

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, SEPTEMBER 17, 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 September 13, 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 9:00 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, September 10, 2019.**

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

2) CLAIMS:

- A. Approval of all claims processed through September 17, 2019.**

MOTION: Vest moved and Yoakum seconded to approve the claims. Vest, Schorr, Flowerday, Yoakum and Amundson 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 grant contracts (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid Grant. The terms of the contracts are July 1, 2018 through June 30, 2019):**

- 1. C-18-0700 with Clyde Malone Community Center for the Leadership for Young Women program (for an increase of \$581.35). (C-19-0701)**

2. C-18-0701 with Clyde Malone Community Center for the Leadership for Young Men program (for an increase of \$4,458.43). (C-19-0702)
3. C-18-0689 with El Centro de las Americas for the Latina Leaders program (for an increase of \$442.37). (C-19-0703)
4. C-18-0690 with El Centro de las Americas for the Joven Nobles program (for an increase of \$845.84). (C-19-0704)

B. Amendments to the following County contracts:

1. C-18-0581 with the Board of Regents of the University of Nebraska, on behalf of the University of Nebraska-Lincoln's Law-Psychology program (The term of the amendment is from September 1, 2019 through August 31, 2020. The cost to the County is \$50,000.) (C-19-0699)
2. C-17-0768 with Midwest Service and Sales Co., for Annual Supply - Grader Blades. (Bid No. 17-212. The amendment renews the contract from October 4, 2019 through October 3, 2020. The cost to the County is not to exceed \$50,000.) (C-19-0700)
3. C-17-0767 with Nebraska Printing Center for Annual Supply – Envelope Supply and Printing. (Bid No. 17-247. The amendment renews the contract from November 1, 2019 through October 31, 2020. The cost to the County is not to exceed \$20,000.) (C-19-0705)
4. C-17-0755 with Total Fire & Security for the Annual Service – Fire Alarm Panel Inspection Testing and Repair. (Quote No. 5682. The amendment renews the contract from September 19, 2019 through September 20, 2020. The estimated cost to the County is not to exceed \$4,000.) (C-19-0710)
5. C-19-0235 with the Nebraska Department of Health and Human Services to amend the contract term and increase the per diem rate per detainee for July 1, 2019 through June 30, 2020. (C-19-0712)

C. Change Order #1 to County contract C-19-0359 (Project No. 19-02; Bid No. 19-084) with Van Kirk Brothers Contracting to change a 24" driveway culvert pipe with a 36" driveway culvert pipe (for a net increase of \$1,500). (C-19-0708)

D. Change Order #2 to County contract C-19-0497 (Project 19-23; Bid No. 19-129) with Dustrol Inc., to extend the contract completion date to October 31, 2019 (due to circumstances beyond the control of the contractor.) (C-19-0711)

E. Setting a public hearing on Tuesday, September 24, 2019 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln) regarding setting the final tax request at a different amount than the prior year tax request for Lancaster County and the Rural Library for Lancaster County.

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

4) UNFINISHED BUSINESS:

A. **Recommendations from the Personnel Policy Board to request amendments to the following:**

1. **Rule 2.7 – Personnel Policy Bulletins**
2. **Rule 2.8 – Availability of These Rules**
3. **Rule 3 – Classified Service and Exceptions Therefrom**
4. **Rule 4.4 – Quorum**

Doug McDaniel, Human Resources Director, provided an overview of the rule changes which include a department name change from Personnel to Human Resources, a corrected website address, the inclusion of Law Clerks to the classified service exception rule and revision of the quorum requirements. McDaniel also discussed item 4B stating the changes add clarifying language as to how an individual can use vacation upon notice of retirement.

The Clerk read item 4B.

Flowerday asked for clarification on Rule 4.4. McDaniel explained that in order to comply with State Statute, a quorum will now consist of three members and, of those present, certain groups must be represented.

MOTION: Schorr moved and Flowerday seconded to approve the recommendations. Flowerday, Yoakum, Vest, Schorr and Amundson voted yes. Motion carried 5-0.

B. **Recommendation from the Personnel Policy Board to revise the Vacation Usage Upon Retirement Policy.**

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

5) NEW BUSINESS:

A. **Resolution directing the County Treasurer to issue tax sale certificates to the County on all parcels of real estate where there are delinquent taxes and also directing the County Attorney's Office to begin tax foreclosure proceedings. (R-19-0066)**

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

B. **Collective Bargaining Agreement with the Fraternal Order of Police Lodge #77. The term of the agreement is August 15, 2019 to August 31, 2021. (C-19-0713)**

McDaniel said this union represents the Youth Services Detention Officers. This will be a two-year agreement with a 2.0% annual wage increase and operation changes related to overtime.

