

Community Services Committee Meeting

Douglas County, Nebraska

Tuesday, December 13, 2016

The meeting convened at 10:40 A.M. in Room 903 of the Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, NE 68183. A copy of the Open Meetings Act is located on the wall near the entrance of the room. A notice of the meeting was published in the December 6, 2016, issue of *The Daily Record*. County Commissioners present at the meeting were Marc Kraft, P.J. Morgan, Chris Rodgers, Mike Boyle, Jim Cavanaugh, Clare Duda and Mary Ann Borgeson. Others present at the meeting included Patrick Bloomingdale, Joe Lorenz, and Diane Carlson, Administration; Kent Holm, Environmental Services; Tim Dolan, County Attorney's Office; Dave Schreiner, Land Reutilization Commission; Marty Barnhart, Omaha Municipal Land Bank; and Dan Esch, Sheri Larsen, and Constance Mierendorf, Douglas County Clerk/Comptroller's office. Marc Kraft chairs the Committee.

A video recording of the meeting is available on the Douglas County Website:

<http://commissioners.douglascounty-ne.gov/board-meetings/videos>

Interlocal Agreement with Omaha Land Bank

- Commissioner Rodgers said there had been discussion about the County and the Omaha Land Bank sharing services. The Land Reutilization Commission (LRC) and the Land Bank could cooperate to relieve the County Attorney's office from handling foreclosures on properties outside the City limits. An Interlocal agreement could take care of back office functions for the two commissions.
- Commissioner Kraft asked if the Land Bank would save the County any money.
- Marty Barnhart said the Land Bank is willing to do foreclosures on tax lien certificate properties and save the County the cost of the foreclosures. It is estimated that 600 properties would be foreclosed upon at approximately \$300/parcel in the first year (a savings of approximately \$180,000).
- Mr. Barnhart said the tax lien properties in the City come through the normal foreclosure process: they are offered through a sheriff's sale with the Land Bank becoming the default bidder as enacted by the legislature. The public has the opportunity to bid, but if there is no bidder, the Land Bank becomes the default bidder. It then markets those properties, which is essentially what the LRC is doing now. The Land Bank proposes to take over the foreclosure process for the County and fund it.
- Mr. Barnhart said there are approximately 4,000 properties that are unfit/unsafe in the City, with around 400 that need to be torn down at a cost of \$1.5 million/year to add to what the City is already doing. City will add \$1,050,000 to its demolition budget, which will tear down 60

homes. The Land Bank would like to assist the City in 2017 with a minimum of \$500,000 to \$1.5 million to help tear down another 100 homes and continue this support over the next 4 years.

- The Land Bank web site will launch on December 14.
- Mr. Barnhart said the biggest challenge is often to find the property owners. The structures of many houses are good, but if they are left to deteriorate over time, they become unredeemable. The Land Bank seeks to acquire property, cancel taxes and liens, and sell the property for a nominal fee.
- The goals of the Land Bank are to restore neighborhoods and increase density. Increased density will lead to more services coming to the area and an increase in property values.
- Dave Schreiner said the LRC will still be the default bidder on all non-city properties.
- Mr. Barnhart said the buyers of the properties must have a plan for developing them and must do so within 2 years through a special covenant in their deeds. If they fail to do so, the property comes back to the Land Bank. The Land Bank's focus is on development, not making money. It has a tax recapture mechanism which awards the Land Bank 50% of the proceeds from taxes for 5 years after a property is sold. The Land Bank wants to be a catalyst for the City, County, and neighborhood associations to assist in development of tax lien properties.
- The Land Bank is a catalyst for assisting 4 different types of properties:
 - Tax foreclosure property
 - City condemnations
 - REO (Real Estate Owned) bank properties
 - An individual's property owned by someone who doesn't want the property any longer and is willing to donate it
- Commissioner Duda said he believes property owners in the County would resist the City coming in and making decisions about County property. The County needs to have a voice in County property.
- Diane Carlson said an Interlocal agreement has already been drafted and reviewed by the County Attorney's office. It states that the Land Bank would handle all tax foreclosures that the County Attorney's office is currently handling (Attachment A).
- Tim Dolan said the Interlocal proposes that the Land Bank conduct all foreclosures in Douglas County and avoid duplication of efforts. Under current statutes, the Land Bank cannot be the default bidder in greater Douglas County.
- Patrick Bloomingdale questioned the reasons for the Land Bank doing foreclosures in Douglas County if it cannot become the default bidder.
- Mr. Barnhart said the Land Bank would simply assist with the costs. The Land Bank's donors are urging it to address distressed properties. There are few of these properties outside of the City in Douglas County: King Lake, Waterloo and possibly Green Meadows.
- Commissioner Rodgers said there would be opposition to the Mayor appointing people to deal with Western Douglas County; however, the safety net is that only legislation would enable the Land Bank to become the default bidder on County property.
- Tim Dolan said the Interlocal is a narrow proposal. It asks the Land Bank to conduct judicial foreclosures on the County's behalf. He will get copies to all of the Commissioners. It has already been reviewed and approved by the Land Bank's board and the County Attorney's office. It does not address any back room administrative overlap or merger.
- Commissioner Kraft said it would be brought up again at the next meeting. The Committee would like to review the Interlocal agreement.

