

January 12, 1999

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 3:00 P.M. on January 12, 1999 at the Courthouse in Papillion, Nebraska. Present: Bart Bonn, Tim Gay, Thomas O'Hara, Don Knott Sr., Tim Schram, Board Administrator Mark Wayne and Deb Houghtaling, County Clerk.

Notice of the meeting was given in advance thereto by publication in the Bellevue Leader on January 6, 1999, 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 1999 session with County Clerk Debra Houghtaling calling for selection of a Chairman for 1999

Resolved by Knott, seconded by Gay, that Thomas A O'Hara be elected Chairman of the Sarpy County Board of Commissioners for 1999, and thereafter until a Chairman is elected at a regular meeting of this Board to be held in 2000. Ayes: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

Chairman O'Hara announced his appointment of Barton D. Bonn as Vice Chairman of the Sarpy County Board of Commissioners for 1999.

Commissioners' comments were recorded.

Commissioner Schram requested that item # 3 (Authorize Chairman to sign letter concerning access/special assessment for 126<sup>th</sup> Street), item #16 (Resolution: Reject bids on Prisoner Mug Shots); and #17 (Resolution: Reject bids on Court Appointed Attorneys) be removed from the Consent Agenda and placed on the Regular agenda.

Knott moved, seconded by Schram, to approve the Consent Agenda as amended with the removal of item nos. 3, 16, & 17. Ayes: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

**CONSENT AGENDA**

Knott moved, seconded by Schram, to approve the minutes of the December 15, 1998 meeting as submitted. Ayes: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

Knott moved, seconded by Schram, 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: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

**\*INSERT CLAIMS LISTING HERE**

Knott moved, seconded by Schram, to approve the following Sarpy County Courthouse Addition and Renovation Project (Courtroom Remodeling Project) disbursement requisitions:

<u>Req. No.</u>	<u>Payee</u>	<u>Amount</u>
51.	Barone Security Systems	\$10,803.40
52.	All Makes Office Equipment Co.	2,213.93
53.	ASI Sign System	674.98
54.	Bahr Vermeer & Haecker Architects	1,296.49
55.	Communication Services, Inc.	642.80
56.	Security Equipment, Inc.	10,601.00
57.	psi Environmental Geotechnical Const.	127.00
58.	Sioux Sales Company	970.00

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

Knott moved, seconded by Schram, to approve the following Sarpy County, Nebraska Highway Allocation Fund Bonds, Series 1998, Project Fund (Caterpillar Claas America, LLC Project) disbursement requisitions:

Req. No.	Payee	Amount
*13.	Sides & Associates, Inc.	\$ 3,851.97
**14.	Kirkham Michael Consult. Eng.	162,718.17
15.	The BN & SF RW Co.	67,382.81

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

\*\*Req. No. 14 Voided & replaced by 14A & 14B 1/26/99 - SEE Comm. Bk. 20, pg. 302

\*Req. No. 13 Voided & paid by Req. No. 16 drawn on the Series 1997A Sarpy County Bldg. Bonds (Sarpy Co. Hwy. Dept. Storage Fac.) 2/9/99 SEE Comm. Bk. 20, pg. 309).

Resolved by Knott, seconded by Schram, to approve and authorize the Chairman to sign the agreement with Methodist Richard Young for the care, treatment, evaluation, safekeeping and assessment of Juveniles under the control of the Sarpy County Juvenile Court, term of contract 01/12/99 through 01/11/2000. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Resolved by Knott, seconded by Schram, to approve and authorize the Chairman to sign U.S. Department of Justice, United States Marshals Service Modification No. 2 to IGA No. 47-99-0049 (reassigned from number J-C47-M-107), effective date of modification 07/15/98. Ayes: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

Resolved by Knott, seconded by Schram, to approve and authorize the Chairman to sign the Interlocal Cooperation Agreement between Cass County, Nebraska and the Sarpy County Holdover Facility which provides that the Holdover Facility will assume the safekeeping, care and sustenance of certain juveniles held as detainees by Cass County. Ayes: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

