

# BOARD OF COUNTY COMMISSIONERS

## DOUGLAS COUNTY, NEBRASKA

**TUESDAY, January 26, 2010**

The Board was convened today at 9:04 a.m. and called to order by Chair Borgeson, 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 15, 2009, and simultaneously transmitted to all members of the Board of Commissioners. Said notice contained the time and place of the meeting. Commissioners Michael Boyle, Clare Duda, Kyle Hutchings, Marc Kraft, Chris Rodgers, Pam Tusa and Mary Ann Borgeson were present.

Motion by Tusa, second by Kraft to approve minutes of the Board of Commissioners meeting held Tuesday, January 12, 2010 and to approve claims submitted for payment processed through Tuesday, January 26, 2010 and Douglas County Clerk/Comptroller presenting a report and requesting action on claims being submitted for payment as exceptions on Tuesday, January 26, 2010. 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.

<b>Fund.Agency</b>	<b>Date Received by Clerk/Comptroller</b>	<b>Supplier's Invoice Date</b>	<b>Supplier</b>	<b>Amount</b>
11111.527011	19-Jan-10	31-Dec-09	DOT.Comm.	\$138,591.08
11111.527011	19-Jan-10	06-Jan-10	DOT.Comm.	\$69,295.54
12513.636013	14-Jan-10	31-Dec-09	DOT.Comm.	\$2,644.44
12513.636013	14-Jan-10	31-Dec-09	DOT.Comm.	\$22,036.88
12513.636013	19-Jan-10	06-Jan-10	DOT.Comm.	\$22,477.62
12514.Variou	19-Jan-10	06-Jan-10	DOT.Comm.	\$19,366.81
12516.655011	12-Jan-10	31-Dec-09	DOT.Comm.	\$169.86
12532.670011	13-Jan-10	31-Dec-09	DOT.Comm.	\$123.48
12532.670011	19-Jan-10	06-Jan-10	DOT.Comm.	\$1,049.45

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

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

- A.** Resolution approving the extension of Homestead Exemption Application deadline from June 30, 2010 to July 20, 2010. (Assessor)
- B.** Approval of State Justice Institute grant for the National Center for State Courts to conduct security audit of Douglas County Hall of Justice and Omaha-Douglas Civic Center. (District Court)
- C.** Resolution appointing Commissioner Pam Tusa to the Sheriff's Merit Commission. (Mary Ann Borgeson, Chair)

- D. Resolution and Addendum to the Agreement between Douglas County and the Board of Regents of the University of Nebraska at Omaha to conduct an evaluation of the Day Reporting Center. (Corrections)
- E. Mr. John LeMay, Purchasing Agent – Bid Acceptance:
  - 1. Approval of E Cashflow Systems to provide Request for Proposal on Check Collection Services for the Douglas County Treasurer.
- F. Resolution accepting grant award from the Nebraska Crime Commission to coordinate services to Spanish speaking crime victims throughout Douglas County. (County Attorney)
- G. Dr. Adi Pour, PhD., Health Department – requests approval of the following:
  - 1. Resolution to approve the Award letter from Department of Health and Human Services re HIV Prevention (Sista Program) in Douglas County.
  - 2. Resolution to approve the Agreement between Douglas County Health Department and Department of Health and Human Services re Vital Statistics Electronic Registration System in Douglas County.
  - 3. Resolution to approve the Agreement between Douglas County Health Department and Department of Health and Human Services re West Nile Virus Surveillance activities in Douglas County.
  - 4. Resolution to approve the Agreement between Douglas County Health Department and Live Well Omaha re childhood obesity in Douglas County.
  - 5. Resolution to approve the Agreement between Douglas County Health Department and Stacey Minthorn re WIC Peer Breastfeeding counselor in Douglas County.
  - 6. Resolution to approve the Agreement between Douglas County Health Department and Kareca Moore re WIC Peer Breastfeeding counselor in Douglas County.
  - 7. Resolution to approve the Agreement between Douglas County Health Department and Margarita Perez re WIC Peer Breastfeeding counselor in Douglas County.
  - 8. Resolution to approve the Agreement between Douglas County Health Department and Monisha Whitmore re WIC Peer Breastfeeding counselor in Douglas County.
  - 9. Resolution to approve the Agreement between Douglas County Health Department and Sarah Lozzi re WIC Peer Breastfeeding counselor in Douglas County.
  - ~~10. Resolution to approve the Agreement between Douglas County Health Department and Department of Health and Human Services re electronic medical records for influenza like illness (ILI) surveillance in Douglas County.~~
  - 11. Resolution to approve the Amendment to Agreement between Douglas County Health Department and Department of Health and Human Services re electronic medical records for influenza like illness (ILI) surveillance in Douglas County.
  - 12. Resolution to approve the Agreement between Douglas County Health Department and University of Nebraska Medical Center Board of Regents re data repository for monitoring influenza like illness (ILI) surveillance in Douglas County.

