#### MINUTES LANCASTER COUNTY BOARD OF COMMISSIONERS COUNTY-CITY BUILDING, ROOM 112 TUESDAY, JUNE 13, 2017 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 June 9, 2017.

Commissioners present: Todd Wiltgen, Chair; Bill Avery, Vice Chair; Roma Amundson and Deb Schorr

Commissioner absent: Jennifer Brinkman

Others present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; David Derbin, Deputy County Attorney; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Kelly Lundgren, County Clerk's Office

The Vice Chair called the meeting to order at 9:03 a.m., the Pledge of Allegiance was recited and the location of the Nebraska Open Meeting Act was announced.

### 1) <u>MINUTES:</u>

### A. Approval of the minutes of the Board of Commissioners meeting held on Tuesday, June 6, 2017.

**MOTION:** Schorr moved and Avery seconded approval of the minutes. Avery, Schorr, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

### B. Approval of the minutes of the Board of Commissioners department budget hearings held on Tuesday, June 6, 2017.

**MOTION:** Schorr moved and Avery seconded approval of the minutes. Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

### 2) <u>CLAIMS</u>:

### A. Approval of all claims processed through June 13, 2017.

**MOTION:** Avery moved and Amundson seconded approval of the claims. Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

### 3) <u>PUBLIC HEARING:</u>

### A. County Text Amendment No. 17009 to amend Articles 4, 5 and 13 of Lancaster County Zoning Resolution. (See correlating item 4A)

The Chair opened the public hearing.

Tom Cajka, County Planner, Lincoln-Lancaster County Planning Department, was administered the oath and provided an overview of County Text Amendment No. 17009. The amendment amends the Agricultural (AG) and Agricultural Residential (AGR) sections to move certain uses such as dog kennels, churches, cemeteries and group homes from permitted use and conditional permitted uses to by special permit only. He said the majority of the uses have been in place since 1979 under the current text amendment. Cajka said the Planning Department has not received any complaints or issues with the current uses. He noted churches and cemeteries are protected under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Cajka stated the Planning Department recommends denial.

In response to Schorr's inquiry, Cajka stated that the RLUIPA is a federal act.

Michael Williams, 7820 NW 112<sup>th</sup> Street, Malcom, Nebraska, was administered the oath. Williams appeared in support of the text amendment. He stated he wants the public to have a voice and expressed concern that when he submitted his application to the Planning Department they indicated it would be denied. Williams said all the uses listed could be considered a nuisance and a public safety or health concern.

Wiltgen addressed Williams' concern with the Planning Department bias. He stated Williams exercised his right to submit the application and to appear before the Planning Commission. Wiltgen noted the Planning Commission also recommended denial. The application was then forwarded to the County Board for final action.

No one appeared in opposition or a neutral position.

The Chair closed the public hearing.

The Board took action on item 4A.

### 4) <u>NEW BUSINESS:</u>

 A. Resolution regarding County Text Amendment No. 17009 to amend Articles 4, 5 and 13 of the Lancaster County Zoning Resolution as provided in Attachment A. (R-17-0045)

**MOTION:** Amundson moved approval of the resolution.

The motion failed due to lack of a second.

**MOTION:** Schorr moved and Avery seconded to deny the resolution. Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

B. Agreements with The Board of Regents of the University of Nebraska, on behalf of the University of Nebraska – Lincoln and its Children's Justice Clinic at the University of Nebraska, for the representation of indigent juveniles in the Separate Juvenile Court of Lancaster County as specified in the Agreement. The County will pay the Clinic \$1,778 per case for the service provided. Term of the agreement is June 1, 2017 through June 30, 2020. (C-17-0422) Michelle Paxton, Children's Justice Clinic Director, said the Clinic will be opening in the fall of 2017. She stated third year law students will have an opportunity to serve as guardians ad litem in Lancaster County Juvenile Court representing children who have been identified as abused or neglected and entitled to legal representation. The contract will facilitate a portion of the fees necessary to represent these children.

