

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, May 22, 2018

The Board was convened today at 9:01 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 11, 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 Boyle, seconded by Duda to approve the minutes of the Board of Commissioners meeting held Tuesday, May 8, 2018, and to approve claims submitted for payment processed through Tuesday, May 29, 2018. Speaking to his abstention was Commissioner Morgan. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Rodgers. Abstain: Morgan. Motion passed.

III. Recognition/Proclamations:

A. (Resolution recognizing *El Museo Latino* and its founding director, **Magdalena A. Garcia**, for 25 years of honoring Latino traditions and culture in Douglas County. (Commissioners Marc Kraft and Mike Boyle)) Speaking were Commissioner Boyle, Magdalena A. Garcia and Commissioner Kraft. Motion to approve by Boyle, second by Kraft. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

B. (Resolution declaring **Saturday, June 2, 2018**, as **National Gun Violence Awareness Day in Douglas County**. (Commissioner Chris Rodgers, Chair)). Motion to approve by Kraft, second by Morgan. Speaking were Commissioners Rodgers, Boyle and Cavanaugh, from Moms Demand Action and the Be Smart program Naomi Hadaway, Commissioners Kraft and Morgan. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Taken next were items **C.** (Recognition of the following County Employee retired: **Carol Prokop** has retired from the Douglas County Election Commission after 25 years of service. (Karen Buche, Civil Service/HR)) and **D.** (Recognition of the following County Employee retired: **David E Nelson** has retired from the Douglas County Department of Corrections after 13 years of service. (Karen Buche, Civil Service/HR)). Motion to approve by Boyle, second by Borgeson. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed. Speaking was Commissioner Boyle.

Motion by Morgan, seconded by Kraft to recess the Board of Commissioner meeting at 9:25 a.m. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Motion by Boyle, seconded by Morgan to reconvene the Board of Commissioner meeting at 9:47 a.m. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

Item II. Motion by Boyle, seconded by Duda to approve the consent agenda, less items I.4. and L:

- A. Approve Special Designated Liquor License for Mercy High School, 1501 South 48 Street, Omaha, NE, 68106, for Golf fundraiser to be held September 10, 2018, 10:00 a.m. to 9:00 p.m., at The Players Club at Deer Creek, 12101 Deer Creek Drive, Omaha, NE, 68142.
- B. Approve Special Designated Liquor License for 1316 Jones LLC, 1316 Jones St. Omaha, NE. 68102, for a Reception Event to be held June 9, 2018, 5:00 p.m. to 12:00 a.m., at Noah's Event Center, 17121 Marcy St. Omaha, NE 68118, Douglas County.
- C. Tom Doyle, County Engineer – requests approval of the following:
 - 1. Traffic Control Devices in Grayhawk Two (SID 468).
 - 2. No Fishing From Bridge at Q Street, 1,300 Feet East of 252nd Street.
 - 3. Right-of-Way Acquisition (\$17,000.00) For Warranty Deed (\$12,110.00) and Temporary Construction Easement (\$4,890.00); Tract 6 Douglas County Project #C-28(555) Ida Street – HWS Cleveland to 174th Street. (Budgeted)
 - 4. Right of Way Acquisition for Warranty Deed (\$150.00) and Temporary Construction Easement (\$40.00); Douglas County Project No. C-28(426) Bridge replacement ½ mile north of Bennington Road on 264th Street, Tract #3. (\$190.00 – Budgeted)
 - 5. Supplemental Agreement between Kirkham, Michael & Assoc. and Douglas County project #C-28(434), 180th St., West Dodge Road to West Maple Road. (\$14,102.27 – Budgeted)
 - 6. Traffic Control Devices NO PARKING signs at 96th St from Rainwood Rd to 450 ft south of Rainwood Rd, and Rainwood Rd from 96th St to 500 ft west of 96th St.
 - 7. Traffic Control Devices in the Anchor Pointe Subdivision (S.I.D. 567)
 - 8. Set **Tuesday, June 19, 2018**, as the date for a Public Hearing on the proposed Highway Improvement Program for Fiscal Year 2019 – through 2024.
- D. Resolution to approve Interlocal Agreement: Lower Platte Weed Management Area. (Mike Reed, Douglas County Weed Control)
- E. Resolution approving an increase in the annual salary for Deputy County Attorney, Shakil A. Malik to \$90,000.00 effective April 23, 2018. (Budgeted) (Theresa M. Urich, County Attorney's office)
- F. Resolution approving the employment of Natalie Killion as a Deputy County Attorney with an annual salary of \$60,000.00 effective May 7, 2018. (Budgeted) (Theresa M. Urich, County Attorney's office)

