

February 11, 2003

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 February 11, 2003 at the Courthouse in Papillion, Nebraska. Present: Tim Gay, Inez Boyd, Aldona Doyle, Tim Schram, Fiscal Administrator Brian Hanson and Alice Roy representing the County Clerk. Absent: Jack Postlewait and Board Administrator Mark Wayne.

Notice of the meeting was given in advance thereto by publication in the Bellevue Leader on February 5, 2003, 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.

Commissioners' and Administrator's comments were recorded.

CONSENT AGENDA

Gay moved, seconded by Schram, to approve the minutes of the February 4, 2003 meeting as submitted. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Gay 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: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

INSERT CLAIMS LISTING HERE

Resolved by Gay, seconded by Schram, to approve the grant and authorize the Chairman to sign the Nebraska Commission on Law Enforcement and Criminal Justice Subgrant Special Conditions relating to the 2002 Local Law Enforcement Block Grant (LLEBG), Subgrant No. 02-LE-1224 which grant has been awarded to the Sarpy County Sheriff's Department for purchase of audio visual equipment, total grant award is \$1,004 with local match of \$112. Subject grant application was approved by action of this Board on 12/17/02. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Gay, seconded by Schram, to accept the quarterly audit report of Omaha First Companies keno lottery operations for the period from 07/01/02 through 09/30/02, as prepared by Graeve Garrelts Denham & Bruce, LLC, and the Sarpy County Clerk is directed to file said report. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Gay moved, seconded by Schram, to approve the following Sarpy County Limited Tax Building Bonds, Series 2001, Construction Fund (Sarpy County Juvenile Justice Center) disbursement requisitions:

<u>Req. No.</u>	<u>Payee</u>	<u>Amount</u>
55.	Carlson West Povondra Architects	\$ 555.65
56.	Schaefer Engineering Inc.	1,820.00
57.	NorthWestern Communications Solutions	43,660.00
58.	Lund-Ross Constructors, Inc.	24,944.00

Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Gay, seconded by Schram, to approve the plans and specifications submitted by Sanitary and Improvement District No. 233, Springhill, Paving, Sanitary and Storm Sewer System, pursuant to Neb. Rev. Stat. §31-740 (Reissue 1998), as recommended by the Sarpy County Chief Deputy Surveyor. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Gay, seconded by Schram, to authorize the Chairman to initial a change to Supplemental Agreement No.

BN-111 between Nebraska Department of Roads, the Burlington Northern and Santa Fe Railway Company, Lyman-Richey Sand & Gravel Company and Sarpy County for State Project No. STPM-77(45), Control No. 22101, Gretna Southwest, which agreement was approved by this Board on 12/17/02 for the improvement and alteration of the county roads and railroad crossings near the current intersection of Pflug Road with U.S. Highway 6 in Sarpy County. Said agreement so initialed allows a change by which Lyman-Richey Sand & Gravel Company shall not be required to contribute embankment material and road surface gravel in an amount in excess of 20,000 tons, which clause was inadvertently omitted in Supplemental Agreement No. BN-111 as previously approved. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Gay, seconded by Schram, that Sarpy County hereby appoints a Health Insurance Portability and Accountability Act "HIPAA" Committee known as the Sarpy County HIPAA Steering Committee, composed of the persons or their designees as follows: Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Sarpy County HIPAA Privacy Officer (to be appointed as a later time), Chairperson
Tamra Madsen, HIPAA Coordinator, Vice-Chairperson
Commissioner Inez Boyd, Sarpy County Board
Mark Wayne, Sarpy County Administrator
Brian Hanson, Sarpy County Fiscal Administrator
Renee Lansman, Sarpy County Personnel Coordinator
Georgia Scurfield, Sarpy County Court Appointed Special Advocate Director
Paula Krajicek, Sarpy County Chief Deputy District Court Clerk
Capt. John Kucer, Sarpy County Jail Administrator
Judy Eaton, R.N., Sarpy County Jail Medical Unit
Dick Shea, Sarpy County Director of Juvenile Services
Harvey Shoberg, Sarpy County Human Services Director
Paul Williams, Sarpy County Veteran's Services Administrator
Ellen Brokofsky, District 5 Chief Probation Officer
Judy Shook, Chairperson, Sarpy County Safety Committee
Pat Clarke, Chairperson, Sarpy County Sick Leave Review Committee
Lt. Greg London, Chairperson, F.O.P. No. 3 Sick Bank
Mark Walters, Sarpy County Information Systems Director/Security Officer
Mike Graham, Sarpy County Information Systems/Security Officer
James Sitrick, Jr., Sarpy/Cass County Department of Health and Wellness Director
Dan Peterson, Sarpy County Emergency Management and Communications Director

Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

REGULAR AGENDA:

Joe Mastandrea of the Sarpy County Emergency Department introduced Cindy Newsham, Response & Recovery Section Manager with the Nebraska Emergency Management Agency who presented a Local Hazard Mitigation Plan Outline and advised the Board regarding the All Hazards Mitigation Planning Grant. Questions and discussion followed.

Discussion was held regarding Developing of a Criminal Justice Coordinating Committee based on a handout from the U.S. Department of Justice National Institute of Corrections. Comments and discussion followed with the Board indicating possible future consideration of a resolution to endorse this type of communications/planning tool.

Schram moved, seconded by Gay, to sit as a Board of Equalization. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Gay moved, seconded by Doyle, to approve the following Tax Corrections as approved by the County Assessor: #11926 - #11930. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Schram moved, seconded by Doyle, to return to regular session. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

ZONING ACTIONS:

Resolved by Schram, seconded by Doyle, that the application of John Milks for a Change of Zone from AG to AGR on the following described property, to wit: Being a platting of part of Tax Lots F and G, located in the NW 1/4 of Sec. 29, Twp. 13N, Rng. 12E of the 6th P.M., Sarpy County, NE (120th Street, 1/2 mile south of Mitchell Road, east side) be approved as it meets the Sarpy County Comprehensive Plan. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Schram, seconded by Gay, that the application of John Milks for a Preliminary/Final Plat of a subdivision to be known as Milk's Second Addition on the following described property, to wit: Being a platting of part of Tax Lots F and G, located in the NW 1/4 of Sec. 29, Twp. 13N, Rng. 12E of the 6th P.M., Sarpy County, NE (120th Street, 1/2 mile south of Mitchell Road, east side) be approved as it meets the Sarpy County Subdivision Regulations. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Schram, seconded by Gay, that the application of Tom Middleton for a Change of Zone from AG to AGR on the following described property, to wit: Being a platting of part of Tax Lot 1B1A2, located in the SE 1/4 of Sec. 12, Twp. 13N, Rng. 11E of the 6th P.M., Sarpy County, NE (132nd Street & Fairview Road) be approved as it meets the Sarpy County Comprehensive Plan. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Schram, seconded by Gay, that the application of Tom Middleton for a Preliminary/Final Plat of a subdivision to be known as Triple "T" Acres on the following described property, to wit: Being a platting of part of Tax Lot 1B1A2, located in the SE 1/4 of Sec. 12, Twp. 13N, Rng. 11E of the 6th P.M., Sarpy County, NE (132nd Street & Fairview Road) be approved as it meets the Sarpy County Subdivision Regulations. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

(Note: See further action on Final Plat 3/4/03 due to publication error, Commissioner Bk. 21, pg. 174)

A public hearing was held on agenda item C (#5 Resolutions: Amendments to Sarpy County Zoning Ordinances & Subdivision Regulations - Fee increases for applications for platting, zoning, special use permits, Board of Adjustment and flood plain development permits). No public comments were offered.

Resolved by Gay, seconded by Doyle, to approve revisions to Section 35.5.1 - Flood Plain District, Section 40.2.1 - Special Use Permits, Section 41.1.4 - Board of Adjustment, and Section 42.2.1 - Amendments (Re-zoning) of the Sarpy County Zoning Ordinances as these sections pertain to application fees, revisions having been recommended by the Sarpy County Planning Commission and attached as an exhibit to the resolution. Said revisions shall have the full force and effect of law, and any previously adopted fees are hereby repealed, all commencing 02/12/03. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Gay, seconded by Doyle, to approve revisions to Section 16 Fees of the Sarpy County Subdivision Regulations being specified as Section 16.1.1 as this section pertains to the fees for the approval of a subdivision, revisions having been recommended by the Sarpy County Planning Commission and attached as an exhibit to the resolution. Said revisions shall have the full force and effect of law, and any previously adopted fees are hereby repealed, all commencing 02/12/03. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Fred Uhe, County Lobbyist, gave an update on legislation of interest to Sarpy County currently before the 2003 Session of the Nebraska Legislature.

Resolved by Gay, seconded by Doyle, that this Board, hereby supports the passage of LB 549, as introduced, by the 98th Nebraska Legislature, which would reaffirm the existing state of the law and allow county governments to perform their duties and exercise their authority in promoting orderly growth by contesting illegal annexations by municipalities. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Resolved by Schram, seconded by Gay, that this Board, hereby opposes the passage of LB 550, as introduced, by the 98th Nebraska Legislature, which legislation is contrary to existing practice, and would require County government to assume maintenance obligations and all liabilities for certain bridges from cities or villages upon the payment of the debt incurred for the construction of said bridges, regardless of any other circumstances, including the location and use of said bridge. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

Schram moved, seconded by Gay, to authorize the Chairman to sign the Agreement with MCI Worldcom Network Services, Inc. for construction work on Angus Street BNSF Railroad Bridge in Gretna, Project No. BRO-TMT-7077(52), which agreement involves relocation of an underground fiber optic facility along and adjacent to a portion of said project. Ayes: Gay, Boyd, Doyle & Schram. Nays: None. Absent: Postlewait.