**MOTION:** Schorr moved and Amundson seconded approval of the agreement. Amundson, Schorr, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

#### C. Reappointment of Collette Wear to the Lancaster County Visitors Promotion Committee for a four-year term commencing July 1, 2017 and ending June 30, 2021.

This item was removed from the agenda.

### D. Adoption of the revised Lancaster County Visitors Improvement Fund Grant Guidelines, effective June 13, 2017.

Jeff Maul, Lincoln Convention & Visitors Bureau Executive Director, began by stating that the proposed revisions should not effect the Lied Center's application that will be reviewed by the County Board on Thursday (June 15). He added the guidelines help the Visitors Promotion Committee (VPC) in allocating Visitor Improvement Fund dollars.

Amundson inquired if the effective date could be changed until after the discussion on Thursday (June 15). David Derbin, Deputy County Attorney, stated unless the Board specifically asked the guidelines to be retrospective they would not apply to grant applications previously submitted.

**MOTION:** Amundson moved and Schorr seconded approval of the guidelines with the condition that the Lied Center grant application be subject to the preexisting guidelines. Avery, Amundson, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

E. Agreement with Great Plains Appraisal, Inc., to provide referees to hear valuation protests and transmit to the Lancaster County Board of Equalization all papers relating to such protests, together with written findings and recommendations. Great Plains Appraisal will provide the services of Wayne Kubert, Thomas Kubert, Cody Gerdes, Lori Johnson, Jason Pickerel, Shawn Fleck, Cathy Briley, Jill Henle, Carlos Lopez and Jay Seiffert. The County will pay \$70 to \$95 per hour for referee service, \$33 per hour for clerical support and \$35 per hour for security service. (C-17-0405)

Tom Kubert, Great Plains Appraisal, provided a brief overview of the referee contract.

**MOTION:** Schorr moved and Amundson seconded approval of the agreement. Avery, Amundson, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

# F. Agreements with the following individuals to provide referee services to hear valuation protests for the 2017 tax year and to transmit information to the Lancaster County Board of Equalization:

Referee	Rate		Referee	Rate	
Robert Anderson	\$75	C-17-0406	Daniel McKenzie	\$65	C-17-0415
Barry Couch	\$75	C-17-0407	John McVay	\$55	C-17-0414
Jeffrey Danek	\$75	C-17-0408	Jan Moore	\$75	C-17-0416
Richard Danek	\$75	C-17-0409	Mark Rosno	\$65	C-17-0417
Bret Hollingsworth	\$60	C-17-0410	Larry Swanson	\$75	C-17-0418
Joel Kirby	\$70	C-17-0411	Marilyn Tabor	\$65	C-17-0419
Bill Lange	\$65	C-17-0412	Joel Walker	\$50	C-17-0420
John Layman	\$75	C-17-0413	Sally Webster	\$70	C-17-0421

Kubert stated that eighty-two appraisers were contacted about providing services for the County's Board of Equalization protest process. He said only 28 will be available as qualified appraisers are in high demand due to the competitive real estate market.

Schorr inquired what type of background is needed for appraisers. Kubert said class work, exams and experience are all required to become a licensed appraiser.

**MOTION:** Schorr moved and Amundson seconded approval of the agreements. Amundson, Avery, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

G. Agreement with the State of Nebraska Department of Roads for the provision of transportation services for the Lancaster County Public Rural Transit Program. Term of the agreement is July 1, 2017 through June 30, 2018. Funding is from the Federal Funding for Public Transportation Operating Assistance program and the State of Nebraska Department of Roads. The cost to the County shall be remaining eligible costs not paid by Federal and State funds and shall not exceed \$16,695. (C-17-0423)

Mitch Sump, Aging Program Coordinator, stated in March he requested approval to seek funds from the Nebraska Department of Roads and was recently notified that the funding had been approved.

