

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, January 29, 2019

The Board was convened today at 9:37 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 January 18, 2019, 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, James Cavanaugh, Clare Duda, Marc Kraft, P.J. Morgan and Chris Rodgers were present. Commissioner Michael Boyle was absent.

Motion by Kraft, second by Duda to approve the minutes of the Board of Commissioners meeting held Tuesday, January 15, 2019, and to approve claims submitted for payment processed through Tuesday, January 29, 2019. Speaking to his abstention was Commissioner Morgan. Yeas: Borgeson, Cavanaugh, Duda, Kraft, Rodgers. Abstain: Morgan. Absent: Boyle. Motion passed.

Item II. Motion by Duda, second by Kraft to approve the consent agenda with the amendment replacing pages 33 and 34 in item E, less items H, J.5., K, and D:

- A. Resolution approving Public Officials Bond for Chris Rodgers as a member of the Douglas County Land Reutilization Commission. (\$325.00 – Budgeted) (Darrel Neely, Administration)
- B. Resolution for Surplus Property. (Eric J. Carlson. Purchasing Agent)
- C. Re-appointment of Vikki Henry to the Douglas County Extension Board representing District #2. (Commissioner James P. Cavanaugh)
- D. ~~Resolution retroactively appointing County Commissioners Mary Ann Borgeson and P.J. Morgan to the Douglas County Unified Justice Center Development Corporation Board of Directors, Joseph Lorenz as the Corporation's Treasurer and Diane Carlson as the Corporation's Secretary. (Commissioner Chris Rodgers) Speaking was Commissioner Cavanaugh. Motion by Cavanaugh to layover for one week. There was no second to the motion. Also speaking were Commissioners Morgan and Kraft.~~
- E. Resolution approving a collective bargaining agreement between Douglas County and the International Union of Operating Engineers, Local #571, for non-supervisory classifications within the elected offices of Clerk of the District Court, Sheriff, and Treasurer, and departments of Public Properties (division of Records Imaging), Purchasing and Veterans Services (covering period Jan 2018 through Dec 2021). (Budgeted) (Marcos San Martin, Administration) Speaking regarding amendment to pages 33 and 34 was Marcos San Martin.

- F. Resolution approving a collective bargaining agreement with the Health Department Employees Association (HDEA) union, representing covered non-supervisory, employees within the Douglas County Health Department (covering period Jan 2018 through Dec 2021) (Budgeted) (Marcos San Martin, Administration)
- G. Sherry Glasnapp, Director, Community Mental Health Center – requests approval of the following:
1. Approval of the Amendment 2 to Contract Number R6 FY19-1-8 between Region 6 and Douglas County on behalf of Community Mental Health Center (CMHC). (Budgeted) Speaking were Commissioner Cavanaugh, Sherry Glasnapp, Commissioners Kraft, Duda and Borgeson.
- H. ~~Approval of lease for Douglas County Election Office, 12100-1/2 West Center Road. (\$10,104.17 Monthly – Budgeted) (Jerry Leahy, Public Properties)~~ Speaking to the requested two week layover was Commissioner Rodgers.
- I. Resolution to approve “Demand for Refunds.” (\$29,250.84 – Budgeted) (Property Tax Division – Treasurer)
- J. Dr. Adi Pour, Ph.D., Health Department Director – requests approval of the following:
1. Amendment to the Agreement from Nebraska Department of Health & Human Services regarding 2018 Arboviral and West Nile Virus program (\$19,816.00 – Budgeted)
 2. Award letter of agreement from United States Food & Drug Administration regarding retail program standards (\$2,964.00 – Budgeted)
 3. Award letter of agreement from United States Food & Drug Administration regarding retail program standards workshop (\$3,000.00 – Budgeted)
 4. Agreement from Nebraska Department of Health & Human Services regarding Women, Infants, and Children (WIC) supplemental nutrition program (\$866,701.00 – Budgeted)
 5. ~~Agreement with Charles Drew Community Health Center regarding Women, Infants, and Children (WIC) supplemental nutrition program (\$113,500.00 – Budgeted)~~
 6. Agreement with OneWorld Community Health Center regarding Women, Infants, and Children (WIC) supplemental nutrition program (\$176,642.25 – Budgeted)
 7. Memorandum of Understanding with Offutt Air Force Base regarding Women, Infants, and Children (WIC).
 8. Agreement with Sarpy/Cass Health Department regarding Women, Infants, and Children (WIC) breastfeeding peer counselors program (\$82,500.00 – Budgeted)
 9. Agreement from the Nebraska Department of Health and Human Services regarding Maternal Infant Early Childhood Home Visiting (MIECHV) program. (\$327,000.00 – Budgeted)
- K. ~~Re-appointment of Jay Lund to the Metropolitan Transit Authority of Omaha. (Commissioner Chris Rodgers)~~ Speaking to his abstention was Commissioner Morgan.
- L. Set Public Hearing for **Tuesday, February 12, 2019, at 9:00 a.m.** for:

1. Class #AB—122887 (Beer, On and Off Sale) for Zipline Brewing Co LLC dba Zipline Brewing Co, 3808 S 203rd Plaza, Suite 100, Omaha, Nebraska 68130 (Douglas County) and Manager Application for Marcus A. Powers, 5820 Randolph St, Lincoln, NE 68510.

