

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, NOVEMBER 10, 2020**  
**9:00 A.M.**

*Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on November 6, 2020.*

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

**Others present: David Derbin, Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk, and Monét McCullen, County Clerk's Office**

**The meeting was called to order at 9:03 a.m., the Pledge of Allegiance was recited 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 Tuesday, October 27, 2020.**

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

**2) CLAIMS:**

- A. Approval of all claims processed through November 10, 2020.**

Dan Nolte, Lancaster County Clerk, noted there was an amendment to the claims for the payroll ending on November 4, 2020 (Exhibit 1).

**MOTION:** Schorr moved and Yoakum seconded approval of the claims as amended. Vest, Schorr, Amundson, Yoakum and Flowerday 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. Utility Permit No. 2043 allowing Windstream to install a new fiber communication line to a Cellular Tower located at 17118 North 14<sup>th</sup> Street, Davey, Nebraska at no cost to the County. (C-20-0705)**

- B. Amendment to the following County contracts:**
- 1. C-20-0653 with Capital City Horse & Pony Club for the right-of-way on North 14<sup>th</sup> Street and West Waverly Road (Project 18-15, Tract CP-F-88, Tract 4. The amendment adds additional special provisions at no cost to the County). (C-20-0707)**
  - 2. C-17-0858 with Vulcan Signs (Vulcan Inc.) for Annual Supply – Traffic Sign Faces. (Bid No. 17-239. The amendment renews the contract from November 7, 2020 through November 6, 2021. The cost to the County is not to exceed \$17,000.) (C-20-0709)**
  - 3. C-17-0860 with PageFreezer Software Inc., for Lancaster County – Social Media Archive Services (Quote No. 5734. The amendment renews the contract from November 7, 2020 through November 6, 2021. The estimated cost to the County is not to exceed \$6,000.) (C-20-0711)**
- C. Amendments to the following County contracts for Annual Supply – Asphaltic Concrete. (Bid No. 19-254. The amendments renew the contracts from December 6, 2020 through December 5, 2021. The cost to the County is not to exceed \$35,000 for contracts.):**
- 1. C-19-0846 with Cather & Son’s Construction, Inc. (C-20-0712)**
  - 2. C-19-0847 with Pavers, Inc. (C-20-0713)**
- D. Amendment No. 1 to County Contract C-10-0008 with the District Energy Corporation (DEC) to clarify that the DEC shall provide stand-by backup electrical generation to the County Adult Detention Facility. (C-20-0725)**
- E. Authorize the Chair to sign IRS Form 8038 in conjunction with the issuance of Revenue Bonds for the Eastmont Living Project (Series 2020 in a principal amount not to exceed \$15,500,000 for the purpose of making a loan to Christian Retirement Homes, Inc. d/b/a Eastmont Living).**
- F. Change Order No. 1 to County Contract C-20-0257 with Midwest Infrastructure, Inc., to add an item due to plan omission (Project 20-02; Culvert Maintenance 2020 - Phase I for a net increase of \$4,000.) (C-20-0706)**
- G. Right-of-way contract with Larry H. and Paul E. Spahn, North 14<sup>th</sup> Street and Bluff Road, in the amount of \$334. (C-20-0710)**
- H. Received and placed on file the following reports for October, 2020:**
- 1. Clerk of the District Court.**
  - 2. Assessor/Register of Deeds.**

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

**4) NEW BUSINESS:**

- A. Resolution authorizing Sean Flowerday, the County Board Chairperson of Lancaster County, to sign the 2020 Year-End Certification of County Highway Superintendent form. (R-20-0076)**

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

- B. Resolution in the matter of authorizing the County Board Chair or Vice Chair to sign the Engineering Agreement with the Nebraska Department of Transportation. (R-20-0074) (See correlating item 4D)**

**MOTION:** Amundson moved and Schorr seconded approval of the resolution.

Pam Dingman, Lancaster County Engineer, said this is related to the agreement for the paving project on 98<sup>th</sup> Street between Old Cheney and A Street. There is one program agreement and three separate agreements that follow regarding each Federally funded project.

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

- C. Resolution in the matter of authorizing the County Board Chair or Vice Chair to sign the Agreement with the Nebraska Department of Transportation for Supplemental #1 Program Agreement to allow Federal-Aid funding participation for Environmental Services. (R-20-0075) (See correlating item 4E)**

Dingman said this agreement will be designed by the County Engineering Department. The Nebraska Department of Transportation (NDOT) and Federal Highway Administration will reimburse the Engineering Department for its services.

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

- D. Preliminary Engineering Agreement to County Contract C-19-0640 with the Nebraska Department of Transportation for Lancaster County to perform Preliminary Engineering Services (Project 19-04. South 98<sup>th</sup> Street Paving - Old Cheney Road to A Street. Control No. 13417) (LCLC-5275(1)). The total agreement amount is \$83,219.50, of which \$66,575.70 is the Federal share and \$16,643.92 is the LPA share. (C-20-0714)**

Dingman said this agreement will break down the share that will be reimbursed to Lancaster County and the share that the County will pay for labor.

