

November 14, 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 November 14, 2006 at the Courthouse in Papillion, Nebraska. Commissioner Schram stated a copy of the Open Meeting Law is posted in the County Boardroom. Present: Paul Cook, Inez Boyd, Tim Schram, Fiscal Administrator Brian Hanson and Deb Houghtaling, County Clerk. Absent: Tim Gay & Aldona Doyle.

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 November 8, 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.

Commissioner Schram requested Agenda item #2 (Claims) be removed from the Consent Agenda and placed on the Regular Agenda at the request of the County Attorney's Office.

Boyd moved, seconded by Cook, to approve the Consent Agenda as amended with the removal of Agenda item #2. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

**CONSENT AGENDA**

Boyd moved, seconded by Cook, to approve the minutes of the November 7, 2006 meeting as submitted. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Boyd moved, seconded by Cook, to approve the Application for Corporate Manager of David Wenck for Eddy's Convenient Store License # 66225, 9849 Giles Road, La Vista, Sarpy County, Nebraska, 68128 and notify the Nebraska Liquor Control Commission of Board approval. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Boyd moved, seconded by Cook, to accept the Sarpy County Sheriff's report for money collected through distress warrants issued for delinquent personal property tax and the amount remaining uncollected for tax year 2003 as required by LB 835, Section 77-1719.01 of the Nebraska State Statutes. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Boyd moved, seconded by Cook, to authorize the Chairman to sign the 2006 Certification of County Highway Superintendent for Determining Incentive Payment certifying that Richard W. Weber has served as the County Highway Superintendent of Sarpy County from 1/1/2006 to 12/31/2006. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

**REGULAR AGENDA:**

Cook moved, seconded by Boyd, to approve the claims as submitted by Debra J. Houghtaling, Sarpy County Clerk, and authorize the County Clerk to issue warrants for said claims, excluding invoice #AD06-03 from Raynor, Rensch & Pfeiffer (vendor #41345) for attorney fees in the amount \$2,516 and to deny said claim at this time. A complete listing of claims is on file in the office of the County Clerk. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

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

Cook moved, seconded by Boyd, to approve Tax Corrections #12849-#12853 as approved by the County Assessor. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Boyd moved, seconded by Cook, 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:

|                   |                           |
|-------------------|---------------------------|
| Alegent Health    | 1987 Ford F-250           |
| Fontenelle Forest | 1997 Jeep Cherokee        |
|                   | 1997 Ford Club Wagons (2) |
|                   | 1994 Ford F150            |

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

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

Resolved by Boyd, seconded by Cook, that the Sarpy County Surveyor is instructed to make a study of the use being made of that portion of Virginia Street adjoining lots 1,2,3,4,5 & 6 in Brook Valley II Business Park between 114<sup>th</sup> Street and 117<sup>th</sup> Street, and to provide a written report to this Board within thirty (30) days of the study made, his recommendation as to the vacation or abandonment thereof, and a certification as to whether the above-described roadway is within the zoning jurisdiction of any city of the metropolitan, primary or first class. (Res. #2006-335) Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Resolved by Cook, seconded by Boyd, that pursuant to Neb. Rev. Stat. §23-104(4) (Reissue 1997), Lt. Chris Culler of the Sarpy County Sheriff's Department shall have the authority to sign the titles, applications, any associated paperwork, and check and verify the odometer readings to abandoned motor vehicles acquired by Sarpy County; further that due to a staffing change in the Sheriff's Department, Sgt. Bruce Meyer no longer has said authority pertaining to abandoned motor vehicles acquired by Sarpy County. (Res. #2006-336) Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Resolved by Boyd, seconded by Cook, to approve the plans and specifications for public improvements pursuant to Neb. Rev. Stat. §31-740 (Reissue 2004), as submitted by Wicks Southpointe for Storm and Sanitary Sewer, Section II, as recommended by the Sarpy County Chief Deputy Surveyor. (Res. #2006-337) Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Resolved by Cook, seconded by Boyd, to approve the plans and specifications for public improvements pursuant to Neb. Rev. Stat. §31-740 (Reissue 2004), as submitted by Sanitary and Improvement District #216, Millard Park South for Channel Improvements within the SID, as recommended by the Sarpy County Chief Deputy Surveyor. (Res. #2006-338) Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Commissioner Schram stated for the record that because of a conflict of interest, he has abstained from the Pflug Road Interchange agenda items in the past and will continue to abstain from any discussion or votes. Commissioner Schram turned the meeting over to Vice-Chairman, Inez Boyd.

Deputy County Attorney, Mike Smith, advised that because Commissioner Schram is required by law to abstain because of a conflict of interest, there is not a quorum. Agenda item #12 (Resolution: Authorize Chairman to sign the Engineering Agreement with Kirkham, Michael & Associates Inc. to conduct the Environmental Impact Statement for I-80 Interchange & Pflug Road. Res.#2006-339) will have to be brought back at a later date. No action was taken on said agenda item.

#### **ZONING ACTIONS:**

After a public hearing, Boyd resolved, seconded by Cook, that the application of Gale Wickersham for a Preliminary/Final Plat of a subdivision to be known as Wicks Southpointe (Lots 3-9) on the following described property, to wit: Lots 3-9, inclusive, being a platting of part of the NE1/4 of Sec. 34, Twp. 14N, Rng. 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska (SW corner of Highway 370 and Interstate 80) be approved as recommended by the Sarpy County Planning Commission as it meets the Sarpy County Comprehensive Plan and Zoning Regulations. (Res. # 2006-340) Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

Commissioner Schram stated for the record that because of a conflict of interest, he will abstain from any discussion or vote for Agenda item #13B (Special Use Permit, Mining Operation, Lyman Richey Corporation. Res. #2006-341). Commissioner Schram turned the meeting over to Vice-Chairman, Inez Boyd.

Deputy County Attorney, Mike Smith, advised that because Commissioner Schram is required by law to abstain because of a conflict of interest, there is not a quorum. Agenda item #13B (Special Use Permit, Mining Operation, Lyman Richey Corporation. Res. #2006-341) will have to be brought back at a later date. No action was taken on said agenda item.

After a public hearing was held, Boyd moved, seconded by Cook, to table Agenda item #13A1 (Final Plat, Platford Hills, Vandembroucke and Harpenau's. Res. #2006-342) until 12/12/2006. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

A letter was presented to the Board from Ken Tex withdrawing the application of Raymond & Sandra Hunter, Kevin & Lori Rice and Kenneth & Stephanie Tex for Final Plat of a subdivision known as Cornish Acres (174<sup>th</sup> Street and Cornish Road).

The August, 2006 fee report of the Sheriff's Office (\$11,612.75) and the October, 2006 fee reports of the Department of Planning & Building (\$243,558.46), the Register of Deeds (\$254,788.84) and the County Clerk (\$51,560.97) were presented and placed on file.

At 4:30 P.M. Boyd moved, seconded by Cook, to adjourn until November 21, 2006 at 3:00 P.M. to be preceded by an Administrative Briefing Meeting at 10:30 A.M. Ayes: Cook, Boyd, & Schram. Nays: None. Absent: Gay & Doyle.

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**Chairman, Board of County Commissioners**

**ATTEST:** \_\_\_\_\_  
**County Clerk**

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