M. Daniel A. Esch, County Clerk, presenting claims of the following pursuant to the Nebraska Political Subdivisions Tort Claims Act (*refer to County's Risk Manager for review and determination*):

1. LaTasha S. Jones
2. John Porter

Yeas: Borgeson, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Absent: Boyle. Motion to approve the consent agenda with the amendment replacing pages 33 and 34 in item E, less items H, J.5., K, and D passed.

Item **II.D.** Resolution retroactively appointing County Commissioners Mary Ann Borgeson and P.J. Morgan to the Douglas County Unified Justice Center Development Corporation Board of Directors, Joseph Lorenz as the Corporation's Treasurer and Diane Carlson as the Corporation's Secretary. (Commissioner Chris Rodgers) Motion to approve by Duda, second by Kraft. Speaking was Commissioner Cavanaugh. Yeas: Borgeson, Duda, Kraft, Morgan, Rodgers. Nays: Cavanaugh. Absent: Boyle. Motion passed.

Item **II.H.** Approval of lease for Douglas County Election Office, 12100-1/2 West Center Road. (\$10,104.17 Monthly – Budgeted) (Jerry Leahy, Public Properties). Speaking were Commissioners Borgeson and Rodgers. Motion to layover for two weeks by Duda, second by Borgeson. Yeas: Borgeson, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Absent: Boyle. Motion passed.

Item **II.J.** Dr. Adi Pour, Ph.D., Health Department Director – requests approval of the following **5.** Agreement with Charles Drew Community Health Center regarding Women, Infants, and Children (WIC) supplemental nutrition program (\$113,500.00 – Budgeted)) Motion to approve by Duda, second by Morgan. Yeas: Borgeson, Cavanaugh, Duda, Kraft, Morgan. Abstain: Rodgers. Absent: Boyle. Motion passed.

Item **II.K.** Re-appointment of Jay Lund to the Metropolitan Transit Authority of Omaha. (Commissioner Chris Rodgers). Motion approve by Duda, second by Kraft. Speaking was Commissioner Morgan. Yeas: Borgeson, Cavanaugh, Duda, Kraft, Rodgers. Abstain: Morgan. Absent: Boyle. Motion passed.

Item **III.** Recognition/Proclamations: **A.** (Resolution welcoming Shen Yun Performing Arts to Douglas County for performances Feb 2-3, 2019, at the Orpheum Theater and recognizing its inspiring journey through 5,000 years of Chinese culture. (Douglas County Commissioners)). Speaking was Commissioner Rodgers. Motion to approve by Borgeson, second by Morgan. Yeas: Borgeson, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Absent: Boyle. Motion passed.

Item **IV.** Citizens Comments: Speaking were Luis Jimenez and Larry Storer.

VI. Public Hearing: (Addition to Premise License, Class I-121090, for BALI BAR NAILS & SPA LLC dba BALI BAR NAILS & SPA, 16821 BLONDO STREET SUITE 101, Omaha, NE, Douglas County. *(Continued from Tuesday, January 8, 2019, meeting) (Action can be taken today.)*) The public hearing was left open from January 8, 2019. Speaking were Commissioner Rodgers and Douglas County Clerk Comptroller Dan Esch. The public hearing was kept open for one more week.

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 Superintendent)). Speaking were Brad Alexander, Ashley Farrens, Commissioner Kraft, Mark LeFlore, Commissioner Rodgers, Greg Hepburn, Commissioners Morgan and Borgeson.

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

Item **VII. G. 2. b.** Discussion/Action on Legislative Bill(s) / Legislative Resolutions(s): (Commissioner Mary Ann Borgeson)
LB20 *Require voter approval of public building commission bonds* (assigned to Government Committee; hearing date 1/24). Speaking were Commissioners Rodgers, Doug Kagan, Larry Storer, Commissioners Morgan, Kraft and Cavanaugh. Motion by Cavanaugh to support LB20. There was no second to the motion. Motion by Kraft, second by Borgeson to oppose LB20. Also speaking were Commissioners Duda and Kraft, and Luis Jimenez. Yeas: Borgeson, Duda, Kraft, Morgan, Rodgers. Nays: Cavanaugh. Absent: Boyle. Motion passed.

Item **VII. G. 2. b.** Discussion/Action on Legislative Bill(s) / Legislative Resolutions(s): (Commissioner Mary Ann Borgeson)
LB103 *Change provisions relating to property tax requests* (assigned to Revenue Committee; hearing date 1/24)
LR8CA *Constitutional amendment to limit the total amount of property tax revenue that may be raised by political subdivisions* (assigned to Revenue committee; hearing date TBA)
LB550 *Require voter approval of fees and taxes on wireless services and eliminate the Prepaid Wireless Surcharge Act* (assigned to Transportation; hearing date TBA)
Speaking were Marcos San Martin, Commissioners Cavanaugh, Rodgers, Morgan and Borgeson. Motion by Cavanaugh to layover for a week and ask our legislative lobbyists to give us a report on these bills. There was no second. Also speaking were Commissioner Duda, Luis Jimenez and Nicole Le Clerc. Motion to oppose **LB103**, **LR8CA**, and **LB550** by Duda, second by Kraft. Yeas: Borgeson, Duda, Kraft, Morgan, Rodgers. Abstain: Cavanaugh. Absent: Boyle. Motion passed. Speaking regarding the resolution was Douglas County Clerk/Comptroller Dan Esch.

Item **VII. G. 2. c.** Discussion/Action on Legislative Bill(s): (Commissioner Mary Ann Borgeson)
LB237 *Change provisions relating to sales and use tax collection fees* (assigned to Revenue Committee; hearing date TBA)
LB247 *Adopt the Advance Mental Health Care Directives Act* (assigned to Judiciary Committee; hearing date 2/1)

LB522 *Name and change the purpose of the County Civil Service Commission Act, change provisions relating to commission membership and duties, and provide for appointment of a human resources director* (assigned to TBA; hearing date TBA) Motion to support **LB237**, **LB247**, and **LB522** by Borgeson, second by Kraft. Speaking was Commissioner Cavanaugh. Yeas: Borgeson, Duda, Kraft, Morgan, Rodgers. Abstain: Cavanaugh. Absent: Boyle. Motion passed. Speaking was Nicole Le Clerc.

Item **VII. G. 2. d.** Discussion/Action on Legislative Bill 580 (**LB580**) *Change provisions relating to landfill disposal fees and rebates under the Integrated Solid Waste Management Act* (assigned to Natural Resources; hearing date TBA) (Commissioner Mary Ann Borgeson). Speaking were Environmental Services Director Kent Holm, Commissioners Kraft and Cavanaugh. Motion by Kraft, second by Cavanaugh to layover for two weeks. Yeas: Borgeson, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Absent: Boyle. Motion Passed.

Speaking regarding **LB710** was Commissioner Cavanaugh.

Item **VII. G. 3.** (Resolution approving changes to “Rule XII – Appearances Before the Board”. (Theresia Urich, Deputy County Attorney)) Speaking were Deputy County Attorney Theresia Urich, Commissioner Cavanaugh and Luis Jimenez. Motion by Kraft, second by Morgan to approve. Yeas: Borgeson, Duda, Kraft, Morgan, Rodgers. Nays: Cavanaugh. Absent: Boyle. Motion Passed.

Item **VII. G. 4.** (Resolution approving changes to “Rule II – Rules of Order:” (Commissioner James P. Cavanaugh)). Speaking were Commissioners Cavanaugh, Borgeson and Morgan, Larry Storer and Luis Jimenez. Motion to approve by Cavanaugh. There was no second to the motion.

Item **VII. G. 5.** (Resolution approving changes to various rules in the Rules of Order. (Commissioner Chris Rodgers, Chair)). Speaking were Commissioners Rodgers, Morgan and Cavanaugh, Luis Jimenez, Douglas County Clerk/Comptroller Dan Esch, Nicole Le Clerc and Norma Le Clerc. Motion to approve by Duda, second by Morgan. Yeas: Borgeson, Duda, Kraft, Morgan, Rodgers. Nays: Cavanaugh. Absent: Boyle. Motion Passed.

Point of privilege by Commissioner Kraft.

Motion to recess to Executive Session in order to protect the public interest with respect to discussion regarding labor and real estate at 12:48 p.m. by Morgan, second by Kraft. Yeas: Borgeson, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Absent: Boyle. Motion Passed.

Motion to reconvene and adjourn by Duda, second by Borgeson at 1:02 p.m. Yeas: Borgeson, Cavanaugh, Duda, Kraft, Rodgers. Absent: Boyle, Morgan. Motion Passed.