- G.** Reappointment of Damien Foster and Tom Stratman to the Douglas County Housing Authority. (Commissioner Chris Rodgers, Chair)
- H.** Resolution to approve an Amendment to the County's Long-term Disability Plan, changing the Plan's Anniversary Date to January 1. (Budgeted) (Diane Carlson, Deputy County Administrator)
- I.** Dr. Adi Pour, Ph.D – Health Director – requests approval of the following:
1. Agreement from Nebraska Department of Environmental Quality regarding Section 103 of the Federal Clean Air Act. (\$150,000.00 – Grant Funded - Budgeted)
 2. Agreement from Nebraska Department of Education for 2018 Summer Food Service Program. (\$10,200.00 – Grant Funded - Budgeted)
 3. Agreement with the Board of Regents of the University of Nebraska – Lincoln Bureau of Sociological Research. (\$22,938.00 – Grant Funded - Budgeted)
 - ~~4. Amendment One to the Agreement with Charles Drew Community Health Center regarding Women, Infants, and Children's supplemental nutrition program fund increase of \$123,467.00. (\$240,467.00 – Grant Funded - Budgeted)~~
 5. Amendment One to the Agreement with OneWorld Community Health Center regarding Women, Infants, and Children's supplemental nutrition program for a fund increase of \$187,285.00. (\$367,285.00 – Grant Funded - Budgeted)
 6. Agreement with Catholic Health Initiatives (CHI) Health Pharmacy located at Immanuel Campus. (\$2,500 – Grant Funded - Budgeted)
 7. Agreement with Catholic Health Initiatives (CHI) Health Pharmacy located at 161st and Maple Street. (\$2,500.00 – Grant Funded - Budgeted)
 8. Amendment One to the Agreement with Catholic Health Initiatives (CHI) Health Pharmacy located at 42nd & L for a fund increase of \$3,500.00. (\$6,000.00 – Grant Funded - Budgeted)
 9. Amendment One to the Agreement with Catholic Health Initiatives (CHI) Health Pharmacy located in Florence for a fund increase of \$3,500.00. (\$8,500.00 – Grant Funded - Budgeted)
 10. Data Use Agreement with University of Nebraska Medical Center College of Nursing student Whitney IHEME. (Grant Funded – Budgeted)
 11. Data Use Agreement with University of Nebraska Medical Center College of Nursing student Kara Albright. (Grant Funded – Budgeted)
- J.** Eric J. Carlson, Purchasing Agent – Bid Acceptance:
1. Core Construction, LLC to provide Douglas County Register of Deeds Office Renovation in the amount of \$124,734.00. (Budgeted)
- K.** Resolution to approve "Demand for Refunds." (\$37,509.73 – Budgeted) (Property Tax Division – Treasurer)
- ~~**L.** Resolution directing Chair to authorize and sign sales agreement to purchase property from OHA in the amount of \$2,750,000.00 + costs. (Budgeted) (Jimmie L. Pinkham III, County Attorney's office)~~

