

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, OCTOBER 5, 2010**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**9:30 A.M.**

Commissioners present: Bernie Heier, Chair  
Ray Stevens, Vice Chair  
Larry Hudkins  
Deb Schorr  
Bob Workman

Others present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Brittany Behrens, Deputy County Attorney  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 28, 2010.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

2) **CLAIMS: Approval of all claims processed through Tuesday, October 5, 2010.**

**MOTION:** Workman moved and Hudkins seconded approval of the claims. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

3) **SPECIAL PRESENTATION:**

A. **Report on the All Mail Special Election conducted for Malcolm Public Schools District 0148 on Tuesday, September 14, 2010 – Dave Shively, Lancaster County Election Commissioner. (See Item 5A for correlating document.)**

Dave Shively said this was the County's first all mail election. His office mailed 1649 ballots 20 days prior to the election; 966 ballots were returned with four rejected for failure to sign the returned envelope. Turnout rate was 58.3%; a similar 2008 election used polling sites and had a 38% turnout rate. Total costs for both elections were close, but cost per ballot goes down substantially when mailed.

Hudkins questioned if there were any problems doing an all mail election. Shively stated there were no major problems. Hudkins asked about voter registration deadline and how Shively felt about same day registration. Shively said voter registration must be done by the third Friday prior to the election if registering by mail or at an outside location. If done in person, it must be done by the second Friday before the election. He stated he is opposed to same day registration.

3) **SPECIAL PRESENTATION CONTINUED:**

Stevens questioned ballots returned for people living outside the school district. Shively stated those were for people who had moved and not re-registered. He is required by state law to mail the ballots, which then come back undeliverable or with a new address. Stevens asked about ballots received late. Shively said those ballots were postmarked September 14, and the law required the ballots to already be in his possession on September 14.

Schorr asked if this was the largest all mail election in Nebraska. Shively said Gage County has done an entire county election. Schorr asked if this process could be used for future elections. Shively said it would work well for a small village. He said while the law was changed to allow the Election Commissioner to decide an election format, it must still be approved by the Secretary of State. Schorr said she would like to share Shively's report with the Nebraska Association of County Officials (NACO).

Workman asked if there were problems with ballots being returned undeliverable. Shively said most mail returned was already flagged as possibly having a different address.

4) **PUBLIC HEARING:**

- A. **Setting the final tax request at a different amount than the prior year tax request. (See Item 5C for correlating document.)**

The Chair opened the public hearing. Dennis Meyer, Budget & Fiscal Director, was administered the oath. He said State Statute requires a public hearing when setting the final tax request at a different dollar amount than the prior year. He noted the tax levy is the same; the dollar amount is different due to a change in valuation. Hudkins asked if fund balances were diminished in the attempt to leave the tax levy the same. Meyer said fund balances were slightly affected. Hudkins stated fund balances should be monitored in the future. The Chair closed the public hearing.

5) **NEW BUSINESS:**

- A. **Receive and place on file the report on the All Mail Special Election conducted by the Lancaster County Election Commission for Malcolm Public Schools District 0148 on Tuesday, September 14, 2010.**

**MOTION:** Hudkins moved and Workman seconded approval of the report. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- B. **An 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 on November 2, 2010. The agreement shall continue until November 5, 2010. The County will pay \$50 per polling location for the delivery services. (C-10-0506)**

**MOTION:** Hudkins moved and Workman seconded approval of the agreement.

Stevens questioned if the polling price was \$50 or \$35 as stated in Attachment A. Dave Shively said the price listed in Attachment A is a fee to use the polling location. Hudkins said one fee is for delivery and the other is a stipend for the actual facility.

