

# BOARD OF COUNTY COMMISSIONERS

## DOUGLAS COUNTY, NEBRASKA

TUESDAY, May 21, 2019

The Board was convened today at 9:31 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 May 10, 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, Marc Kraft, P.J. Morgan and Chris Rodgers were present.

Motion by Duda, second by Boyle to approve the minutes of the Board of Commissioners' meeting held Tuesday, May 7, 2019, and Douglas County Justice Center Forums held Monday, May 6, and Tuesday, May 7, 2019 and to approve the claims submitted for payment processed through Tuesday, May 28, 2019. Speaking were Commissioners Cavanaugh and Rodgers, Deputy County Attorney Theresia Urich, Commissioners Boyle and Borgeson. Motion by Cavanaugh to remove the payment for check number 523912. There was no second to the motion. Speaking were Commissioners Kraft and Duda, and Finance Director Joe Lorenz. Speaking to his abstention was Commissioner Morgan. Yeas: Borgeson, Boyle, Duda, Kraft, Rodgers. Nays: Cavanaugh. Abstain: Morgan. Motion passed.

Item II. Motion by Duda, second by Boyle to approve the consent agenda, less item II.L.7.:

- A. Tom Doyle, County Engineer – requests approval of the following:
  - 1. Traffic Control Devices in the Newport Hill Addition, SID #544.
  - 2. Right of Way Acquisition Permanent Easement (\$150.00) and Temporary Easement (\$460.00) Tract 20 for County Project C-28(434) 180<sup>th</sup> Street, HWS Cleveland Blvd. to West Maple Road. (Budgeted)
  - 3. Right of Way Temporary Easement Acquisition (\$1,620.00) Tract 23 for County Project C-28 (434) 180<sup>th</sup> Street, HWS Cleveland Blvd. to West Maple Road. (Budgeted)
  - 4. Right of Way Acquisition Warranty Deed (\$3,420.00) Tract 32 for County Project C-28(434) 180<sup>th</sup> Street, HWS Cleveland Blvd. to West Maple Road. (Budgeted)
  - 5. Right of Way Acquisition Warranty Deed (\$126,620.00) Tract 39 for County Project C-28(434) 180<sup>th</sup> Street, HWS Cleveland Blvd. to West Maple Road. (Budgeted)
  - 6. Right of Way Temporary Easement Acquisition (\$2,280.00) Tract 221 for County Project C-28 (434) 180<sup>th</sup> Street, HWS Cleveland Blvd. to West Maple Road. (Budgeted)
  - 7. Right of Way Temporary Easement Acquisition (\$120.00) Tract 223 for County Project C-28 (434) 180<sup>th</sup> Street, HWS Cleveland Blvd. to West Maple Road. (Budgeted)
  - 8. Right of Way Warranty Deed Acquisition (\$1,710.00); Tract 42 for County Project C-28(434) 180<sup>th</sup> Street, HWS Cleveland Blvd. to West Maple Road. (Budgeted)

