

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, September 25, 2018

The Board was convened today at 9:05 a.m. and called to order by Chair Rodgers in the Legislative Chambers of the Omaha-Douglas Civic Center, 1819 Farnam, Omaha, NE. Advance notice of this publicly convened meeting was published in the Daily Record on September 14, 2018, and simultaneously transmitted to all members of the Board of Commissioners. Said notice contained the time and place of the meeting. Commissioners Mary Ann Borgeson, Michael Boyle, James Cavanaugh, Clare Duda, Marc Kraft, P. J. Morgan and Chris Rodgers were present.

Motion by Morgan, seconded by Kraft to approve the minutes of the Board of Commissioners meeting held Tuesday, September 18, 2018 and claims submitted for payment processed through Tuesday, September 25, 2018. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item II. Motion by Boyle, seconded by Kraft to approve the consent agenda with the amendment to the agenda request form for item II.F.1. changing the SID number from 561 to 582:

- A. Resolution authorizing the Chair to enter into a one year renewal Professional Services Agreement with Midwest Independent Physicians (MIP), LLC. The original PSA was entered into on August 13, 2013 and has been renewed every year since. (Not to exceed \$300,000 – Budgeted) (Deb Redding, General Assistance)
- B. Resolution for Surplus Property. (Eric J. Carlson, Purchasing Agent)
- C. Resolution directing the Douglas County Treasurer to issue tax sale certificates to the County of Douglas covering delinquent real estate taxes upon any and all parcels of real estate within the confines of said County, as contained in Treasurer's annual report. (Tim Dolan, County Attorney's office)
- D. Resolution to approve "Demand for Refunds." (\$614.88 – Budgeted) (Property Tax Division – Treasurer)
- E. Dr. Adi M. Pour, Ph.D., Health Director – requests approval of the following:
 - 1. Affiliation Agreement with University of Nebraska Omaha regarding student affiliation. (Grant Funded)
 - 2. Data Use Agreement with University of Nebraska Medical Center regarding use of restricted data. (Grant Funded)
- F. Tom Doyle, County Engineer – requests approval of the following:
 - 1. Interlocal Agreement with Sanitary & Improvement District No. 564 582 and the Elkhorn Public School District for County Project No. C-28(574) 180th Street Improvements. (\$393,746.96 – Budgeted) Speaking

- regarding the SID number changing from 561 to 582 on the agenda was Commissioner Rodgers.
2. Appraisal Services Contract with Stevens Real Estate for valuation reports on four tracts for project C-28(434). The cost is estimated to be \$9,450.00, 80% of which will be eligible for federal aid. (Budgeted)
 3. Appraisal Services Contract with Giff Property Services for valuation reports on twenty-four tracts for project C-28(434). The cost is estimated to be \$52,300.00, 80% of which will be eligible for federal aid. (Budgeted)
- G. Resolution approving the appointment and fixing the compensation of Laura E. Lemoine as a Deputy County Attorney for Douglas County effective October 1, 2018. (\$58,000 – Budgeted) (Shakil A. Malik, Douglas County Attorney's office)
- H. Resolution approving the appointment and fixing the compensation of Emily A. Peklo as a Deputy County Attorney for Douglas County effective October 1, 2018. (\$58,000 – Budgeted) (Shakil A. Malik, Douglas County Attorney's office)
- I. Set Public Hearing for **Tuesday, October 9, 2018, at 9:00 a.m.** for:
1. **A zoning regulation text change by Douglas County Environmental Services:** A Text Change request amending Table 4.1 Permitted Uses by Zoning district, page 4-B, add "Commercial Recreation (Controlled Impact)" as a Special Use in the AG District. (Doug Cook, Environmental Services)
 2. **A rezoning request application for Lake Aero Investments, LLC / Berniece E. Grewcock:** A rezoning request, from RR-2 Rural Residential with Individual Services to AG Agricultural, of Lot 1 Lake Aero Replat 4 in the NW1/4 of Section 18-Township 15 North-Range 10 East of the Sixth P.M. (address: 1807 N 269th Plaza) (Doug Cook, Environmental Services)
- J. Set Public Hearing for **Tuesday, October 23, 2018, at 9:00 a.m.** for:
1. Class #C-122718 License (Beer, Wine & Distilled Spirits, On and Off Sale) for MMMK enterprises LLC, dba Ryan's Food and Spirits, 12221 Mary Plaza, Omaha, 68142 and Manager Application for Mauice D Mashek, 12075 Lewison Lane, Gretna, NE, 68028.
- K. Jean Hartnett, Director, Douglas County Health Center – requests approval of the following:
1. Resolution to approve Creighton Dental Services Agreement Contract for Douglas County Health Center. (Budgeted)
 2. Resolution to approve Douglas County Health Center/Community Mental Health Center Board of Trustees Bylaws.
 3. Resolution to approve the Rate Modification Amendment for contract between VA and Douglas County Health Center.

Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion to approve the consent agenda with the amendment to the agenda request form for item II.F.1. passed.

V. Presentation: A. (Presentation on the four Douglas County Foundations) Speaking were Commissioner Duda, from Friends of Extension was Vernon Waldren, from CMHC Foundation was Marti Christensen, Douglas County Clerk/Comptroller Dan Esch, Commissioners Boyle and Cavanaugh.