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

- E. Program Agreement Supplemental No. 1 with the Nebraska Department of Transportation for Federal reimbursement (Project 16-17; HSIP-5280(2). Saltillo Road - 27<sup>th</sup> Street to 68<sup>th</sup> Street). The County and the State agree that \$23,667.51 in additional preliminary costs will be paid utilizing Federal funds of 90% Federal and 10% local match. (C-20-0715)**

Dingman said the public information meeting regarding this agreement will take place in 2021.

**MOTION:** Vest moved and Yoakum seconded approval of Program Agreement Supplemental No. 1. Amundson, Yoakum, Vest, Schorr and Flowerday voted yes. Motion carried 5-0.

- F. Recommendation from the Purchasing Agent to rescind County Contract C-20-0687 (Bid 20-220) awarded to Gana Construction for Supplying and Hauling Gravel Surface Course Material for Lancaster County in the amount of \$509,525.**

Bob Walla, Purchasing Agent, said a protest was received regarding the gravel bid on two line items. In order to have the remaining line items delivered, the original order to Gana Construction will be rescinded and Item 4G will reward those items.

**MOTION:** Vest moved and Amundson seconded approval of the recommendation to rescind County Contract C-20-0687.

In regard to Vest's question, Walla clarified that Item 4F will withdraw the entire contract and Item 4G will restore a big portion of it, but not the full contract as the protest was only specific to two line items.

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

- G. Recommendation from the Purchasing Agent and County Engineer to award a contract to Gana Construction (Bid 20-220) for Supplying and Hauling Gravel Surface Course Material for Lancaster County in the amount of \$316,955 (for Line Items 2, 3, 4, 5, 7). (C-20-0719)**

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

- H. Participant Agreement with the City of Lincoln and New American Economy Research Fund and Welcoming America for the Gateways for Growth Challenge Round IV. There is no cost to the County. (C-20-0724)**

**MOTION:** Amundson moved and Yoakum seconded approval of the participant agreement.

Yoakum said this is a technical assistance grant that will give Lancaster County a shared membership to Welcoming America that will assist with data regarding who lives in Lancaster County, economic contributions, purchase power of homes, and other information.

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

- I. Recommendations from the Personnel Policy Board to amend the following Personnel Rules:**
- 1. 18.1 - Compensation for Absence on Holidays.**
  - 2. 18.3 - Compensation for Work Performed on Holidays.**
  - 3. 19.3 - Sick Leave.**
  - 4. 19.4 - Injury Leave.**

Kristy Bauer, Deputy Lancaster County Attorney, said these rules are to get all departments standardized with the new Oracle HR/Payroll system. Bauer noted the Human Resources Department received concerns from one County department regarding Rule 18.1 – Compensation for Absence on Holidays. Normally the effective date would be the date the recommendation is approved by the Board. If this is approved today, this would be in the middle of the pay period with a holiday. Human Resources has recommended that Item I1 be effective on December 3, 2020.

Schorr asked why that same logic would not apply to 18.3 – Compensation for Work Performed on Holidays. Bauer said Rule 18.3 says if there are any hours worked on the holiday those would be considered productive hours so those have to be applied according to the Fair Labor Standards Act (FLSA). If there are departments who are not in compliance this Rule would need to be changed immediately.

**MOTION:** Schorr moved and Vest seconded approval of items I2-I4 being effective immediately with the amendment to approve Item I1 effective on December 3, 2020. Amundson, Yoakum, Vest, Schorr and Flowerday voted yes. Motion carried 5-0.

**J. Recommendation from the Personnel Policy Board to create the Telework Human Resources Policy Bulletin.**

Bauer said this bulletin will not be effective until after the current bulletin on telework during the pandemic expires. There could potentially be an extension beyond December 31, 2020 depending on what the Federal Government does with the FFCRA (Families First Coronavirus Response Act) which gave employees 80 hours of pandemic sick leave. This bulletin will provide a framework for departments that would like to offer teleworking options for employees.

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

**K. Memorandum of Understanding (MOU) between 55th Wing, Offutt Air Force Base (55th Security Forces Squadron) and Lancaster County, Nebraska on behalf of the Lancaster County Sheriff's Office. (C-20-0717)**

Terry Wagner, Lancaster County Sheriff, said this has been a long-standing agreement with the airbase and the National Guard should they need additional security on aircrafts.

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

**L. Nebraska Department of Transportation Highway Safety Office Selective Overtime Enforcement mini-grant contract application and award for the Lancaster County Sheriff's Office for participation in the National Click it or Ticket mobilization for November 16, 2020 through November 29, 2020 in the amount of \$5,225. (C-20-0720)**

Wagner said this is an annual traffic safety initiative that the Sheriff's Office enters into every November. Overtime is paid by the Office of Highway Safety.

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

**M. Interlocal Agreement with the City of Lincoln to establish and operate the Safety Training Option Program (STOP) for minor traffic violations in the County. (C-20-0716)**

Bruce Prenda, Chief Deputy Lancaster County Attorney, said this agreement is a partnership with the City of Lincoln for use of the STOP (Safety Training Option Program) fees. There is a new provision that allows for the support of public schools, county high schools and the driver safety program. This interlocal will also be approved by the City Council.