**MOTION:** Schorr moved and Amundson seconded approval of the agreement. Avery, Schorr, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

H. Amendment to County Contract C-16-0393 with Klaus Hartmann, M.D., to provide psychiatrist services at the Mental Health Crisis Center. The amendment extends the contract from July 1, 2017 through June 30, 2018 and increases the rate of pay to \$725 per 24-hour period of coverage. (C-17-0424)

**MOTION:** Amundson moved and Schorr seconded approval of the amendment. Amundson, Schorr, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

I. Recommendation from the Purchasing Department and the County Engineer to award a contract to High Plains Enterprises, Inc., for scour repair at Bridge H-120 (Bid No. 17-165). The cost to the County is \$71,507.50. (B-17-0165)

Pam Dingman, County Engineer, provided a map and photos of Bridge H-120 (Exhibit A). She said the bridge, located on North 176<sup>th</sup> Street, is scour and fracture critical, functionally obsolete and structurally deficient.

**MOTION:** Schorr moved and Amundson seconded approval of the recommendation

In response to Wiltgen's inquiry regarding the time frame to complete the project, Dingman stated an Army Corps of Engineer's permit has been submitted and construction should begin in the fall.

**ROLL CALL:** Schorr, Avery, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

# J. Recommendation from the Purchasing Department and the County Engineer to award a contract to High Plains Enterprises, Inc., for concrete box culverts F-225, G-111 and G-144 (Bid No. 17-166). The cost to the County is \$501,267.55. (B-17-0166)

Dingman provided a map and photos of the bridges (Exhibit B). She stated the contract will cover demolition and replacement with box culverts which is about one-third the cost of a new bridge.

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

Schorr questioned the timing of the three projects. Dingman said the contract states from start to completion is to be forty days. She noted due to an environmental regulation trees cannot be disturbed from June 1-July 31 due to the long-eared brown bat.

**ROLL CALL:** Avery, Schorr, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

### K. Recommendation from the Purchasing Department and the County Engineer to award a contract to Constructors, Inc., for re-decking of Bridge N-138 (Bid No. 17-169). The cost to the County is \$424,089.13. (B-17-0169)

Dingman provided a map and photos of Bridge N-138 (Exhibit C). She said the bridge is located on Denton Road just outside of Denton. Dingman stated the bridge will require redecking. She added additional cost is due to improved guardrails and grading which was required to increase public safety. She noted completion will be forty days from the start of the project and a detour will be available.

**MOTION:** Schorr moved and Avery seconded approval of the recommendation. Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

L. Amendment to County Contract C-17-078 with Schmieding Concrete, Inc., for a price decrease on the unit price contract for pavement and concrete services (Bid No. 16-285). (C-17-0397)

**MOTION:** Schorr moved and Amundson seconded approval of the amendment. Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

M. Amendment to County Contract C-16-0241 with Acuity Special Products d/b/a Zep, Inc., for a price change on comprehensive operational and janitorial supplies solutions (Region 14ESC/NCPA Master Agreement, Contract No. 02-28). (C-17-0398)

**MOTION:** Amundson moved and Schorr seconded approval of the amendment. Amundson, Avery, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

- N. Amendments to the following contracts for weed abatement and mowing (Bid No. 15-080). The amendments renew the contracts from June 23, 2017 through June 22, 2018.
  - 1. County Contract C-15-0303 with Beatrice Lawn Care, Inc., in an amount not to exceed \$10,000. (C-17-0401)
  - 2. County Contract C-15-0304 with Gary's Lawn & Landscape in an amount not to exceed \$15,000. (C-17-0402)
  - 3. County Contract C-15-0305 with Lee's Lawn Maintenance in an amount not to exceed \$8,000. (C-17-0403)
  - 4. County Contract C-15-0306 with Mr. Yards and More, LLC in an amount not to exceed \$12,000. (C-17-0404)

**MOTION:** Amundson moved and Schorr seconded approval of the amendments. Avery, Schorr, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

### O. City of Lincoln/Lancaster County Joint Budget Committee funding recommendations for fiscal year 2017-2018.

Sara Hoyle, Human Services Director, stated the funding is drawn down from both City and General Funds. The committee that distributes funding is made up of two members from the County Board, two members from the City Council and an appointee from both the County Board and the Mayor's Office. Hoyle noted an increase in the amount of requests with a significant reduction in funding. She said the request from Juvenile Justice Prevention funding was over \$1 million. In previous years it has been \$600,000 with approximately \$400,000 available to distribute.

