bridge was reevaluated and can reopen but with a lesser load posting. Dingman said an orange flag can be placed above the sign to draw attention to it. Schulte asked what the repercussions are for driving a heavy vehicle over a bridge, and Dingman answered drivers can be ticketed and fined.

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

- F. Recommendation from the County Engineer to award and execute a purchase order to NMC - Lincoln for the purchase of two 2023 or newer motor graders in the amount of \$657,682. (Model 140-15A. Sourcewell Contract 011723-CAT, two County owned machines are being traded-in.) (C-23-0775)

Ed Lahmann, Facilities Manager, stated the purchase would include a trade in from currently owned motor graders. He displayed a picture of a motor grader (Exhibit 5). The recommendation is to purchase two motor graders that the Engineer's Office has allocated in the budget.

MOTION: Amundson moved and Schulte seconded approval of the recommendation.

Vest asked how many days of the year motor graders are used. Lahmann answered four to five days out of the workweek. Dingman noted Lahmann was able to negotiate a high trade in value for the current vehicles. Amundson asked where the vehicles will be garaged, and Lahmann said they are moved around depending on various factors. Dingman further explained how often the vehicles are used and where they are garaged. She noted the new vehicles are safer for employees and for the public.

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

- G. Network Provider contract with Regional Behavioral Health Authority to reimburse Lancaster County for mental health services provided by the Mental Health Crisis Center. The County will be reimbursed up to \$1,438,808 during a 12-month period beginning July 1, 2023 and ending June 30, 2024. (C-23-0776)

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

- H. Memorandum of Understanding with Snap-on Industrial for vehicle lifts with garage and fleet maintenance equipment. The estimated cost to the County is not to exceed \$20,000. (The term is upon execution through April 13, 2024. The County has the option to renew for one (1) additional one (1) year term. Sourcewell Contract 013020-SNP, MOU173.) (C-23-0777)

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

- I. Memorandum of Understanding with Allsteel LLC for furniture, installation, and related services. The estimated cost to the County is not to exceed \$25,000. (OMNIA/Region 4 Education Service Center (ESC) Contract R191802, MOU170. The term is upon execution through April 30, 2024, and conclusion of the initial term with the option to renew for one additional one year term.) (C-23-0769)

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

- J. Name Change Endorsement from Empower Annuity Insurance Company pertaining to all policies, certificates, contracts, and agreements between Prudential Retirement Insurance and Annuity Company and the County of Lancaster, Nebraska, effective October 3, 2023. (The Endorsement changes the name from Prudential Retirement Insurance and Annuity Company to Empower Annuity Insurance Company and updates the mailing address and officer names and signatures.)

MOTION: Vest moved and Flowerday seconded approval of the name change endorsement. Flowerday, Vest, Amundson, Schulte 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.

Ken Anderson, Douglas County resident, expressed concerns with electronic voting machines and voting software.

7) ANNOUNCEMENTS

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 28, 2023, at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board will be conducting interviews for the Youth Services Center Director position on Monday, October 2, 2023, at 8:00 a.m. in Room 113 of the County-City Building (555 S. 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will hold its regular meeting on Tuesday, October 3, 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.
- 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 10:11 a.m. Schulte, Flowerday, Vest, Amundson and Yoakum voted yes. Motion carried 5-0



Matt Hansen
Lancaster County Clerk