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

**N. Letter directing the Lincoln-Lancaster County Planning Department to amend Section 13.048 (Commercial Wind Energy Conversion System (CWECS)) of the 1979 Zoning Resolution of Lancaster County.**

Flowerday said he asked the Chief Administrative Officer to draft this letter to present to the Lincoln-Lancaster County Planning Department (Exhibit 2). When wind regulations came to the Board in 2019, he was happy to vote for the compromise at the time. Since there has been no wind development following that, he would like to give wind development another try. There is still a balance needed with the quality of life for Lancaster County residents but still viable wind development.

Vest said his intent from the beginning was to find balance. It was never to eliminate wind energy in Lancaster County.

Yoakum said she feels this is hugely important as the population in the City of Lincoln and Lancaster County continues to grow.

Schorr encouraged constituents to voice their opinions to the Planning Commission and Lancaster County Board of Commissioners regarding any final action on changes proposed. She supports the letter being sent to the Planning Department but will currently withhold any further thoughts on changes.

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

- O. Agreement with Segal Marco Advisors to provide consulting services regarding the annual investment and administrative review of the County's 401(a) retirement plan and 457(b) deferred compensation program. The agreement is from January 1, 2021 through December 31, 2021. (C-20-0718)**

David Derbin, Chief Administrative Officer, said Segal Marco provides professional consulting services for the County's retirement plan and deferred compensation program through Frank Picarelli, who has been serving the County for many years. The cost to the County is \$30,000, and that price has held steady since 2019.

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

- P. Amendments to the following Administrative Service Agreements between Lancaster County and Prudential Retirement Insurance and Annuity Company. The amendments provide substitutions for Exhibit M, Performance Standards, and Exhibit C, subsection 5, Enrollment and Communications Service:**

- 1. C-08-0663 Lancaster County, Nebraska Employees Retirement Plan (Plan # 0006371, 401(a) Plan). (C-20-0721)**
- 2. C-08-0664 Lancaster County, NE 457 Deferred Compensation Plan (Plan # 0006372, 457(b) Plan). (C-20-0722)**

Derbin said Prudential was performing an audit of their own performance regarding the plans. It was made aware they had failed to meet a few performance standards that were out of date. The updated performance standards are mostly language updates. The requirements included hundreds of on-site group sessions for employees, which would not be feasible to the County. The other requirement is their educational representative reside in Lancaster County. For failure of meeting some plan requirements, Prudential has agreed to pay a penalty into the plan of \$2,750.

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

- Q. Contract with PharMerica for Annual Supply – Pharmacy & Related Services – Lancaster County (Bid No. 20-200). The contract shall be a four-year term with the option to renew for one additional four-year term. The cost to the County is not to exceed \$100,000. (C-20-0708)**

**MOTION:** Amundson moved and Vest seconded approval of the contract.

Walla said this is the second vendor for this contract and the total combined amount for both vendors is \$100,000. These services will be for the Mental Health Center.

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

- R. Agreement with Purdue University Global to establish a clinical, externship, and practicum program for students. The term shall be for one year. (C-20-0723)**

**MOTION:** Vest moved and Schorr seconded approval of the agreement.

Schorr asked what site the students will be attending and who will be overseeing the program. Jen Holloway, Deputy Lancaster County Attorney, said this agreement is for the Crisis Center and the director will select an individual to oversee students.

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

**5) UPDATE ON COVID-19 AND LANCASTER COUNTY RESPONSE:**

Schorr discussed moving the Thursday staff meetings to Tuesdays to prevent the Commissioners coming into the building on two separate days and to limit their exposure. Legal notice timeframes and start times of both meetings were discussed. The Commissioners agreed to move the remaining November Thursday staff meetings to follow the regular Tuesday meetings. December's schedule will be discussed at a later date.

Dingman said the Waverly District has had a spike in COVID cases. Schorr asked if there are staffing agencies available to be used. Dingman said they do have snow removal contracts in place.

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

Schorr noted the letter regarding item 4N will be attached to the minutes as an exhibit for the public to view.

No one appeared for public comment.

**7) ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, November 12, 2020 at 8:30 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln).**

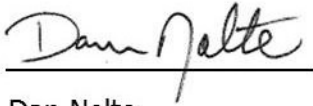
Nolte noted the Lancaster County Board of Commissioners staff meeting has been postponed until Tuesday, November 17, 2020, following the Board's regular Tuesday meeting.

- B. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, November 17, 2020 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) with the Board of Equalization immediately following.**

- C. The Lancaster County Board of Commissioners will hold a Lancaster County 101 meeting on Tuesday, November 17, 2020 at 3:30 p.m., at 1335 H Street Lincoln, Nebraska (NACO Conference Room).
- 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 Amundson seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:48 a.m. Yoakum, Vest, Schorr, Amundson and Flowerday voted yes. Motion carried 5-0.



Dan Nolte  
Lancaster County Clerk