Resolved by Knott, seconded by Schram, to approve and authorize the Chairman to sign an Addendum to Lottery Operator Agreement with Flying J of Nebraska, Inc. (said agreement being dated 10/31/97), which addendum corrects the amount to be placed into the excess prize fund. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Resolved by Knott, seconded by Schram, that the American National Bank of Sarpy County, Papillion, NE.; Great Western Bank, 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.; Team Bank, 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 1999; conditioned upon the true and faithful compliance with all provisions of Nebraska State Law governing the deposit of public funds. Ayes: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

Resolved by Knott, seconded by Schram, 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 1999, 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: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

Resolved by Knott, seconded by Schram, that the use of deposit guaranty bonds for Sarpy County funds be approved for the following banks and/or financial institutions, American National Bank of Sarpy County, Papillion, NE.; Bank of Nebraska, LaVista, NE.; Pinnacle Bank of Papillion, Papillion, NE. and Sapp City Bank/Ashland State Bank, Sarpy County, NE. for 1999, conditioned upon the true and faithful compliance of said applicants with all provision of Nebraska State Law governing the deposit of public funds. Ayes: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

Resolved by Knott, seconded by Schram, to approve the recommendation of the County Surveyor/Engineer for placing of "Stop" signs and "Speed Limit" signs at the various locations in S.I.D. #169, Sarpy County, as indicated on the location plan attached to the resolution. S.I.D. #169 shall take such steps to post appropriate signs according to the Manual on Uniform Traffic Control Devices. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Knott moved, seconded by Schram, to authorize a sixty (60) day extension on the requirement to file the Final Plat for Ballena Replat I, which Final Plat was approved by this Board on 09/29/98. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Knott moved, seconded by Schram, to accept the Surveyor's Semi-Annual Report in the amount of \$4,059.25 for the period July 1, 1998 through December 31, 1998. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

#### **REGULAR AGENDA:**

Schram moved, seconded by Knott, that agenda item #3 (Authorize Chairman to sign letter concerning access/special assessment for 126<sup>th</sup> Street) be tabled indefinitely. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Fran Grothe, County Purchaser, reported that bids for a prisoner mug shot imaging system for the Sarpy County Sheriff's Department (jail) have been solicited, made, opened and reviewed pursuant to Board authorization.

After a public hearing, Gay resolved, seconded by Knott, to reject all bids for a prisoner mug shot imaging system for the Sarpy County Sheriff's Department (jail), per written and oral recommendation of the Purchasing Department, and the County Clerk is directed to take such steps as may be necessary to effectuate the rejection of the offered bids. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Fran Grothe, County Purchaser, reported that informal proposals for legal firms to provide legal defense for County and District Court clients, from whom the Sarpy County Public Defender has been disqualified, have been solicited, made, opened and reviewed.

After a public hearing, Schram resolved, seconded by Knott, to reject all proposals for County and District Court client legal defense, per written and oral recommendation of the Purchasing Department, and the County Clerk is directed to take such steps as may be necessary to effectuate the rejection of the offered proposals.. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

After a public hearing, Bonn moved, seconded by Knott, to recommend approval of the liquor license application of Clinton W. Spiegel dba "Sunset Lounge, Inc", 9505 So. 142nd St., Omaha, Sarpy County, Nebraska 68138 for a Class "M" Bottle Club and notify the Nebraska Liquor Control Commission of Board approval. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

As advertised, a public hearing was held regarding the vacation or abandonment of a portion of unused right of way located along Giles Road between 120<sup>th</sup> & 124<sup>th</sup> Streets in Sarpy County, NE. Public comments were received.

As advertised, a public hearing was held regarding the vacation or abandonment of a portion of unused right of way located on the southwest corner of Cornhusker Road at Cedar Island Road in Sarpy County, NE. No public comments were offered.

