

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**COUNTY-CITY BUILDING, ROOM 112**  
**TUESDAY, MAY 7, 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 May 3, 2019.*

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

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 Monét McCullen, County Clerk's Office

*The meeting was called 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, April 30, 2019.**

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

**2) CLAIMS:**

- A. Approval of all claims processed through May 7, 2019.**

**MOTION:** Schorr moved and Vest seconded approval of the claims. Vest, Schorr, Flowerday, Amundson and Brinkman 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. Amendments to the following County contracts:**

- 1. C-18-0188 with SAKRX, LLC dba Kohll's Rx for Pharmacy Services for General Assistance Clients. (RFP No. 18-025. The amendment renews the contract from April 17, 2019 through April 16, 2020. The estimated cost to the County is not to exceed \$385,000 for all contracts.) (C-19-0351)**

2. **C-15-0289 with Teknion LLC using TCPN Contract R142214 for Furniture and Installation. (The amendment renews the contract from May 1, 2019 through April 30, 2020. The estimated cost to the County is not to exceed \$20,000.) (C-19-0353)**
  3. **C-17-0374 with SAKRX, LLC dba Kohll's Rx for Annual Supply and Administering Influenza Vaccine. (Quote No. 5618. The amendment renews the contract with a price increase for an additional one-year term from May 30, 2019 through May 29, 2020. The cost to the County is not to exceed \$9,000.) (C-19-0355)**
- B. Agreement with the United States Department of Agricultural Animal and Plant Health Inspection Service Wildlife Services (Department) for the Department's Wildlife Damage Management Program. The term of the agreement is July 1, 2019 through June 30, 2020. The cost to the County shall not exceed \$7,500. (C-19-0354)**
- C. Received and placed on file the following reports for April, 2019:**
1. **County Clerk**
  2. **Clerk of the District Court**
  3. **Assessor/Register of Deeds**

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

#### **4) SPECIAL PRESENTATION**

- A. Proclaiming May 5-11, 2019 as National Correctional Officers and Employees Week. (See correlating item 6A)**

The Clerk read the proclamation into the record.

Brad Johnson, Lancaster County Department of Corrections Director, said the correctional employees work very hard and they all deserve this recognition.

Schorr asked about the number of employees at the correctional facility. Johnson said they have close to 220 employees, that number does not include medical or kitchen staff, who also deserve recognition.

Amundson said she understands the work can be intense and the officers and staff are put in dangerous situations. She felt it was also necessary to recognize the families who support those workers.

#### **5) PUBLIC HEARING:**

- A. Corporate manager liquor license application for Dale Lilyhorn in connection with a Class Y liquor license for Whispering Vines Winery, LLC, dba Windcrest Winery, 3110 West Branched Oak Road, Raymond, Nebraska. (See correlating item 6B)**

The Chair opened the public hearing.

Dale Lilyhorn, Windcrest Winery Manager, was administered the oath and asked the Board to support the application.

Schorr asked if this was a new application or a change in the current application. Lilyhorn said he is the owner of the winery which opened in 2008. He leased his tasting room to an individual who ran it from March, 2018 to September, 2018. She has since resigned and now he will be the manager of the liquor license.

No one appeared in opposition or in the neutral position.

The Chair closed the public hearing.

**6) NEW BUSINESS:**

- A. Resolution proclaiming May 5-11, 2019 as National Correctional Officers and Employees Week. (R-19-0038)**

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

- B. Resolution in the matter of a corporate manager liquor license application for Dale Lilyhorn in connection with a Class Y liquor license for Whispering Vines Winery, LLC, dba Windcrest Winery, 3110 West Branched Oak Road, Raymond, Nebraska. (R-19-0039)**

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

- C. Resolution in the matter of authorizing the Chair, Vice Chair, and other Commissioners to declare a disaster or emergency pursuant to Neb. Rev. Stat. § 81-829.50. (R-19-0037)**

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

- D. Resolution in the matter of revising the policy for the vacation or abandonment of public roads initiated by petition. (R-19-0040)**

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

Brinkman thanked the County Attorney's Office for their work on revising the policy.

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

- E. Special designated license application from Seven Diamonds, LLC for an event at Roca Ridge Events, 5265 Prairie Sage Drive, Roca, Nebraska on May 25, 2019.**

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

- F. Request under Personnel Rule 17.14 (d) for a one-time cash award of \$500 for Officer Megan McDonald.**

The Clerk noted this item will be held for one week.

- G. Recommendations from the Personnel Policy Board to:**

- 1. Create the classification of Title Inspector (A19, \$38,230.40 - \$48,963.20)**
- 2. Create the classification of Assistant County Engineer (C28, \$86,440.64 - \$110,720.48)**
- 3. Amend the Human Resources Policy Bulletin – Overtime Pay Policy.**

Doug McDaniel, Human Resources Director, provided a brief overview of the recommendations. He noted the Title Inspector classification was requested by the Sheriff's Office as the current work is being done by a commissioned officer. The Assistant County Engineer classification was requested by the County Engineer's Office. McDaniel added the amendment to the Human Resources Policy Bulletin on overtime pay will bring it up-to-date with changes previously approved during labor negotiations specific to compensatory time.

**MOTION:** Amundson moved and Schorr seconded approval of the recommendations from the Personnel Policy Board. Vest, Schorr, Flowerday, Amundson and Brinkman voted yes. Motion carried 5-0.