- B.** Payment of Tort Claim – Claimant – Cherie James, property damage to vehicle \$10,937.38, Department – Sheriff. (Budgeted)
- C.** Approval of Monthly Fee Report (March, 2019). (Daniel A. Esch, Douglas County Clerk/Comptroller)
- D.** Resolution to approve an Amendment to an Agreement with EMC Risk Services, LLC, third party administrator for the County's property/casualty insurance program. (\$15,000 – Budgeted) (Darrel Neely, Risk and Safety Coordinator)
- E.** Resolution approving Waystar, previously known as Zirmed, Subscriber Addendum. (\$3,079 – Budgeted) (DeDe Will, Douglas County Health Center)
- F.** Resolution to approve agreement between the Douglas County Health Center and the Nebraska Health Information Initiative (NeHII). (Erin Nelson, Douglas County Health Center)
- G.** Resolution to approve agreement between the Douglas County Health Center and Heartland Radiology Services. (Erin Nelson, Douglas County Health Center)
- H.** Resolution to approve agreement for medical director services between the Douglas County Health Center and UNMC Physicians. (Budgeted) (Erin Nelson, Douglas County Health Center) Speaking were Commissioner Cavanaugh and Erin Nelson.
- I.** Appointment of Timothy Darby to the Visitors Promotion Council. (Commissioner Marc Kraft)
- J.** Resolution to approve "Demand for Refunds." (\$162,113.58 – Budgeted) (Property Tax Division – Treasurer)
- K.** Second Amendment of the Medical Director/Medical Consultant Professional Services Contract. (Kathy Allen-911 Communications)
- L.** Dr. Adi Pour, Ph.D., Health Department Director – requests approval of the following:
  - 1.** Agreement from Nebraska Department of Health and Human Services regarding STD Control. (\$110,000.00 – Budgeted)
  - 2.** Agreement from Nebraska Department of Health and Human Services regarding HIV Testing and education. (\$59,000.00 – Budgeted)
  - 3.** Agreement with Lutheran Family Services of Nebraska regarding interpretation and/or written translation services. (\$12,000.00 – Budgeted)
  - 4.** Agreement with Omaha Public Schools regarding Metro Interagency Coordinating Council (MICC) regarding Early Intervention Services. (\$4,555.05 – Budgeted)

5. Agreement from Nebraska Department of Health and Human Services regarding Community Health Workers in the workforce. (\$10,000.00 – Budgeted)
  6. Resolution regarding Funding from Nebraska Department of Health and Human Services for Women, Infants and Children Supplemental Nutrition Program. (\$3,136,802.00 – Budgeted)
  - ~~7. Amendment with Charles Drew Community Health Center regarding WIC funds increase from \$113,500 to \$454,000. (Budgeted)~~
  8. Amendment with OneWorld Community Health Center regarding WIC funds increase from \$176,642.25 to \$706,569.00. (Budgeted)
  9. Agreement from Nebraska Department of Education regarding 2019 Summer Food Program. (\$9,000.00 – Budgeted)
- M.** Set Public Hearing date for **Tuesday, June 4, 2019, at 9:00 a.m.** for:
1. Addition to Premise License for PLAYERS CLUB GOLF LLC, (Class I-071574), DBA THE PLAYERS CLUB GOLF COURSE, 12101 DEER CREEK DR, Omaha, NE, Douglas County.
- N.** Set Public Hearing date for **Tuesday, June 11, 2019, at 9:00 a.m.** for:
1. Resolution Setting Public Hearing on Potential Sale of Surplus Property at 3015 Menke Circle. (Jimmie L. Pinkham III, Douglas County Attorney's Office)
- O.** Voice Advocacy Center to provide Douglas County Youth Center with a 2 month pilot program for dyslexia screening and evaluation for the upcoming school year.  
(Mark Le Flore, Douglas County Youth Center)
- P.** Amendment to Contract with Stanley Convergent Security Systems, Inc. to extend services. (Budgeted) (Mike Myers, Corrections)

Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion to approve the consent agenda less item II.L.7. passed.

Item **II.L.7.** (Amendment with Charles Drew Community Health Center regarding WIC funds increase from \$113,500 to \$454,000. (Budgeted). Motion by Duda, second by Boyle to approve. Speaking to his abstention was Commissioner Rodgers. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan. Abstain: Rodgers. Motion passed.