5) **NEW BUSINESS CONTINUED:**

**ROLL CALL:** Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- C. **A resolution in the matter of setting the 2010-2011 property tax request for Lancaster County at a different amount than that of the prior year. (R-10-0087)**

**MOTION:** Stevens moved and Hudkins seconded approval of the resolution. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- D. **A resolution in the matter of striking uncollectible property tax from the list. (R-10-0088)**

**MOTION:** Schorr moved and Hudkins seconded approval of the resolution. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- E. **A resolution and agreement between Lancaster County and the Nebraska Department of Roads regarding the duties and responsibilities of each party for the National Bridge Inspection Standards. (R-10-0089) (C-10-0497)**

**MOTION:** Workman moved and Hudkins seconded approval of the resolution and agreement. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- F. **Change order supplemental agreement No. 1 to County Contract No. C-10-0371 with Hawkins Construction Company, for an increase of \$2,228.17 on the Hickman Viaduct; Project No. C55-S-401(6). (C-10-0498)**

**MOTION:** Schorr moved and Hudkins seconded approval of the agreement. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

- G. **A contract with Kerford Limestone Co. for the annual supply of limestone rock on an as needed basis for the County Engineer. The County will pay for products according to the pricing as listed in the contractor's proposal. Term of the contract is July 2, 2010, to July 1, 2011. (C-10-0499)**

**MOTION:** Hudkins moved and Stevens seconded approval of the contract. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

- H. **A grant contract with Volunteer Partners, Inc., in the amount of \$19,500, to provide funding to enhance Lancaster County's Juvenile Services Comprehensive Plan through the Community Services Project. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-10-0500)**

**MOTION:** Stevens moved and Hudkins seconded approval of the contract. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- I. **A grant contract with The HUB, Inc., in the amount of \$34,655, to provide funding for the Helping Improve Readiness for Employment (Project HIRE) Program. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-10-0501)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Workman seconded approval of the contract. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- J. **A grant contract with The HUB, Inc., in the amount of \$25,000, to provide funding for the Building Up Interdependence and Leadership Development (BUILD) Program. The HUB, Inc., will contribute \$20,000 in matching funds. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-10-0502)**

**MOTION:** Stevens moved and Hudkins seconded approval of the contract. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- K. **A grant contract with The HUB, Inc., in the amount of \$22,500, to provide funding for the Lincoln Education and Academic (LEAP) Program. The HUB, Inc., will contribute \$19,000 in matching funds. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-10-0503)**

**MOTION:** Stevens moved and Schorr seconded approval of the contract. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

- L. **A grant contract with The HUB, Inc., in the amount of \$7,500, to provide funding for Project Here to Overcome (H2O). The HUB, Inc., will contribute \$26,000 in matching funds. Term of the grant contract is July 1, 2010, to June 30, 2011. (C-10-0504)**

**MOTION:** Hudkins moved and Stevens seconded approval of the contract. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- M. **Acceptance of a grant award from the Department of Justice Office on Violence Against Women, in the amount of \$400,000, for the improved response to violence against Latina and African American women in Lancaster County. This is a continuation grant award. The project period is December 1, 2010, to November 30, 2012.**

**MOTION:** Stevens moved and Workman seconded approval of the grant award. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

- N. **Approval of year nine of a ten year Substance Abuse and Mental Health Services Administration (SAMHSA) grant for the Drug Free Communities Support Program, in the amount of \$100,000, with no County match, for the period of September 30, 2010, to September 29, 2011.**

**MOTION:** Hudkins moved and Stevens seconded approval of the grant. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

- O. **An agreement between Kristy Bauer, Attorney at Law, and Lancaster County, on behalf of the Human Services Department, for professional legal services to screen and review juvenile law violations and truancy violations and to provide assistance with School Multi Agency Response Team meetings and truancy intervention programs. The County shall pay up to \$15,000 for the services. Term of the contract is October 1, 2010, to June 30, 2011. (C-10-0505)**

**MOTION:** Hudkins moved and Stevens seconded approval of the agreement. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

- P. **An agreement between Correctional Healthcare Management, Inc., and Lancaster County, on behalf of the Community Mental Health Center/Crisis Center, for healthcare staffing services. The County shall pay \$38.25 per hour for nursing services. Term of the agreement is October 15, 2010, to October 14, 2011. (C-10-0507)**

**MOTION:** Stevens moved and Schorr seconded approval of the agreement. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