- H. License agreement with Swank Motion Pictures, Inc., for showing DVD movies at the Youth Services Center. The County will pay \$458.10 for the license. Term of the agreement is July 1, 2019, through June 30, 2020. (C-19-0356)**

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

- I. Contract with General Fire & Safety Equipment Company for Annual Service – Fire Extinguisher Inspection, Testing, and Maintenance (Bid No. 19-120). 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 \$2,000. (C-19-0352)**

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

- J. Contract with Physicians Laboratory Services, Inc. for Annual Service - Blood Profile Services (Quote 6001). 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 \$7,500. (C-19-0350)**

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

- K. Recommendation from the Purchasing Agent and The Facilities and Properties Director to award a contract to White Castle Roofing for Lancaster County DMV Roof Replacement (46th & "R" Streets - Bid No. 19-114). The total amount is \$71,016. (B-19-0114)**

Kerin Peterson, Facilities & Properties Director, said the existing roof is the original one from 1996 and White Castle Roofing submitted the lowest bid.

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

- L. Agreement with Seacrest & Kalkowski, PC, LLO, for legal and facilitation services as specified in the Agreement. The cost to the County shall not exceed \$30,000. (C-19-0357)**

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

- M. Completion contract between Lancaster County and Bauer Underground, Inc., to perform the work and supply the labor, materials, and equipment necessary to perform the work for the project known as Bid No. 18-172, Project No. 17-09, Concrete Box Culverts G-111 and G-144, pursuant to the terms of County Contract No. C-18-0482. The cost to the County is \$460,000. (C-19-0361)**

Pam Dingman, Lancaster County Engineer, said G-111 is a box culvert located just west of the intersection of Alvo Road and North 112<sup>th</sup> Street and G-144 is a box culvert located on Bluff Road between North 27<sup>th</sup> and North 40<sup>th</sup> Streets. The original contract was terminated for nonperformance. The project was rebid and awarded to TCW Construction, who is no longer in business. An agreement was reached with TCW Construction's bond company for Bauer Construction to complete the work.

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

- N. Tender and Release Agreement between Lancaster County and Hudson Insurance Company related to the project known as Bid No. 18-172, Project No. 17-09 Concrete Box Culverts G-111 and G-144. Hudson shall pay the County \$82,974.85 under the Agreement. (C-19-0358)**

Dingman said this agreement is related to item 6M. Hudson Insurance is the bond company for TCW Construction. This will allow the bond company to reimburse the County for the difference between the cost of TCW Construction and Bauer Construction. The County will still have to pay \$460,000 for the work which is more than was budgeted for this year.

**MOTION:** Amundson moved and Vest seconded approval of the tender and release agreement.

Vest asked if there was some recovery from the insurance company due to the increase in cost. Dingman explained \$460,000 is the current cost of the box culvert construction. This amount is \$82,974.85 more than TCW's original bid. The current challenge for the Engineering Department is to not exceed the budget authority. Dingman added that although the County is being reimbursed, it will still show up as an expenditure and an adjustment will be needed to stay within the budget.

Dave Derbin, Deputy Lancaster County Attorney, clarified this will have some budget effects but, as far as the County is concerned, it will be a zero-dollar transaction.

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

- O. Contract with Van Kirk Brothers Construction to grade South 82<sup>nd</sup> Street from Roca Road to Bennet Road (Project 19-02). The term of the contract is June 3, 2019 through October 18, 2019. The cost to the County is \$1,204,820.57. (C-19-0359)**

Dingman said the goal is to begin work on this project the first weekend in June if the weather permits.

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

- P. Agreement with Midwest Infrastructure, Inc., for Project 19-13, Phase II of the 2019 Culvert Maintenance Project. The anticipated completion date is November 1, 2019. The cost to the County is \$677,091.95. (C-19-0360)**

Dingman said there will only be two phases of culvert maintenance projects this year to stay within the budget. Culvert projects are coming in higher due to lack of contractors and materials.

**MOTION:** Schorr moved and Vest seconded approval of the agreement. Amundson, Vest, Schorr, Flowerday and Brinkman voted yes. Motion carried 5-00.

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

Flowerday exited the meeting at 9:22 a.m.

Matt Rogge, Talon Room owner, asked to revisit item 6E.

Brinkman explained item 6E had already been discussed and approved by the Board.

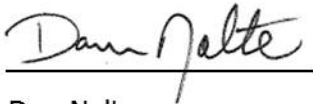
Flowerday returned to the meeting at 9:23 a.m.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold department budget hearings on Tuesday, May 7, 2019 immediately following the Lancaster County Board of Equalization meeting in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln).
- B. The Lancaster County Board of Commissioners will hold a staff meeting, including department budget hearings, on Thursday, May 9, 2019 at 8:30 a.m., in the Bill Luxford Studio (Room 113) of the County-City Building (555 S. 10th Street, Lincoln).
- C. The Lancaster County Board of Commissioners will hold its next regular meeting on Tuesday, May 14, 2019 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10<sup>th</sup> Street, Lincoln) with department budget hearings 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 LNKTU City. For the rebroadcast schedule visit [lincoln.ne.gov](http://lincoln.ne.gov) (keyword: LNKTU). Meetings are also streamed live on LNKTU and can be viewed on YouTube (LNKTUcity).

9) **ADJOURNMENT**

**MOTION:** Schorr moved and Vest seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:24 a.m. Flowerday, Amundson, Vest, Schorr and Brinkman voted yes. Motion carried 5-0.



Dan Nolte  
Lancaster County Clerk