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

In response to Wiltgen's inquiry as to the amount of request versus funding for the Joint Budget Committee (JBC), Hoyle said there was nearly \$2 million in requests with \$1.2 million available to distribute.

Schorr stated that Commissioner Brinkman requested the record to reflect that she is in support of the recommendations as a member of the JBC.

**ROLL CALL:** Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

# P. City of Lincoln/Lancaster County Joint Budget Committee funding recommendations for Juvenile Justice Prevention Fund grants for fiscal year 2017-2018.

**MOTION:** Schorr moved and Amundson seconded approval of the recommendations. Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

# Q. Acceptance of the Lancaster County Enhancement Grant, State Grant Award 17-EB-0612, from the Nebraska Commission on Law Enforcement and Criminal Justice in the amount of \$48,643. (C-17-0425)

Hoyle said this money is left over from other counties that do not apply for community aid funding. Community aid is a predetermined amount of money based on the community juvenile population ages 12 to 18. She noted due to recent budget cuts the County's amount decreased from \$225,000 to \$48,000. Hoyle added that all the funding will go to the crisis stabilization initiative and youth services.

**MOTION:** Schorr moved and Amundson seconded approval of the grant award. Amundson, Avery, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

Hoyle provided an overview of items R through Y.

R. Grant contract with Family Service Association in the amount of \$25,000 for In School Therapeutic Services through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid State Grant (#17-CB-529). Term of the grant contract is July 1, 2017 through June 30, 2018. (C-17-0302)

**MOTION:** Schorr moved and Amundson seconded approval of the grant contract. Amundson, Schorr, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

S. Grant contract with VolunteerLinc in the amount of \$38,165 for the Community Service Project through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid State Grant (#17-CB-529). Term of the grant contract is July 1, 2017 through June 30, 2018. (C-17-0303)

**MOTION:** Amundson moved and Schorr seconded approval of the grant contract. Schorr, Avery, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

T. Grant contract with Youth for Christ in the amount of \$6,650 for the REAL Essentials program through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid State Grant (#16-CB-523). Term of the grant contract is May 1, 2017 through June 30, 2017. (C-17-0347) Matt Schulte, Youth for Christ Director, said the program will be provided at the Youth Services Center this summer.

**MOTION:** Schorr moved and Amundson second approval of the grant contract. Avery, Amundson, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

 U. Grant contract with CEDARS Youth Services in the amount of \$48,643 for the Youth Crisis Stabilization program through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid State Grant (#17-EB-612). Term of the grant contract is July 1, 2017 through June 30, 2018. (C-17-0349)

**MOTION:** Schorr moved and Avery seconded approval of the grant contract. Avery, Amundson, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

V. Grant contract with Child Guidance Center in the amount of \$50,000 for the School-based Therapy program through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid State Grant (#17-CB-529). Term of the grant contract is July 1, 2017 through June 30, 2018. (C-17-0393)

**MOTION:** Amundson moved and Schorr seconded approval of the grant contract. Amundson, Avery, Schorr and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

 W. Grant contract with Child Guidance Center in the amount of \$10,494 for the Therapeutic Consultation program through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid State Grant (#16-CB-523). Term of the grant contract is April 1, 2017 through June 30, 2017. (C-17-0394)

**MOTION:** Amundson moved and Avery seconded approval of the grant contract. Avery, Schorr, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

X. Grant contract with Lighthouse in the amount of \$5,702 for the Out of School Suspension program through the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid State Grant (#16-CB-523). Term of the grant contract is April 15, 2017 through June 30, 2017. (C-17-0396)

**MOTION:** Schorr moved and Amundson seconded approval of the grant contract. Amundson, Schorr, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

