

# BOARD OF COUNTY COMMISSIONERS

## DOUGLAS COUNTY, NEBRASKA

TUESDAY, May 7, 2019

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 April 26, 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, James Cavanaugh, Clare Duda, P.J. Morgan and Chris Rodgers were present. Commissioner Marc Kraft was absent.

Motion by Boyle, second by Duda to approve the minutes of the Board of Commissioners' meeting held Tuesday, April 30, 2019 and to approve the claims submitted for payment processed through Tuesday, May 14, 2019. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Rodgers. Abstain: Morgan. Absent: Kraft. Motion passed. Speaking to his abstention was Commissioner Morgan.

### III. Recognition/Proclamations:

**A. Proclamation declaring *May 5, 2019 through May 11, 2019 as National Tourism Week in Omaha.*** (Dean Miller, VP Ops & Finance, Visit Omaha). Motion to approve by Duda, second by Boyle. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Morgan, Rodgers. Absent: Kraft. Motion passed.

**B. Recognition of the following County Employee retired: *Denise Rieder*** has retired from the Douglas County Sheriff Office after 30 years of service. (Karen Buche, Civil Service/HR). Speaking were Sheriff Tim Dunning, Denise Rieder and Commissioner Borgeson. Motion to approve by Borgeson, second by Duda. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Morgan, Rodgers. Absent: Kraft. Motion passed.

**C. Resolution recognizing and congratulating the Omaha Healthy Kids Alliance (OHKA) on receiving the United States Environmental Protection Agency's National Environmental Leadership Award in Asthma Management for excellence in OHKA's *Asthma In-Home Response (AIR)* Program.** (Commissioner Mary Ann Borgeson). Speaking were Commissioner Borgeson and from OHKA were Nicole Caputo-Rennels and Dupree Claxton. Motion to approve by Borgeson, second by Duda. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Morgan, Rodgers. Absent: Kraft. Motion passed.

Item **II.** Motion by Duda, second by Borgeson to approve the consent agenda, less items H and I:

**A.** The County agrees to assign, convey and transfer all rights, title and interest in the dog known as K-9 Officer "Chet" to Jami Wintle. (Capt. Steve Glandt, Sheriff's Office) Speaking regarding the change to the breed of the dog to German Shepherd in the resolution and agreement were Commissioner Rodgers and Deputy County Attorney Theresa Urich.

- B. Eric J. Carlson, Purchasing Agent – Bid Acceptance:
  - 1. CHI Health EAP to provide Employee Assistance Program at an average annual spend of \$50,000.00. (Budgeted). Speaking were Commissioners Cavanaugh and Rodgers, Purchasing Agent Eric Carlson, with Human Resources were Carol Donnelly and Karen Buche.
- C. Resolution to appoint Chris Rodgers to the Douglas County Unified Justice Center Development Corporation Board of Directors. (Diane Carlson, Deputy County Administrator). Speaking were Commissioners Cavanaugh and Morgan. [This item was reconsidered later in the meeting]
- D. Resolution to approve an Amendment to a Business Associate Agreement with BlueCross Blue Shield of Nebraska. (Diane Carlson, Deputy County Administrator). Speaking were Commissioner Cavanaugh and Diane Carlson.
- E. Resolution approving payment in the amount of Seven-Thousand Five-Hundred Dollars (\$7,500.00) in full settlement of the lawsuit against Douglas County, a political subdivision of the State of Nebraska, filed in the County Court of Douglas County Nebraska at Case No. CI 18-15001. (Budgeted) (Timothy K. Dolan, County Attorney's Office)
- F. Resolution approving payment in the amount of one thousand dollars (\$1,000) in full settlement of the lawsuit against Douglas County, Nebraska filed in the Douglas County District Court at Case No. CI 18-6441. (Budgeted) (Tess M. Moyer, County Attorney's Office)
- G. Resolution approving Amendment Eleven to the 2008 Disproportionate Share Hospital Transfer Agreement (DSH) between Douglas County and the State of Nebraska Department of Health and Human Services (NDHHS). (Commissioner Chris Rodgers)
- ~~H. Reappointment of Philip Wayne and Matthew Wickman to the Douglas County Housing Authority Board of Commissioners. (Commissioner Chris Rodgers, Chair) Speaking were Erin Feichtinger, Commissioners Rodgers and Cavanaugh, Douglas County Clerk/Comptroller Dan Esch, Deputy County Attorney Theresia Urich, Commissioners Borgeson, Boyle and Morgan.~~
- ~~I. Reappointment of Susan Clark, David Levy and Murray McArdle to the Douglas County Planning Commission. (Commissioner Chris Rodgers, Chair)~~
- J. Resolution for Surplus Property. (Eric J. Carlson, Purchasing)
- K. Modify change fund for Environmental Services. (Budgeted) (Kent Holm, Environmental Services)
- L. Set Public Hearing date for **Tuesday, May 21, 2019, at 9:00 a.m.** for:
  - 1. **A preliminary plat request by Richard Hauptman:** A preliminary plat of RH Acres, consisting of two residential lots (each over 5 acres in size) and an Outlot, from a 22-acre parcel described as a part of the E1/2 of

Section 10-Township 14 North-Range 10 East of the Sixth P.M. (parcel #0105040027) Address 22909 West Q Road.