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

C. 2019 Sub-Recipient Agreement with Nebraska Emergency Management Agency in the amount of \$143,365. (C-19-0714)

Jim Davidsaver, Emergency Management Director, said this grant is through the Department of Homeland Security. This is federal money that is administered by the State at the local level. Qualifications include a 50% reimbursement of personnel costs including wages and benefits.

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

D. Memorandum of Understanding (MOU) with the Nebraska Commission on Law Enforcement and Criminal Justice for the use of the Crime Commission's GrantVantage online grant management system. (C-19-0707)

Sara Hoyle, Human Services Director, said the MOU will allow Lancaster County to access the Crime Commission's new online system.

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

E. Grant contract with Lighthouse for the Brick by Brick Mentoring program (funded by the Nebraska Commission on Law Enforcement and Criminal Justice Juvenile Services Aid Grant). The term of the grant contract is July 1, 2019 through June 30, 2020 in the amount of \$21,953. (C-19-0706)

Brandon McWilliams, creator of Brick by Brick Mentoring, gave a brief overview of the program. He noted this program has been ongoing since 2014.

Schorr asked if this program focused only on the male population. McWilliams said it is for both males and females.

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

F. Agreement with JEO (Project No. 20-09) for professional engineering services related to the 2020 countywide wetland delineation services for 18 County sites. The term of the agreement shall be for one year from the date of execution. The cost to the County is \$32,078. (C-19-0709)

Larry Legg, County Engineering Department, said the contract is for wetland delineation which has to be done during growing season. This will allow wetlands to be delineated in time for next year's program.

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

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

Melissa Baker discussed her concerns about the Confined Animal Feeding Operations (CAFO) task force and referenced a number of points previously read at a CAFO meeting (Exhibit A).

Yoakum asked if there was a new chicken farm in Platte County. Baker confirmed there was one and they are growing in size of operations.

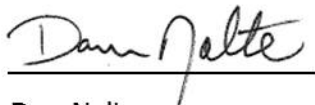
Schorr asked if there were national models for decommission plans for CAFOs. Flowerday confirmed those plans do exist and these types of operations are new to Nebraska but are a standard operation in other States.

7) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, September 19, 2019 at 8:30 a.m., 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 its next regular meeting on Tuesday, September 24, 2019 at 9:00 a.m., in Room 112 of the County-City Building (555 S. 10th Street, Lincoln).
- 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).

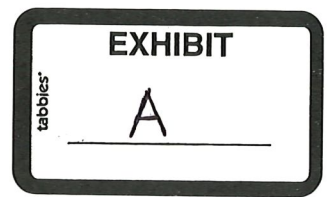
8) **ADJOURNMENT**

MOTION: Schorr moved and Yoakum seconded to adjourn the Lancaster County Board of Commissioners meeting at 9:29 a.m. Flowerday, Yoakum, Vest, Schorr and Amundson voted yes. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk





Improved Standards:

-Need to stop approving applications until the county regs have been updated in order to protect the public's health and quality of life.

-Consider putting a cap on amount of animals/barns.

-1.5 mile residential setbacks from CAFO operations, 3 mile setbacks from public use areas (schools, churches, communities) *Dr. Harriet Gould suggested 5 mile setback for schools.

-At least one-month notice (prior to the county planning and zoning meeting) to all residents living within 3 miles of a CAFO.

-Require emission reporting for ammonia and other ghg emissions to protect public health, and understand climate impact.

-Ground and surface water testing on all sources within 1/2 mile of operation and public reporting of their analytical results should be a required element of the initial application for a special permit.

-Nutrient Management Plan (NMP) should require cover cropping on all farms applying litter, and buffer strips along running waterways within 1 mile of barns.

- 'Environmental Impact Review' in NMP on all large CAFO's required prior to process and public hearings.

-Disaster fund for environmental mitigation & liability paid by parent company (LPP in this case) or other industrial ag companies so liability not on the county or the farmer growers (through contamination during operation). It must take into consideration types of livestock, size of CAFO, & their practices. This reserve must have a 5 to 1 asset to liability ratio.

-There should be funds required to be set aside from the parent company for decommissioning of the barns. In other industrial poultry communities, after the projects closed operation they just left the barns wasting away. It wastes land & makes the countryside look littered and abandoned.

-Need to explore a new county designation similar to Saline County's Ag Transition Zone.

Others:

-sloppy process issues have yielded legal action

-we also need to define agricultural vs industrial