13. Resolution to approve the appointment of Kristina M. Carter to the Douglas Board of Health in Douglas County.
- H. Resolution to approve "Demand for Refunds." (Property Tax Division – Treasurer)
- I. Mr. Tom Doyle, County Engineer – requests approval of the following:
1. Traffic Control Devices for S.I.D. No. 398 Pacific Springs.
  2. Award contract to US Asphalt Co. for Project #C-28(499), NDOR #MAPA-7941(1), Douglas County county-wide resurfacing.
- J. Approval of affiliation agreement with UNMC to provide clinical education of medical students at the Community Mental Health Center. (CMHC)
- K. Resolution by Board of County Commissioners that the salaries set out in Exhibit A for deputies of the County Attorney's office are hereby authorized effective December 27, 2009. (County Attorney)
- L. Approve U.S. Department of Energy Efficiency and Conservation Block Grant for removal and replacement of windows in Douglas County Health Center long term care facility with energy efficient thermal pan windows. (Catherine Hall, Grant Officer)
- M. Dedication of public roadway: Rainwood Road at 300<sup>th</sup> Street. (County Attorney)
- N. 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. Deborah J. Podrazo for alleged negligence by Douglas County Highway Department.
  2. Raymond T. Montgomery Jr. for alleged negligence by Douglas County.
  3. Richard D. Lochmiller for alleged negligence by Douglas County.
  4. Mrs. Senorene DeRozairo for alleged negligence by Douglas County Roads Department.
- O. Resolution to approve Manager Application for David A. Steinmeyer, 3925 N. 154<sup>th</sup> Ct # 130, Omaha, NE, 68116 for SFM LLC DBA Seven Monkeys, 15805 W Maple Rd, Omaha, NE, 68116, Douglas County, Liquor License #C-73716.
- P. Set Public Hearing date of **Tuesday, February 9, 2010, at 9:00 a.m.** for:
1. Class #C-87949 License (Beer, Wine & Distilled Spirits, On & Off Sale) for Burger Lodge Inc dba River Road Lodge, 27849 W Center Road, Waterloo, NE 68069 – Douglas County and Corporate Manager Application for Rebecca J. Ladenburger, 10441 No. 191<sup>st</sup> Ave., Omaha, NE 68007.

Commissioner Borgeson stated that Item II.G.10 was removed.

Speaking to item II.A. were Commissioners Borgeson and Tusa and Deputy County Assessor Mike Goodwillie.

Speaking to Item II.B. was Commissioner Duda.

Speaking to Health Department items were Commissioner Hutchings and Tim Kelso.

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

Item III. A. Recognition/Proclamations: (Resolutions honoring **Commissioner Chris Rodgers** for his Chairmanship in 2009). Speaking to the item was Commissioner Borgeson. Motion to approve by Tusa, second by Duda. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Item IV. Citizens Comments. Speaking to union issues was President of FOP Lodge 8 Ross Stebbins.

The order of Items V.A. and V.B. were switched.

Item V. B. (IFL (Indoor Football League) promotions, and "Community Night" on March 29, 2010). Speaking to the item were owner of Omaha Beef football team Jeff Sprowls and Commissioner Borgeson.

Item V. A. (Presentation and approval of a resolution supporting concept of DOT.Comm Projects for success). Speaking to the item were Commissioners Borgeson, Charles "Duffy" Boyle, and Commissioner Tusa. Motion to approve by Boyle, second by Duda. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Item VI.A. Public Hearing. (Class #C-87924 License (Beer, Wine & Distilled Spirits, On & Off Sale) for Tropics Bar and Grill INC dba Tropics Bar and Grill, 3510 N. 167<sup>th</sup> Circle, #101, Omaha, NE 68116 – Douglas County and Corporate Manager Application for Michael D. Jordan, 4930 So. 121<sup>st</sup> Street, Omaha, NE 68137). Public hearing was opened at 9:41 a.m. Speaking to the item was attorney David Steier. Public hearing was closed at 9:42 a.m. Motion to approve by Boyle, second by Tusa. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