2. **A final plat request by Richard Hauptman:** A final plat of RH Acres, consisting of two residential lots (each over 5 acres in size) and an Outlot, from a 22-acre parcel described as a part of the E1/2 of Section 10-Township 14 North-Range 10 East of the Sixth P.M. (parcel #0105040027) Address 22909 West Q Road.
3. **A rezoning request by Richard Hauptman:** A rezoning, from AG Agricultural to RR-2 Rural Residential with Individual Services, of RH Acres, a subdivision consisting of two residential lots (each over 5 acres in size) and an Outlot, (part of the E1/2 of Section 10-Township 14 North-Range 10 East of the Sixth P.M.) Parcel #0105040027. Address 22909 West Q Road.
4. Adoption of the 2012 International Building Code. (Doug Cook, Environmental Services)
5. Adoption of the 2015 Omaha Plumbing Code. (Doug Cook, Environmental Services)

Yeas: Borgeson, Boyle, Cavanaugh, Duda, Morgan, Rodgers. Absent: Kraft. Motion to approve the consent agenda less items H and I passed.

Item **I.** (Reappointment of Susan Clark, David Levy and Murray McArdle to the Douglas County Planning Commission. (Commissioner Chris Rodgers, Chair). Motion by Boyle, second by Borgeson to approve. Speaking were Commissioners Cavanaugh, Morgan, Boyle and Duda and Douglas County Clerk/Comptroller Dan Esch. Yeas: Borgeson, Boyle, Duda, Morgan, Rodgers. Nays: Cavanaugh. Absent: Kraft. Motion passed.

Item **H.** (Reappointment of Philip Wayne and Matthew Wickman to the Douglas County Housing Authority Board of Commissioners. (Commissioner Chris Rodgers, Chair). Motion by Borgeson, second by Boyle to approve. Yeas: Borgeson, Boyle, Duda, Morgan, Rodgers. Nays: Cavanaugh. Absent: Kraft. Motion passed.

**IV.** Citizens Comments. Speaking were Larry Storer and Commissioners Boyle and Rodgers.

Speaking regarding agenda item **II.C.** (Resolution to appoint Chris Rodgers to the Douglas County Unified Justice Center Development Corporation Board of Directors. (Diane Carlson, Deputy County Administrator) were Commissioners Cavanaugh and Rodgers. Motion by Boyle, second by Cavanaugh to reconsider. Speaking were Commissioner Rodgers, Douglas County Clerk/Comptroller Dan Esch and Commissioner Boyle. Yeas: Boyle, Cavanaugh, Duda, Rodgers. Nays: Borgeson, Morgan. Absent: Kraft. Motion passed. Motion to approve by Boyle, second by Duda. Yeas: Borgeson, Boyle, Duda, Morgan, Rodgers. Nays: Cavanaugh. Absent: Kraft. Motion passed.

Item **VII. A. 1.** (Budget report), accepted as presented. Speaking was Commissioner Morgan.

Item **VII. A. 2.** (Presentation by Corrections on their Department's F19/20 budget request which is in excess of their budget target amount. (\$43,804,672) (Joe Lorenz, Director of Finance and Budget). Speaking were Director of Corrections Michael Myers, Commissioners Boyle, Borgeson, Morgan and Cavanaugh, Joe Lorenz, and Commissioner Rodgers.

Item **VII. C. 1.** (JDAI (Juvenile Detention Alternative Initiative) First Quarter QRS Report. (Commissioner Chris Rodgers, Chair). Speaking were Shelly Salter, Commissioners Boyle, Morgan, Cavanaugh, Rodgers and Borgeson, and Larry Storer.

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

Motion to recess to Executive Session in order to protect the public interest with respect to discussion regarding litigation and personnel at 11:49 a.m. by Boyle, second by Morgan. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Morgan, Rodgers. Absent: Kraft. Motion passed.

Speaking regarding town hall meetings were Commissioners Duda and Morgan.

Motion to reconvene and adjourn by Borgeson, second by Morgan at 12:37 p.m. Yeas: Borgeson, Boyle, Duda, Morgan, Rodgers. Absent: Cavanaugh, Kraft. Motion Passed.