- Q. **An agreement with Aon Consulting, Inc., for assistance with the initial Early Retiree Reinsurance Subsidy application and submission for Lancaster County. The County shall pay up to \$2,500 for the services. The agreement is effective upon execution by both parties. (C-10-0508)**

**MOTION:** Schorr moved and Hudkins seconded approval of the agreement. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

- R. **An agreement with Radiology Imaging Associates PC to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Radiology Imaging Associates PC will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-10-0509)**

**MOTION:** Hudkins moved and Stevens seconded approval of the agreement. Workman, Schorr, Hudkins, Stevens and Heier voted aye. Motion carried 5-0.

- S. **A certificate of substantial completion with Dickey & Burham, Inc., for the relocation of the Emergency Operators Center to 233 S. 10<sup>th</sup> Street. (C-10-0510)**

Don Killeen, Property Management, said he toured the area, and the project looks complete. He said the lower level has a large amount of space that can handle several people.

**MOTION:** Hudkins moved and Stevens seconded approval of the certificate. Schorr, Hudkins, Stevens, Workman and Heier voted aye. Motion carried 5-0.

5) **NEW BUSINESS CONTINUED:**

T. **Setting the salary of Jason Bergevin, Deputy Lancaster County Attorney, in the amount of \$56,000 per year, effective October 1, 2010.**

Joe Kelly, Chief Deputy County Attorney, said Bergevin had been volunteering to cover the mental health docket during another attorney's maternity leave. Since then, another position has opened, which Bergevin will take and cover the domestic violence docket.

**MOTION:** Schorr moved and Workman seconded approval of the salary. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

U. **A political subdivision tort claim filed against Lancaster County Corrections by Vaughn Newman for lost property in the amount of \$150.**

**MOTION:** Schorr moved and Stevens seconded denial of the claim based on the department director's recommendation. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

V. **A political subdivision tort claim filed against Lancaster County Corrections by John T. Corio for lost property in the amount of \$25.**

**MOTION:** Schorr moved and Hudkins seconded denial of the claim based on the department director's recommendation. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

W. **Tour of the Penguin Exhibit at the Lincoln Children's Zoo.**

Schorr said the Board was touring the penguin exhibit since the County assisted in the project's funding through Visitor Promotion funds. Brittany Behrens, Deputy County Attorney, confirmed the tour would be recorded as part of the meeting minutes.

6) **CONSENT ITEMS:** *These are items of business that are routine which 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:**

1. **Fiscal Year 2009-2010 Audit Report for the Airport Authority of the City of Lincoln, Nebraska.**
2. **Clerk of the District Court monthly report for September, 2010.**

B. **Right-of-way contracts between the County Engineer and the following:**

1. **Lincoln City Church, in the amount of \$26,946, located at 5001 S. 1<sup>st</sup> Street; Project No. C55-O-408(4). (C-10-0511) (C-10-0512) (C-10-0513)**
2. **Richard and Teresa Otto, in the amount of \$12,350, located at 1800 S. 98<sup>th</sup> Street; Project No. C55-KP-412(1). (C-10-0514) (C-10-0515) (C-10-0516)**

**MOTION:** Stevens moved and Hudkins seconded approval of the consent items. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

7) **PUBLIC COMMENT:**

No one appeared for public comment.

8) **ANNOUNCEMENTS:**

- A. **The Lancaster County Board of Commissioners will hold a staff meeting on Thursday, October 7, 2010, at 9:30 a.m., in Room 113 on the first floor of the County-City Building.**
- B. **The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m., on Tuesdays and rebroadcast at 1:30 p.m., and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the internet 24 hours a day at [www.lancaster.ne.gov](http://www.lancaster.ne.gov). Click on 5 City-TV Video on Demand.**

The Chair recessed the Board of Commissioners meeting at 10:03 a.m.

The meeting was reconvened at the Lincoln Children's Zoo at 11:03 a.m.