Y. Grant contract amendment with Child Guidance Center to modify the source of funding for contract C-16-0658 to include Nebraska Commission on Law Enforcement and Criminal Justice Community-based Juvenile Services Aid State Grants #15-EB-0602 and #16-CB-0523. The contract is for the Juvenile Diversion program. Term of the grant contract is July 1, 2016 through June 30, 2017. (C-17-0395) **MOTION:** Amundson moved and Avery seconded approval of the grant contract amendment. Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

- 5) <u>CONSENT ITEMS</u>: 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. Receive and place on file the following reports for May:
    - 1. Assessor/Register of Deeds
    - 2. Records and Information Management
  - B. Setting a public hearing on Tuesday, June 27, 2017 at 9:00 a.m. in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) regarding the proposed sale of property generally located at 2202 South 11<sup>th</sup> Street in the City of Lincoln, Lancaster County, Nebraska, which includes declaring that the property no longer serves a County purpose, determining fair market value, and setting the date for sale of the property.

**MOTION:** Schorr moved and Amundson seconded approval of the consent items. Avery, Schorr, Amundson and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

6) <u>PUBLIC COMMENT:</u> 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.

### 7) <u>ANNOUNCEMENTS</u>:

- A. The Lancaster County Board of Commissioners will hold a staff meeting, including department budget hearings, on Thursday, June 15, 2017 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln).
- B. The Lancaster County Board of Commissioners will meet on Friday, June 16, 2017 at 1:00 p.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) to discuss the Juvenile Detention Alternatives Initiative (JDAI).
- C. The Lancaster County Board of Commissions will hold their next regular meeting on Tuesday, June 20, 2017 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 meeting immediately following.
- D. The County Commissioners can be reached at 402-441-7447 or <u>commish@lancaster.ne.gov</u>.

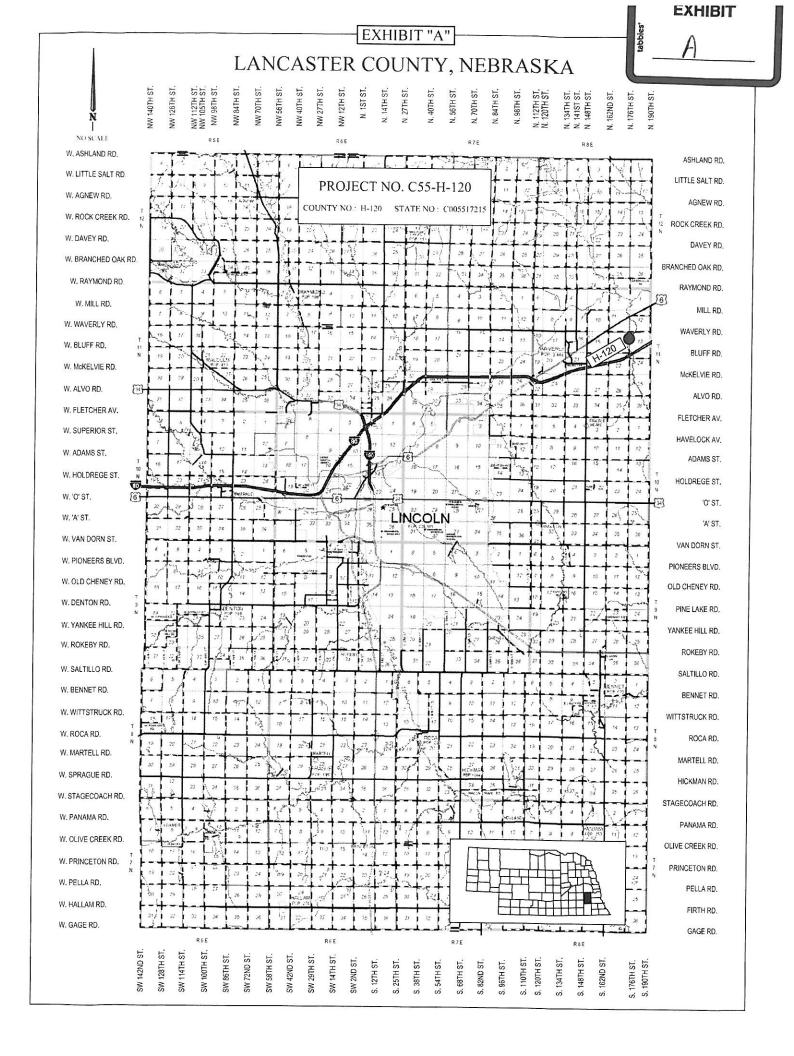
E. The Lancaster County Board of Commissioners meeting is broadcast live. It is rebroadcast on Tuesdays (1:30 p.m. and 7:00 p.m.), Wednesdays (12:00 a.m. midnight) and Saturdays (3:30 p.m.) on 5 City-TV, Cable Channel 5. In addition, the meeting may be viewed on the internet at lancaster.ne.gov under 5 City-TV, Video on Demand or 5 City-TV on YouTube.

