

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 27, 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 23, 2022.

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

Others present: Dave Derbin, Chief Administrative Officer; Kristy Bauer, Deputy Chief Administrative Officer; Candace Berens and John Ward, Deputy County Attorneys; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; Leslie Brestel and Megan Reppert-Funke, County Clerk's Office

The meeting was called to order at 9:02 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 20, 2022.

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

2) CLAIMS

A. Approval of the claims processed through September 27, 2022.

The Clerk noted there was an amendment to the claims for payroll ending September 21, 2022 (Exhibit 1).

MOTION: Yoakum moved and Vest seconded approval of the claims as amended. Vest, Amundson, Yoakum and Schorr voted yes. Flowerday was absent. Motion carried 4-0.

B. Approval of claims to the Clyde Malone Community Center in the amounts of \$585 and \$6,705.60. (Batch No. 285225, Document No. 779616 and Batch No. 285333, Document No. 779750-751)

MOTION: Vest moved and Amundson seconded approval of the claims. Vest, Amundson and Schorr voted yes. Yoakum abstained. Flowerday was absent. Motion carried 3-0 with one abstention.

C. Approval of claims to El Centro de las Americas in the amounts of \$9,289.03 and \$64.14. (Batch No. 285334, Document No. 779752 and Batch No. 285423, Document No. 779956)

MOTION: Amundson moved and Vest seconded approval of the claims. Amundson, Vest and Schorr voted yes. Yoakum abstained. Flowerday was absent. Motion carried 3-0 with one abstention.

Flowerday entered the meeting at 9:05 a.m.

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-20-0064 with Operation Veterans Encouraging Recovery (OVER) to provide transitional housing for Lancaster County Veterans Treatment Court participants. (The amendment extends the contract to September 30, 2023.) (C-22-0767)
2. C-17-0893 with Ray O'Herron Co., Inc. for Corrections' uniform accessories. (The amendment renews the contract until November 20, 2025. The cost to the County shall not exceed \$1,000.) (C-22-0764)
3. C-20-0077 with Unipro Foodservice, Inc., the Multi-Unit Group and Cash-Wa Distributing Company for food products and distribution with related equipment, supplies and services. (Using the Sourcewell (Formerly NJPA) Contract #112917-MUG, State of Nebraska Participating Addendum No. 15060 OC; MOU065. The amendment extends the MOU from October 23, 2022 through January 22, 2023. The estimated cost to the County is not to exceed \$5,000.) (C-22-0765)
4. C-19-0717 with Gana Trucking & Excavating for the annual service of motor grader snow removal services. (Bid No. 19-207. The amendment renews the contract for an additional one (1) year term beginning September 24, 2022 through September 23, 2023. The cost to the County is not to exceed \$45,000 for all contracts.) (C-22-0780)
5. C-19-0718 with K2 Construction for the annual service of motor grader snow removal services. (Bid No. 19-207. The amendment renews the contract for an additional one (1) year term beginning September 24, 2022 through September 23, 2023. The cost to the County is not to exceed \$45,000 for all contracts.) (C-22-0781)

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

1. Dayton L. & Sharon Layman, South 134th Street and Pine Lake Road, in the amount of \$180. (Project 21-42 / Q-110) (C-22-0774)
2. Melvin A. Peterson Revocable Trust, North 176th Street and Branched Oak Road, in the total amount of \$1,622. (Project 23-20 / A-177 and A-178)(two contracts) (C-22-0776) (C-22-0777)
3. Milan H. & Marjean M. Schweitzer, Northwest 84th Street and West Bluff Road, in the amount of \$631. (Project 23-20 / E-257) (C-22-0778)

C. Utility Permit 2279 allowing Lincoln Electric System (LES) to install new power poles in various locations throughout the County. (C-22-0763)

D. Change Order No. 1 to County Contract C-22-0451 with Mount Farm Drainage, LLC due to a plan revision for structure Y-342. (Bid No. 22-133; Project No. 22-27. The total increase to the County is not to exceed \$4,778.44) (C-22-0775)

E. Grant contract with Family Violence Council for the Coordinated Response to Reducing Domestic Violence program funded by the Violence Against Women Act (VAWA) in the amount of \$11,270. (The term of the contract is July 1, 2022 through June 30, 2023.) (C-22-0769)

F. Amendment to Grant Contract C-21-0587 with Lighthouse, Inc. for the StrengthsFinder program. (Funding is from the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Aid Grant for an increase of \$6,148.68.) (C-22-0770)

G. Setting a public hearing on Thursday, October 13, 2022 at 6:30 p.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding the One and Six-Year Road and Bridge Improvement Program.

