

December 12, 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. 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, 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 December 6, 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' and Administrator's comments were recorded.

Cook moved, seconded by Boyd, to suspend the meeting rules relating to time limits for public comment for the zoning issues on the agenda for this meeting. The time limit for today will be 2 minutes for any individual wishing to speak with no yielding of time. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

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

CONSENT AGENDA

Doyle moved, seconded by Gay, to approve the minutes of the December 5, 2006 meeting as submitted. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

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

Resolved by Doyle, seconded by Gay, that the Sarpy County Board of Commissioners shall adjourn after its last regularly scheduled meeting for calendar year 2006 on 12/12/2006, and pursuant to the statutory authority of this Board, between 12/12/2006 and 1/9/2007, the Chairman of the Sarpy County Board of Commissioners and the Sarpy County Clerk are hereby authorized to prepare claims and issue warrants for 1) payroll and associated expenses 2) utilities 3) lease payments 4) contract and/or other installment payments which have been contracted for or authorized by action of this Board and 5) expenses associated with jurors of the various courts and attorney fees and expenses ordered by a judge in the usual and ordinary manner. The aforementioned individuals have no authority to conduct County business beyond that stated above. (Res. #2006-361) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Doyle moved, seconded by Gay, to authorize the Purchasing Department to solicit bids for the purchase of one (1) new Dump Body with Hydraulics for the Highway Department. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Doyle moved, seconded by Gay, to authorize the Purchasing Department to purchase one (1) 2007 Chevrolet Impala off the Nebraska State Contract #11762(OC) for the Sheriff's Investigations Department, total purchase price is \$15,314. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Doyle moved, seconded by Gay, to authorize the Purchasing Department to purchase eight (8) 2007 Ford Crown Victorias off the Nebraska State Contract #11746(OC) for the Sheriff's Department, each unit purchase price is \$25,222 with one Engine-Service CD ROM for \$650 for a grand total of \$201,776. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Doyle, seconded by Gay, to reappoint Gene Benash (nominated by Commissioner Doyle) and Sharon Hansen (nominated by Commissioner Boyd) as members of the Sarpy County Board of Adjustment, both terms of office will be from 1/1/2007 through 12/31/2009. (Res. # 2006-362) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Doyle, seconded by Gay, to reappoint Tom Arndorfer and appoint Tom Schmidt and Jim Shaw as members of the Sarpy County Visitors Committee, all terms of office will be from 1/1/2007 through 12/31/2010. (Res. # 2006-363) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Doyle, seconded by Gay, to reappoint Tom Wees (nominated by Commissioner Cook) and Don Fenster (nominated by Commissioner Boyd) as members of the Sarpy County Planning Commission, both terms of office will be from 1/1/2007 through 1/1/2010. (Res. # 2006-364) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Doyle, seconded by Gay, to reappoint John Shirk (nominated by Commissioner Doyle) and Kim Embry (nominated by Commissioner Cook) as members of the Joint Douglas/Sarpy County Extension Board, both terms of office will be from 1/1/2007 through 12/31/2009. (Res. # 2006-365) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Doyle, seconded by Gay, to approve the change of name from Cornhusker Road (108th and Giles Road to the Western city limits of La Vista at 107th Street) to Portal Road. (Res. # 2006-366) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

REGULAR AGENDA:

After a public hearing, Boyd moved, seconded by Doyle, to recommend approval of the Addition to Premise application for liquor license Class "Y" #60674 of Jimmy D. Shaw and Sharon K. Shaw d.b.a. Soaring Wings Vineyard, 17111 S. 138th Street, Springfield, Sarpy County, Nebraska 68059 and notify the Nebraska Liquor Control Commission of Board approval. The new license is described as a one story building approximately 58' x 72', including covered deck area, gazebo/stage area, uncovered deck area and surrounding grounds, excluding parking lot. Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

ZONING ACTIONS:

