

# **BOARD OF COUNTY COMMISSIONERS**

## **DOUGLAS COUNTY, NEBRASKA**

**TUESDAY, January 13, 2009**

The Board was convened today at 9:00 a.m. and called to order by Douglas County Chief Deputy Clerk, Kathleen A. Hall 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 2, 2009, 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, Clare Duda, Kyle Hutchings, Marc Kraft, Chris Rodgers and Pam Tusa were present.

Election of the Chair of the Board for 2009 was held. Commissioner Boyle made a motion to nominate Commissioner Rodgers; it was seconded by Commissioner Borgeson. The Chief Deputy Clerk declared the nominations closed. The board had a voice roll call vote for the election of Chair. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa. Motion Passed.

Commissioner Rodgers was elected Board Chair for 2009.

The Chief Deputy Clerk reminded the Commissioners that after the meeting the Building Commission will switch the names for the Chair so Commissioner Duda will be showing his vote as Rodgers and vice versa.

Election of the Vice-Chair of the Board for 2009 was held. Commissioner Tusa nominated Commissioner Borgeson, second by Commissioner Duda. Motion to close the nominations by Boyle, second by Duda. The Chair declared the nominations closed. The board had a voice roll call vote for the election of the Vice-Chair. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa. Motion Passed.

Commissioner Borgeson was elected Board Vice-Chair for 2009.

Motion to recess the Board of Commissioners meeting by Hutchings, second by Tusa. Commissioner Rodgers stated that the Board of Commissioners meeting is recessed to the Board of Equalization. Yeas: Borgeson, Boyle, Duda, Hutchings, Rodgers, Tusa. Not voting: Kraft. Motion Passed.

Motion to reconvene by Borgeson, second by Kraft. Yeas: Borgeson, Duda, Hutchings, Kraft, Rodgers, Tusa. Nays: Boyle. Motion Passed.

Motion by Tusa, second by Borgeson to approve minutes of the Board of Commissioners meeting held Tuesday, December 9, 2008 and to approve claims submitted for payment processed through Tuesday, January 20, 2009 and Douglas County Clerk/Comptroller presenting a report and requesting action on claims being submitted for payment as exceptions on Tuesday, January 13, 2009. These claims are being presented as exceptions due to the lack of a detailed accounting for each individual county office or department's actual information technology costs from DOT.Comm.

Fund. Agency	Date Received by Clerk/ Comptroller	Supplier's Invoice Date	Supplier	Amount
12512.621011	6-Jan-08	3-Dec-08	DOT.Comm	\$11,236.54
12513.632011	6-Jan-08	5-Nov-08	DOT.Comm	\$29,008.10
12513.632011	6-Jan-08	3-Dec-08	DOT.Comm	\$29,008.10
12513.636013	6-Jan-08	3-Dec-08	DOT.Comm	\$22,036.88
12514.Variou	6-Jan-08	3-Dec-08	DOT.Comm	\$18,987.07
12516.655011	6-Jan-08	3-Dec-08	DOT.Comm	\$1,415.50
12532.672011	6-Jan-08	3-Dec-08	DOT.Comm	\$1,028.87

Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item III. Citizens Comments. Personnel Director for Douglas County Lee Lazure and Mark Leflore spoke regarding the Martin Luther King Jr. recognition program.

Item V. Motion by Tusa, second by Kraft to approve the consent agenda.

- A.** Adi Pour, Ph.D. Health Director – requests approval of the following:
1. Resolution to approve agreement with Alegent Health to hire a Breastfeeding Coordinator to assess policies, procedures, and best practices for breast feeding.
  2. Resolution to approve agreement with Charles Drew Community Health Center for increased funding to provide WIC services.
  3. Resolution to approve amendment to lease agreement with Creighton Medical Center – St. Joseph Hospital for reduction of space used by WIC Clinic.
  4. Resolution to approve agreement with Department of Health and Human Services for HIV/STD Prevention education for minority women incarcerated in Douglas County Corrections.
  5. Resolution to approve agreement with Department of Health and Human Services for lead based paint inspections and enforcement.
  6. Resolution to approve agreement with Department of Health and Human Services for Douglas County Health Department to conduct a preventative health screening to newly immigrated refugees for up to date immunizations.
  7. Resolution to approve agreement with Department of Health and Human Services for Douglas County Health Department to perform certified water testing in accordance with the NE. Safe Drinking Water Act any day of the year.
  8. Resolution to approve agreement with Department of Health and Human Services for West Nile Virus public education materials suitable for use by both County and State.
  9. Resolution to approve agreement with Our Healthy Community Partnership for a 5 year update to the community health assessment.
  10. Resolution to approve agreement with One World Community Health Center for increased funding to provide WIC services.
  11. Resolution to approve agreement with University of Nebraska Medical Center for a Preventative Medicine Residency Program to have a rotation in public health.
  12. Resolution to approve agreement with Walden University for students to obtain practicum experience with the Health Department.