Item **III.** Recognition/Proclamations: **A.** (Resolution recognizing May as '**Stepping Up's Month of Action**' and reaffirming Douglas County's support for '**Stepping Up: A National Initiative to Reduce the Number of People with Mental Illnesses in Jails.**') (Commissioner Mary Ann Borgeson). Speaking was Commissioner Borgeson. Motion to approve by Borgeson, second by Boyle. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item **III.** Recognition/Proclamations: **B.** (Recognition of the following County Employee retired: **Janice F. Butler** has retired from the Douglas County Youth Center after 30 years of service. (Karen Buche, Civil Service/HR) and **C.** (Recognition of the following County Employee retired: **Michael K. McClellan** has retired from the Douglas County Department of Corrections after 27 years of service. (Karen Buche, Civil

Service/HR). Speaking were Commissioners Rodgers, Kraft and Boyle. Motion to approve by Boyle, second by Duda. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

**IV. Citizens Comments.** Speaking were Larry Storer, Brenda Gustafson and Commissioners Cavanaugh and Morgan.

**Item V. Presentations**

**A.** (Economic Benefit Study of the investment in the proposed Douglas County Justice Center. (Commissioner Chris Rodgers, Chair). Speaking were Commissioner Rodgers, Dr. Ernie Goss, Dr. Constance Mierendorf, Norma Le Clerc, Dr. Scott Williams, Maria Fernandez, Roger Garcia, Larry Storer, Nicole Le Clerc, Marty Hosking, Michael O'Hara, Bob Perrin, Commissioners Cavanaugh, Duda and Kraft, Scott Strain, Alex Blalock, Commissioners Morgan, Borgeson and Boyle.

A break was taken at 12:03 p.m. with no action.

The meeting was reconvened at 12:10 p.m. with no action.

**B.** (Presentation on the Hefty Energy Bag Program: Dale Gubbels, Firststar Fiber. (Kent E. Holm, Environmental Services). Speaking were Dale Gubbels, Commissioners Kraft, Cavanaugh, Duda and Morgan.

**VI. Public Hearing: A. (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. (**Action can be taken today.**)). The public hearing was opened at 12:32 p.m. Speaking were Doug Cook and Commissioner Kraft. The public hearing was closed at 12:34 p.m. Motion to approve by Borgeson, second by Duda. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion passed.

**VI. Public Hearing: B. (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. (**Action can be taken today.**)). The public hearing was opened at 12:32 p.m. The public hearing was closed at 12:34 p.m. Motion to approve by Boyle, second by Morgan. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion passed.

**VI. Public Hearing: C. (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. (**Action can be taken today.**)). The public hearing was opened at 12:32 p.m. The public hearing was closed at 12:34 p.m. Motion to approve by Borgeson, second by Duda. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion passed.

**VI. Public Hearing: D. (Adoption of the 2012 International Building Code. (Doug Cook, Environmental Services) (Action can be taken today.)).** The public hearing was

opened at 12:35 p.m. Speaking was Doug Cook. The public hearing was closed at 12:36 p.m. Motion to approve by Boyle, second by Kraft. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion passed.

**VI. Public Hearing: E.** (Adoption of the 2015 Omaha Plumbing Code. (Doug Cook, Environmental Services) (**Action can be taken today.**)). The public hearing was opened at 12:35 p.m. The public hearing was closed at 12:36 p.m. Motion to approve by Duda, second by Boyle. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion passed.

**VI. Public Hearing: F.** (Resolution approving "Deer Creek Golf Car Ordinance" to allow the operation of golf car vehicles within Sanitary and Improvement Districts 405, 499 and 574. (Patrick Bloomingdale, CAO) (**Action can be taken today.**)). The public hearing was opened at 12:37 p.m. Speaking were Commissioner Rodgers, Chief Administrative Officer Patrick Bloomingdale, representing the SID's was Michael Purdy, and Commissioners Cavanaugh, Duda, Boyle and Kraft. The public hearing was closed at 12:42 p.m. Speaking to the motion was Chief Deputy County Clerk Sheri Larsen. Motion by Duda, second by Boyle to suspend the three readings requirement of the Golf Car Vehicles ordinance. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed. Motion to approve the resolution and the ordinance by Borgeson, second by Duda. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item **VII. A. 1.** (Budget report), accepted as presented with do discussion.

