

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, JULY 30, 2019
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 July 26, 2019.

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

Others present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Jenifer Holloway, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Monét McCullen, County Clerk's Office

The meeting was called to order at 9:01 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, July 23, 2019.

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

2) CLAIMS:

A. Approval of all claims processed through July 30, 2019.

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

Commissioner Schorr 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. Amendment to the following County contracts:

- 1. C-14-0422 with Fish Window Company for Annual Requirements - Window Cleaning Services. (Bid No. 14-155. The amendment renews the contract from August 28, 2019 through August 27, 2020. The cost to the County is not to exceed \$1,500.) (C-19-0576)**

2. **C-18-0105 with Cross-Dillon Tire for Annual Service - Tires, Tubes, and Tire Repair Services. (Bid No. 18-003. The amendment reassigns the contract from Cross-Dillon Tire to Pomp's Tire Service, Inc., beginning June 10, 2019.) (C-19-0577)**
 3. **C-15-0062 with CBM Managed Services for Annual Service - Food Services for Correctional Facilities. (Bid No. 14-285. The amendment changes the name from CBM Managed Services to Summit Food Service, LLC.) (C-19-0580)**
 4. **C-16-0472 with Nebraska Salt & Grain Co., for Road Salt (Bid No. 16-173. The estimated cost for price and expenditure increase will be \$151,580 for the remainder of the contract term with a revised total amount of \$211,580.) (C-19-0599)**
- B. Contract with RSM US LLP to provide Financial Auditing Services. (Bid No. 19-133. The services shall begin as soon as possible from the date of execution. The cost to the County is not to exceed \$246,050 for the three-year term.) (C-19-0579)**
- C. Grant contract with CenterPointe for the Community Support Outpatient Counseling, Medication Management, and Day Rehabilitation program in the amount of \$337,594 (funded by the Joint Budget Committee from July 1, 2019 through June 30, 2020). (C-19-0585)**
- D. Grant contract with Voices of Hope for the Coordinated Response to Reducing Domestic Violence program in the amount of \$34,887 (funded by the Violence Against Women Act for the period of July 1, 2019 through June 30, 2020). (C-19-0586)**
- E. Grant contract with Heartland Big Brothers Big Sisters for the Community Based Mentoring program in the amount of \$20,000 (funded by the Juvenile Justice Prevention Funds for the period of July 1, 2019 through June 30, 2020). (C-19-0587)**
- F. Grant contracts with HopeSpoke for the following programs (funded by Community Aid for the period of July 1, 2019 through June 30, 2020):**
1. **School Based Therapy program in the amount of \$50,000 (C-19-0588)**
 2. **Diversion Evaluations program in the amount of \$15,000 (C-19-0589)**
- G. Settlement agreement and release between Nancy Weber and Lancaster County. (C-19-0590)**
- H. Right-of-Way contract with Affiliated Oral & Maxillofacial Surgeons, Dr. James C. Block, Trustee, Southwest 14th Street and West Pella Road, in the amount of \$199. (C-19-0591)**
- I. Received and placed on file the following:**
1. **Lancaster County Fiscal Year 2019-20 Proposed Budget.**

2. County Treasurer 2017 Distress Warrants.

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

4) PUBLIC HEARINGS:

- A. Change of Zone 19018 - AG Agricultural to AG Agricultural with historic landmark overlay on approximately 17 acres on property generally located at 17185 Bluff Road in Lancaster County, Nebraska. (See correlating item 6A)**

The Chair opened the public hearing. She noted the two public hearings are related, but mentioned they are separate hearings and asked the public to only speak on the item that is currently open.

Ed Zimmer, Lincoln/Lancaster County Planning Department, was administered the oath, and said the public hearing would need to be continued to August 13th due to an incorrect notice that was sent out. Zimmer stated the buildings on the property were built in the early 20th Century by the Cooley Family. The Historic Preservation Committee conducted their review and felt the property meets the standards for a landmark designation. Following that process, the Planning Commission reviewed the application and unanimously recommended approval. If the historic landmark is approved, the current property and any additions to the property will have to be reviewed by the Historic Preservation Commission. (Exhibit A)

Vest asked if the designation change creates responsibility for the land owners to maintain the property in a certain manner. Zimmer said there is some underlining language that states there cannot be demolition by deliberate neglect.