- ~~13. Resolution to approve 2<sup>nd</sup> Amendment to agreement with Department of Health and Human Services for additional funding for the WIC Program in Douglas and Sarpy County.~~
  14. Resolution to approve addendum to agreement with University of Nebraska Medical Center for WIC reimbursement.
- B.** Mr. Tom Doyle, County Engineer, requests the approval of the following:
1. Expenditure of \$8,000.00 Temporary Construction Easement (\$7,660.00), and Warranty Deed (\$340.00) Tract #29, Project No. C-28(337) Q St from 168<sup>th</sup> to 180<sup>th</sup> St.
  2. Expenditure of \$788.00 for Project No. C-28(383) Irvington Rd., Vernon Ave. to Ida St. and to Pearl St. Tract 28.
  3. Right-of-Way expenditure for Temporary Const. Easement (\$526.00) C-28(383) Tr#1, Irvington Rd. – Vernon Ave., Ida St. to Pearl St.
  4. Requests the State of Nebraska Department of Roads to withdraw Project No. RS-3825(2) Valley North from obtaining eligible Federal-Aid Funds on Improvements of 228<sup>th</sup> Street from Hwy 36 to Dutch Hall Road.
  5. Traffic Control Devices in Sanitary Improvement District 527 – Shadowbrook.
  6. Interlocal Agreement between Douglas and Dodge Counties for the replacement of two bridge structures on their common county line for Douglas County Project Nos. C-28(110) and C-28(389).
- C.** Approval of Monthly Fee Report (November, 2008). (County Clerk/Comptroller)
- D.** Special Designated Liquor License Approval Report (December, 2008). (County Clerk/Comptroller)
- E.** Claim of Bryan LGH Medical Center for Reimbursement for Medical Treatment provided to EPC patient #801007366 received December 10, 2008 (\$3,477.35). (County Clerk/Comptroller)
- F.** Resolution to direct Douglas County Engineer to do a study of the request to vacate the west 50.00 feet of California Street as dedicated on the Final Plat of Five Fountains, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, lying west of the west right of way line of 189<sup>th</sup> Street. (Commissioners)
- G.** Approve Special Designated Liquor License for Literacy Center For The Midlands, 3615 Dodge St., Omaha, NE, 68131 for fund raiser to be held Sunday, January 25, 2009, at Elk Ridge Village, 19303 Seward Plaza, Elkhorn, NE, 68022 from 6:30 p.m. to 8:30 p.m.
- H.** Approve Special Designated Liquor License for Heartland Equine Therapeutic Riding Academy, 29430 Ida Street, Valley, NE, 68064 for fund raiser to be held Saturday, March 28, 2009, at Five Star Stables, 23203 Dutch Hall Rd., Bennington, Douglas County, 68007, from 6:00 p.m. to 12:00 a.m.

- I. Substitution of pledged collateral with Mid City Bank to secure their deposits with the Douglas County Treasurer. (Treasurer/Accounting)
- J. Substitution of pledged collateral with TierOne Bank to secure their deposits with the Douglas County Treasurer. (Treasurer/Accounting)
- K. Resolution to approve "Demand for Refunds." (Property Tax Division – Treasurer)
- L. Resolution to approve settlement of legal action initiated against Douglas County under Douglas County District Court Docket 1056 Page 353. (County Attorney)
- M. Approve settlement of litigation (Dmytro Smith v. The County of Douglas, Nebraska). (County Attorney)
- N. Mr. Thomas F. Cavanaugh, Douglas County Clerk/Comptroller – presenting the following claims filed pursuant to Neb. Rev. Stat. §23.135 (***refer to County Attorney for review and recommendation***):
  - 1. Claim from Good Samaritan Hospital dba Richard H. Young Hospital for Reimbursement for Medical Treatment provided to EPC Patients.
  - 2. Claim from Montgomery County for Reimbursement for autopsy provided to Douglas County resident.
  - 3. Claim from Good Samaritan Hospital dba Richard H. Young Hospital for Reimbursement for Medical Treatment provided to EPC Patient.
- O. Mr. Thomas F. Cavanaugh, 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 recommendation***):
  - 1. Joshua Nottingham for alleged negligence by Douglas County Corrections.
  - 2. Celestine Grant-Belvin and Terence Belvin for alleged negligence by Douglas County Daily Reporting Center.
- P. Set Public Hearing date of **Tuesday, January 27, 2009, at 9:00 a.m.** for:
  - 1. **APPLICATION G-9-08** Request: Review buffer dimension around landfill. Applicant: Douglas County Environmental Services. Planning Commission considered this application on November 12, 2008, and on a 6-0 vote recommended the landfill buffer remain at one half mile.

