

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, OCTOBER 9, 2018**  
**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 October 5, 2018.*

Commissioners present: Todd Wiltgen, Chair; Jennifer Brinkman, Vice Chair and Roma Amundson

Commissioners absent: Bill Avery and Deb Schorr

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 Chair called the meeting to order at 9:00 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 2, 2018.**

**MOTION:** Amundson moved and Brinkman seconded approval of the minutes. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

**2) CLAIMS:**

- A. Approval of all claims processed through October 9, 2018.**

**MOTION:** Brinkman moved and Amundson seconded approval of the claims. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

**3) NEW BUSINESS:**

- A. Resolution in the matter of witness fees paid by Lancaster County, which have remained unclaimed for six months or more. (R-18-0071)**

**MOTION:** Brinkman moved and Amundson seconded approval of the resolution. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- B. Resolution directing the County Engineer to conduct a study and the Planning Department to write a report regarding vacating the twenty five foot right-of-way adjacent to the east line of Lot 6 IT and the west line of Lots 7, 8, and 9, Block 3 of Gieren's First Addition, Walton, Nebraska, more particularly described in "Exhibit A", and located in Lancaster County, Nebraska. (R-18-0072)**

Pam Dingman, County Engineer, said since this piece of ground is in the three-mile jurisdiction of the City of Lincoln, the Planning Commission and the Lincoln City Council will also have to approve this item.

Brinkman asked for clarification. Tom Cajka, Planning Department, said when a property is within the City's three-mile zoning jurisdiction the street vacation first goes through the Planning Commission then the City Council. After the City Council approves the application, a report is sent to the County Board. That process will most likely take longer than 30 days.

Kerry Eagan, Chief Administrative Officer, said this should be able to be a simultaneous process whereby the County Engineer conducts their study while the application goes in front of the City Council.

**MOTION:** Amundson moved and Brinkman seconded approval of the resolution. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- C. Recommendation from the Purchasing Agent and Emergency Management to award a contract for the supply and installation of an Outdoor Warning Siren in Roca, NE (Bid No. 18-240) to Schmader Electric. The total cost is \$26,975. (B-18-0240)**

Jim Davidsaver, Emergency Management Director, said the new siren will provide coverage for a significantly larger area and will be located on public property.

**MOTION:** Amundson moved and Brinkman seconded approval of the recommendation. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- D. Unit Price Contract with Dickey Hinds Muir to provide construction services for a restroom remodel which exceeds the County formal bid threshold. The total cost is not to exceed \$37,597.62. (C-18-0606)**

**MOTION:** Brinkman moved and Amundson seconded approval of the contract. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- E. Agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner and Steve McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the General Election to be held on Tuesday, November 6, 2018. The County will pay \$60 per polling location for the delivery service. (C-18-0611)**

**MOTION:** Amundson moved and Brinkman seconded approval of the agreement. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- F. Recommendation from the Purchasing Agent and Lancaster County Sheriff to award and execute a Purchase Order for a 2018 or current production year Jeep Cherokee using the State of Nebraska, Contract 14875 OC to Gene Steffy Chrysler Center, Inc. The total amount of the order is \$24,104. (C-18-0608)**

**MOTION:** Brinkman moved and Amundson seconded approval of the recommendation. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- G. Recommendation from the Purchasing Agent and Lancaster County Sheriff to award and execute a Purchase Order for a 2018 or current production year Dodge Grand Caravan using the State of Nebraska, Contract 14866 OC to Lincoln Dodge, Inc., dba Baxter Chrysler Dodge Jeep Ram of Lincoln. The total amount of the order is \$21,765. (C-18-0609)**

**MOTION:** Amundson moved and Brinkman seconded approval of the recommendation. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- H. Recommendation from the Purchasing Agent and Weed Control Authority to award and execute a Purchase Order for an 8-Wheel Amphibious All-Terrain Vehicle (Bid No. 18-239) to Argo Adventure (Liewer Enterprises Inc). The total/estimated amount of the order is \$22,991.70. (C-18-0605)**

Brent Meyer, Lancaster County Weed Control Superintendent, said this will be funded through the Lower Platte Weed Management Area and there will be no County funds involved. (Exhibit A)

Brinkman asked where these vehicles will be housed. Meyer said they would be housed in Hooper and David City, Nebraska.

