

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, March 16, 2010

The Board was convened today at 9:14 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 March 5, 2010, and simultaneously transmitted to all members of the Board of Commissioners. Said notice contained the time and place of the meeting. Commissioners Clare Duda, Kyle Hutchings, Marc Kraft, Chris Rodgers, Pam Tusa and Mary Ann Borgeson were present. Commissioner Michael Boyle was absent.

Motion by Tusa, second by Duda to approve minutes of the Board of Commissioners meeting held Tuesday, March 2, 2010 and to approve claims submitted for payment processed through Tuesday, March 16, 2010. Yeas: Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Absent: Boyle. Motion Passed.

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

- A.** Mr. Tom Doyle, County Engineer – requests approval of the following:
 - 1.** Resolution (Designating RC) for Project No. C-28(367) Bennington Southeast.
 - 2.** Traffic Control Devices in the Arbor Oaks Subdivision, (Sanitary Improvement District No. 418) No Parking in various locations.
 - 3.** Traffic Control Devices in the Glenbrook Subdivision, (Sanitary Improvement District No. 250) No Parking.
 - 4.** Approval to advertise for bids on Project No. C-28(490), Rainwood Road Improvements from Highway 133 to 108th Street.
 - 5.** (6) Testing Laboratory Services Fee Schedule for the 2010 Construction season.
- B.** Resolution appointing Murray J. McArdle to the Douglas County Planning Board. (Mary Ann Borgeson, Chair)
- C.** Resolution appointing Cade Pearson to the Douglas County Fair Board. (Fair Board)
- D.** Payment of Tort Claim – Keith Uhing. (Administration)
- E.** Payment of Tort Claim – Mary Porter. (Administration)
- F.** Payment of Tort Claim – Johnnie Dunn. (Administration)
- G.** Payment of Tort Claim – William Gentry. (Administration)
- H.** Resolution authorizing the chair to enter into a Community Service Agreement with World Fellowship Christian Ministries. (General Assistance)
- I.** Mr. John LeMay, Purchasing Agent – Bid Acceptances:

1. Approval of Altec Industries, Inc. to provide (1) Boom Truck for the Douglas County Engineer.
 2. Acceptance of Select Van & Storage for Election Day Equipment (Ballot Boxes).
- J. Approval of agreement with Dr. Yvonne Stephenson, MD to care for residents of Douglas County Health Center. (DCHC)
- K. Resolution to approve "Demand for Refunds." (Property Tax Division – Treasurer)
- L. Mr. Thomas F. Cavanaugh, Douglas County Clerk/Comptroller – presenting the following contract claim filed pursuant to Neb. Rev. Stat. §23.135 (**refer to County Attorney for review and recommendation**):
1. Claim from Bryan LGH Medical Center for Reimbursement for Medical Treatment provided to EPC Patient #801190902.
- M. 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. Mr. David M. Mueller for alleged negligence by Douglas County.
 2. Claims Management Resources for Qwest for alleged negligence by Douglas County, Douglas County Roads Dept.
 3. Ms. Margaret Ward for alleged negligence by Douglas County.
 4. Ms. Mayra V. Leyva for alleged negligence by Douglas County K-9 unit.
- N. Set date of **April 13, 2010**, for public hearing on vacation of County Roads 186D and 204D (Platte River north of Pacific Street). (County Attorney)
- O. Resolution supporting the US Highway 34 Missouri River Bridge Project. (Commissioner Clare Duda)

Speaking to item II. O. was Commissioner Duda.

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

Item VI.A. Public Hearing. (Class #C88676 License (Beer, Wine & Distilled Spirits, On & Off Sale) for Kegler Bowling LLC DBA Kegler Bowling, 20902 Cumberland Dr., Omaha, Douglas, 68022, and Corporate Manager application for Steven J. Sempeck, 4105 South 173rd Street, Omaha, NE 68135). The public hearing was opened at 9:17 a.m. Speaking to the item were Don Pistillo representing the applicant and Commissioner Duda. The public hearing was closed at 9:18 a.m. Speaking to the item was Commissioner Borgeson. Motion to approve by Tusa, second by Duda. Yeas: Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Absent: Boyle. Motion Passed.

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

Item VII.B.1. (Resolution recommending approval for Design Services for former Goodwill Facility at 1111 S. 41st Street, with RDG Schutte Wilscam Birge, Inc). Speaking to the item were Commissioner Tusa and Director of Public Properties Jerry Leahy.

Motion to approve by Tusa, second by Duda. Further discussion to the item by Commissioner Rodgers, Director of Public Properties Jerry Leahy, and Commissioner Kraft. Yeas: Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Absent: Boyle. Motion Passed.

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

Item VII. G. 2. Legislative issues. Speaking to LB 1079 were Assistant County Manager Rick Kubat, Commissioners Borgeson and Duda.

Speaking to Sunshine Week was Commissioner Borgeson.

Motion to recess to executive session in order to protect the public interest with respect to discussion regarding litigation at 9:25 a.m. by Tusa, second by Rodgers. Yeas: Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Absent: Boyle. Motion Passed.

Motion to reconvene and adjourn by Kraft, second by Tusa at 9:52 a.m. Yeas: Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Absent: Boyle. Motion Passed.