

April 10, 2007

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

At 1:30 P.M., the Board of County Commissioners of Sarpy County, Nebraska convened for an Administrative Briefing Meeting. Commissioner Cook stated a copy of the Open Meeting Law is posted in the County Boardroom. Present: Paul Cook, Joni Jones, Inez Boyd, Board Administrator Mark Wayne and Deb Houghtaling, County Clerk. Absent: Aldona Doyle. Rich Jansen arrived at 1:56 P.M. Topics of discussion were as follows:

1. Criminal Justice Coordinating Committee. Mark Wayne
2. E-911/Emergency Management. Larry Lavelle
3. Landfill. Duwaine Brigman
4. Building & Grounds. Ross Richards

Adjourned at 2:46 P.M.

April 10, 2007

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 Cook stated a copy of the Open Meeting Law is posted in the County Boardroom. Present: Paul Cook, Joni Jones, Inez Boyd, Rich Jansen, Board Administrator Mark Wayne and Deb Houghtaling, County Clerk. Absent: Aldona Doyle.

Notice of the meeting was given in advance thereto by publication in the Suburban Newspapers, Inc. dba Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor on April 4, 2007. 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 Jansen, to approve the Consent Agenda. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

CONSENT AGENDA

Boyd moved, seconded by Jansen, to approve the minutes of the April 3, 2007 meeting as submitted. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Boyd moved, seconded by Jansen, 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, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Resolved by Boyd, seconded by Jansen, to approve and authorize the Chairman to sign the amended Memorandum of Understanding between Sarpy County and Trade Well Pallet, Inc. for the Community Development Block Grant Program (CDBG). Said amended Memorandum of Understanding supercedes the original Memorandum of Understanding that was approved by this Board on 11/7/2006 by Res. #2006-331 and subsequently amended on 11/28/2006 by Res. #2006-351. (Res. #2007-94) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Boyd moved, seconded by Jansen, to approve the following Sarpy County Limited Tax Building Bonds, Series 2007, Construction Fund (Courthouse Addition) disbursement requisitions:

<u>#</u>	<u>Vendor</u>	<u>Amount</u>
12.	Upland Construction	\$ 67,500.00
13.	Carlson West Povondra	\$ 3,739.41

Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Resolved by Boyd, seconded by Jansen, that the week of April 8 - 14, 2007 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. #2007-95) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

On 6/7/2005 by Res. #2005-260, pursuant to Neb. Rev. Stat. §39-1722 (Reissue 1997), the Sarpy County Board had deemed that the public interest required vacation of a portion of unused right of way near the intersection of 126th Street and Southport Parkway in Sarpy County, NE, now known as Tax Lot 18, Sec. 18, Twp. 14N, Rng. 11E of the 6th P.M. The procedural requirements for said vacation were met but said right of way has not been sold. The area adjoining said right of way has been annexed by the City of La Vista and by virtue of Neb. Rev. Stat. §18-1716.01 (Reissue 1997) said right of way by operation of law is the property of the City of La Vista. Resolved by Boyd, seconded by Jansen, that Sarpy County hereby disclaims any interest in said right of way and authorizes the Chairman, County Clerk and County Surveyor to take such action as necessary to correct the appropriate records and carry out the intent of the resolution. (Res. #2007-96) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Resolved by Boyd, seconded by Jansen, to approve the recommendation of the Sarpy County Surveyor/Engineer for the placing of "No Parking" signs at along Ray Sapp Drive in S.I.D. #48, Sapp Brothers Replat, B4 Corners, Lakeview South, as indicated on the location plan attached to the resolution and the S.I.D. shall take such steps to post appropriate signs according to the Manual on Uniform Traffic Control Devices. (Res. #2007-97) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Resolved by Boyd, seconded by Jansen, to accept the appointment of Jim Sheard as the AFSCME, Local 251 Union representative to the Sarpy County Personnel Board with the term of office to expire on 3/31/2011. (Res. #2007-98) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

REGULAR AGENDA:

