

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 1, 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 28, 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; Leslie Brestel and Meggan Reppert-Funke, County Clerk's Office

The meeting was called to order at 9:01 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 25, 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 November 1, 2022.

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

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

1. Baylor Evnen Curtiss dated October 26, 2022, for a total of \$2,030.50. (Batch No. 286616; Document No. 783057)

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

C. Approval of a claim to the Clyde Malone Community Center in the amount of \$630. (Batch No. 286504, Document No. 782947)

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

D. Approval of a claim to the Indian Center Inc in the amount of \$7,500. (Batch No. 286534, Document No. 782993)

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

3) SPECIAL PRESENTATION

- A. In recognition and honor of the local first responders and everyday citizens who selflessly heeded the call to service on October 23, 2022.

The Clerk read the proclamation into the record.

Jim Davidsaver, Emergency Management Director, thanked everyone not only for their selfless efforts on October 23, but for the time and personal sacrifices they provide every day to protect and serve the Lancaster County community.

Terry Wagner, County Sheriff, thanked Lincoln Public Schools for helping people who were displaced by the fires, the farmers who created the fire breaks, his staff, firefighters and all agencies involved. He also gave a special thanks to Deputy John Brady for transporting the injured firefighter from the scene of the accident to emergency medical care.

Pam Dingman, County Engineer, thanked her staff for volunteering to help. She provided a picture showing their efforts (Exhibit 1) and stated that they continue to survey damage and move debris.

Chief Jim Densberger, Malcolm Fire Department, introduced Chief Ryan Skillett, Hallam Fire Department. Skillett thanked all participating fire departments, the Emergency Management Department and area farmers for their assistance, as well as the Crete Assistant Fire Chief for his help in taking command of the North Division. Densberger also thanked outside agencies from the surrounding counties.

Assistant Fire Chief James Yost, Crete Fire Department, added that he was very pleased with the way all departments responded and worked together. He also thanked Deputy Brady for transporting firefighter Brad Elder to medical care.

Schorr thanked Yost for his efforts and presented him with a signed copy of the proclamation.

Flowerday read a statement of thanks into the record (Exhibit 2).

The Board also recognized those in attendance who assisted with the October 23 fires.

- 4) **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 County contract C-22-0662 with Alfred Benesch & Company for professional engineering services on the County's ARPA culvert maintenance project. (The amendment increases the contract price by \$6,184.94 to accurately reflect the project estimate.) (C-22-0848)
- B. Right-of-way contracts with the following:
 - 1. Kenneth J. Timmerman, North 176th Street and Van Dorn Street, in the amount of \$824. (Project 23-20 / J-029) (C-22-0844)
 - 2. Eleanor M. Novotny, Northwest 112th Street and West Agnew Road, in the amount of \$271. (Project 23-20 / D-212) (C-22-0845)
 - 3. J. Steve Nordstrom Revocable Trust, North 98th Street and Rock Creek Road, in the total amount of \$1,478. (Project 23-20 / B-024) (two contracts) (C-22-0846) (C-22-0847)
- C. Received and placed on file the County Treasurer 2020 distress warrants.

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

5) PUBLIC HEARING

- A. Health Department amendments to various sections and appendices of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS). (See correlating item 6A)

The Chair opened the public hearing.

Gary Bergstrom, Environmental Health Supervisor, Lincoln-Lancaster County Health Department, was administered the oath. He stated the amendments are to ensure the County Air Pollution Control Program Regulations and Standards are consistent with State Statutes and Regulations and Federal Regulations. All amendments have been approved and recommended by the Air Pollution Control Advisory Board and the Board of Health.

Vest asked if there were any large changes. Bergstrom stated the most significant is the addition of a new hazardous air pollutant which will largely impact the business industry, although, many businesses are already finding less hazardous alternatives.

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 amending Article 1, Section 7, Article 2, Sections 1, 18, 21, 23, 26, 27, 28, and 34, and Appendices II and III of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS). (R-22-0110)

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

- B. Resolution to strike from the tax list certain distress warrants listed as uncollectable by the County Treasurer submitted to the Board. (R-22-0111)

The Clerk stated the Clerk's Office has received an amended copy to reflect the 2021 year (Exhibit 3).

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

Flowerday inquired about the properties on list.

Rachel Garver, County Treasurer, stated two-thirds of the properties are mobile homes. The remaining properties include owners who are unable to be located or are deceased and dissolved corporations.

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

- C. Proclamation in recognition and honor of the local first responders and everyday citizens who selflessly heeded the call to service on October 23, 2022.

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

- D. Designation of Sharon Mulder as County Purchasing Agent, effective October 15, 2022.

Sharon Mulder, Assistant Purchasing Agent, introduced herself to the Board. The Board welcomed Mulder and thanked her for filling in as County Purchasing Agent.

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

- E. Space rental agreement with the Lincoln Fire Fighters Reception Hall in conjunction with the July 2023 in-person property valuation protests. The cost to the County is \$500 per day of use. (C-22-0833)

Schorr inquired about the number of rental dates.

Leslie Brestel, Administrative Services Officer, County Clerk's Office, stated the agreement is for in-person referee hearings related to 2023 property valuation protests. She added the number of rental dates will be determined by the number of protests filed and hearing requests.