Amundson stated the public hearing will remain open until August 13th and will be voted on that day.

Applicants Carol and Jed Hartweg, 17185 Bluff Road, Waverly, were administered the oath. They said their initial intent was to use the existing barn to host small events but the fire marshal stated it would need a number of changes to meet code. They then met with Mr. Zimmer to request a historic landmark designation. Mr. Hartweg noted they have invested a lot to restore the buildings on the property in an attempt to keep them as original as possible.

Schorr asked if this was the applicant's primary residence. Mrs. Hartweg confirmed this is their primary residence.

The following individuals were administered the oath and appeared in opposition:

Marlan Johnson, 5218 N. 202nd Street, Hallam.

Peggy Brown, 11700 N. 176th Street, Waverly. (Exhibit B)

Mary Johnson, 17705 Bluff Road, Waverly. She also read letters of opposition from Andy Stock, Nancy Mocroft and David Paulson (Exhibit C)

Clarence (Art) Althouse Jr., 8650 N. 134th Street, Waverly.

Mary Alice Johnson, 11651 N. 176th Street, Waverly.

The Clerk noted emails of opposition were received in the Clerk's Office from Peggy Brown, Andy Stock and two from Nancy Mocroft and David Paulson.

No one appeared in a neutral position.

In response to Schorr's inquiry, Zimmer said regulations do not cap the number of historic landmark designations in the County.

Discussion followed on how the Cooley-Dodge designation was determined for the property. Zimmer said the name is intended to designate or identify the property not the people. The name can always be changed if information is gathered on a better option. He added that while a name plaque is not required, if the applicant chooses to use a sign it would have to be reviewed by the Historic Preservation Committee.

B. Special Permit No. 19033 for an event center special permit as part of the preservation of a local historic landmark on property generally located at 17185 Bluff Road in Lancaster County, Nebraska. (See correlating item 6B)

The Chair opened the public hearing.

Ed Zimmer, Lincoln/Lancaster County Planning Department, was administered the oath and said County regulations allow properties with a landmark designation to also have a special permit for uses not normally permitted. This special permit request would include an event facility. If the County Board approves the special permit, the property owners would be required to bring the Historic Preservation Committee a more refined site plan. Zimmer noted the current broad concept of the building is that it would have a barn-like appearance and meet modern safety and code standards (Exhibit D). The property owner would also be required to follow certain standards which would help guide the rehabilitation and maintenance of the historic buildings.

Vest asked if the property owners could use the new building under their current land designation. Zimmer said there are other provisions in the zoning code but it was decided that those did not fit the concept of the property owners. However, the special permit process specifically references landmark designations. He added if the County grants privileges to a historic building, the Historic Preservation Committee would then govern future changes.

Schorr inquired about the Hillside Event Center and how they operate without the historic landmark designation.

Steve Henrichsen, Lincoln/Lancaster County Planning Department, was administered the oath, and explained Hillside Event Center operates under the expanded home occupation which allows for any number of commercial uses. The applicants chose to go through the historic preservation process which applies more restrictions but does not limit the number of events.

Applicants Carol and Jed Hartweg, 17185 Bluff Road, Waverly, were administered the oath and said they feel there is a need in the community for an event center. They referenced existing surrounding interruptions from Interstate 80 and the Camp Creek Threshers property.

Mike Warner, Mayor of Waverly, Nebraska, 10220 East Oakland Circle, was administered the oath and appeared in support of the special permit.

The following individuals were administered the oath and appeared in opposition:

Peggy Brown, 11700 N. 176th Street, Waverly. (Exhibit E)
Steven Althouse, 19107 Waverly Road, Waverly.
Mary Johnson, 17705 Bluff Road, Waverly.
Clarence (Art) Althouse Jr., 8650 N. 134th Street, Waverly.
Marlan Johnson, 5218 N. 202nd Street, Hallam.

No one appeared in a neutral position

The Chair stated the public hearing will remain open until Tuesday, August 13, 2019 and asked that only new information be presented at that time.

5) OLD BUSINESS:

A. Resolution in the matter of adopting minimum road standards for roads in unincorporated areas pursuant to Nebraska Rev. Stat. 39-1501(5). (R-19-0051)

Ken Schroeder, Lancaster County Engineering Department, said this resolution will consolidate older ones regarding the rural subdivision maintenance criteria.