- M.** Jean Hartnett, Director, Douglas County Health Center:
1. Approval of Amendment to the Participating Provider Agreement with WellCare of Nebraska, Inc. as requested by the Douglas County Health Center and Community Mental Health Center and the Board of Trustees.
 2. Approval of Consulting Agreement with Seim Johnson, LLC, as requested by the Douglas County Health Center and Community Mental Health Center and the Board of Trustees. (\$20,800 – Budgeted)
 3. Resolution to approve Addendum to agreement between Douglas County Health Center and Kakish MD PC d/b/a Omaha Health Clinic.
 4. Resolution to approve agreement for Radiology services between James Bisanti, MD and Douglas County Health Center. (Budgeted)
 5. Resolution to approve agreement for Radiology services between Paul Gribben, MD and Douglas County Health Center.
 6. Resolution to approve agreement for Radiology services between Jeffrey Klug, MD and DCHC. (Budgeted)
- N.** Payment of Tort Claim – Claimant – Jose Sanchez, Damage to vehicle, \$4,075.00, Department – Sheriff. (Budgeted) (Darrel Neely, Administration)
- O.** 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. Shawn Stewart
 2. Omaha Public Power District (OPPD)
 3. Jose Guadalupe Sanchez
- P.** Set Public Hearing for **Tuesday, June 5, 2018, at 9:00 a.m.** for:
1. **A Zoning Regulation Test Change application submitted by Douglas County Environmental Services:** A Text Change request amending Article 8.05 FF/FW Flood Fringe / Floodway Overlay District. (Doug Cook, Environmental Services)
- Q.** Set Public Hearing for **Tuesday, June 19, 2018, at 9:00 a.m.** for:
1. Addition to Premise License, Class I-121912, for SRB Inc dba Timber Creek Pizza Pub & Grill, 6718 S 178th Street, Omaha, NE, Douglas County, 68135. (Daniel A. Esch, Douglas County Clerk/Comptroller)
- R.** Approve Special Designated Liquor License for Fire Barn LLC, 2523 River Road Drive, for Junk Stock to be held June 22, 2018, 2:00 p.m. to 11:30 p.m., June 23, 2018, 3:00 p.m. to 11:30 p.m., and June 24, 2018, 7:00 a.m. to 4:00 p.m., at 1150 River Road Dr, Waterloo, 68069, Douglas County.
- S.** Approve Special Designated Liquor License for Stephanie Blackman, 310 3rd St, Waterloo, NE 68069, for Day of the Hog Rally to be held July 21, 2018, 4:00 p.m. to 12:00 a.m., at River West Park, 233rd and West Maple Road, Omaha, NE, Douglas County.
- T.** Resolution to approve and adopt the 2018 – 2021 Douglas County Juvenile Services Comprehensive Plan. (Amber Parker, Juvenile Justice Collective Impact)

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

Item **II. I.** Dr. Adi Pour, Ph.D – Health Director – requests approval of the following: **4.** (Amendment One to the Agreement with Charles Drew Community Health Center regarding Women, Infants, and Children’s supplemental nutrition program fund increase of \$123,467.00. (\$240.467.00 – Grant Funded - Budgeted)). Speaking to his abstention was Commissioner Rodgers. Motion to approve by Boyle, seconded by Morgan. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan. Abstain: Rodgers. Motion passed.

Item **II. L.** (Resolution directing Chair to authorize and sign sales agreement to purchase property from OHA in the amount of \$2,750,000.00 + costs. (Budgeted) (Jimmie L. Pinkham III, County Attorney’s office)). Motion to approve by Boyle, seconded by Borgeson. Speaking were Commissioner Cavanaugh, Finance Director Joe Lorenz and Commissioner Morgan. Motion by Cavanaugh to layover for two weeks. There was no second to the motion. Speaking were Commissioners Kraft, Boyle, Duda, Borgeson and Morgan. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Rodgers. Nays: Cavanaugh. Abstain: Morgan. Motion passed.

V. Presentation:

A. (Voluntary benefits update by Beck Insurance Solutions. (Commissioner Mary Ann Borgeson)). Speaking were Commissioner Borgeson and Dave Beck.

Item **VII. A. 1.** (Budget report), accepted as presented. Speaking were Commissioners Boyle and Morgan, and Finance Director Joe Lorenz.

Item **VII. A. 2.** (Corrections Budget Request FY 18/19. (Mark Foxall, Corrections)). Speaking were Director of Corrections Dr. Mark Foxall, Administrative Services Manager at Corrections Amber Redmond, Commissioners Rodgers, Boyle, Morgan, Cavanaugh, Borgeson, Kraft, and Finance Director Joe Lorenz.

Item **VII. D. 1.** (Consideration/action to dissolve Douglas County Fair Board. (Commissioners Clare Duda and Marc Kraft)). Speaking were Commissioners Kraft, Duda and Boyle. Motion to approve by Boyle, seconded by Kraft. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion passed.

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, personnel and real estate at 11:48 a.m. by Morgan, second by Boyle. Yeas: Borgeson, Boyle, Cavanaugh, Duda, Kraft, Morgan, Rodgers. Motion Passed.

Motion to reconvene and adjourn by Kraft, second by Duda at 1:00 p.m. Yeas: Boyle, Duda, Kraft, Morgan. Absent: Borgeson, Cavanaugh, Rodgers. Motion Passed.