### 8) ADJOURNMENT

**MOTION:** Schorr moved and Amundson seconded to adjourn the Lancaster County Board of Commissioners meeting at 10:13 a.m. Schorr, Amundson, Avery and Wiltgen voted yes. Brinkman was absent. Motion carried 4-0.

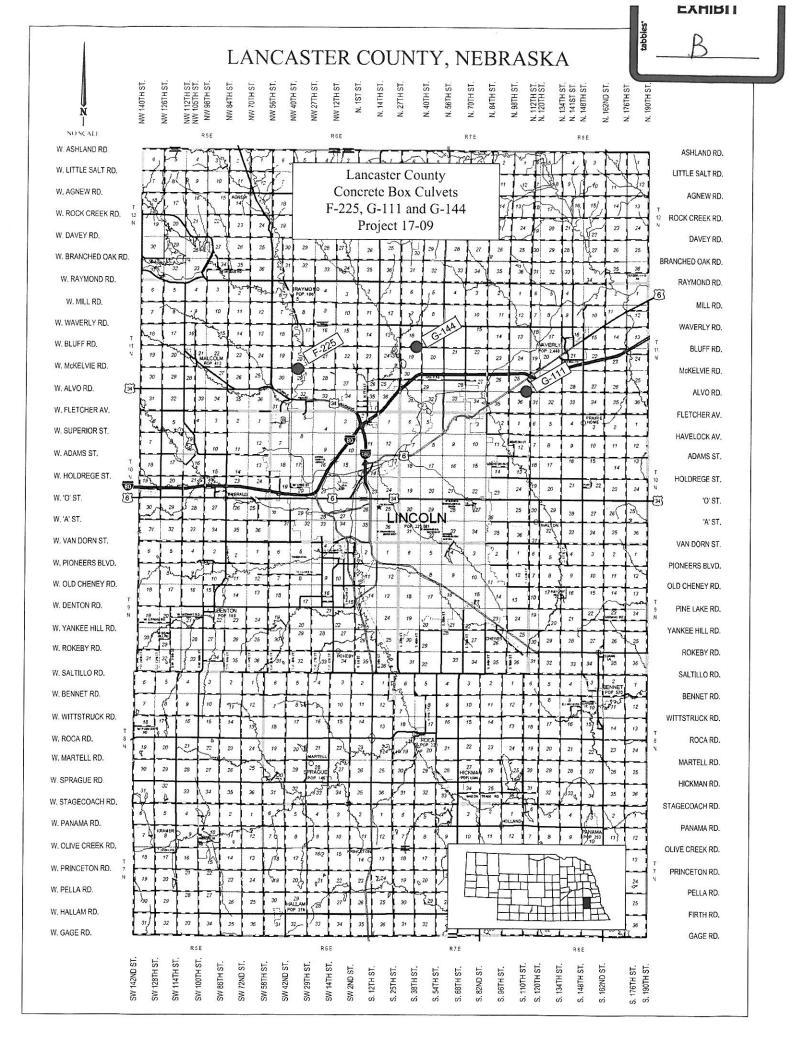
Dan Nolte / Lancaster County Clerk















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