

January 13, 2004

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 13, 2004 at the Courthouse in Papillion, Nebraska. Present: Jack Postlewait, Tim Gay, Inez Boyd, Aldona Doyle, Tim Schram, Board Administrator Mark Wayne and Deb Houghtaling, County Clerk.

Notice of the meeting was given in advance thereto by publication in the Midlands Newspapers, Inc. dba Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor on January 7, 2004, 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' comments were recorded. There were no Administrator's comments.

Commissioner Schram withdrew item #11 (Discussion: 19th Street, south of Giles Road) as requesting party has chosen not to appear before the Board.

Chairman Boyd announced that item #16 (Road and Bridge Review) is removed from the agenda.

Postlewait moved, seconded by Gay, to approve the Consent Agenda. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

CONSENT AGENDA

Postlewait moved, seconded by Gay, to approve the minutes of the January 6, 2004 meeting as submitted. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

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

INSERT CLAIMS LISTING HERE

Resolved by Postlewait, seconded by Gay, to authorize the Chairman to sign the Nebraska Commission on Law Enforcement and Criminal Justice Subgrant Special Conditions for Subgrant No. 02-JJ-08, Subgrantee Sarpy County Sheriff's Office for project titled Sarpy County Juvenile Justice Assessment Center, subject grant award having been approved by this Board on 07/15/03. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Postlewait moved, seconded by Gay, to approve the Community Development Block Grant Program Income Report for Grant #92-ED-018, Lanter Company, for the period ending 12/31/03. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Postlewait moved, seconded by Gay, to accept the Surveyor's Semi-Annual Report in the amount of \$2,522.55 for the period 07/01/03 through 12/31/03. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Postlewait, seconded by Gay, to authorize the Chairman and the County Highway Superintendent to sign the Certificate of Compliance for County Project No. C-77(03-11), Bridge No. C007711425, to qualify for the provisions of Title 18 of the United States Code Off-System Program Projects and the Soft Match Program. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Postlewait, seconded by Gay, to approve and authorize the Chairman to sign the Agreement (renewal) with Maximus, Inc. for the provision of Professional Consulting Services for the annual development of a Central Services Cost Allocation Plan, which agreement will cover the 2003, 2004, and 2005 fiscal years. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Postlewait, seconded by Gay, to approve and authorize the Chairman to sign Amendment to the Sarpy County Revolving Loan Administration Agreement between Sarpy County and the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) for the administration of the Superior Metal Products CDBG loan, Contract Number: 514-200, whereby the Completion Date is amended to 12/31/04 and Time of Performance paragraph is amended to read

"The services of the Planning Agency are to commence 02/01/02 and end 12/31/04". Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Postlewait, seconded by Gay, to authorize the Chairman to sign a letter to Lt. Governor David Heineman whereby Sarpy County declines to support the diversion of Homeland Security Funding for fiscal year 2004 to support the establishment of a state-wide radio system, a copy of subject letter being attached to the resolution. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Postlewait, seconded by Gay, that this Board does hereby elect to offer revised Life Insurance and Accidental Death and Dismemberment (AD&D) policies to County employees and to offer the Optional Term Life Insurance policy, all through The Prudential Insurance Company of America. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

REGULAR AGENDA:

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

Gay moved, seconded by Postlewait, to approve the following Tax Corrections as approved by the County Assessor: #12126 - #12127. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

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

Schram moved, seconded by Doyle, to approve the following Flood Plain Permit as recommended by the Sarpy County Planning & Building Coordinator as structure is elevated one foot above base flood elevation (BFE): Troy Klimek, 11305 Buffalo Rd., Tract A, Sec. 32, Twp. 13, Rng. 12, Platte River, deck and addition 12' x 42'. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

ZONING ACTIONS:

Resolved by Schram, seconded by Doyle, that the application of Sherman Thurston II for a Change of Zone from AG to AGR on the following described property, to wit: Being a platting of part of Tax Lot 1B2, a tax lot located in the SE1/4 of Sec. 12, Twp. 13N, Rng. 11E of the 6th P.M., Sarpy County, NE (132nd & Fairview Road) be approved as it meets the Sarpy County Comprehensive Plan. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Gay, seconded by Postlewait, that the application of Sherman Thurston II for a Preliminary/Final Plat of a subdivision to be known as Thurston Addition on the following described property, to wit: Being a platting of part of Tax Lot 1B2, a tax lot located in the SE1/4 of Sec. 12, Twp. 13N, Rng. 11E of the 6th P.M., Sarpy County, NE (132nd & Fairview Road) be approved as it meets the Sarpy County Zoning Regulations. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None

Resolved by Doyle, seconded by Postlewait, that the application of John Savich for a Change of Zone from RS-100 to RE 2 (Lot 2 only) on the following described property, to wit: Being a platting of part of the NE1/4 of the NE1/4 of Sec. 27, Twp. 13N, Rng. 13E of the 6th P.M., Sarpy County, NE (LaPlatte Road and Hwy. 75) be approved on the proposed Lot 2, Savich's 3rd Subdivision, as it is conducive to the area. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Doyle, seconded by Postlewait, that the application of John Savich for a Preliminary/Final Plat of a subdivision to be known as Savich's 3rd Subdivision (Lot 2 only) on the following described property, to wit: Being a platting of part of the NE1/4 of the NE1/4 of Sec. 27, Twp. 13N, Rng. 13E of the 6th P.M., Sarpy County, NE (LaPlatte Road and Hwy. 75) be approved as it meets the Sarpy County Zoning Regulations. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None

Resolved by Gay, seconded by Postlewait, that the application of Matt Hawkins for a Change of Zone from AG to AGR & RE 2 on the following described property, to wit: Being a platting of the W1/2 of the SW1/4 of the SE1/4 of Sec. 34, Twp. 14N, Rng. 10E of the 6th P.M., Sarpy County, NE (234th & Schram Road) be approved as it meets the Sarpy County Comprehensive Plan and Zoning Regulations. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Gay, seconded by Postlewait, that the application of Matt Hawkins for a Preliminary Plat of a subdivision to

be known as Red Feather Ridge on the following described property, to wit: Being a platting of the W1/2 of the SW1/4 of the SE1/4 of Sec. 34, Twp. 14N, Rng. 10E of the 6th P.M., Sarpy County, NE (234th & Schram Road) be approved as it meets the Sarpy County Zoning Regulations and Comprehensive Plan. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

*Public hearing having been held, Gay moved, seconded by Postlewait, to approve the change to Sarpy County's Future Land Use Map along the Highway 370 Corridor, as recommended by the Sarpy County Planning Commission, to change from 'Commercial/Industrial' to 'Business Park' for an area adjacent to Papillion's current zoning jurisdiction as indicated on the Highway 370 Corridor Study map dated June 2003 as it is compatible with the City of Papillion's Corridor Map. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

*Public hearing having been held, Gay moved, seconded by Postlewait, to approve the definition of 'Business Park' (Highway 370-50 Overlay District of Sarpy County Zoning Ordinances), as recommended by the Sarpy County Planning Commission, as follows: Business Park: A development on a tract of land that contains a number of separate buildings that are designed, planned and constructed, and managed on an integrated and coordinated basis. The suggested uses for business parks include, but are not limited to: hotel/motel, conference center, office, retail sales and services, public, entertainment, research and development, and open space. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

*Public hearing having been held, Gay moved, seconded by Postlewait, to approve the definition of 'Research and Development' (Sec. 43 Definitions of the Sarpy County Zoning Ordinances), as recommended by the Sarpy County Planning Commission, as follows: Research and Development: An establishment or facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

*Note: Resolutions detailing preceding motions will be presented for this Board's action at a later date.

Following the receipt of the Sarpy County Surveyor's recommendation concerning vacation, Schram resolved, seconded by Doyle, that a public hearing be held on 02/17/04 at 3:00 P.M. in the Board Room of the Sarpy County Courthouse, to receive public comment regarding the vacation of 232nd Street between Angus Road and Lincoln Road in Sarpy County, NE. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Doyle, seconded by Gay, that the salary for the Office of Sarpy County Commissioner, commencing 01/01/05, shall be the 2004 Salary for the position and there shall be no subsequent increase for the year commencing 01/01/06. The salary for the Office of Chairman of the County Board of Commissioners for 2005, and for subsequent years, shall be the salary for the Office of County Commissioner for 2005, plus \$1,000. This Board further finds that in addition to the salary set forth above, County Commissioners shall be entitled to benefits during the term of office as stipulated in the resolution. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None

Whereas it is the intention of this Board that the Public Defender elected during the 2004 General Election devote his/her full time to the legal work of the elected office and not engage in the private practice of law, and said Public Defender should be compensated accordingly. It is therefore resolved by Gay, seconded by Postlewait, that the salary for the Office of Sarpy County Public Defender, commencing 01/01/05, shall be \$82,000; the salary for said office, commencing 01/01/06, and continuing each year thereafter, shall be the salary for the immediately preceding year plus an increase of three and one-half (3 1/2%) percent. This Board further finds that in addition to the salary set forth above, the Public Defender shall be entitled to benefits during the term of office as stipulated in the resolution. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

The November, 2003 fee report of the Sheriff (\$8,513.53) and the December, 2003 fee report of the Landfill (\$366,992.62) were presented and placed on file.

At 3:52 P.M. Postlewait moved, seconded by Gay, to adjourn until January 20, 2004 at 3:00 P.M. Ayes: Postlewait, Gay, Boyd, Doyle & Schram. Nays: None.

\s\ Inez M. Boyd
Chairman, Board of County Commissioners

ATTEST: /s/ Debra J. Houghtaling
 County Clerk
