

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 25, 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 October 21, 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; 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 9:03 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 October 18, 2022.

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

2) CLAIMS

A. Approval of the claims processed through October 25, 2022.

The Clerk noted there was an amendment to the claims for payroll ending October 19, 2022 (Exhibit 1).

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

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

- 1.** Redwood Toxicology dated October 14, 2022, for a total of \$469.85. (Batch No. 286216; Document No. 782493)

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

C. Approval of a claim to Rabble Mill (The Bay) in the amounts of \$28,501.64. (Batch No. 286125, Document No. 780918-919)

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

- D. Approval of a claim to El Centro de las Americas in the amounts of \$9,017.12. (Batch No. 286135, Document No. 782342)

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

- E. Approval of claims to Clyde Malone Community Center in the amounts of \$12,973.91. (Batch No. 286128, Document No. 782327-328; Batch 782635-636, Document No. 782635-636)

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

- F. Approval of a claim to The Mediation Center in the amounts of \$6,792.50. (Batch No. 286405, Document No. 782828-829)

MOTION: Amundson moved and Flowerday seconded approval of the claim. Yoakum, Flowerday, Amundson and Schorr voted yes. Vest 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. Amendment to the following County contract C-19-0317 with Vigilnet America LLC for electronic offender monitoring services. (Using the Washington County, Oregon Contract No. BCC 18-1203 MOU053. The amendment extends the contract from November 1, 2022 through September 30, 2023. The estimated cost to the County is not to exceed \$31,000.) (C-22-0830)
- B. Right-of-way contracts with the following:
 - 1. Catherine E. Long Revocable Living Trust, Northwest 112th Street and West Agnew Road, in the amount of \$631. (Project 23-20 / D-212) (C-22-0828)
 - 2. VRM LLC, Northwest 105th Street and West Superior Street, in the amount of \$1,487. (Project 23-20 / M-1510) (C-22-0831)
- C. Amendment to Grant Contract C-21-0640 with Lincoln Public Schools for the Truancy Diversion program. (Funding is from the Nebraska Commission on Law Enforcement and Criminal Justice Community-based Aid Grant for an increase of \$2,886.21.) (C-22-0829)
- D. Received and placed on file the Mileage reimbursement report (June 2022 – September 2022)
- E. Setting a public hearing on Tuesday, November 1, 2022 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln, Nebraska) regarding Health Department amendments to various sections and appendices of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards.

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

4) **UNFINISHED BUSINESS**

- A. 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)

Vest summarized that the 50-foot right-of-way is to be vacated and split into two parcels which will revert to private ownership. The north twenty-five feet will go to the landowner to the west and the south twenty-five feet will go to the landowner to the south. John Ward, Deputy County Attorney, confirmed Vest's statement was correct.

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

5) NEW BUSINESS:

- A.** Resolution regarding Comprehensive Plan Conformance No. 22015: Adopting the One- and Six- Year Road and Bridge Construction Program for Lancaster County for fiscal years 2022 and 2023-2028. (R-22-0107)

The Clerk announced that emails were received from Joe and Tamra Mick, Dave and Jolene Allen and Alex Dierks regarding various road and bridge concerns (Exhibit 2).

Pam Dingman, County Engineer, explained the One- and Six-Year Road and Bridge Construction Program resolution is typically presented a few weeks after the public hearing to allow time for the public to submit concerns. She explained that a summary from the Planning Department and the power point that was presented at the hearing have been included in the resolution.

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

- B.** Resolution in the matter of signing the County Annual Certification of Program Compliance to the Nebraska Board of Public Classifications and Standards. (R-22-0101)

Dingman stated the annual certification is needed for Lancaster County to receive highway allocations funds and to follow Nebraska Board classification and standards.

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

- C.** Resolution setting a public hearing regarding the vacation of the East-West alley between Lincoln St. and Showers Street, Block 8, Cheney, more particularly described in Exhibit "A," and located in Lancaster County, Nebraska. (R-22-0108)

John Berry, County Engineering Chief Deputy Surveyor, stated the Lincoln City Council approved the vacation of the East-West alley as it is within the three-mile zoning jurisdiction of the City of Lincoln.

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

- D.** Resolution accepting maintenance responsibilities for certain roads and streets located within West Van Dorn Estates and West Van Dorn Estates 1st and 2nd Additions. (R-22-0109)

Berry stated a request has been made and the requirements have been met for Lancaster County to take over maintenance of 5,500 feet of gravel and rock roads in the West Van Dorn Estates area.

Dingman reminded the County Board that the County Engineering Department currently maintains subdivision roads for over 3,000 residential lots and there is no funding available to continue taking on these maintenance responsibilities. Flowerday agreed with the County Engineer.

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

- E. Agreement with the Board of Regents for the University of Nebraska-Lincoln, for UNL to perform bridge testing at County Bridge D041 located on Northwest 70th Street over North Oak Creek. There is no cost to the County. (C-22-0832)

Dingman presented a map showing the locations of all closed bridges including Bridge D041 which is permanently closed (Exhibit 3). She stated the University's destructive testing helps the Engineering Department to gain knowledge on bridge structural maintenance. The testing is done on bridges that are permanently closed with no intent of ever being repaired.

Schorr asked what destructive testing means. Dingman stated a section of the bridge will be removed and gauges will be positioned to test for strain on the bridge.

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

- F. Recommendation from the Purchasing Agent and County Engineer to award and execute purchase orders for supplying and hauling crushed rock surface coarse material to the following (Bid No. 22-214):
 1. Westover Rock & Sand, Inc., in the amount of \$406,895. (C-22-0825)
 2. R L Tiemann Construction in the amount of \$720,120. (C-22-0826)

Dingman stated the recommendation is one of the two rock bids for the current budget year.

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

- G. Recommendation from the Purchasing Agent and County Engineer to award and execute a purchase order to Gana Trucking & Excavating for supplying and hauling Type B Rock Riprap Material in the amount of \$25,410. (Bid No. 22-217) (C-22-0827)

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

- H. In the matter of declaring a disaster or emergency pursuant to Neb. Rev. Stat. § 81-829.50 in response to rapidly spreading fires in Lancaster County (D-22-0001)

MOTION: Vest moved and Amundson seconded to approve the Emergency Declaration.

Flowerday stated the declaration is a request for state aid. He added currently Lancaster County has not asked for the funds because damage to bridges and infrastructure is still being surveyed. If the total damage reaches \$1,300,000 then the County could receive reimbursement from FEMA (Federal Emergency Management Agency).

Dingman confirmed that the County Engineering Department is still evaluating damages and tracking the data. She also wanted to thank her staff for its hard work during this difficult time.

Flowerday also thanked the Lancaster Event Center, various departments, volunteers and the Lancaster community for their effort and support.

ROLL CALL: Vest, Amundson, Yoakum, Flowerday and Schorr 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.

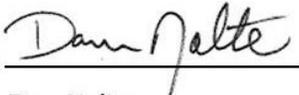
Alex Dierks and Ben Akridge, citizens, addressed concerns with the safety, maintenance and traffic along North 162nd Street.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, October 27, 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, November 1, 2022, 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).
- C. County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- D. 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/LNKTv/city and 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 9:37 a.m. Flowerday, Vest, Amundson, Yoakum and Schorr voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