Vest asked for an overview of the changes. Schroeder said the basic changes are regarding three acre lots that will need to have a six-lot minimum and 60% occupancy before the County will take over maintenance. There are some subdivisions that do not meet that criteria but have a through street that will connect to two others that are already maintained by the County. This will allow those smaller subdivisions to automatically be maintained by the County.

Pam Dingman, Lancaster County Engineer, said she received an email from Christina Usher who is requesting a two-week delay to be able to review the document.

MOTION: Vest moved and Schorr seconded to hold the resolution for two weeks. Flowerday, Yoakum, Vest, Schorr and Amundson voted yes. Motion carried 5-0.

6) NEW BUSINESS:

A. Resolution in the matter of Change of Zone 19018, from AG Agricultural to AG Agricultural with historic landmark overlay on approximately 17 acres on property generally located at 17185 Bluff Road in Lancaster County, Nebraska. (R-19-0053)

The Clerk announced this item will be held until August 13, 2019

B. Resolution in the matter of County Special Permit No. 19033, (adopted by the Historic Preservation Commission on June 20, 2018 and the Lincoln-Lancaster County Planning Commission on July 10, 2019) for an event center special permit as part of the preservation of a local historic landmark on property generally located at 17185 Bluff Road in Lancaster County, Nebraska. (R-19-0054)

The Clerk announced this item will be held until August 13, 2019

- C. Resolution in the matter of the 2019-2020 annual cost of living wage adjustments for unrepresented classified employees, Attorneys I's and II's, Deputy Sheriff Captains, and District Court Staff Attorneys. All wage adjustments are to be effective August 15, 2019. (R-19-0055)**

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

- D. Resolution setting a public hearing regarding vacating portions of SW Saltillo Road, more particularly described in Exhibits "A" and "B", and located in Lancaster County, Nebraska. (R-19-0056)**

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

- E. Resolution authorizing the removal of traffic control devices in Lancaster County. (R-19-0057)**

Dingman said the notice was received from the Nebraska Department of Transportation (NDOT) informing the Engineering Office that they had miscalculated the postings on four bridges. The signs now need to be removed and reposted.

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

- F. Special Designated License application from Nebraska Restaurant Association for an event at Hillcrest Country Club, 9401 East O Street, Lincoln, NE, on September 9, 2019.**

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

- G. Special Events Permit application from Mary Noel, Prairie Pines Partners/Lincoln Track Club for the Run Four the Pines event on August 10, 2019.**

The Clerk announced the application has been withdrawn by the applicant.

- H. First Amendment to County Contract C-19-0346, with Zelle, LLC. The amendment provides for additional professional services to be provided to the Department of Community Corrections. The cost to the County is not to exceed \$2,500. (C-19-0592)**

Kim Etherton, Community Corrections Director, said due to the County Board's decision to remove requests for additional personnel from the budget, her staff has held discussions on how to reassign job responsibilities to cover additional work. She felt it is in the best interest to involve Zelle with these changes.

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

- I. Quitclaim deed from the County of Lancaster to the City of Lincoln, quitclaiming the County's interest, if any, in part of the Southwest ¼ of Section 14, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described in the deed.**

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

- J. Agreement with the City of Lincoln to repair an inlet structure on property commonly known as 625 North 46th Street, Lincoln, Nebraska, and legally described in the Agreement. The City will repair the inlet structure at no cost to the County, and thereafter the County covenants to maintain the structure. (C-19-0593)**

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

- K. Interlocal agreement with Sarpy County for the safekeeping, care and sustenance of preadjudicated juveniles at the Youth Services Center. Lancaster County will be reimbursed at the rate of \$276 per juvenile per day. (C-19-0594)**

Sheli Schindler, Youth Services Center Director, said this contract will allow Sarpy County youth to be held at the Youth Services Center at the current rate until the new per diem is established.

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

- L. Acceptance of a Deputy Sheriff's temporary retirement buyout program application and agreement between the County of Lancaster, Nebraska and William D. Woodruff, an employee of the Lancaster County Sheriff's Office. Mr. Woodruff's resignation is effective approximately October 29, 2019. (C-19-0595)**

Terry Wagner, Lancaster County Sheriff, explained that the temporary retirement buyout program is for unused sick leave.

