

BOARD OF COUNTY COMMISSIONERS

DOUGLAS COUNTY, NEBRASKA

TUESDAY, March 30, 2010

The Board was convened today at 9:02 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 19, 2010, 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 Boyle to approve minutes of the Board of Commissioners meeting held Tuesday, March 23, 2010 and to approve claims submitted for payment processed through Tuesday, April 6, 2010. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

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

- A.** Resolution authorizing the Chair to enter into a Professional Services Agreement with Heartland Health Therapy Inc. to provide medical services to certain Primary Health Care patients. (General Assistance)
- B.** Mr. John LeMay, Purchasing Agent – requests approval of the following:
 - 1.** Acceptance of Armored Knights, Inc. for Armored Car Services for Various Douglas County Locations.
 - 2.** Acceptance of Xpedx for Instant Hand Sanitizer 12 ounce and 1 liter and Precision Industries for Antimicrobial Soap Liquid 750ml.
- C.** Mr. Tom Doyle, County Engineer – requests approval of the following:
 - 1.** \$4,850.00 for the Right of Entry Agreement for Project No. C-28(337), “Q” Street – 170th to 180th Street, Tract Number 54.
 - 2.** \$2,47.00 for the Right of Entry Agreement for Project No. C-28(337), “Q” Street – 170th to 180th Street, Tract Number 20.
 - 3.** Supplemental Agreement No. 3 to the Engineering Agreement between Douglas County and E & A Consulting Group, Inc. Additional Engineering services needed.
- D.** Payment of Tort Claim – Mayra Leyva. (Administration)
- E.** Payment of Tort Claim – Jeff Force. (Administration)
- F.** Resolution approving amendment to Ice Jam Agreement. (Emergency Management)
- G.** Resolution to approve “Demand for Refunds.” (Property Tax Division – Treasurer)

- H. Consideration of request for reimbursement of attorneys' fees and costs paid to Steve Lefler by David Kofoed in connection with his defense of criminal charges in federal court, Docket 8:09 CR 142. (County Attorney)
- I. 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. Daniel Moore for alleged negligence by Douglas County.
 - 2. Ms. Karen A. Chidester for alleged negligence by Douglas County.
- J. Set public hearing date of **Tuesday, April 20, 2010, at 9:00 a.m.** for vacation of Roadway: Railroad Avenue, Elkhorn. (County Attorney)
- K. Set public hearing date of **Tuesday, April 13, 2010, at 9:00 a.m.** for:
 - 1. Class #C-88693 License (Beer, Wine & Distilled Spirits, On & Off Sale) for NF Foods, LLC dba No Frills Supermarkets, 1221 South 203rd St., Omaha, NE 68130, Douglas County and Corporate Manager Application for Manfred Witecy, 19378 Woolworth Ave., Omaha, NE 68130.
- L. Resolution ratifying the termination of attorney Steven Lefler's retention by Douglas County to represent David Kofoed in two civil cases. (Administration)
- M. Approval of Monthly Fee Report (February, 2010). (County Clerk/Comptroller)

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

Item III. A. Recognition/Proclamations: (Resolution proclaiming April 2010 "**National County Government Month.**"). 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 VI.A. Public Hearing: (Public Hearing and Resolution providing public approval for issuance by Hospital Authority No. 2 of Douglas County, Nebraska, of not to exceed \$22,000,000 aggregate principal amount of revenue bonds for the benefit of Immanuel Retirement Communities). Speaking to the item were Attorney Joel VanderVeen of Kutak Rock and Commissioner Duda. Motion to approve by Tusa, second by Duda. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

Item VI.B. Public Hearing: (Transfer budget dollars appropriated in original 2009/2010 adopted budget that were set aside for future salary increases). Speaking to the item was Fiscal Administrator Steve Walker. 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.A.2. (Discussion on transfer of Internal Audit to County Board, effective January 1, 2011) and Item VII.A.3. (Resolution authorizing Internal Audit transition

team). Speaking to the items were Commissioners Hutchings and Kraft, Douglas County Clerk/Comptroller Thomas F. Cavanaugh, and Commissioner Duda. Motion to approve by Hutchings, second by Kraft. Yeas: Boyle, Hutchings, Kraft, Rodgers. Nays: Duda, Tusa, Borgeson. Motion Passed.

Item VII. G. 1. (Weekly Personnel Report from Civil Service). Speaking to the item was Commissioner Boyle. Offered as presented.

Item VII. G. 2. Legislative issues:

Item VII. G. 2.a. (~~Resolution urging the Federal Communications Commission not to include any language that would preempt local government's right of way authority.~~). This item was removed from the agenda.

Item VII. G. 2.b. (Resolution opposing any federal legislation or regulatory initiative that preempts state and local taxing authority over Online Travel Companies (OTC's)). Speaking to the item was Commissioner Kraft. Motion to approve by Kraft, second by Boyle. Yeas: Boyle, Duda, Kraft, Rodgers, Tusa, Borgeson. Nays: Hutchings. Motion Passed.

Commissioner Borgeson speaks to LB 1079.

Commissioner Boyle speaks to LB 988, 990, 800, 507, and 780. Also speaking was Assistant County Manager Rick Kubat.

Commissioner Borgeson read notices from agenda.

Motion to recess to executive session in order to protect the public interest with respect to discussion regarding negotiations at 9:29 a.m. by Tusa, second by Boyle. Yeas: Boyle, Duda, Hutchings, Kraft, Rodgers, Tusa, Borgeson. Motion Passed.

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