Tabled from 11/14/2006 and after a public hearing, Boyd resolved, seconded by Gay, that the application of John Vandembroucke, Kenneth Harpenau and Andrew Harpenau for a Final Plat of a subdivision to be known as Platford Hills on the following described property, to wit: Being a platting of Tax Lot 1A1A, together with part of vacated Heisner 1st Subdivision, now known as Tax Lot 1A1C, located in a part of Sec. 18, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska (196th Street and Highway 31) be approved with the statement for the record from Mr. Lang, Attorney for the applicant, that the applicant will work with the Papio-Missouri River Natural Resources District and the Planning Staff to be sure that the stormwater problem would be identified and corrected and the Planning Director has asked for a few minor changes to the plat (an area for the Register of Deeds to stamp and record the final plat, revise the signature block on the final plat mylar to change "Sarpy County Building Inspector" to "Sarpy County Director of Planning and Building" in two locations, on the Zoning Note of the mylar it must read Agricultural Residential District and a Conservation Easement document will need to be developed by the County Attorney's Office with input from the subdividers and approved by the Planning Commission and County Board prior to filing this final plat) and the final plat is in conformance with the regulations, it meets the subdivision regulations and meets the preliminary plat. (Res. # 2006-342) Ayes: Gay, Boyd, Doyle & Schram. Nays: Cook.

Commissioner Schram turned the meeting over to Vice-Chairman Boyd and left the meeting.

After a public hearing was held, Gay resolved, seconded by Boyd, to approve the Platford Hills Homeowners Association Conservation Easement with the agricultural use stricken under Item #1 and contingent upon the County Attorney's approval and review and that the homeowners association is in compliance with the conservation statutes, the homeowners association be formed and the homeowners association accepts the conservation easement in compliance with the Conservation and Preservation Easement Act, Neb. Rev. Stat. §76-2,111 to 76-2, 118 (Reissue 2003). (Res. #2006-367) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

After a public hearing, Cook resolved, seconded by Doyle, that the application of Sherbrooke Inc. (Melvin Sudbeck) for a Final Plat of a subdivision to be known as Sherbrooke on the following described property, to wit: Being a platting of part of the S1/2 of the NE1/4 of Sec. 22, Twp. 14N, Rng. 10E of the of the 6th P.M., Sarpy County, Nebraska (234th Street and Cary Street) be approved. (Res. #2006-368) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

After a public hearing, Gay resolved, seconded by Doyle, that the application of Gale Wickersham for a Change of Zone from IL-Light Industrial to BG-General Business on the following described property, to wit: Part of the NE1/4 of Sec. 34, Twp. 14N, Rng. 11E of the of the 6th P.M., Sarpy County, Nebraska (generally on the south side of Highway 370, west of Interstate 80, I-80) be approved with Commissioner Boyd stating for the record that the developer understands the Board's concern about access and that in bad weather the development may not be accessible by a 2nd access. (Res. #2006-369) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

After a public hearing, Doyle resolved, seconded by Cook, that the application of Peachtree Properties LLC for a Preliminary Plat of a subdivision to be known as Palisades Replat 2 on the following described property, to wit: Being a replat of Lot 423, Palisades, a subdivision located in the SE1/4 of Sec. 21, Twp. 14N, Rng. 11E of the of the 6th P.M., Sarpy County, Nebraska (168th Street and Cornhusker Road) be approved. (Res. #2006-370) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

After a public hearing, Gay resolved, seconded by Cook, that the application of Paul & Mary Ann Smith for a Change of Zone from AG to AGD on the following described property, to wit: Being a platting of part of the W1/2 of the SE1/4 of Sec. 3, Twp. 13N, Rng. 11E of the of the 6th P.M., Sarpy County, Nebraska (161st Street and Capehart Road north side) be approved as recommended by the Sarpy County Planning Commission as it meets the Sarpy County Comprehensive Plan and Zoning Regulations and the Planning and Building Director stating that a plan for on-site storm water retention is provided and a sketch plan for building sites is provided to take into account urbanization of the area. (Res. #2006-371) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

After a public hearing, Gay resolved, seconded by Cook, that the application of Paul & Mary Ann Smith for a Preliminary/Final Plat on the following described property, to wit: Being a platting of part of the W1/2 of the SE1/4 of Sec. 3, Twp. 13N, Rng. 11E of the of the 6th P.M., Sarpy County, Nebraska (161st Street and Capehart Road north side) be approved as recommended by the Sarpy County Planning Commission and the Planning and Building Director as it meets the Sarpy County Comprehensive Plan and Zoning Ordinances with the following conditions: a plan for on-site storm water retention is provided and a sketch plan for building sites is provided to take into account urbanization of the area. (Res. #2006-372) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Gay moved, seconded by Cook to table Agenda items 13-H (Change of Zone: AG to AGR & RE 2, Rice, Hunter & Tex, Res. #2006-373) and 13-I (Preliminary Plat: Cornish Acres, Rice, Hunter & Tex, 2006-374) until 1/9/2007 at the request of the applicant. Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Commissioner Boyd stated for the record that because of a conflict of interest she would abstain from the Lyman Richey Corporation agenda item. Commissioner Boyd turned the meeting over to Commissioner Paul Cook and left the meeting.

After a public hearing, Gay moved, seconded by Doyle, that the application of Lyman Richey Corporation for a Special Use Permit to excavate, process, stockpile, and sell sand, gravel and rock from various parcels of land on the following described property to wit: The N1/2 of Sec. 16, Twp. 13N, Rng. 10E (319 acres), the SW1/4 and SE1/4 of Sec. 9, Twp. 13N, Rng. 10E (320 acres), the E1/2 of the NE1/4 of Sec. 9, Twp. 13N, Rng. 10E (80 acres), the E1/2 of the NW1/4, Tax Lot 1A and Tax Lot 2, except west 223 feet, Sec. 9, Twp. 13 N, Rng. 10E (157.35 acres), Tax Lot 3, Sec. 4, Twp. 13N, Rng. 10E (66.08 acres), E1/2 of the SW1/4 of Sec. 4, Twp. 13N, Rng. 10E (80 acres) and Tax Lots A & B and the SW1/4 of the SE1/4 of Sec. 4, Twp. 13N, Rng.10E (55 acres), all of the 6th P.M. Sarpy County, Nebraska (252nd Street and Fairview Road heading north) be approved for a period of fifty (50) years as recommended by the Sarpy County Planning Commission but also to include a 150 foot setback from the homeowners property line at 24501 Capehart Road and that the applicant will notify the Sarpy County Planning and Building Department in the event of a change in a transfer of the ownership of the operation leasehold or majority ownership of the applicant. (Res. #2006-341) Ayes: Cook, Gay & Doyle. Abstain: Boyd. Absent: Schram.

Commissioner Boyd returned to the meeting.

Gay moved, seconded by Cook, to approve the following Flood Plain Permit: Precision Enterprises, 17319 Paradise, Lot 1, Chris Lake, Platte River, Raise Cabin/Addition, as recommended by the Sarpy County Planning & Building Director stating: "Entire lower level is below Base Flood Elevation of 979.0 feet. The lower level is to be unfinished and used for what appears to be a garage. The total square footage of the building is to be 1500 square feet. This will require 1500 square inches in a minimum of two openings.". Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Resolved by Cook, seconded by Doyle, to establish the amount of bonds that will be issued for construction and non-construction costs for the Courthouse Expansion Project, Phase One: Sarpy County Administration Building Addition at seven million (\$7,000,000) dollars, Option 1. (Res. #2006-375) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Resolved by Gay, seconded by Doyle, to appoint Ameritas Investment Corporation as Fiscal Agent to assist the County with the issuance of bonds for the Courthouse Expansion Project, Phase One: Sarpy County Administration Building Addition for a fee not to exceed one and one quarter percent (1.25%) of the bond issue and further that said fee includes all underwriting costs plus the cost of outside bond counsel, printing expenses, costs of registration and up-front trustee fees. (Res. #2006-376) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Resolved by Cook, seconded by Gay, to approve the budgetary transfer from Misc. General to Building and Planning of \$45,234 as additional appropriations are needed for the continued operation of the Building and Planning Department. (Res. #2006-377) Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Gay moved, seconded by Doyle, to sit as a Board of Equalization. Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Doyle moved, seconded by Cook, to approve Tax Correction #12855 as approved by the County Assessor. Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Doyle moved, seconded by Gay, 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:

Family Services	1999 Ford Econo Wagon
Hope and Refuge Ministries, Inc.	1997 Lincoln Town Car
Sisters of Mercy	2005 Honda Civic

Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Cook moved, seconded by Doyle, to return to regular session. Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

The November, 2006 fee reports of the County Clerk (\$45,003.74), the Register of Deeds (\$239,002.24), the Clerk of the District Court (\$14,533.39) and the Department of Planning & Building (\$172,822.68) were presented and placed on file.

At 5:45 P.M. Gay moved, seconded by Doyle, to adjourn until January 9, 2007 at 3:00 P.M. Ayes: Cook, Gay, Boyd & Doyle. Absent: Schram.

Vice-Chairman, Board of County Commissioners

ATTEST: _____
County Clerk