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

- M. Recommendation from the Purchasing Agent and County Treasurer to award a contract to Peregrin Services Inc., for printing and mailing real estate tax statements (Bid No. 19-182). The estimated amount for the four-year term is \$173,760. (B-19-0182)**

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

- N. Contract with Murphy Tractor & Equipment Co., for Annual Supply – John Deere Filters. (Sole Source No. 89. The contract is for one-year with the option to renew for three additional one-year terms. The cost to the County is not to exceed \$15,000.) (C-19-0578)**

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

- O. Agreement with the State of Nebraska, Department of Transportation, to establish the terms upon which the State will assist the County in obtaining Federal approval and funds for the 2019 Fracture Critical Bridge Inspection. The County's share of the total project cost is estimated to be \$4,068.70. The agreement is effective upon execution by the State. (C-19-0596)**

Dingman said Lancaster County has 12 fracture critical bridges. Inspection on these bridges is important because the bridge has no redundancy and can fail suddenly.

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

- P. Agreement with Straight-Line Striping, Inc. to provide pavement striping for Project 19-26. The cost to the County is not to exceed \$125,479.20. (C-19-0597)**

Dingman said this agreement is for annual pavement painting.

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

- Q. Agreement with E & A Consulting Group for professional engineering services, as specified in the agreement, related to County bridges S-179, R-210, and R-248. The cost to County is \$139,290.05. The work is to be completed on or before December 20, 2019. (C-19-0598)**

Dingman said Bridge S-179 is located on Roca Road, east of 96th Street. Bridge R-210 is located on Martell Road, west of 120th Street and Bridge R-248 is located on 120th Street, between Hickman and Stagecoach Road. The bridges are sent out for design in groups to gain efficiency. Dingman noted she hopes to move quickly on Bridge S-179 as she has received a number of calls about it.

Following the meeting, the County Clerk's Office received a letter from Mr. Clayton Kelling regarding Bridge S-179. (Exhibit F)

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

Commissioner Schorr exited the meeting at 10:51 a.m.

R. Recommendations from the Purchasing Agent and Lancaster County Engineer to award and execute Purchase Orders with the following:

- 1. Wicks Sterling Trucks Inc., for two 2019 Plow Trucks (Western Star 14' Dump Body with Monroe Bodies), using the State of Nebraska Contract #14515 OC. The total amount of the order is \$373,568. (C-19-0581)**
- 2. Sid Dillon Ford Inc., for two 2019 1-Ton Crew Cab 4 x 4 Dual Rear Wheel Trucks, using the State of Nebraska Contract #15038 OC. The total amount of the order is \$112,062. (C-19-0582)**
- 3. Nebraska Machinery Co., for three Caterpillar 12M3 Rear Wheel Drive Motor Graders, using the State of Nebraska Contract #14192 OC. The total amount of the order is \$687,836. (C-19-0583)**
- 4. Wicks Sterling Trucks Inc., for four 2019 Western Star Plow/Dump Trucks with RDS Beds, using the State of Nebraska Contract #14512 OC. The total amount of the order is \$774,692. (C-19-0584)**

Ron Bohaty, Lancaster County Engineering Department, said additional information was forward to the County Clerk's Office regarding Item R3 which included a signed requisition and a copy of the State contract. (Exhibit G)

Vest asked if 2019-20 funds were being spent. Dingman confirmed that these purchases will come out of the current budget.

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

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.

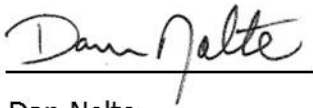
8) ANNOUNCEMENTS:

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Tuesday, July 30, 2019 at 9:30 a.m., or immediately following the adjournment of the Board of Commissioners meeting in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln) and will not hold a staff meeting on Thursday, August 1, 2019.**
- B. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, August 6, 2019 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) with the Board of Equalization immediately following.**

- 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 City. For the rebroadcast schedule visit lincoln.ne.gov (keyword: LNKTv). Meetings are also streamed live on LNKTv and can be viewed on YouTube (LNKTvcity).

ADJOURNMENT

MOTION: Vest moved and Flowerday seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:55 a.m. Yoakum, Vest, Flowerday and Amundson voted yes. Schorr was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk

