

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 23, 2008
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

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

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Kristy Bauer, Deputy County Attorney

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 16, 2008.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 16, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 23, 2008.**

MOTION: Heier moved and Hudkins seconded approval of all claims processed through September 23, 2008. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **PUBLIC HEARINGS:**

A. Setting of the final tax request at a different amount than the prior year tax request. The request is for both Lancaster County and the Rural Library for Lancaster County. (See New Business Item 4A for correlating documentation.)

The Chair opened the public hearing.

The oath was administered to Dennis Meyer, Budget and Fiscal Officer.

Meyer explained a public hearing must be held if the County's property tax request, in dollars, changes from the previous year. He said the County property tax rate will decrease from approximately 0.2754 cents to approximately 0.2683 cents and the Rural Library tax rate will decrease from approximately 0.0228 cents to approximately 0.0205 cents.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

4) **NEW BUSINESS:**

A. A resolution in the matter of setting the 2008-2009 property tax request for Lancaster County at a different amount than that of the prior year. (R-08-0080)

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. R-08-0080 in the matter of setting the 2008-2009 property tax request for Lancaster County at a different amount than that of the prior year.

Schorr stated she was the County's representative on the search committee for the new library director and that last Thursday Mayor Beutler announced the selection of Pat Leach as the new Director. She stated Leach has been serving as the coordinator for Youth Services for the Lincoln Library System.

ROLL CALL ON THE MOTION: Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

3) **RETURNING TO PUBLIC HEARINGS:**

B. Vacation of a portion of West Simon Street abutting Lot 10, Block 1 and Lot 1, Block 2 of Werger's Addition to Martell, Lancaster County, Nebraska.

The Chair opened the public hearing.

The oath was administered to Don Thomas, County Engineer.

Thomas informed the County Board that the owner who requested the vacation sold his lot and stated he didn't know if that would effect the petition. He stated they have no objections to the vacation noting that a blanket utility easement should be retained. He also suggested that the Village of Sprague be given the opportunity to review the request because it falls within one-mile of their zoning jurisdiction. Thomas referred to land values indicating a value of approximately \$2,000 and added they would provide a letter later in the week with a more refined value.

Kristy Bauer, Deputy County Attorney, stated that the statute provides that anyone can petition to vacate a road. She added that the statute also provides that the County Board act on a resolution the following week or as soon as practical after the public hearing.

The oath was administered to Tammy Cope, new owner of the property.

Cope stated they requested the previous owner to initiate the petition to vacate and that they are in favor of vacation.

The oath was administered to Mike DeKalb, Planning Department.

DeKalb stated there is a report from the Planning Department indicating they have no objections, as well as the report from the County Engineering Department. He reiterated that the road is in the one-mile zoning jurisdiction of Sprague.

Discussion followed regarding notification of the request to the Village of Sprague.

Stevens suggested that the County Board administrative staff send a letter to the Village of Sprague regarding the petition to vacate a portion of West Simon Street and to request their feedback and comments. Board consensus was to direct their administrative staff to notify the Village of Sprague regarding the petition to vacate.

3) **PUBLIC HEARINGS CONTINUED:**

The Chair asked if anyone else wished to provide testimony.

No one else provided testimony and the hearing was closed.

MOTION: Stevens moved and Hudkins seconded to direct the County Attorney's Office to draft a resolution vacating a portion of West Simon Street in Martell, Lancaster County, Nebraska. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS:**

A. A resolution in the matter of setting the 2008-2009 property tax request for Lancaster County at a different amount than that of the prior year. (R-08-0080)

Item moved forward on the agenda.

B. Approval of Insurance Renewal Program for Lancaster County.

Sue Eckley, County Risk Manager, and Tom Champoux, with Unico appeared.

Inland Marine

Eckley gave an overview regarding the inland marine coverage stating that the insurance covers all County personal computers, mobile equipment, in-car cameras, radios and radar in the Sheriff's cruisers, leased equipment and electronic monitoring equipment.

Champoux stated the property value covered under the inland marine is \$5,691,824 and added that if the County self-insures the savings in premium would be \$11,952.83.

Heier stated he would favor moving forward with self-insuring on the inland marine coverage.