Environmental Services

State Street Landfill Post Closure Permit Renewal

- Kent Holm said the Department of Environmental Quality has required a more rigorous human health risk assessment for the 126th and State Street facility. Environmental Services has engaged Geosyntec, a specialized consulting firm, to assist in updating the post closure permit in the next couple of months.

Landfill Special Rates Proposed by Waste Management

- Mr. Holm presented a proposed schedule of fees (Attachment B) that Waste Management is requesting to cover costs they are incurring for special services they have not been able to recover at the Pheasant Point landfill.
- The County would benefit from a \$5 charge for each special service. Two of the items on the list are currently being charged: "Dig out frozen load" and "Uncovered loads."
- Commissioner Cavanaugh asked about projected revenue from the new charges. He also questioned what the County's incentive would be to agree to the new charges.
- Mr. Holm said he would have a more detailed discussion with Waste Management and get projected revenue numbers for the next meeting. He would like to take the proposal for new fees to the Board meeting in January.
- Discussion followed about how the rates were calculated. Commissioner Kraft suggested that Waste Management come to the next Community Services Committee Meeting to discuss.
- Commissioner Boyle asked if the County should try to build up a reserve from rates so that when the time comes, the County would be prepared to purchase a new landfill.
- Mr. Holm also proposed that the County discontinue pick-up on Highway 36, primarily because of safety issues for employees. Waste Management has the obligation to collect trash within 2 miles of the landfill, but the County has been doing pick-up all the way to Blair High Road.
- He suggested that other options be explored for this pick-up. The road is actually a state highway and the responsibility should come to the Department of Roads.
- Commissioner Borgeson said if the County stops pick-up of Highway 36, it will receive calls from the public.

Annual Weed Report

- Mr. Holm said Mike Reed, Weed Superintendent, would be presenting his annual weed report to the Board in January.

Comprehensive Land Use Plan Update

- Mr. Holm said the Land Use planning process is moving forward and RDG Planning and Design will be holding stakeholder meetings soon.
- Mr. Holm asked for names of people who could provide input on specific issues.

- This Land Use Plan deals with planning and zoning primarily north and west. It is required by state statute.

Storm Water Permit Status

- The NDEQ (Nebraska Department of Environmental Quality) is moving toward a standard, state-wide permit. The philosophy is to make the process more efficient by designing a permit that applies to the entire state.
- Mr. Holm is in discussion with NDEQ about any impact the new permit would have on Douglas County.

Storm Water Management Plan Program Grant Funding

- Mr. Holm presented a graph that showed the past 7 years of funding from the Storm Water Management Grant (Attachment C).
- In 2016, the grant funds are reduced by 54%. This will not affect the County until 2018, but Mr. Holm is considering what elements might be deleted and what other potential grant funds might be available to make up for the reduction of funds. He is not seeking Board funding at this time.

The meeting adjourned at 11:53 A.M.