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

Boyd moved, seconded by Jansen, to approve Tax Corrections #12998 - #13001 as approved by the County Assessor. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Jones moved, seconded by Boyd, to approve the change to the valuation of real property for tax year 2006 as indicated on the "Notice of Valuation" dated 4/10/2007 for Barry and Diane Clark, Lot 1 Van Buren Acres (10.02 AC), Parcel #011326646, as recommended by the County Assessor. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Jansen moved, seconded by Boyd, to approve the following exemption application for 2007 tax exemption on motor vehicles owned by qualifying non-profit organizations, as approved by the County Treasurer:

Boy Scout Troop 476 1990 Wells Cargo Utility Trailer

Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

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

A public hearing was held for the application of Susan Telecky for a Special Use Permit to permit retail sales of wine, foods and crafts and wine tasting on the following described property, to wit: Lot 2, Sarpy Heights III, Replat 1, located in Sec. 19, Twp. 14N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska (Highway 6 and Lindale Drive, 2020 Lindale Drive). During the hearing the applicant requested to eliminate the sales of wine and wine tasting from the application and only include the sale of food and crafts on the application. Public hearing was closed. The Director of Planning and Building advised that if the sale of wine and wine tasting is removed from the application that sale of food and crafts as a commercial activity is not an allowed special use for the zoning. Boyd resolved, seconded by Jones, to deny the application based on the input from public and the recommendation from the Director of Planning and Building. (Res. #2007-99) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

A public hearing was held on 3/27/2007 and subsequently tabled until 4/10/2007. After an additional public hearing was held, Boyd moved, seconded by Jansen, to recommend denial to the Nebraska Liquor Control Commission for the Class "C" #75913, Beer, Wine & Distilled Spirits, On & Off Sale Liquor License application of Red Shed Stables LLC dba Red Shed Stables, 20202 Lindale Drive, Gretna, Sarpy County, NE 68028 based on the input from the public and the denial of the Special Use Permit to permit retail sales of wine, foods and crafts and wine tasting on said property. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Beth Cunard, County Purchaser, reported that bids for perimeter fencing for the Sarpy County Landfill have been solicited, made, opened and reviewed pursuant to Board authorization. After a public hearing, Jansen resolved, seconded by Jones, to accept the low bid of American Fence Company in the amount of \$42,251.90 per written and oral recommendation of the Purchasing Department, and this Board's Chairman, Clerk and Attorney are authorized to execute necessary documents. (Res. #2007-100) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

After a public hearing, Jansen moved to approve the application of Gary & Beth Kauffman for a Final Plat of a subdivision to be known as 4A Horse Ranch on the following described property, to wit: Being a platting of the North 20.01 acres of the E1/2 of the SW1/4 of Sec. 27, Twp. 14N, Rng. 10E of the of the 6th P.M., Sarpy County, Nebraska (237th Street and Lincoln Road) on the condition that a drainage plan be submitted to and approved by the Planning Commission and the Pappio-Missouri River Natural Resources District comments be submitted and the debt be resolved before the final plat is signed and filed.

Discussion was held.

Jansen withdrew his motion.

Boyd moved, seconded by Jones, to table Agenda Item #15A (Final Plat: 4A Horse Ranch. Gary & Beth Kauffman Res. #2007-101) for one week. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

A public hearing was held for Agenda items #15B(Change of Zone: AG to AGD, Smith Acres, 161st & Capehart, Paul & Mary Ann Smith) and #15C(Preliminary Plat: Smith Acres, Paul & Mary Ann Smith):

Resolved by Jones, seconded by Boyd, to deny 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 the W1/2 of the SE1/4 of Sec. 3, Twp. 13N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska (161st Street and Capehart Road, North side) as the results of the HDR study have not been presented to this Board to show how the study would affect this property. (Res. #2007-102) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Resolved by Boyd, seconded by Jones, to deny the application of Paul & Mary Ann Smith for a Preliminary Plat of a subdivision to be known as Smith Acres on the following described property, to wit: A platting of the W1/2 of the SE1/4 of Sec. 3, Twp. 13N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska (161st Street and Capehart Road, North side) as the Application for Change of Zone was denied. (Res. #2007-103) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

A public hearing was held for Agenda items #15E (Change of Zone: AGD to BG, 188th & Capehart, Jim Mowinkel) and #15F (Special Use Permit: allow display & sales of trailer/campers, Jim Mowinkel):

Jansen moved to approve the application of Jim Mowinkel for a Change of Zone from AGD to BG on the following described property, to wit: Lot 1 Mintkens Addition (188th Street and Capehart Road, North side) as it complies with the Sarpy County Zoning Regulations and Comprehensive Plan. MOTION DIES FOR LACK OF A SECOND.

Resolved by Boyd, seconded by Jones, to deny the application of Jim Mowinkel for a Change of Zone from AGD to BG on the following described property, to wit: Lot 1 Mintkens Addition (188th Street and Capehart Road, North side) based on the closeness to the Interstate and broadness of the general business zoning. (Res. #2007-104) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Resolved by Jones, seconded by Boyd, to deny the application of Jim Mowinkel for a Special Use Permit to allow the sales of vacation trailer/campers on the following described property, to wit: Lot 1 Mintkens Addition (188th Street and Capehart Road, North side) based on the denial of the Application for Change of Zone. (Res. #2007-105) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

A public hearing was held for Agenda items #15G (Change of Zone: AG to AGR & RE2, Little Prairie, 192nd & Cornish, John Larkin) #15H (Final Plat: Little Prairie, 192nd & Cornish, John Larkin) and #15I (Conservation Easement: Little Prairie, John Larkin). Two (2) Protests to Rezoning were submitted for consideration by the Board.

Resolved by Boyd, seconded by Jansen, 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: being a platting of the Lots 1-11, inclusive, and Outlots "A" and "B", located in part of the NE1/4 of Sec. 7, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska be approved based on the Director of Planning and Building's Finding of Facts that the change of zone is in conformance with the Sarpy County Comprehensive Plan and will bring the lots into conformance with the Sarpy County Zoning Regulations. (Res. #2007-106) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Resolved by Boyd, seconded by Jansen, that the application of John and Sherri Larkin for a Final Plat of a subdivision to be known as Little Prairie on the following described property, to wit: being a platting of the Lots 1-11, inclusive, and Outlots "A" and "B", located in part of the NE1/4 of Sec. 7, Twp. 12N, Rng. 11E of the 6th P.M., Sarpy County, Nebraska be approved as the final plat is in conformance with the Sarpy County Comprehensive Plan, the subdivision meets the Sarpy County Subdivision Regulations and the final plat conforms to the preliminary plat. (Res. #2007-107) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Resolved by Boyd, seconded by Jansen, to approve the Little Prairie Subdivision Conservation Easement as presented with Exhibits A & B with the covenants attached as said easement is consistent with the Sarpy County Comprehensive Plan and in compliance with the Conservation and Preservation Easements Act, Neb. Rev. Stat. §76-2,111 to 76-2,118 (Reissue 2003). (Res. #2007-108) Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Boyd moved, seconded by Jansen, to table agenda item #16 (Resolution: Approve and Authorize the Chairman to sign Agreements for Diversion Services DWI/DUI Traffic Education Class Facilitators. Res. #2007-109) for two weeks. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

The March, 2007 fee reports of the Clerk of the District Court (\$17,281.14) and the Landfill (\$190,144.56) were presented and placed on file.

At 6:18 P.M. Boyd moved, seconded by Jansen, to go into Executive Session to discuss Real Estate Purchases and Litigation. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

At 6:36 P.M. Boyd moved, seconded by Jones, to return to regular session. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

At 6:37 P.M. Boyd moved, seconded by Jansen, to adjourn until April 17, 2007 at 3:00 P.M. Ayes: Cook, Jones, Boyd & Jansen. Nays: None. Absent: Doyle.

Chairman, Board of County Commissioners

ATTEST: _____
County Clerk