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

4) OLD BUSINESS

- A.** 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: Yoakum moved and Flowerday seconded to reconsider the vote on the motion to adopt County Resolution R-22-0083 in the matter of amending Article 1, Section 6 of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. Flowerday, Vest, Amundson, Yoakum and Schorr voted yes. Motion carried 5-0.

MOTION: Yoakum moved to postpone the vote on County Resolution R-22-0083 until November 29, 2022.

Flowerday offered a friendly amendment to delay the vote 45 days versus 60 days based on a previous discussion he had with representatives from the Lincoln-Lancaster County Health Department.

Yoakum withdrew the motion. Flowerday concurred.

MOTION: Yoakum moved and Vest seconded to postpone the vote on County Resolution R-22-0083 until the first County Board meeting following 45 days.

Vest explained that sometimes issues arise whereby the Board needs additional time to develop a better understanding of an item before taking action. He felt a delay was appropriate in this case.

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

NOTE: The first County Board meeting following a 45-day postponement would be November 15, 2022.

5) PUBLIC HEARING

- A.** 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 6A)

The Chair opened the public hearing.

Dennis Meyer, Budget and Fiscal Officer, was administered the oath. He stated a public hearing on the County's proposed budget was held on Tuesday, August 23, 2022 and the budget was adopted later that day. This year a joint public hearing on proposed property tax increases was held on Thursday, September 22, 2022, although, Lancaster County was not required to participate since its property tax request was less than 4.13%. Meyer said Lancaster County property tax dollars are increasing 2.72% and the tax levy will decrease 1.2%. The Rural Library tax dollars are decreasing 1.65% and the tax levy will decrease 1.3%. He also noted that Lancaster County property valuations increased 4.01% and Rural Library valuations increased 2.98%. Meyer said last year's total County levy was .264076 and this year's is .260814. If the tax dollars would have remained the same as last year, the levies for the County and Rural Library would have been .253907 and .015362, respectively. It was noted the County's total operating budget is increasing by 11.98%.

Vest questioned whether the 11.98% increase in the budget is due to the receipt of a significant amount of American Rescue Plan Act (ARPA) funds. Meyer stated ARPA funds are one factor. The budget also reflects increases for union contracts, medical costs and court-appointed counsel.

Meyer provided a brief summary of the joint public hearing. The four participants included the City of Hickman, Raymond Central Public Schools, Waverly Public Schools and Southeast Community College.

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

The Chair closed the public hearing.

6) NEW BUSINESS:

- A.** Resolution in the matter of setting the 2022-23 property tax request for Lancaster County and the Rural Library for Lancaster County at a different amount than that of the prior year. (R-22-0090)

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

- B.** 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-22-0089)

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

- C.** Resolution authorizing the installation of traffic intersection warning signs (CROSS ROAD) at South 134th Street and Princeton Road. (R-22-0092)

Pam Dingman, County Engineer, stated a study of the intersection was performed and it was determined a sign is needed. She presented a map of the area (Exhibit 2).

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 designating Asplund Cemetery, located northeast of North 84th Street and Agnew Road, Lancaster County, Nebraska as an abandoned or neglected pioneer cemetery. (R-22-0091)

Gerald D. Johnson stated he was related to the families that started the Asplund Cemetery and he provided a document that included some historical information (Exhibit 3). The record shows 52 people are buried at the Asplund Cemetery with the last burial occurring in 1961.

The Board thanked Johnson for bringing the matter to the County for consideration.

MOTION: Vest moved and Yoakum seconded approval of the resolution.

Brent Meyer, Weed Control Authority Superintendent, noted that Lancaster County currently maintains six abandoned cemeteries (County Poor Farm, Highland, Uphoff, Jordan, Dietz and Evangelical) and felt Asplund Cemetery meets the criteria of a pioneer cemetery. He added while the law requires pioneer cemeteries to be mowed once before Memorial Day, he will work to secure better maintenance than the minimum required.