Discussion took place regarding how much money should be accumulated in a fund for the insurance.

Dennis Meyer, Budget and Fiscal Officer, suggested that the total amount (\$11,952.83) be moved.

4) **NEW BUSINESS CONTINUED:**

Stevens concurred and suggested that additional monies be added for several years until there is approximately two years of premiums accumulated.

It was the consensus of the County Board to place the premium (\$11,952.83) into a reserve for self-insuring on the inland marine coverage and to add \$5,000 to \$6,000 per year until an appropriate amount has accumulated.

MOTION: Stevens moved and Hudkins seconded to self-insure for inland marine coverage and to place the premium which would have been paid into a reserve fund to assist in covering potential losses. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Eckley asked the County Board if she could notify the departments that the County intends on self-insuring.

It was the consensus of the County Board to schedule Sue Eckley, County Risk Manager, on the agenda for the Management Team Retreat which will be held on Thursday, September 26, 2008, in addition to a formal letter being sent to all departments.

Crime Coverage

Eckley gave an overview regarding crime coverage insurance noting that \$5,757 has been paid out in losses.

Champoux stated the insurance covers a level up to eight million dollars.

Workman clarified that for an approximate \$9,000 premium the County would obtain coverage ranging from \$2,500 up to \$8,000,000.

Champoux stated yes, for funds that are deposited with banks.

In response to a question asked by Heier, Champoux stated it does cover monies en route to the bank and provides in-house coverage for employee dishonesty.

It was the consensus of the County Board to retain crime coverage insurance.

4) **NEW BUSINESS CONTINUED:**

Workers' Compensation

Eckley gave an overview regarding Workers' Compensation coverage stating the County self-insures and also purchases excess insurance. She stated the County Board discussed increasing the self-insured retention by \$50,000 at the Staff Meeting held on Thursday, September 18, 2008.

Workman clarified that the County would be increasing the self-insured coverage from \$750,000 to \$800,000 for a savings of \$10,837.

MOTION: Hudkins moved and Schorr seconded to increase self-insured coverage for Workers' Compensation from \$750,000 to \$800,000. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

MOTION: Schorr moved and Hudkins seconded approval of the Insurance Renewal Program as outlined by the insurance consultant and County Risk Manager, including the change on the Inland Marine coverage and the Workers' Compensation coverage. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

Eckley reminded the County Board that the authorization to bind on terrorism coverage for general liability should be signed.

MOTION: Heier moved and Stevens seconded to authorize the Chair to sign the authorization to bind coverage. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

C. A resolution in the matter of County maintenance of the following roads in The Preserve at Cross Creek Addition: (R-08-0078)

- * **Approximately 2,888 feet of Prairieflower Lane (formerly Wildflower Lane)**
- * **Approximately 733 feet of South 63rd Street**
- * **Approximately 419 feet of South 65th Street**
- * **Approximately 475 feet of South 67th Street**

MOTION: Schorr moved and Hudkins seconded approval of Resolution No. R-08-0078 in the matter of County maintenance of certain roads in The Preserve at Cross Creek Addition. Schorr, Hudkins, Stevens, Heier and Workman voted aye. Motion carried.

4) **NEW BUSINESS CONTINUED:**

D. A resolution authorizing the installation of a "50 mile per hour" speed limit sign on West Raymond Road just west of Northwest 40th Street for westbound traffic. (R-08-0079)

MOTION: Hudkins moved and Stevens seconded approval of Resolution No. R-08-0079 authorizing the installation of a "50 mile per hour" speed limit sign on West Raymond Road just west of Northwest 40th Street for westbound traffic. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

E. A resolution directing the Lancaster 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 Lancaster County Attorney's Office to begin tax foreclosure proceedings. (R-08-0081)

MOTION: Hudkins moved and Heier seconded approval of Resolution No. R-08-0081 directing the Lancaster 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 Lancaster County Attorney's Office to begin tax foreclosure proceedings. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

F. An agreement with Nebraska Methodist Hospital 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 Nebraska Methodist Hospital 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-08-0492)

Item dropped from the agenda at the request of Gary Chalupa, General Assistance Director.

