

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, February 26, 2019

The Board was convened today at 9:02 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 February 15, 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, Michael Boyle (arrived at 9:11 a.m.), James Cavanaugh, Clare Duda, Marc Kraft (arrived at 9:06 a.m.), P.J. Morgan and Chris Rodgers were present.

Item III. Recognition/Proclamations: **A.** (~~Recognition of the following County Employee retired: **Stanley Kruse** has retired from the Douglas County Sheriff Department after 10 years of service. (Karen Buche, Civil Service/HR).~~) Speaking was Commissioner Rodgers. Item removed from the agenda.

Item III. Recognition/Proclamations: **B.** (Resolution congratulating Omaha Native **Matt Mason** on being chosen as the new Nebraska State Poet. (Commissioner James Cavanaugh)). Speaking were Commissioner Cavanaugh, Matt Mason, and Commissioner Duda. Motion to approve by Duda, second by Morgan. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Speaking regarding Commissioner Boyle's vote not appearing was Douglas County Clerk/Comptroller Dan Esch.

The Board recessed to the Board of Equalization at 9:12 a.m. with no action.

The Board reconvened at 9:19 a.m. with no action.

Motion by Boyle, second by Duda to approve the minutes of the Board of Commissioners meeting held Tuesday, February 12, 2019 and to approve the claims submitted for payment processed through Tuesday, March 5, 2019. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item II. Motion by Boyle, second by Duda to approve the consent agenda:

- A.** Payment of Tort Claim – Claimant – Brian Johnson, Lost personal property, \$500.00 Department – Corrections. (Budgeted) (Darrel Neely, Administration)

- B.** Resolution approving the appointment and fixing the compensation of Gary D. Olson as a Deputy County Attorney for Douglas County effective February 25, 2019. (\$85,000 – Budgeted) (Shakil A. Malik, Douglas County Attorney’s Office)
- C.** Resolution increasing the compensation of Ryan M. Lindberg as a Deputy County Attorney for Douglas County effective February 25, 2019. (\$2,819.67 increase – Budgeted) (Shakil A. Malik, Douglas County Attorney’s Office)
- D.** Resolution approving the appointment and fixing the compensation of Corey T. Rothrock as a Deputy County Attorney for Douglas County effective February 26, 2019. (\$70,000 – Budgeted) (Shakil A. Malik, Douglas County Attorney’s Office)
- E.** Resolution for Surplus Property. (Eric J. Carlson, Purchasing Agent)
- F.** Tom Doyle, County Engineer – requests approval of the following:
 - 1.** Advertise for sealed bids on County Project C-28(570) – 2019 Asphalt Overlay of 11.6 Miles of County Roads at Various Locations. Bids to be opened Wednesday, March 20, 2019, at 11:00 a.m., Legislative Chambers of the Omaha Douglas Civic Center.
 - 2.** Advertise for sealed bids on County Project C-28(569)B – 2019 Armor & Fog Seal of 12.8 Miles of County Roads at Various Locations. Bids to be opened Wednesday, March 20, 2019, at 11:00 a.m., Legislative Chambers of the Omaha Douglas Civic Center.
 - 3.** Advertise for sealed bids on County Project C-28(569)C – 2019 Microsurfacing of 7.1 Miles of County Roads at Various Locations. Bids to be opened Wednesday, March 20, 2019, at 11:00 a.m., Legislative Chambers of the Omaha Douglas Civic Center.
 - 4.** Advertise for sealed bids on County Project C-28(560) - Fort Street Improvements 180th Street to 183rd Street. Bids to be opened Wednesday, March 20, 2019, at 11:00 a.m. in the Legislative Chambers of the Omaha Douglas Civic Center.
 - 5.** Interlocal Agreement with Sanitary & Improvement District No. 580. (\$37,207.60 – Budgeted) Speaking was Commissioner Rodgers.
 - 6.** Traffic Control Devices in Sanitary and Improvement District No. 561 – Arbor View.
 - 7.** Cost Share Agreement between Douglas County, Jasper Stone 192nd & Dodge, LLC, (Avenue One), and Sanitary & Improvement District No 599 of Douglas County for County Project No C-28(529) – 192nd Street Improvements. (\$225,000.00 – Budgeted)
 - 8.** Right-of-Way Warranty Deed (\$11,500) and Temporary Construction Easement (\$2,234) Tract 3 for Douglas County Project C-28(560) Fort Street Improvements 180th Street to 183rd Street. (\$13,734.00 – Budgeted)
- G.** Resolution authorizing the Purchasing Agent to enter into Business Associate Agreements with vendors who express interest in responding to the County’s request for proposals for benefit consulting services. (Diane Carlson, Deputy County Administrator) Speaking were Commissioner Cavanaugh and Diane Carlson.

- H. Jean Hartnett, Director, Douglas County Health Center – requests approval of the following:
 - 1. Resolution to approve agreement between Brianne Gerron, RN and Douglas County Health Center for nurse consultant services. (Budgeted) Speaking were Commissioner Cavanaugh and DCHC Chief Operating Officer Todd Stubbendieck.
- I. Resolution to approve “Demand for Refunds.” (\$4,870.60 – Budgeted) (Property Tax Division – Treasurer)
- J. Daniel A. Esch, County Clerk, presenting claim of the following pursuant to the Nebraska Political Subdivisions Tort Claims Act: (**refer to County’s Risk Manager for review and determination**)
 - 1. Wilber & Associates, P.C. / USAA / Pallavi Samant

Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion to approve the consent agenda passed.

