

January 14, 1997

MINUTES OF MEETING  
BOARD OF COUNTY COMMISSIONERS OF SARPY COUNTY, NEBRASKA

A meeting of the Board of County Commissioners of Sarpy County, Nebraska was convened in open and public session at 9:00 a.m on January 14, 1997 at the Courthouse in Papillion, Nebraska. Present: Thomas A. O'Hara, Tim Gay, Don Knott, Sr., Barton D. Bonn, Tim Schram, Board Administrator Mark Wayne and Debra J. Houghtaling, County Clerk.

Notice of the meeting was given in advance thereto by publication in the Bellevue Leader on January 8, 1997, a copy of the Proof of Publication is on file in the County Clerk's office. Notice of the meeting was simultaneously given to all members of the Board of County Commissioners of Sarpy County, Nebraska. Availability of the agenda was communicated in the published notice and in the notice to members of the Board of County Commissioners of this meeting. All proceedings were taken while the convened meeting was open to the attendance of the public.

The Sarpy County Board of Commissioners opened their 1997 session with County Clerk Debra Houghtaling calling for selection of a Chairman for 1997.

Resolved by Knott, seconded by Gay, that Tim Schram be elected Chairman of the Sarpy County Board of Commissioners for 1997, and thereafter until a Chairman is elected at a regular meeting of this Board to be held in 1998. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Commissioners' comments were recorded.

Chairman Schram announced his appointment of Tim Gay as Vice Chairman for 1997, thanked Commissioner Knott for his service as 1996 Chairman and welcomed the new Commissioners.

Commissioner Bonn requested that items #14 (resolution: approve S.I.D. #158 improvements, paving & storm sewer, section VI), #19 (resolution: authorize Chairman to sign amended grant of easement to the United State Air Force for environmental monitoring wells) and #20 (permission to advertise bids for removing gas tanks, replace one tank, new pump and fleet fuel management) be removed from the Consent Agenda and placed on the Regular Agenda.

Knott moved, seconded by Gay, to approve the Consent Agenda as amended with the removal of items #14, 19 and 20. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

**CONSENT AGENDA:**

Knott moved, seconded by Gay, to approve the minutes of the December 10, 1996 meeting as submitted. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to approve the claims as submitted by Debra J. Houghtaling, Sarpy County Clerk, and authorize the County Clerk to issue warrants for said claims. A complete listing of claims is on file in the office of the County Clerk. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to approve the Gang Resistance Education and Training (GREAT) Federal Grant Contract Award No. 97-GT-14. Contract period 10-1-96 through 9-30-97 in the amount of \$49,800. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to authorize the Chairman to sign the Quarterly Status Reports, as of December 31, 1996, for the following Community Development Block Grants:

- No. 93-DF-001 Floodway Purchase Program Report No. 8
- No. 93-DW-026 Public Work Flood Recovery Program Report No. 6

Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to authorize the Chairman to sign a letter to the Nebraska Department of Economic Development requesting a time extension to May 1, 1997 of the Community Development Block Grant No. 93-DF-001 Floodway Purchase Program Project, as recommended by MAPA and the NRD. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Resolved by Knott, seconded by Gay, to approve the settlement agreement with Nationwide Insurance Company regarding damages to a police cruiser and authorize the Chairman to sign the property damage release and other required documents. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Resolved by Knott, seconded by Gay, to re-appoint the following as members of the Sarpy County Planning Commission:

<u>NAME</u>	<u>NOMINATED BY</u>	<u>TERM</u>
Dean Zuhlke	Commissioner Schram	3 years (expires 1/1/2000)
Gene Skluzacek	Commissioner Schram	3 years (expires 1/1/2000)
John Johnson	Commissioner O'Hara	3 years (expires 1/1/2000)

Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Resolved by Knott, seconded by Gay, to re-appoint Edward Haddix (nominated by Commissioner O'Hara) as the alternate member of the Sarpy County Board of Adjustment for a term of three years, term to expire 1/1/2000). Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Resolved by Knott, seconded by Schram, to approve payment of Claim #97-03612 to AT&T in the amount of \$37.49, said claim had been denied in error on 12/10/96. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Resolved by Knott, seconded by Gay, that the American National Bank of Sarpy County, Papillion, NE.; Bank of Bellevue, Bellevue, NE.; Bank of Nebraska, Lavista, NE.; Commercial Federal Savings Bank, Bellevue and LaVista, NE.; First Bank, Bellevue, NE; First National Bank of Omaha, LaVista and Bellevue, NE.; First United Bank of Bellevue, Bellevue, NE.; Gretna State Bank, Gretna, NE.; Norwest Bank Nebraska, N.A., Bellevue, NE.; Pinnacle Bank of Papillion, Papillion, NE.; Sapp City Bank, Sarpy County, NE. and Springfield State Bank, Springfield, NE. be approved as depositories for the public funds of Sarpy County for 1997; conditioned upon the true and faithful compliance with all provisions of Nebraska State Law governing the deposit of public funds. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Resolved by Knott, seconded by Gay, that First Bank, Omaha, NE.; First National Bank of Omaha, Omaha, NE. and/or Norwest Bank Nebraska, N.A., Omaha, NE. are approved as depositories for the excess public funds of Sarpy County for 1997, should excess funds require depository banks or capital stock financial institutions outside of Sarpy County, conditioned upon the faithful compliance of said banks or capital stock financial institutions with all provisions of Nebraska State Law governing the deposit of public funds. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Resolved by Knott, seconded by Gay, to authorize the Chairman to sign the Sub-Recipient Award, State and Local Assistance Program, Nebraska Cooperative Agreement EMK 96-PA-0005, award amount \$6,563.86 for submission to the Nebraska Emergency Management Agency in connection with the FY 1996 Application and the staff of the Sarpy County Department of Emergency Management is authorized to take such acts as are necessary to comply with the terms of said Agreement. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to approve the Surveyor's Semi-Annual Report in the amount of \$1,916 for the period of July 1, 1996 through December 31, 1996. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to approve the granting of a new access on 120th Street, north of Giles Road [Sarpy County Project C-77(138)] and authorize the Chairman to sign the quitclaim deed in connection with said access. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded Gay, to approve the following South Papillion Creek Watershed Sewer Project (outfall sewer phase I) disbursement requisitions:

<u>Req. No.</u>	<u>Payee</u>	<u>Amount</u>
15.	Millard Refrigerated Services	\$ 1,400.00
17.	B & L Construction, Inc.	43,191.00

Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

**REGULAR AGENDA:**

Resolved by Knott, seconded by Gay, to approve the plans submitted by Sanitary and Improvement District #158 for the following public improvements to the Tiburon Subdivision in Sarpy County, Nebraska, as recommended by the Chief Deputy Sarpy County Surveyor:

- Water System-Section IV Well #2
- Paving System-Section IV 168th Street
- Sanitary Sewer-Section V Tiburon View
- Water System-Section V Tiburon View
- Paving System-Section V Tiburon View
- Sanitary Sewer-Section VI Phase III
- Water System-Section VI Phase III
- Paving System-Section VI Phase III

Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Gay moved, seconded by Knott, that agenda item #19 (resolution: authorize Chairman to sign amended grant of easement to the United States Air Force for environmental monitoring wells) be tabled until further notice. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Bonn moved, seconded by Gay, that agenda item #20 (permission to advertise bids for removing gas tanks, replace one tank, new pump and fleet fuel management) be tabled until further notice. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

As advertised, a public hearing was held as to the abandonment of Northwood Circle and Platte Vista Circle in the Meadow Oaks Subdivision, located in Sarpy County. Public comments were received.