4) **NEW BUSINESS CONTINUED:**

G. An interlocal agreement with the Village of Bennet for law enforcement services within the Village limits. The Lancaster County Sheriff will assign one deputy to the duty in the Village limits and provide a cruiser. The Village will reimburse the County at the overtime rate of pay for the deputy assigned. Term of the agreement will be from September 1, 2008 to August 31, 2009. (C-08-0493)

MOTION: Stevens moved and Heier seconded approval of an interlocal agreement with the Village of Bennet for law enforcement services within the Village limits. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

H. Potential Litigation (Workers Compensation Claim) - Sue Eckley, County Risk Manager

MOTION: Schorr moved and Hudkins seconded to enter into executive session at 10:10 a.m. for the purpose of potential litigation regarding a workers' compensation claim. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

MOTION: Schorr moved and Stevens seconded to exit executive session at 10:17 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

5) **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:

1. County Treasurer's Report on 2005 Distress Warrants.

B. Setting of a public hearing for Tuesday, October 7, 2008 at 9:30 a.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for an amusement license from the Cornhusker Council Boy Scouts to operate a carnival in connection with the 2008 Haunted Woods Production, Curse of the Golden Idol, beginning on Thursday, October 23 and ending Sunday, October 26, 2008 at the Cornhusker Council Outdoor Education Center, located at 600 South 120th Street, Walton, Lancaster County, Nebraska.

C. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Erma McGill, in the amount of \$919, on North 112th Street 545 feet south of Ashland Road; Project CP-A-59. (C-08-0494)

MOTION: Stevens moved and Hudkins seconded approval of the Consent Items. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

6) **OTHER BUSINESS:**

Workman gave an overview regarding the LancasteRX prescription discount card for those individuals who need assistance with the cost of prescriptions. He added that they are free and individuals may contact the County Board's Office if they are interested in obtaining a card.

7) **ADJOURNMENT:**

MOTION: Stevens moved and Heier seconded adjournment of the Board of Commissioners meeting at 10:24 a.m.. Heier, Schorr, Hudkins, Stevens and Workman voted aye. Motion carried.

Dan Nolte
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, SEPTEMBER 23, 2008
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

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

Others Present: Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Kristy Bauer, Deputy County Attorney
Scott Gaines, Deputy County Assessor/Register of Deeds

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:24 a.m..

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, September 16, 2008.**

MOTION: Hudkins moved and Schorr seconded approval of the minutes of the Board of Equalization meeting held on September 16, 2008. Hudkins, Stevens, Schorr, Heier and Workman voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 11 additions and deductions to the tax assessment rolls per Attachments "A" and "B".

MOTION: Heier moved and Stevens seconded approval of the additions and deductions to the tax assessment rolls. Schorr, Hudkins, Heier, Stevens and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**American Legion, Department of Nebraska
Congregation of Benedictine Sisters
Sacred Heart Church
Southeast Nebraska Mobile Diagnostic Services Inc.
Vital Services Inc.
Women In Community Service, Inc.**

MOTION: Stevens moved and Schorr seconded approval of motor vehicle tax exemptions for American Legion-Department of Nebraska, Congregation of Benedictine Sisters, Sacred Heart Church, Southeast Nebraska Mobile Diagnostic Services, Inc., Vital Services, Inc. and Women In Community Service, Inc.. Heier, Schorr, Stevens, Hudkins and Workman voted aye. Motion carried.

4) **APPEAL FILED ON LATE FILING PENALTY ON 2008 PERSONAL PROPERTY:**

Cash-Wa Distributing Company

Scott Gaines, Deputy County Assessor/Register of Deeds, explained there is no authority within the statute to waive a penalty, unless it was incorrectly calculated or wrongly imposed. Recommendation was to deny the appeal.

MOTION: Heier moved and Stevens seconded to accept the recommendation of the Deputy County Assessor/Register of Deeds and deny the appeal filed on late filing penalty on 2008 personal property for Cash-Wa Distributing Company. Schorr, Stevens, Hudkins, Heier and Workman voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 10:26 a.m.. Stevens, Heier, Schorr, Hudkins and Workman voted aye. Motion carried.

Dan Nolte
County Clerk