Item III. Recognition/Proclamations: **C.** (Resolution honoring the service of **Deputy David Wintle**. (Tom Wheeler, Sheriffs Office)). Motion to approve by Borgeson, second by Duda. Speaking were Chief Deputy Sheriff Tom Wheeler, Mrs. Wintle, Commissioners Rodgers, Boyle, Duda, Cavanaugh and Borgeson. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

V. Presentation: **A.** (Presentation by Christine Henningsen, Joy Suder, and Juliet Summers of interactive website illustrating the cost and path of a juvenile through the system. (Commissioner Chris Rodgers, Chair)) Speaking were Commissioners Rodgers and Morgan, Juliet Summers, Christine Henningsen, Commissioners Boyle, Cavanaugh, Kraft and Borgeson.

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

Item VII. **A. 2.** (Resolution approving Agreement with Advanced Capital Group to provide advice and guidance to the County regarding the County’s voluntary 457 deferred compensation plan. (Commissioner Mary Ann Borgeson/Joe Lorenz)). Speaking were Commissioner Borgeson and Finance Director Joe Lorenz. Motion by Borgeson, second by Duda to approve. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item VII. **C. 1.** (A Resolution approving the Sixteenth Supplemental Agreement and authorizing the Chair and/or Vice Chair to execute all documents necessary so that the Omaha Douglas Public Building Commission may acquire a site consisting of improved real estate or rights thereon as required to acquire, construct, demolish, reconstruct, improve, renovate and equip office facilities, courtroom facilities and justice facilities as an addition to the Civic Center and as an addition to the Hall of Justice as contemplated by the Sixteenth Amendment, known as the “MUD Site,” bound by 17th Street to the east, 18th Street to the west, Harney Street to the north and Howard Street to the south. (Commissioner Chris Rodgers, Chair)). Speaking were Deputy County Attorney Theresa Urich, Luis Jimenez, Larry Storer, Commissioner Cavanaugh, ODPBC Director Paul Cohen, Commissioners Morgan and Boyle, Finance Director Joe Lorenz, Chief Administrative Officer Patrick Bloomingdale, and Commissioner Duda. Motion by

Borgeson, second by Boyle to approve. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item **VII. C. 2.** (Douglas County Youth Center Report. (Brad Alexander, Douglas County Youth Center Superintendent)). Speaking were Brad Alexander, Commissioner Morgan, Greg Hepburn, Commissioners Cavanaugh, Rodgers, Kraft and Borgeson.

Item **VII. D. 1.** (Discussion and consideration of new landfill rates. (Kent E. Holm, Environmental Services)). Speaking were Environmental Services Director Kent Holm, Bryce Thompson of Waste Management, Commissioners Kraft, Boyle, Rodgers, Cavanaugh and Duda.

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

Item **VII. G. 3.** (Discussion/Action to support Legislative Bill 312 (**LB312**) *Change and eliminate provisions relating to dental hygienists* (introduced by Sen. B. Hansen; assigned to Health and Human Services Committee; hearing date 2/14/19) (Commissioner Mary Ann Borgeson)). Speaking were Commissioners Borgeson and Kraft. Motion by Borgeson, second by Boyle to support LB312. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Items **VII. G. 4.** (Discussion/Action to support Legislative Bill 516 (**LB516**) *Change provisions relating to child abuse, the Child Protection and Family Safety Act, human trafficking, and child welfare services* (introduced by Sen. Pansing Brooks; assigned to Judiciary Committee; hearing date 2/22/19) (Commissioner Mary Ann Borgeson) and **VII.G.5.** (Discussion/Action to support Legislative Bill 518 (**LB518**) *Adopt the Support for Trafficking Survivors Act* (introduced by Sen. Linehan; assigned to Health and Human Services Committee; hearing date TBA) (Commissioner Mary Ann Borgeson). Speaking were Commissioner Borgeson, Trafficking Project Manager Meghan Malik, and Commissioners Boyle and Kraft. Motion by Borgeson, second by Kraft to support LB516 and LB518. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item **VII. G. 6.** (Discussion/Action to support Legislative Bill 646 (**LB646**) *Eliminate cash bail bonds, appearance bonds, and related provisions* (introduced by Sen. Chambers; assigned to Judiciary Committee; hearing date 2/13/19) (Commissioners Chris Rodgers, Chair). Speaking were Commissioners Rodgers, Boyle and Kraft. Motion by Boyle, second by Morgan to support LB646. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Speaking regarding legislative issues were Commissioners Borgeson, Kraft, Boyle, Duda and Rodgers.

Motion to recess to Executive Session in order to protect the public interest with respect to discussion regarding negotiations and litigation at 12:41 p.m. by Boyle, second by Morgan. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Motion to reconvene and adjourn by Morgan, second by Duda at 1:43 p.m. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion Passed.