After a public hearing, Knott moved, seconded by O'Hara, to recommend approval of the liquor license application of DGR Inc. dba "Quik Pik" 10207 S. 25th St., Bellevue, Sarpy County, Nebraska 68123, Class E - Beer, Off Sale Only, and notify the Nebraska Liquor Control Commission of Board approval. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

After a public hearing, Bonn moved, seconded by Knott, to approve the public amusement license application of Progressive Rentals, Inc. dba Linoma Beach Restaurant & Lounge, 17106 S 255th St., Gretna, NE. 68028. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to sit as a Board of Equalization. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to approve the following Tax Corrections as approved by the County Assessor: #10536 - #10574. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Gay moved, seconded by O'Hara, to approve the following exemption applications for 1997 tax exemption on motor vehicles owned by qualifying non-profit organizations, as approved by the County Assessor:

Bellevue Christian Center	1979 Chevrolet Bus
Korean Baptist Mission	1991 Toyota Camry
Midlands Bible Baptist Church	1983 Oldsmobile Sedan 98
	1978 Plymouth 15 Psgr. Van
	1992 Ford 15 Psgr. Van
St. Bernadette Church	1984 Chevrolet Silverado

Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Gay moved, seconded by O'Hara, that agenda item #24C (exemption application on real &/or personal property owned by qualifying organization [Mercy Crestview Village]) be tabled until 02/18/97. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

After a public hearing, Knott resolved, seconded by Gay, that the Sarpy County Board of Commissioners, sitting as a Board of Adjustment and Equalization, hereby finds and determines that Rural Road Improvement District No. 1996-1 of Sarpy County, Nebraska, constructed paving improvements in said District and that said improvements resulted in specially benefitting certain lots and parcels of ground located within the District's boundaries; that therefore there is hereby levied against the lots and parcels of ground within the district special assessments in the amounts set out in the schedule of assessments and that the same shall be collected by the County Treasurer in the same manner as general taxes. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to return to regular session. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to deny the Flood Plain Permit application of Pat O'Connor, Lot 6 Barrs Ranch, Platte River, 3 bay garage and porch attached to current house, as recommended by the Building Inspector, as no new structures are allowed in the floodway. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Gay moved, seconded by Bonn, to deny the Flood Plain Permit application of Jack Guyett, 16701 Iske Place, Lot 18 Iske Park, Missouri River, raise cabin, as recommended by the Building Inspector, as this goes beyond ordinary maintenance and repairs and it is a structural alteration and not allowed to the non-conforming structure. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Knott moved, seconded by Gay, to deny the Flood Plain Permit of Richard Kerns, 9900 S. 252nd St., Lot 48BP Vencils Island, Platte & Elkhorn Rivers, 8' x 12' shed, as recommended by the Building Inspector, as a new structure is not allowed in the floodway. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

Resolved by Knott, seconded by Gay, to approve the interlocal agreement titled "Cooperative Agreement - Platte River Bridge Debris Removal" among the Lower Platte South Natural Resources District, Papio-Missouri River Natural Resources District, County of Cass, County of Sarpy, Burlington Northern Sante Fe Corp. and Nebco Inc. for clearing of the obstruction near the abandoned Rock Island Railroad bridge over the Platte River (located near South Bend, NE. and the property formerly owned by Dorothy Crocker) provided that said agreement is amended to limit the reimbursement to be provided by Sarpy County to 25% of the total cost of the project, not to exceed the sum of \$8,625. Further that the Chairman and Clerk are authorized to sign said agreement, after specified modifications, and such further documents as may be necessary to consummate said agreement, as amended. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

The following fee reports were presented and placed on file:

Building Inspector	October, 1996	\$ 29,899.05
	November, 1996	32,702.08
	December, 1996	134,006.63
County Clerk	November, 1996	39,174.94
Clerk of District Court	November, 1996	7,627.75
	December, 1996	6,567.75
Juvenile Court	November, 1996	2,310.00
	December, 1996	2,133.00
Landfill	November, 1996	210,057.65
	December, 1996	251,902.46
Sheriff	November, 1996	7,219.72

At 9:46 a.m. Knott moved, seconded by O'Hara, to go into Executive Session to discuss litigation. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

At 10:09 a.m. Knott moved, seconded by O'Hara, to return to regular session. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

At 10:10 a.m. O'Hara moved, seconded by Gay, to adjourn until January 21, 1997 at 9:00 a.m. Ayes: O'Hara, Gay, Knott, Bonn & Schram. Nays: None.

/s/ Tim Schram  
**Chairman, Board of County Commissioners**

**ATTEST:** /s/ Debra J. Houghtaling  
**County Clerk**

-----