Item **VI. Public Hearing: A.** (Adoption of the Douglas County Comprehensive Development Plan. (Kent Holm, Environmental Services) (**Action can be taken today.**)) The public hearing was opened at 9:19 a.m. Speaking were Kent Holm and Commissioner Boyle. The public hearing was closed at 9:28 a.m. Motion by Kraft, second by Boyle to approve. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item **VI. Public Hearing: B.** (Public hearing and bond resolution to approve the issuance by the County of its tax-exempt revenue bonds for the benefit of Central High School Foundation, a Nebraska nonprofit corporation, to finance the construction and equipping of an addition to Central High School located at 124 N 20th St, Omaha, Nebraska. (Chris Rodgers, Chair) (**Action can be taken today.**)) The public hearing was opened at 9:29 a.m. Speaking from Kutak Rock was Steve Likes. The public hearing was closed at 9:30 a.m. Motion by Boyle, second by Morgan to approve. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item **VII. A. 1.** (Budget report), accepted as presented with no discussion.

Item **VII. C. 1.** (Douglas County Youth Center Report. (Brad Alexander, Douglas County Youth Center)). Speaking were Brad Alexander, Dr. Jim Mathison, Commissioners Cavanaugh, Boyle, Rodgers and Borgeson, from DCYC were Greg Hepburn and Mark Leflore and Commissioner Morgan.

Speaking were Commissioner Rodgers and Senator Mike McDonnell.

Point of personal privilege by Commissioner Cavanaugh regarding HDR presentation. Also speaking was Commissioner Rodgers.

Item **VII. A. 2.** (Resolution to rescind the County Board's July 10, 2018, resolution that directed the County to proceed with eminent domain of the Marcy Mason property located at 420 South 18th Street. (Commissioner Mike Boyle)). Speaking were Bruce Carpenter of HDR, Commissioners Boyle, Cavanaugh, Rodgers, Morgan, Borgeson, Kraft and Rodgers.

Speaking to the process of the discussion were Commissioners Rodgers, Boyle and Cavanaugh. Commissioner Rodgers called the speakers that were pro the three resolutions in items VII.A.2., VII.C.2., and VII.C.3. to speak.

Speaking were Commissioners Boyle and Rodgers, Jeff Stevens and Doug Kagan of Nebraska Taxpayers for Freedom, citizens Luis Jimenez, Brian Smith, Bob Perrin, Mike Brenneman, Arnold Breslow, Mark Welsch, Zach Johnson, Carole Zacek and Bonnie Constantino-Welsch, Douglas County Clerk/Comptroller Dan Esch, citizens Larry Storer, Catherine Cook, Kathleen Jamrozy, Cary Mohiuddin, Maria Fernandez and Jarred Alexander.

Commissioner Rodgers called the speakers that were against the three resolutions in items VII.A.2., VII.C.2., and VII.C.3. to speak.

Speaking were citizens Leo Lewis, Sammie Jackson, Eric Burgin, Josh Henningsen, Senator Mike McDonnell, Paul Feilmann and George Achola. Also speaking were Commissioners Rodgers and Kraft.

Speaking regarding Item **VII. A. 2.** (Resolution to rescind the County Board's July 10, 2018, resolution that directed the County to proceed with eminent domain of the Marcy Mason property located at 420 South 18th Street. (Commissioner Mike Boyle)) was Commissioner Rodgers. Motion to approve by Boyle, second by Cavanaugh. Speaking were Bob Perrin, and Commissioners Boyle and Cavanaugh. Yeas: Boyle, Cavanaugh. Nays: Borgeson, Duda, Kraft, Morgan, Rodgers. Motion failed.

Item **VII. C. 2.** (Resolution to postpone the proposed juvenile justice center project so that all options can be discussed publicly, including location and requiring a vote of the people on the bond issue. (Commissioner Mike Boyle)). Speaking were Commissioners Boyle, Cavanaugh and Duda. Motion by Boyle, second by Cavanaugh to approve. Yeas: Boyle, Cavanaugh. Nays: Borgeson, Duda, Kraft, Morgan, Rodgers. Motion failed.

Item **VII. C. 3.** (Resolution to renovate the Douglas County Youth Center to accommodate the County Board's desire for a modern juvenile detention facility that incorporates best practices in juvenile justice reform. (Commissioner Mike Boyle)). Motion by Boyle, second by Cavanaugh to approve. Speaking were Commissioners Boyle, Cavanaugh and Rodgers, Public Properties director Jerry Leahy, and Commissioner Duda. Yeas: Boyle, Cavanaugh. Nays: Borgeson, Duda, Kraft, Morgan, Rodgers. Motion failed.

IV. Citizens Comments: Speaking were Larry Storer, Luis Jimenez, Brian Smith, Carole Zacek, Leo Lewis, Commissioner Rodgers and Arnold Breslow.

Item **VII. G. 1.** (Weekly Personnel Report from Civil Service), accepted as presented with no discussion.

Motion to recess to Executive Session in order to protect the public interest with respect to discussion regarding litigation at 12:58 p.m. by Boyle, second by Morgan. Speaking was Deputy County Attorney Theresia Urich. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion Passed.

Motion to reconvene and adjourn by Kraft, second by Morgan at 1:50 p.m. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion Passed.