Item **VII. A. 2.** (Public Defender Budget presentation for FY 2019/2020. (\$5,837,766) (Thomas C. Riley, Public Defender)). Speaking were Commissioner Rodgers, Public Defender Thomas Riley, Commissioners Borgeson and Boyle.

Motion by Boyle, second by Duda to recess until 1:40 p.m. at 1:26 p.m. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Motion by Duda, second by Morgan to reconvene 1:42 p.m. Yeas: Borgeson, Boyle, Duda, Kraft, Morgan, Rodgers. Absent: Cavanaugh. Motion passed.

Item **VII. A. 2.** (Public Defender Budget presentation for FY 2019/2020. (\$5,837,766) (Thomas C. Riley, Public Defender)) was continued. Also speaking were Commissioners Borgeson, Boyle and Morgan.

Item **VII. A. 3.** (Presentation of the Douglas County Sheriff's 2019/2020 Budget Request. (\$17,256,514) (Tom Wheeler/Sheriff's Office)). Speaking were Sheriff Tim Dunning, Chief Deputy Tom Wheeler, County Attorney Don Kleine, Commissioner Borgeson, Boyle and Morgan.

Item **VII. A. 4.** (Presentation by Register of Deeds/County Assessor on the Department's F19/20 budget request which is in excess of their budget target amount. (\$5,600,821) (Joe Lorenz, Director of Finance and Budget)). Speaking were Assessor/Register Diane Battiato, Commissioner Boyle and Morgan.

Item **VII. A. 5.** (Douglas County GIS Department FY19-20 Budget presentation. (Mike Schonlau, GIS Dept.)). Speaking were GIS Coordinator Mike Schonlau, Commissioners Boyle and Morgan, Finance Director Joe Lorenz, Commissioners Borgeson, Kraft and Duda.

Item **VII. A. 6.** (Presentation: Juvenile Assessment Center (JAC) Budget Request FY 19/20. (\$841,255) (Shawne Johnson Coonfare, Juvenile Assessment Center)). Speaking were Shawne Coonfare, Commissioner Morgan, Finance Director Joe Lorenz, Commissioners Cavanaugh, Rodgers, Borgeson and Boyle, and Chief Administrative Officer Patrick Bloomingdale.

Item **VII. A. 7.** (2019-2020 Budget Request for Emergency Management. (\$431,060) (Paul W. Johnson, Emergency Management). Speaking were Paul Johnson, Commissioners Boyle, Duda, Rodgers and Cavanaugh, Finance Director Joe Lorenz, and Commissioner Borgeson.

Item **VII. D. 1.** (Annual public evaluation of the Pheasant Point Landfill operations and update on solid waste-related items. (Kent E. Holm, Environmental Services). Motion by Kraft, second by Boyle to layover for two weeks. Yeas: Borgeson, Boyle, Kraft, Morgan, Rodgers. Absent: Cavanaugh, Duda. Motion Passed.

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

Item **VII. G. 2.** (Legislative issues) Speaking were Commissioners Borgeson and Rodgers

Item **VII. G. 3.** (Resolution approving Agreement with MAPA to coordinate the activities of Douglas County's Complete Count Committee, in preparation for the 2020 Census. (Commissioner Mary Ann Borgeson). Motion to approve by Borgeson, second by Kraft. Yeas: Borgeson, Boyle, Kraft, Morgan, Rodgers. Absent: Cavanaugh, Duda. Motion Passed

Motion to recess to Executive Session in order to protect the public interest with respect to discussion regarding litigation at 3:58 p.m. by Boyle, second by Morgan. Yeas: Borgeson, Boyle, Kraft, Morgan, Rodgers. Absent: Cavanaugh, Duda. Motion passed.

Motion to reconvene and adjourn by Borgeson, second by Kraft at 4:29 p.m. Yeas: Borgeson, Duda, Kraft, Morgan, Rodgers. Absent: Boyle, Cavanaugh. Motion Passed.