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

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

Item VII. B. 1. (Approval of Agreement with Metropolitan Area Planning Agency for the provision of transportation planning services through the County's GIS department). Motion to approve by Tusa, second by Duda. Yeas: Borgeson, Boyle, Duda, Kraft, Tusa, Rodgers. Nays: Hutchings. Motion Passed.

Item VII. C. 1. (Acceptance of the Douglas County 2009-2011 Juvenile Service Plan). Speaking to the item were Director of the Juvenile Assessment Center Kim Culp, Shawne Coonfare, Commissioners Borgeson, Boyle, Kraft and Tusa, Youth Center Superintendent Brad Alexander, Commissioners Duda and Rodgers. Motion to approve by Borgeson, second by Tusa. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. E. 1. (Resolution approving a Professional Services Agreement with the State of Nebraska Court Administration to proceed with the conversion of JUSTICE to CJIS). Speaking to the item was Clerk of the District Court John Friend. Motion by Borgeson, second by Tusa to approve. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. F. 1. (Approval of Transfer Agreement by Douglas County Board of Commissioners, d.b.a. Douglas County Health Center, and Alegent Health). Speaking to the item were Commissioner Borgeson and Chief Administrative Officer Kathleen Kelley. Motion by Boyle, second by Tusa to approve. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion Passed.

Item VII. F. 2. (Approval of renewal contract with Alegent Health at Home for Hospice Services to be provided at Douglas County Health Center). Speaking to the item was Commissioner Borgeson. Motion by Borgeson, second by Tusa to approve. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion passed.

Item VII. F. 3. (Approval of an offer to Department of Veterans Affairs to continue to provide long term care services to Veterans). Speaking to the item was Commissioner Borgeson. Motion by Borgeson, second by Tusa to approve. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion passed.

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

Commissioner Boyle speaks to Legislative items previously approved by the Board.

Item VII. G. 2. Discussion/action on proposed 2009 legislation:  
a. Oppose NRD bonding authority bill. Speaking to the item were Commissioners Boyle and Duda. Motion by Duda, second by Tusa to oppose NRD bonding authority bill. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion passed.

Commissioner Hutchings asks about requests from county elected officials as far as lobbying concerns or issues. Also speaking were Commissioners Boyle and Duda.

Item VII. G. 3. Discussion/action to consider supporting the City of Omaha's request for financial assistance from the federal government. The aid being requested would be used to assist the City with the \$1.5 billion sewer separation project. Speaking to the item were Commissioners Boyle and Kraft. Motion by Boyle, second by Kraft to approve. Further discussion to the item by Commissioners Kraft and Boyle. Yeas: Borgeson, Boyle, Duda, Kraft, Tusa, Rodgers. Abstain: Hutchings. Motion passed.

Commissioner Rodgers recognizes Deputy County Attorney Kim Hawekotte for her service and introduces Deputy County Attorney Diane Carlson.

Motion to recess to executive session for the purpose of discussing labor negotiations and personnel matters at 10:08 a.m. by Boyle, second by Tusa. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion passed.

Motion to reconvene and adjourn by Duda, second by Tusa at 11:11 a.m. Chief Deputy County Clerk Kathleen A. Hall informs the Commissioners that Mr. Henry Harris expressed his thanks to the Board for the approval of his Homestead Exemption while they were in executive session. Yeas: Borgeson, Boyle, Duda, Hutchings, Kraft, Tusa, Rodgers. Motion passed.