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

- F. Nebraska Emergency Management Agency 2022 Sub-Recipient Agreement for Lancaster County in the amount of \$134,979.38 as part of the 2022 Emergency Management Performance Grant for the period of July 1, 2022 to June 30, 2023. (Award No. 22-SR 8732-01) (C-22-0843)

Daidsaver stated the agreement is part of the annual process for Emergency Management Performance Grant funds. The grant covers 50% of the Emergency Management Department salaries and benefits.

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

- G. Grant request from the Lancaster County Sheriff's Department for an \$8,000 grant from the Nebraska Department of Transportation Highway Safety Office to further efforts of the "Buckle Up, Every Trip, Every Time" mobilization. (C-22-0834)

Captain Tommy Trotter, Sheriff's Office, explained that the grant funds are through the Highway Safety Office and will support seat belt safety efforts over the Thanksgiving weekend.

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

- H. Grant Contract with the Board of Regents of the University of Nebraska on behalf of the University of Nebraska-Lincoln's Repertory Theatre to promote ShakesFEAR at the Haunted Temple. The County will reimburse promotional costs in an amount not to exceed \$5,000 from the Visitors Promotion Fund. (C-22-0835)

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

- I. Grant Contract with the Celebrating Nebraska Statehood, Inc., d/b/a Nebraska Impact to promote the Nebraska Capitol Art Experience. The County will reimburse promotional costs in an amount not to exceed \$5,000 from the Visitors Promotion Fund. (C-22-0839)

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

- J. Contract with Kingery Construction Co. to provide Veteran Services VA Hospital (Building 45) Renovations. The cost to the County is not to exceed \$380,880. (Bid No. 22-199. This contract shall be effective upon execution.) (C-22-0842)

Kerin Peterson, Facilities & Properties Director, stated the Purchasing Department noticed a builder's risk insurance requirement was originally omitted from the contract but the necessary documentation has since been provided.

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

- K. Recommendation from the Purchasing Agent and County Engineer to award and execute purchase orders to Gene Steffy Chrysler Center Inc. for 2023 or newer Dodge Ram 1/2 Ton Crew Cab Pickups as follows:

1. Two (2) pickups, in the total amount of \$94,278 (using the State of Nebraska Contract, No 15726 OC). (C-22-0840)
2. Three (3) pickups, in the total amount of \$132,996 (using the State of Nebraska Contract, No 15734 OC). (C-22-0841)

Ron Bohaty, County Engineer Road Maintenance Superintendent, presented pictures of the used vehicles going to auction (Exhibit 4). He added the average purchase price increased \$12,000 per vehicle.

Vest inquired about the purpose of the used vehicles. Bohaty stated the vehicles were previously used by the survey crews and maintenance crews. Due to their high mileage and needed repairs, they are all being sent to auction. Schorr asked if other agencies could repurpose the vehicles. Bohaty stated a list has been sent out to other agencies to see if any would meet their needs.

Ed Lahmann, County Engineer Facility Manager, was also available for questions.

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

- L. Recommendation from the Purchasing Agent and County Engineer to award and execute purchase orders for supplying and hauling of gravel surface coarse material as follows (Bid No. 22-215):
1. R L Tiemann Construction in the amount of \$417,565. (C-22-0837)
 2. Buel Trucking, Inc. in the amount of \$135,000. (C-22-0838)

Bohaty stated the recommendation is related to the annual gravel bid.

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

- M. Authorizing and directing the County Clerk's Office to correct nunc pro tunc an error in Resolution R-22-0100 by adding "as of January 1, 2023" to the end of Section 6 of the Resolution.

MOTION: Vest moved and Flowerday seconded approval of the correction. Vest, Amundson, Yoakum, Flowerday 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.

Arlene Rea said Friendship Force of Lincoln is currently hosting eleven people from Kyrgyzstan. This group was originally scheduled to be exchange students in 2020 but that was not possible due to the pandemic. The State Department is sponsoring them for two weeks divided between Washington and Lincoln. Rea said daily

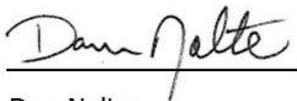
activities have been planned and today the group is learning about local and state government. Other educational and volunteer opportunities have been planned for later in the week.

8) ANNOUNCEMENTS

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 3, 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 8, 2022, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will hold a public hearing regarding the vacation of the East-West alley between Lincoln Street and Showers Street, Block 8, Cheney, Nebraska on Tuesday, November 8, 2022, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln, Nebraska).
- D. The Lancaster County Board of Commissioners will hold a public hearing regarding the vacation of the right-of-way of Southwest 86th Street between West Saltillo Road and West Bennet Road in Lancaster County on Tuesday, November 15, 2022, at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln, Nebraska).
- E. County Commissioners can be reached at 402-441-7447 or commish@lancaster.ne.gov.
- F. The Lancaster County Board of Commissioners meeting is broadcast live on LNKTU (LNKTU.lincoln.ne.gov). LNKTU is available on Allo channel 2 and Spectrum channel 1300. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTU). Meetings are also streamed live on YouTube and Facebook (YouTube.com/LNKTUcity and Facebook.com/lancasterne). LNKTU apps are also available on Roku, Apple TV and Amazon Fire TV.

9) ADJOURNMENT

MOTION: Vest moved and Amundson seconded to adjourn at 9:51 a.m. Amundson, Yoakum, Flowerday, Vest and Schorr voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk