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

Item VII. B.1. (Approval of agreement between Metropolitan Area Planning Agency (hereinafter called MAPA), and Douglas County, Nebraska, to obtain digital map products for the Region and Douglas County shall pay MAPA a total amount of One Hundred Eighty Thousand Dollars (\$180,000.00) from the current fiscal year's budget (FY2010)). Speaking to the item were Commissioner Tusa, Mike Schonlau, Commissioners Hutchings, Duda, Rodgers, Boyle, and Kraft. Motion to approve by Tusa, second by Rodgers. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Item VII. B.2. (Resolution adopting Rules of Order for 2010). Speaking to the item were Commissioners Borgeson, Boyle and Hutchings. Motion by Boyle to approve amendment to Item IV. A. B. C. and D. to add the language that the person may serve

up to two consecutive terms, second by Hutchings. Further discussion to the item by Commissioners Tusa, Boyle, Duda, Hutchings and Kraft.

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

Further discussion by Commissioners Borgeson, Boyle, Tusa, Hutchings and Duda. Motion by Kraft, second by Rodgers to change item VII.A. 1. from 3:00 the Thursday before to 4:30 the Wednesday before. Speaking to the item were Patrick Bloomingdale, Commissioner Boyle, Tusa and Duda. Motion amended by Kraft to 3:00 p.m. the Wednesday before the scheduled County Board meeting.

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

Speaking to Rules of Order item VII. A. 2. were Commissioners Hutchings and Boyle, Deputy County Attorney Diane Carlson, Commissioners Borgeson and Duda. Motion by Kraft, second by Boyle that items may be added to the agenda at the discretion of the chair in accordance with the open meeting laws.

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

Speaking to Rules of Order item VII. C. were Commissioners Boyle, Kraft and Tusa. Motion to delete the Invocation, Reflections or Opening Remarks from the rules by Boyle, second by Kraft.

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

Speaking to Rule XII. Appearances before the Board A. were Commissioners Borgeson and Boyle. Motion to notify the office of the Board by noon the Friday before the scheduled County Board meeting by Boyle, second by Hutchings.

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

Motion by Duda, second by Boyle to adopt the rules as amended. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Item VII. B.3. (Update on the status of the Thomas Fitzgerald Veterans' Home). Speaking to the item were Commissioner Tusa, Jerry Leahy and Jeff McGill of Public Properties, Commissioners Hutchings, Duda, Boyle, Kraft and Borgeson.

Item VII. F.1. (Resolution appointing Roger Franklin to the Veterans Service Committee to fill an unexpired term). There was no discussion on this item. Motion to approve by Boyle, second by Tusa. Yeas: Boyle, Duda, Hutchings, Rodgers, Tusa, Borgeson. Absent: Kraft. Motion Passed.

Item VII. F.2. (Approval by County Board of proposed renovation of and addition to the West Wing of Douglas County Health Center to eliminate 3 & 4-bed wards and to provide handicapped accessible bathrooms and showers. Renovation cost to be covered by funds from various Douglas County Health Center Foundations fundraising efforts to include appeals, solicitations, grants, etc). Motion to approve by Boyle, second by Tusa. Speaking to the item were Commissioner Hutchings, DCHC Director of Nursing

Mary Powell, Commissioners Duda and Borgeson. Yeas: Boyle, Duda, Kraft, Rodgers, Tusa, Borgeson. Abstain: Hutchings. Motion Passed.

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

Item VII. G. 2. Legislative issues:

Item VII. G. 2. a. Consideration of LB 696 – Landfill fees. Speaking to the item were Commissioner Boyle, Director of Environmental Services Kent Holm, Commissioner Duda and Assistant County Manager Rick Kubat. Motion by Boyle, second by Tusa to support LB 696 with the additional language that this bill include, in addition to transfer stations, materials recovery facilities. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Speaking to LB 953 was Commissioner Boyle. Motion to support LB 953 by Borgeson, second by Tusa. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Speaking to LB 988 were Commissioners Boyle and Borgeson. No action was taken on this item.

Speaking to LB 990 was Commissioner Boyle. No action was taken on this item.

Speaking to LB 692 was Commissioner Boyle and Deputy County Assessor Mike Goodwillie. Motion to oppose LB 692 by Duda, second by Tusa.

Speaking to CIR legislation were Commissioners Hutchings and Borgeson, Assistant County Administrator Patrick Bloomingdale, and Commissioner Boyle. No action was taken on this item.

Motion to recess to executive session in order to protect the public interest with respect to discussion regarding labor negotiations and litigation at 11:35 a.m. by Boyle, second by Tusa. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Motion to reconvene and adjourn by Tusa, second by Kraft at 12:32 p.m. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.