**MOTION:** Brinkman moved and Amundson seconded approval of the recommendation. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- I. Contract between Jeremy Eberle, M.A., L.I.M.H.P., P.L.A.D.C., and Lancaster County, on behalf of the Lancaster County Mental Health Crisis Center, for certified alcohol and drug abuse counselor services. The services will be provided at the rate of \$80 per evaluation completed and \$30 per hour for other services. The term of the contract is from September 14, 2018 to September 31, 2019. (C-18-0612)**

**MOTION:** Amundson moved and Brinkman seconded approval of the contract. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- J. Contract between Joseph Higgins, Ph.D and Lancaster County, on behalf of the Lancaster County Mental Health Crisis Center, for qualified mental health services. The services will be provided at the rate of \$75 per hour for a maximum of 320 hours per year. The term of the contract is one year from the date of execution. (C-18-0613)**

**MOTION:** Brinkman moved and Amundson seconded approval of the contract. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- K. Professional services contract between Intuition and Logic, Inc., for construction inspection services for County Bridges O-37 and O-175. The anticipated completion date is July 1, 2020. The cost to the County is \$13,275. (C-18-0610)**

Dingman said these bridges are located on Old Cheney Road and West Pioneers Boulevard in the Wilderness Park area.

**MOTION:** Amundson moved and Brinkman seconded approval of the contract. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- L. Professional services contract with JEO Consulting for wetland delineation and permitting services (Project 19-07). The anticipated completion date is December 31, 2019. The cost to the County is \$29,680. (C-18-0620)**

Dingman said this is associated with the pipe program for next year's construction season.

**MOTION:** Brinkman moved and Amundson seconded approval of the contract. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- M. Adoption of 2019 Lancaster County Legislative Priorities.**

Wiltgen asked Brent Meyer to comment on the status of weed control funding from the State.

Meyer stated these funds are at risk as appropriations have been cut in half over the last decade.

Wiltgen suggested the County Board add a fourth item under "Standing Priorities" regarding funding for weed management. Eagan said he could work with Meyer to revise the document so the Board can still act on it today. By direction of the Chair, the item was held until later in the meeting.

- N. Grant contract with the City of Lincoln (Lincoln Police Department) in the amount of \$43,738 for a program to improve the local criminal justice system's response to women who are victims of domestic violence and sexual assault. The funding is from the U.S. Department of Justice - Office on Violence Against Women, under the Violence Against Women Act (Grant #2017-WF-AX-004). The term of the contract is from June 1, 2018, through May 31, 2019. (C-18-0614)**

**MOTION:** Amundson moved and Brinkman seconded approval of the grant contract. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- O. **Grant contracts funded by the Nebraska Commission on Law Enforcement and Community-Based Juvenile Services Aid (Grant #18-CB-525) for the period of July 1, 2018 through June 30, 2019 with the following.**
1. **Lincoln Police Department in the amount of \$35,000 for the Operation Tipping Point program. (C-18-0615)**
  2. **Donald P. Belau, Ph.D., in the amount of \$6,182 for the Youth Crisis Response System program. (C-18-0621)**

**MOTION:** Brinkman moved and Amundson seconded approval of the grant contracts. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- P. **Grant contract with City of Lincoln Police Department in the amount of \$25,375 for the Operation Tipping Point program through the Nebraska Commission on Law Enforcement and Criminal Justice Office of Violence Prevention Grant (#18-VP-5007). The term of the contract is from July 1, 2018 through June 30, 2019. (C-18-0616)**

**MOTION:** Brinkman moved and Amundson seconded approval of the grant contract. Brinkman, Amundson and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

**Q. Executive Session – Trabert Hall Sale.**

**MOTION:** Brinkman moved to enter into Executive Session in order to discuss the Trabert Hall Sale and to protect the public interest at 9:21 a.m.

Wiltgen stated he intended to finish the agenda before continuing with this item.

Brinkman withdrew her motion.

Wiltgen asked that this item be postponed until the end of the meeting following the Board of Equalization.

- 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. **Right-of-way contracts with the following:**
1. **Dale Pomajzl, Southwest 142<sup>nd</sup> Street and West Hallam Road, in the amount of \$487. (C-18-0617)**
  2. **Shirley A. Rediger Life Estate, Southwest 100<sup>th</sup> and West Sprague Road, in the amount of \$559. (C-18-0618)**

- B. **Renewal of the Computer Matching and Privacy Protection Act Agreement between the Social Security Administration and Lancaster County through Lancaster County General Assistance governing the exchange of information between the parties. The term of the renewal is from January 1, 2019 through December 31, 2019. There is no cost to the County. (C-18-0619)**
- C. **Utility Permit No. 1714 allowing Windstream to install utility poles at South 162nd Street and Saltillo Road and South 162nd and Olive Creek Road. There is no cost to the County. (C-18-0607)**
- D. **Received and placed on file the following reports for September, 2018:**
  - 1. **Assessor/Register of Deeds**
  - 2. **Records and Information Management**
  - 3. **Clerk of the District Court**
  - 4. **County Clerk**
  - 5. **County Engineer**

**MOTION:** Amundson moved and Brinkman seconded approval of the consent items. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

- 5) **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.

6) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a public hearing on the One and Six-Year Road and Bridge Improvement Program, on Tuesday, October 9, 2018 at 6:30 p.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).**
- B. **The Lancaster County Board of Commissioners will not hold a staff meeting on Thursday, October 11, 2018. The next staff meeting will be on Thursday, October 18, 2018 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).**
- C. **The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, October 16, 2018 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.**
- 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).**

The meeting was recessed at 9:25 a.m.

The meeting reconvened at 9:27 a.m.

#### **RETURNING TO ITEM Q**

**MOTION:** Brinkman moved and Amundson seconded to enter into Executive Session to discuss the sale of Trabert Hall and to protect the public interest at 9:27 a.m. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

**MOTION:** Brinkman moved and Amundson seconded to exit Executive Session at 9:37 a.m. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

#### **RETURNING TO ITEM M**

Eagan said he revised the list of Standing Priorities to include funding for invasive species. (Exhibit B)

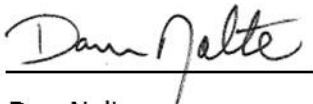
**MOTION:** Brinkman moved and Amundson seconded to amend the County Legislative Priorities as proposed.

Brinkman corrected her motion to clarify that amendment and adoption of the priorities would take place with one motion. Amundson agreed with the correction.

**ROLL CALL:** Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.

#### **7) ADJOURNMENT**

**MOTION:** Brinkman moved and Amundson seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:40 a.m. Amundson, Brinkman and Wiltgen voted yes. Avery and Schorr were absent. Motion carried 3-0.



Dan Nolte  
Lancaster County Clerk



EXHIBIT

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## 2019 LANCASTER COUNTY LEGISLATIVE PRIORITIES

**1. Allow Outpatient Treatment for Restoration of Competency to Stand Trial**

Pursuant to Neb. Rev. Stat. §29-1823, criminal defendants found mentally incompetent to stand trial must be sent to the Lincoln Regional Center for treatment to remove the disability and restore competency. Allowing for outpatient treatment in appropriate cases could help reduce the County's jail population; and also help reduce overcrowding at the Lincoln Regional Center.

**2. Statutory Changes to Implement Statewide 24/7 Sobriety Program**

The 24/7 Sobriety Program has been successfully used in other states to reduce recidivism for alcohol-related offenses such as driving under the influence. Lancaster County is in the process of establishing a 24/7 program under the supervision of the County's Community Corrections Department. Statutory changes are needed to mandatory sentencing and drivers license provisions to provide incentives for participants to actively participate and complete the program.