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

- E.** Resolution in the matter of approving an Interlocal Cooperation Agreement with local rural fire districts to obtain a radio communication needs assessment. (R-22-0088)

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

- F.** Interlocal Cooperation Agreement with local rural fire districts to obtain a radio communication needs assessment using American Rescue Plan Act (ARPA) of 2021 funds. Funding shall not exceed \$100,000, including any necessary legal fees. (C-22-0766)

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

G. Special Interlocal agreements with the following school districts for the provision of a school resource officer by the Lancaster County Sheriff's Office for the term of August 1, 2022, to July 31, 2025:

1. Malcolm School District 148. (The school agrees to pay the County \$20,712.33 for the first year of the contract with a 3% increase each contract year thereafter.) (C-22-0782)
2. Norris School District 160. (The school agrees to pay the County \$41,424.65 for the first year of the contract with a 3% increase each contract year thereafter.) (C-22-0783)
3. Raymond Central School District 161. (The school agrees to pay the County \$20,712.33 for the first year of the contract with a 3% increase each contract year thereafter.) (C-22-0784)
4. Waverly School District 145. (The school agrees to pay the County \$41,424.65 for the first year of the contract with a 3% increase each contract year thereafter.) (C-22-0785)

Ben Houchin, Chief Deputy Sheriff, stated the agreements are the same as last year except for an annual 3% increase for each contract year. Resource officers' overtime will also be submitted and paid by the Lancaster County Sheriff's Office (LSO) and then invoiced to the school districts.

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

H. Interlocal Agreement with the City of Lincoln for the City and County to grant American Rescue Plan Act (ARPA) funds to local nonprofit tourism organizations who have suffered economic harm as a result of the COVID-19 pandemic. (C-22-0771)

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

I. Special Designated License application from Code Beer Co. LLC for an event at Prairie Creek Inn, 2400 South 148th Street, Walton, Nebraska, on October 14, 2022.

NOTE: Recommendations from the Lincoln-Lancaster County Health Department and Lancaster County Sheriff's Office were provided to the Board before the meeting (Exhibit 4).

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

J. Contracts granting American Rescue Plan Act (ARPA) funds to the following organizations:

1. Camp Creek Antique Machinery and Threshing Association, Inc., in the amount of \$25,000. (C-22-0772)
2. Lincoln Children's Zoo in the amount of \$642,000. (C-22-0773)

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

K. Grant Contract to reimburse Lincoln Calling for promotional costs from the Visitors Promotion Fund in an amount not to exceed \$5,000. (C-22-0768)

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

L. Agreement with Baylor Evnen PC to provide professional legal services to Lancaster County. (C-22-0779)

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

- M. Reappointment of Susan Tatum to the Keno Human Services Advisory Board for a three-year term commencing January 1, 2023 and ending December 31, 2025.

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

- N. Ratification of a Standby Letter of Credit Application and Continuing Reimbursement Agreement with US Bank, executed by the Budget and Fiscal Officer on September 22, 2022.

The Clerk noted the item is to be held.

- O. Documents related to binding of insurance coverage for Lancaster County:

1. Client Authorization to Bind General Liability and Excess Workers Compensation Coverage
2. Policyholder Disclosure: Notice of Terrorism Insurance Coverage

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

- P. Lancaster County Non-Discrimination and Interconnection Policies.

Mikayla Johnson, Grant Coordinator, Budget and Fiscal Office, stated the policies are a requirement from the National Telecommunications and Information Administration (NTIA) and apply to the County's fiber-based middle mile infrastructure project. She noted the document has been reviewed and approved by legal counsel.

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

- 7) **PUBLIC COMMENT:** Those wishing to speak on items relating to County business not on the agenda may do so at this time.

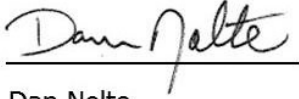
No one appeared for public comment.

8) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 29, 2022 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 its next regular meeting on Tuesday, October 4, 2022, beginning at 9:30 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will be conducting a strategic planning session with BerryDunn on Tuesday, October 11, 2022, at 11:00 a.m., at the County Attorney's Conference Room, 575 South 10th Street Room A225, 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/lincolinnebraska. In addition, LNKTv apps are available on Roku, Apple TV and Amazon Fire TV.

9) ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn at 9:40 a.m. Yoakum, Flowerday, Vest, Amundson and Schorr voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