**RETURNING TO ITEM 5W:**

Present were Bernie Heier, Ray Stevens, Larry Hudkins, Deb Schorr and Bob Workman, County Board of Commissioners; Kerry Eagan, Chief Administrative Officer; Gwen Thorpe, Deputy Chief Administrative Officer; Dennis Meyer, Budget & Fiscal Director; Cori Beattie, Deputy County Clerk; Angela Zocholl, County Clerk's Office; Jeff Maul, Lincoln Convention & Visitors Bureau Executive Director; John Chapo, Lincoln Children's Zoo President/CEO; and Rachelle Hummiston, Lincoln Children's Zoo. Chapo gave a tour of the new penguin exhibit. He said the new exhibit will be open to the public on April 15, 2011. Chapo introduced everyone to the two new penguins, Lannie and Hugo. He noted three more male penguins were scheduled to arrive soon with the final five females scheduled to arrive in the spring.

9) **ADJOURNMENT:**

**MOTION:** Workman moved and Stevens seconded to adjourn the Board of Commissioners meeting at 11:27 a.m. Workman, Stevens and Heier voted aye. Motion carried 3-0. (Schorr and Hudkins were absent from voting.)

/s/Dan Nolte

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**Dan Nolte**  
**Lancaster County Clerk**

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, OCTOBER 5, 2010**  
**COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**IMMEDIATELY FOLLOWING THE LANCASTER COUNTY**  
**BOARD OF COMMISSIONERS MEETING**

Commissioners present: Bernie Heier, Chair  
Ray Stevens, Vice Chair  
Larry Hudkins  
Deb Schorr  
Bob Workman

Others present: Norm Agena, County Assessor/Register of Deeds  
Scott Gaines, Deputy County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Brittany Behrens, Deputy County Attorney  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:03 a.m.

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 28, 2010.**

**MOTION:** Hudkins moved and Stevens seconded approval of the minutes. Hudkins, Stevens, Schorr, Workman and Heier voted aye. Motion carried 5-0.

2) **ADDITIONS AND DEDUCTIONS: Approval of four additions and deductions to the tax assessment rolls per Attachment "A".**

**MOTION:** Schorr moved and Workman seconded approval of the additions and deductions. Schorr, Hudkins, Workman, Stevens and Heier voted aye. Motion carried 5-0.

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

**Cornhusker Place of Lincoln-Lancaster County, Inc.**  
**Lakeview Rest Home, Inc.**  
**Priestly Fraternity of St. Peter**

**MOTION:** Schorr moved and Stevens seconded approval of the motor vehicle tax exemptions. Workman, Schorr, Stevens, Hudkins and Heier voted aye. Motion carried 5-0.

4) **AN APPEAL ON REJECTION OF 2010 HOMESTEAD EXEMPTION:**

**Lyle & Anita Mohlman**

Lyle Mohlman said his mother had been under Homestead Exemption for years. This year he decided to buy his mother's house and move her to the Legacy. He closed on the house August 10 and discovered August 23 that the house must be kept until August 15 to qualify for Homestead Exemption. The Board discussed the Homestead Exemption application procedure and possible recourse for this situation. Scott Gaines, Deputy County Assessor/Register of Deeds, explained the State of Nebraska pays property tax for those who qualify for Homestead Exemption. The applications are mailed out each year mid to late January and need to be filed by June 30. The State requires the applicant to own and occupy the property through August 15 of each year and will not pay the taxes if the owner does not meet this condition. Hudkins encouraged Mohlman to speak to his State Senator regarding the Statutes for Homestead Exemption.

**MOTION:** Hudkins moved and Schorr seconded denial of the appeal. Schorr, Stevens, Hudkins, Workman and Heier voted aye. Motion carried 5-0.

5) **ADJOURNMENT:**

**MOTION:** Schorr moved and Stevens seconded to adjourn the Board of Equalization meeting at 10:20 a.m. Stevens, Workman, Schorr, Hudkins and Heier voted aye. Motion carried 5-0.

/s/Dan Nolte

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**Dan Nolte**  
**Lancaster County Clerk**