**3. Allow financing of County Bridges under Neb. Rev. Stat. §23-120(3)(b)**

The number of structurally deficient county bridges in Nebraska is increasing at an alarming rate. Amending Neb. Rev. Stat. §23-120(3)(b) to include county bridges could provide a steady source of revenue to address this public safety issue.

**4. Require the State to Pay for Medical Care Provided to Inmates Granted Medical Parole**

Neb. Rev. Stat. §83-1,110.02 allows Committed offenders, not under a sentence of death or life in prison, to be granted medical parole if they become terminally ill or permanently incapacitated. The cost of caring for these individuals can be very expensive, and the burden often falls to General Assistance. The State should be required to pay the medical expenses of all committed offenders while they are on medical parole.

**5. Clarify Licensure Requirements for Facilities Providing Civil Protective Services Pursuant to Neb. Rev. Stat. §53-1,121**

For many years law enforcement agencies in Lancaster County have utilized The Bridge to house individuals removed from public places under the civil protective custody (CPC) procedures authorized under §53-1,121. Recent changes to the interpretation of regulations governing the licensure of facilities providing CPC services have jeopardized the ability of The Bridge to serve CPC individuals in a licensed facility. Legislation is necessary to clarify licensure requirements for CPC facilities.

**6. Statutory Amendments to Increase Efficiency in the Management of County Real Property**

**A. Amend Neb. Rev. Stat. §23-174.03 to provide that property dedicated to public use in plats is acquired by the County in fee simple.** This language already exists for plats filed within the zoning jurisdiction of a City of the primary class; and should be extended to Lancaster County.

**B. Allow counties to sell County-owned real property directly to other governmental entities.**

Under existing statutory authority, a county can only sell its real property when: (1) it is found to be surplus and sold at a public sale pursuant to Neb. Rev. Stat. §23-107.01; or (2) in conjunction with the exercise of its human services powers under Neb. Rev. Stat. §23-104.03. Neither of these procedures should apply in the situation where another governmental entity wants to purchase real estate owned by a county. Counties should be given the same authority as municipalities to sell real property directly to another governmental entity.

## Standing Priorities

### 1. Property Tax Relief

Property tax relief continues to be the top legislative priority for Lancaster County.

Pressure on the property tax can be reduced by eliminating unfunded mandates which primarily benefit the State, including the obligation of counties to pay rent for certain Health and Human Services facilities under Neb. Rev. Stat. §68-130. Another way to reduce reliance on the property tax is to diversify county revenue sources. Potential new revenue sources for counties could include:

- Tobacco tax increase
- Occupation tax on wineries
- Remove sales tax exemption on soda, energy drinks, and candy, and earmark the proceeds for property tax relief
- Increase statutory fees to keep pace with the cost of the service being provided

### 2. Funding for Adult Criminal Justice System Reform

Lancaster County's jail population and probation housing costs have increased as a direct result of 2015 Neb. Laws LB 605. Funding for the County Justice Reinvestment Grant Program created under LB 605 should be maintained or increased to help offset these additional costs.

### 3. Funding for Juvenile Justice Reform

Juvenile justice reform under 2013 Neb. Laws LB 561 is not being adequately funded. With the passage of 2018 Neb. Laws LB 1112, adequate funding becomes even more critical. Additional funding should be appropriated for community-based post adjudication services, and existing funding levels for the Juvenile Justice Community Based Aid Program should be maintained or increased.

### 4. Funding for Aquatic Invasive Species under 2016 Neb. Laws LB 1038

The Legislature appropriated \$1 million in 2016 for treatment of invasive species on or near the waters of the State. Funding was reduced in 2016 and 2017. Full funding under LB 1038 should be restored to help meet the State's responsibility to treat invasive species impacting the waters of the State.