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

Knott moved, seconded by Gay, to approve the following Tax Corrections as approved by the County Assessor: #10848 - #10879 (#10877 canceled). Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Bonn moved, seconded by Knott, to approve the following exemption application for 1998/1999 tax exemption on motor vehicles owned by qualifying non-profit organizations, as approved by the County Treasurer:

The Salvation Army      1999 Chevrolet psgr. van

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

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

#### **ZONING ACTIONS:**

Resolved by Gay, seconded by Knott, that the application of Paul R and Mary Ann Smith for a Change of Zone from AG to

AGD on the following described property: being a platting of the W 1/2 of the SE 1/4 of Sec. 3, T13N, R11E of the 6<sup>th</sup> P.M. Sarpy County, NE. (160<sup>th</sup> and Capehart Road, north side) be denied as it does not meet Sarpy County Comprehensive Plan requirements. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Resolved by Gay, seconded by Knott, that the application of Paul R. and Mary Ann Smith for a Preliminary Plat of a subdivision to be known as Smith Acres on the following described property: being a platting of the W 1/2 of the SE 1/4 of Sec. 3, T13N, R11E of the 6<sup>th</sup> P.M. Sarpy County, NE. (160<sup>th</sup> and Capehart Road, north side) be denied as it does not meet Sarpy County Comprehensive Plan requirements. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None

Agenda item #C-B (Amendments - Zoning Ordinances and Subdivision Regulations, Section 35.9.1, Floodway Overlay District, Permitted Uses) was withdrawn by the requesting party.

Resolved by Bonn, seconded by Schram, to declare Sarpy County's intention to authorize the issuance of limited obligation industrial development revenue bonds in an amount presently estimated not to exceed \$3,500,000 for the purpose of providing all or a portion of the cost for the acquisition, construction, installation, and completion of depreciable property for a manufacturing project for JoDon Realty Co. to be located on a site in the Centech Business Park in the vicinity of 135<sup>th</sup> and Centech Road, Sarpy County, Nebraska. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None

Agenda item #24-a (Resolution: Approve the appointment of Amy Miller as Deputy County Attorney) was withdrawn by County Attorney James Miller.

Resolved by Gay, seconded by Knott, to approve the appointment by County Attorney James Miller of James C. Hart, Jr. as a Deputy County Attorney, effective 01/07/99, and paid at the rate of \$52,000 per annum. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Knott moved, seconded by Bonn, to authorize the Purchasing Department to solicit bids for carpet replacement in various locations in the Sarpy County Courthouse for the Maintenance Department. Ayes: Bonn, Gay, O'Hara, Knott & Schram. Nays: None.

The November, 1998 fee reports of the County Clerk (\$39,479.76), Landfill (\$272,105.66) and the December, 1998 fee reports of the Building Inspector (\$99,368.03), Landfill (\$244,650.82) and Register of Deeds (\$135,174.89) were presented and placed on file.

At 4:37 P.M. Knott moved, seconded by Schram, to go into Executive Session to discuss collective bargaining. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

At 5:16 P.M. Knott moved, seconded by Schram, to return to regular session. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

Resolved as amended by Schram, seconded by Knott, that the FY 1998-1999, FY1999-2000 and FY2000-2001 Agreement (effective from and after 07/01/1998 until 06/30/2001) between Sarpy County, the Sarpy County Sheriff, and the Fraternal Order of Police, Sarpy Lodge #3 is hereby approved, said approval subject to the addition of certain language which has been agreed upon by the parties, and the Chairman is authorized to sign said agreement and such other documents as may be necessary under the terms of said agreement. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

At 5:17 P.M. Schram moved, seconded by Gay, to adjourn until January 19, 1999 at 3:00 P.M. Ayes: Bonn, Gay, O'Hara, Knott & Schram Nays: None.

/s/ Thomas A. O'Hara  
Chairman, Board of County Commissioners

ATTEST:           /s/ Debra J. Houghtaling            
          County Clerk

-----