

MINUTES OF MEETING
SARPY COUNTY BOARD OF COMMISSIONERS
Tuesday, January 27, 2009
Sarpy County Courthouse, Sarpy County Board Room
Immediately following the Board of Equalization Meeting

The location of the posted Nebraska Open Meetings Act was given and the meeting of the Board of Commissioners was convened in open and public session by Sarpy County Board of Commissioners Chairman Joni Jones at 3:09 P.M. at the Courthouse in Papillion, Nebraska.

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 21, 2009. 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 Sarpy County Board of Commissioners. Availability of the agenda was communicated in the published notice and in the notice to members of the Board of Commissioners of this meeting.

Commissioners Present: Rusty Hike, Joni Jones, Tom Richards, Pat Thomas, Rich Jansen
Commissioners Absent: None
Others Present: County Clerk Deb Houghtaling
Board Administrator Mark Wayne
Deputy County Attorney Mike Smith

Commissioner Jones requested that Agenda items #3, #15, and #16 be removed from the Consent Agenda and addressed on the Regular Agenda.

CONSENT AGENDA

NOTE: These are items of business that are routine which are expected to be adopted without dissent. Items are automatically approved when the consent agenda is approved unless an item is REMOVED by a Commissioner or any member of the public. Removed items will be placed under New Business for action by the County Board.

1. **Approve minutes (January 13, 2009).**
2. **Approve claims report.**
3. ~~**Resolution: Adopt Meeting Policy rules and regulations. (2009-009)**~~ Removed from Consent Agenda
4. **Resolution: Authorize the purchase of a 2009 one ton regular cab 4 x 4 dual wheel chassis with eight foot utility body off the state contract and declare a 1997 GMC cab chassis 4 x 4 with utility body in the Highway Department surplus property. (2009-010)**
5. **Permission to purchase eight (8) 2009 Ford Crown Victorias off the State Contract for the Sheriff's Office.**
6. **Resolution: Authorize the purchase of a 2009 Ford Crown Victoria off State Contract and declare a 2006 Ford Crown Victoria in the Sheriff's Office surplus property. (2009-011)**
7. **Resolution: Approve and Authorize the Chairman to sign First Amendment to extend the current lease with Option #1 from March 1, 2009 to February 28, 2010 with Vortec Ventures LLC on behalf of Nebraska State Probation for office space located at Star Park Plaza, 7511 South 36th Street, Bellevue. (2009-012)**
8. **Resolution: Declare a 1954 Yale & Towne forklift surplus property. (2009-013)**

9. Resolution: Appoint Commissioner Pat Thomas to the Nebraska Innovation Zone Commission. (2009-014)
10. Approve the following disbursement requisition, Limited Tax Building Bonds, Series 2007, Construction Fund, Courthouse Addition.
158 MSS \$ 653.00
11. Approve the following disbursement requisition, Limited Tax Building Bonds, Series 2008, Construction Fund, Courthouse Remodeling Project.
28 House of Drapes \$ 2,683.63
12. Resolution: Place stop signs at various intersections in SID 286, Stockmans Hollow. (2009-015)
13. Resolution: Place a stop sign at an intersection in SID 137, Cotton Wood (West of 66th St. South of Cornhusker). (2009-016)
14. Resolution: Adopt and Approve 2009 Noxious Weed Control Plan. (2009-017)
- ~~15. Resolution: Approve agreement with Shannon Muhs for Nutrition Session classes for Juvenile Probation. (2009-018)~~ Removed from Consent Agenda
- ~~16. Resolution: Approve agreement with Bellevue Lied Activity Center for Leisure/Recreation Program for Juvenile Probation. (2009-019)~~ Removed from Consent Agenda

MOTION: Jansen moved, seconded by Hike, to approve the Consent Agenda items as amended with the removal of Agenda items #3, #15, and #16. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

REGULAR AGENDA

3. Resolution: Adopt Meeting Policy rules and regulations. (2009-009)

MOTION: Resolved by Richards, seconded by Jansen, to adopt the Meeting Policy rules and regulations with the three outlined amendments as described by the County Attorney. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

15. Resolution: Approve agreement with Shannon Muhs for Nutrition Session classes for Juvenile Probation. (2009-018)

MOTION: Jansen moved, seconded by Thomas, to table Agenda item #15 until 2/3/2009. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

16. Resolution: Approve agreement with Bellevue Lied Activity Center for Leisure/Recreation Program for Juvenile Probation. (2009-019)

MOTION: Richards moved, seconded by Jansen, to table Agenda item #16 until 2/3/2009. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

17. Public Hearing & Action: Public Amusement License Type “B” Application for Trees, Shrubs and More, Inc., 3803 Cornhusker Road, Bellevue, Sarpy County, NE 68123.

MOTION: After a public hearing, Jansen moved, seconded by Thomas, to approve the Type "B" Public Amusement License application of Trees, Shrubs and More, Inc. as recommended by the Sarpy County Health Board Chairman as it complies with the public amusement license rules and regulations. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

- 18. Resolution: Authorize the issuance of General Obligation Highway Allocation Fund Pledge Bonds, Series 2009, of the County of Sarpy, Nebraska in the aggregate principal amount of \$6,075,000 for the purpose of paying the costs of constructing improvements to County roads; prescribing the form and details of the Bonds; pledging the receipts from the Nebraska Highway Allocation Fund and agreeing to levy a tax for the payment of the principal of and interest on the bonds; making certain covenants and agreements with respect thereto; and related matters. (2009-020)**

MOTION: Resolved by Jansen, seconded by Richards, to approve the resolution. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

- 19. Public Hearing & Resolution: Tabled from 12/9/2008, Text Amendment Application: Zoning Regulations Section 32 Highway Corridor Overlay District, Dowd Grain and adopt the amended Zoning Regulations. (2009-021)**

MOTION: After a public hearing, Jansen resolved, seconded by Hike, to deny the resolution as recommended by the Planning Commission and because of grandfather rights. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

At 5:00 P.M. the Board recessed and reconvened at 5:06 P.M.

- 20. Public Hearing & Resolution: Amend Appendix L of the 2006 International Residential Code and the Building Permit Fee Schedule. (2008-372)**

MOTION: After a public hearing, Jansen resolved, seconded by Thomas, to deny the resolution. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

- 21. Resolution: Flood Plain Development Permit Application of Sean Taylor, 8005 Molokai Drive for a sun room addition on Lot 115, Hawaiian Village located in the floodway fringe of the Platte River. (2009-022)**

MOTION: Resolved by Richards, seconded by Jansen, to approve the Flood Plain Development Permit application. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

- 22. Resolution: Authorize Chairman to sign the National Pollutant Discharge Elimination System (NPDES) Permit Reapplication. (2009-023)**

MOTION: Resolved by Jansen, seconded by Hike, to approve the permit reapplication for National Pollutant Discharge Elimination System

(NPDES) MS4 Permit for a Small Municipal Separate Storm Sewer System (MS4) as required by the NPDES Phase II storm water regulations and that Chairman Joni Jones, is designated the Cognizant Official and Planning Director Rebecca Horner is the designated Authorized Representative for the purposes of said reapplication and the Chairman, County Clerk and Planning Director are authorized to execute said Reapplication on behalf of Sarpy County, Nebraska and to take such other actions as may be necessary under the terms of said Reapplication. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

23. Resolution: Authorize Chairman to sign the agreement with the Nebraska Department of Roads for Improvements to the Intersection of 132nd St. & West Giles Road. (2009-024)

MOTION: Resolved by Richards, seconded by Jansen, to approve the agreement for the reasons stated in the resolution. On 12/16/2008, this Board approved a cost share agreement with the City of La Vista by Resolution 2008-362. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

24. Public Hearing & Resolution: Final Plat for Beacon View Lot 27 legally described as Tax Lot 2 aka Government Lot 2, part of the W1/2 of Section 29, Township 13N, Range 10E of the 6th P.M. Sarpy County, Nebraska (Highway 6 and the Platte River). (2009-025)

MOTION: After a public hearing, Jansen resolved, seconded by Richards, to approve the Final Plat for the reasons stated in the resolution. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

25. Executive Session: Litigation.

MOTION: At 5:42 P.M. Jansen moved, seconded by Hike, to go into executive session to discuss Litigation. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

Chairman Jones restated for the record that the County Board would go into Executive Session to discuss Litigation.

At 6:09 P.M. Chairman Jones stated for the record that the County Board had gone into Executive Session at 5:42 P.M. during which their discussion was restricted to Litigation and no formal Board action was taken.

MOTION: At 6:09 P.M. Jansen moved, seconded by Hike, to return to regular session. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

26. Adjournment

MOTION: At 6:09 P.M. Richards moved, seconded by Jansen, to adjourn until 2/3/2009 immediately following the Sarpy County Board of Equalization

Meeting to be held at 3:00 P.M. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

REPORTS The following reports were received and placed on file:

Fee Reports 12/2008	
Building Department	\$ 28,296.94
Sheriff's Department	\$ 14,117.67
County Clerk	\$ 42,986.54

Joni M. Jones, Chairman
Sarpy County Board of Commissioners

Attest:

Debra J. Houghtaling
Sarpy County Clerk