

April 11, 2006

**BOARD OF COUNTY COMMISSIONERS OF SARPY COUNTY, NEBRASKA
ADMINISTRATIVE BRIEFING MEETING**

April 11, 2006 at 1:30 P.M., the Board of County Commissioners of Sarpy County, Nebraska convened for an Administrative Briefing Meeting. Present: Paul Cook, Tim Gay, Inez Boyd, Aldona Doyle, Tim Schram, Board Administrator Mark Wayne, Deb Houghtaling, County Clerk. Topics of discussion were as follows:

1. Landfill. Duwaine Brigman
2. Building and Grounds. Ross Richards
3. Road and Bridge Review. Tom Lynam
4. Sarpy/Cass Department of Health and Wellness. Dianne Kelly

Commissioner Schram left the meeting at 2:25 P.M. to attend County Government Day proceedings.

Adjourned 2:37 P.M.

April 11, 2006

**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 April 11, 2006 at the Courthouse in Papillion, Nebraska. Present: Paul Cook, 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 April 5, 2006. 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.

Boyd moved, seconded by Gay, to suspend the meeting rules relating to time limits for public comment for the zoning issues on the agenda for this meeting. The time limits for today will be 5 minutes for the applicant/designated representative or proponent, 5 minutes for the designated representative for the opponent(s), 2 minutes for any additional individuals wishing to speak. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

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

CONSENT AGENDA

Boyd moved, seconded by Cook, 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: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Boyd moved, seconded by Cook, to approve the requests of the cities of La Vista and Gretna for free use of the Sarpy County Landfill for their annual spring clean-up (dates of events: La Vista - April 14 - 15, 2006 with the haul dates to the landfill April 14-18, 2006; Gretna - May 6, 2006 with haul date to the landfill May 6, 2006). Cities will be required to pay the surtax fee levied by the Nebraska Department of Environmental Control as established by the County's policies and procedures. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Boyd moved, seconded by Cook, to approve the request of the City of Bellevue for free use of the Sarpy County Landfill for their annual spring clean-up (dates of event: May 20 - 21, 2006 with haul dates to the Landfill being May 22 - June 9, 2006). City of Bellevue will be required to pay the surtax fee levied by the Nebraska Department of Environmental Control as established by the County's policies and procedures. Further the Board approves the fall clean-up event scheduled for October 21 - 22, 2006 (haul dates to the landfill will be October 23 - November 3, 2006) at the established reduced fee access at \$9.25 per ton, which includes the state surtax charge. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Boyd moved, seconded by Cook to approve renewal of Public Amusement License applications for the following establishments as these applications have been reviewed and recommended for approval by the Chairman of the Sarpy County Health Board and comply with the Public Amusement License Rules and Regulations:

Anderson Amoco Food Shop (Ray Anderson Inc. dba)
Anderson Bros. Amoco Inc dba Anderson Bros. Amoco
Anderson Bros. Amoco dba Andy's General Store
Back to Guangzhou Inc. dba Back to Guangzhou
Bartok, Timothy dba Best Inn
Bosselman, Inc. dba Pump & Pantry #38
Colmenares Rodriquez dba Azteca Family Mexican Restaurant
Croatian Cultural Society
E & G Foods Inc. dba Sam & Louie's New York Pizzeria
Fairview Golf Company dba Tregaron Golf Course
Flying J Inc. dba Flying J Travel Plaza
Glory Days dba J-Birds
Grandmother's Inc. dba Don & Millie's
Hen and Ham LLC dba Samuel Mancino's Italian Eatery
International Hospitality Inc. dba Ramada Ltd.
JRC's Investments Inc. dba JRC's Express
Junction Corner Inc. dba Wallys Place
M. Martian, LLC dba On the Rocks Lounge
Mid West Electric Co. dba L & L Lounge
Millard Park Fantasy's, L.L.C.
Off the Wall Soccer Inc. dba Off the Wall Indoor Soccer
Papillion Gun Club
Papiro Links, Inc. dba Papiro Greens Golf Course
Petrol III dba Classic Subs and Suds/Kicks 66
Platteview Rec. Assoc. dba Platteview Country Club
RBLT Inc. dba Hidden Valley Driving Range
Soaring Wings Vineyard L.L.C.
South of the Border, Inc. dba El' Bee's 2
Thomas J. Dorman dba Parrothead Lounge
Tiburon Golf Club Inc. dba Tiburon Golf Club
Veterans of Foreign Wars Post #10727
West Mart Inc. dba West Mart

Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Boyd, seconded by Cook, to approve the appointment by Sarpy County Attorney L. Kenneth Polikov of Nicole Lee O'Keefe as a Deputy County Attorney of Sarpy County, effective 4/5/06, said position shall be paid at the rate of \$44,715.34 per annum. (Res. #2006-102) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Boyd, seconded by Cook, that the building permit fee for the construction of an elementary school on Lot 421 and 422, Palisades, be waived as requested by Gretna Public Schools, District #37. (Res. #2006-103) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Boyd, seconded by Cook, to approve and authorize the Chairman to sign the 2005 Annual Report of National Pollutant Discharge Elimination System (NPDES-MS4) for Small Municipal Storm Sewer Discharges pursuant to Phase II storm water regulations and that the Chairman, Tim Schram is designated the Cognizant Official for the purposes of said report and the Chair and Clerk are authorized to sign said report on behalf of Sarpy County, Nebraska and to take such other actions as may be necessary under the terms of said Permit. (Res. #2006-104) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Boyd, seconded by Cook, to approve the automatic renewal of the agreement with PayFlex Systems USA, Inc. for the administration of the flexible benefit plan offered to Sarpy County employees. Original effective date of agreement 7/1/01 and term of renewal is 7/1/06 - 6/30/07. (Res. #2006-105) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Boyd, seconded by Cook, to approve and authorize the Chairman to sign the Addendum to Business Associate Agreement - Flexible Benefit Plan Administrative Services Agreement with PayFlex Systems USA, Inc., effective date of agreement 4/20/06. (Res. #2006-106) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Boyd, seconded by Cook, that the Sarpy County Sheriff's Office is authorized to apply for the U.S. Department of Justice Ballistic Vest Partnership (BVP) Grant to enable the Sarpy County Sheriff's Department to purchase ballistic vests with the grant providing for a cost split of 50/50 between the County and the Federal Government. (Res. #2006-107) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Boyd, seconded by Cook, that the week of April 9 - 15, 2006 be proclaimed "National Public Safety Telecommunications Week" in Sarpy County in recognition of our telecommunicators and the vital role they contribute to the safety and well-being of our citizens. (Res. #2006-108) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

REGULAR AGENDA:

Cook moved, seconded by Doyle, to approve the minutes of the April 4, 2006 meeting as submitted. Ayes: Cook, Gay, Doyle & Schram. Nays: None. Abstain: Boyd.

Brian Hanson, Fiscal Administrator, reported that bids for the purchase of Grader Blades and Snow Plow Blades for the Sarpy County Highway Department have been solicited, made, opened and reviewed pursuant to Board authorization.

After a public hearing, Gay resolved, seconded by Cook, that the bid of Presco Sales & Service for the Seven foot (7') Grader Blades in the total amount of \$99.90 each; the bid of Michael Todd & Company for three foot (3') Flame Hardened Snow Plow Blades in the amount of \$49.20 each; and the low bid of Valk Manufacturing for three foot (3') Carbide-Insert Snow Plow Blades in the amount of \$101.31 each are accepted, per written and oral recommendation of the Purchasing Department, and this Board's Chairman, Clerk and Attorney are authorized to execute necessary documents. (Res. #2006-109) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Brian Hanson, Fiscal Administrator, reported that bids for Road Striping of Sarpy County roads and various city streets, including roads within Cass County, and the Cities of Bellevue, Papillion, La Vista, Ralston and Gretna for the Sarpy County Surveyor's Office and Highway Department have been solicited, made, opened and reviewed pursuant to applicable Nebraska State Statute.

After a public hearing, Gay resolved, seconded by Cook, that the bid of Vogel Traffic Services, Inc. for Road Striping of Sarpy County roads and various city streets, including roads within Cass County, and the Cities of Bellevue, Papillion, La Vista, Ralston and Gretna for the base unit price of \$12.50 per gallon for County roads and \$17.50 per gallon for City roads is accepted, per written and oral recommendation of the Purchasing Department, and this Board's Chairman, Clerk and Attorney are authorized to execute necessary documents. (Res. #2006-110) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Brian Hanson, Fiscal Administrator, reported that bids for the sale (lease) of County property at 84th Street and Platteview Road described as: Part of Tax Lot 10B, North 200 feet of the West half of the NW quarter of Sec. 23, Twp. 13N Rng. 12E, containing approximately 2,400 square feet (40' x 60') including the airspace above each room/cabinet/ground space for the location of a cell phone tower have been solicited, made, opened and reviewed pursuant to Board authorization.

After a public hearing, Cook resolved, seconded by Gay, that the bid of New Cingular Wireless PCS, LLC for the sale (lease) of County property at 84th Street and Platteview Road described as: Part of Tax Lot 10B, North 200 feet of the West half of the NW quarter of Sec. 23, Twp. 13N Rng. 12E, containing approximately 2,400 square feet (40' x 60') including the airspace above each room/cabinet/ground space for the location of a cell phone tower in the total amount of \$1,000 per month as outlined in the Option and Lease Agreement is accepted, per written and oral recommendation of the Purchasing Department, and this Board's Chairman, Clerk and Attorney are authorized to execute necessary documents. (Res. #2006-111) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

After a public hearing, Gay resolved, seconded by Cook, to authorize the Chairman to sign an Option and Lease Agreement with New Cingular Wireless PCS, LLC (Tenant) for County property located at 84th Street and Platteview Road described as: Part of Tax Lot 10B, North 200 feet of the West half of the NW quarter of Sec. 23, Twp. 13N Rng. 12E, containing approximately 2,400 square feet (40' x 60') including the airspace above each room/cabinet/ground space for the location of a cell phone tower. The Option to lease said property will be for an initial term of one (1) year. The initial lease agreement term is five (5) years and will automatically renew for four (4) additional five (5) year term(s) with the rent amounts outlined in said agreement. (Res. #2006-112) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

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

Doyle moved, seconded by Gay, to approve the following Tax Corrections as approved by the County Assessor: #12733-#12736. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Gay moved, seconded by Doyle, to approve the following exemption applications for 2006 tax exemption on motor vehicles owned by qualifying non-profit organizations, as approved by the County Treasurer:

St Columbkille Boy Scout Troop #359	1992 Hmde Canoe Trlr 1998 Wells Cargo 2002 Wells Cargo
Salvation Army	2005 Dodge

Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

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

ZONING ACTIONS:

After a public hearing was held and during which two (2) Protest to Rezoning forms were submitted, Boyd resolved, seconded by Gay, that the application of John Vandembroucke, Andy Harpenau and Kenneth Harpenau for a Change of Zone from AG to AGR on the following described property, to wit: part of Tax Lot 1A1A, together with part of vacated Heisner 1st Subdivision, now known as Tax Lot 1A1C, all being located in a part of the NW1/4 of the SE1/4, the SW1/4 of the NE1/4 and the SE1/4 of the NW1/4 of Sec. 18, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, NE (196th Street and W. Highway 31) be approved based on the recommendation of the Sarpy County Planning Commission as it meets the Sarpy County Comprehensive Plan and the recommendation of the Sarpy County Planning Director as it meets the current land use map within the Sarpy County Comprehensive Plan. (Res. #2006-113) Ayes: Gay, Boyd, Doyle & Schram. Nays: Cook.

Resolved by Gay, seconded by Cook, that the application of John Vandembroucke, Andy Harpenau and Kenneth Harpenau for a Preliminary Plat of a subdivision to be known as Platford Hills on the following described property, to wit: part of Tax Lot 1A1A, together with part of vacated Heisner 1st Subdivision, now known as Tax Lot 1A1C, all being located in a part of the NW1/4 of the SE1/4, the SW1/4 of the NE1/4 and the SE1/4 of the NW1/4 of Sec. 18, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, NE (196th Street and W. Highway 31) be approved on the condition that the development be reduced by 2 lots and the area of the 2 lots would be set aside to increase the conservation portion of the development, also that the applicant identify and develop a stormwater detention pond with the help of the Papio-Missouri River NRD and the Sarpy County Planning and Zoning Department. (Res. #2006-114) Ayes: Gay, Boyd, Doyle & Schram. Nays: Cook.

After a public hearing, Boyd resolved, seconded by Doyle, that the application of John and Sherri Larkin for a Change of Zone from AG to AGR and RE2 on the following described property, to wit: Part of the E1/2 of the NE1/4 of Sec. 7, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, NE (192nd Street and Cornish Road) be approved based on the recommendations of the Sarpy County Planning Commission and the Sarpy County Planning Director as it meets the Sarpy County Comprehensive Plan. (Res. #2006-115) Ayes: Gay, Boyd & Doyle. Nays: Cook & Schram.

Resolved by Boyd, seconded by Gay, that the application of John and Sherri Larkin for a Preliminary Plat of a subdivision to be known as Little Prairie on the following described property, to wit: Part of the E1/2 of the NE1/4 of Sec. 7, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, NE (192nd Street and Cornish Road) be approved with a conditional provision that the subdivision meets requirements of the Papio-Missouri River NRD, the Sarpy County Surveyors Office and the City of Springfield Fire Department. (Res. #2006-116) Ayes: Gay, Boyd & Doyle. Nays: Cook & Schram.

Three (3) Protest to Rezoning forms were submitted by Lynn Moorer, Attorney for SAVE. Commissioner Boyd requested that it be noted for the record that the protests were presented after the vote of the Commissioners. Commissioner Boyd directed the County Attorney's office to review the protest submissions.

Public hearing was held. Due to a prior commitment Commissioner Schram turned the meeting over to Vice-Chairman, Inez Boyd, and left the meeting. Gay resolved, seconded by Doyle, that the application of Richard and Mary Jansen for a Change of Zone from AG to RE2 on the following described property, to wit: Being a platting of part of the W1/2 of the NE1/4 of Sec. 36, Twp. 13N, Rng. 10E of the 6th P.M., Sarpy County, NE (204th Street and Ruff Road) be approved based on the recommendations of the Sarpy County Planning Commission and Sarpy County Planning Director as it meets the Sarpy County Comprehensive Plan. (Res. #2006-117) Ayes: Gay, Boyd & Doyle. Nays: Cook. Absent: Schram.

Resolved by Gay, seconded by Doyle, that the application of Richard and Mary Jansen for a Preliminary/Final Plat of a subdivision to be known as Jansen Place on the following described property, to wit: Being a platting of part of the W1/2 of the NE1/4 of Sec. 36, Twp. 13N, Rng. 10E of the 6th P.M., Sarpy County, NE (204th Street and Ruff Road) be approved

based on the recommendations of the Sarpy County Planning Commission and Sarpy County Planning Director as it meets the Sarpy County Subdivision Regulations (Res. #2006-118) Ayes: Gay, Boyd & Doyle. Nays: Cook. Absent: Schram.

After a public hearing Gay resolved, seconded by Cook, to approve an amendment to Sarpy County Subdivision Regulations Section 7.6 as recommended by the Sarpy County Planning Commission to allow up to two (2) ninety (90) day extensions to file a Final Plat with the Register of Deeds once it has been approved by the Sarpy County Board. (Res. #2006-119) Ayes: Cook, Gay, Boyd & Doyle. Nays: None. Absent: Schram.

Resolved by Gay, seconded by Boyd, to approve the following budgetary transfer to increase appropriations needed to cover negotiated salaries:

(Res. #2006-121) Transfer from Misc. General to Administration	\$ 1,139
(Res. #2006-122) Transfer from Misc. General to Sheriff	\$13,125
(Res. #2006-123) Transfer from Misc. General to Road Patrol	\$36,413
(Res. #2006-124) Transfer from Misc. General to Jail	\$47,672
(Res. #2006-125) Transfer from Misc. General to Court Services	\$11,373
(Res. #2006-126) Transfer from Misc. General to Work Release	\$ 5,354
(Res. #2006-127) Transfer from Misc. General to Investigations	\$16,477
(Res. #2006-128) Transfer from Misc. General to Juvenile Justice Center	\$13,416
(Res. #2006-129) Transfer from Misc. General to Vehicle Inspection	\$ 687
(Res. #2006-130) Transfer from Misc. General to Tow Lot	\$ 460

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

Resolved by Cook, seconded by Gay, to approve and authorize the Chairman and the County Clerk to sign the Access agreement with the Nebraska Department of Environmental Quality (NDEQ) to allow the NDEQ to conduct and perform a Phase I and II site assessment pursuant to Section 128(a) of the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (PL 107-118). Sarpy County has issued revenue bonds for the former Allied Chemical Plant, now known as PCS Nitrogen Fertilizer, L. P. PCS and Honeywell International, Inc. have an interest in the real estate located at 202 Allied Road, La Platte Nebraska more fully described in the legal description in the agreement. (Res. #2006-131) Ayes: Cook, Gay, Boyd & Doyle. Nays: None. Absent: Schram.

The March, 2006 fee reports of the Clerk of the District Court (\$18,895.71), Landfill (\$310,423.05) and the Department of Planning and Building (\$94,191.87) were presented and placed on file.

At 5:27 P.M. Cook moved, seconded by Doyle, to adjourn until April 18, 2006 at 3:00 P.M. Ayes: Cook, Gay, Boyd & Doyle. Nays: None. Absent: Schram.

Vice-Chairman, Board of County Commissioners

ATTEST: _____
County Clerk
