

MINUTES OF MEETING
SARPY COUNTY BOARD OF COMMISSIONERS

Tuesday March 3, 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 3:03 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 February 25, 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

Commissioners and Administrator's comments were recorded.

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 (February 24, 2009). Deb Houghtaling**
2. **Approve claims report. Deb Houghtaling**
3. **Approve the following disbursement requisition, Limited Tax Building Bonds, Series 2007, Construction Fund, Courthouse Addition. Brian Hanson**

# 162 Shindler	\$ 1,272.00
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4. **Approve the following disbursement requisitions Limited Tax Building Bonds, Series 2008, Construction Fund, Courthouse Remodeling Project. Brian Hanson**

#38 Insight Public Sector Inc	\$ 414.12
#39 Communication Services Inc	\$ 122.50
#40 Pay-Less Office Products	\$32,547.00
5. **Resolution: Appoint Tom Richards to Sarpy County Sheriff's Department Merit Commission for a period of three years commencing on January 27, 2009. (2009-041) Nicole O'Keefe**
6. **Resolution: Place Stop signs at various intersections in SID 257, Stonecrest. (2009-042) Tom Lynam**
7. **Resolution: Place No Parking signs at various locations in SID 245, Summit Ridge. (2009-043) Tom Lynam**
8. **Resolution: Declare a 1995 GMC pickup with snowplow surplus property. (2009-044) Lois Spethman**
9. **Resolution: Declare a Micron 7ft. Component Rack surplus property. (2009-045) Lois Spethman**

MOTION: Jansen moved, seconded by Hike, to approve the Consent Agenda items as presented. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

REGULAR AGENDA

10. Public Hearing & Resolution: Award Bid of Magnesium Chloride & Calcium Chloride for the Highway Department. (2009-046) Beth Cunard

MOTION: Beth Cunard, County Purchaser, reported that bids have been solicited, made, opened and reviewed pursuant to Board authorization. After a public hearing, Richards resolved, seconded by Jansen, to accept the low bid of Husker Chem Sales in the amount of \$0.78 per gallon for Magnesium Chloride, \$0.92 per gallon for 38% Calcium Chloride and \$0.86 per gallon for 32% Calcium Chloride and this Board's Chairman, Clerk and Attorney are authorized to execute the necessary documents. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

11. Public Hearing: Preservation and maintenance of Glesmann Cemetery as a Pioneer Cemetery. Kerry Schmid

A public hearing was held and discussion followed.

12. Resolution: Authorize the County Attorney to appeal decision regarding 96th Street Federal Funding. (2009-047) Mike Smith

MOTION: Resolved by Thomas, seconded by Jansen, that Sarpy County sought and received Federal funds for construction of 96th Street between Nebraska State Highway 370 and Giles Road and the Nebraska Department of Roads, on behalf of the Federal Highway Administration, deemed said project ineligible for federal participation and withdrew funding in the amount of \$9,277,598, further this Board hereby authorizes and directs the Sarpy County Attorney to forthwith institute such legal proceedings that are, in the best judgment of the County Attorney, necessary to restore the federal funding of said project or otherwise recovery for the losses suffered by said denial. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

13. Resolution: Authorize conveyance of property to PCS Nitrogen pursuant to Industrial Development Revenue Bond Agreement. (2009-048) Mike Smith

MOTION: Resolved by Thomas, seconded by Jansen, to approve the resolution to convey the property to Honeywell and PCS upon the receipt of satisfactory evidence that the Industrial Development Revenue (IDR) Bonds and Pollution Control Revenue (PCR) Bonds have been paid and the necessary obligations of the parties have been met, subject to the approval by the County Attorney. Further, the Chairman County Clerk and the County Attorney are further authorized to execute such documents and take such further action as may be necessary to complete the

transactions described herein. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

**14. Tourism update and request for approval of Visitors Promotion Committee grant application of the Fontenelle Nature Association for the DinoQuest Exhibit.
Linda Revis**

MOTION: After a tourism update, Richards moved, seconded by Jansen, to approve the request for \$32,500. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

15. Executive Session: Contract Negotiation. Kermit Brashear

MOTION: At 3:39 P.M. Jansen moved, seconded by Hike, to go into executive session to discuss Contract Negotiation. 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 Contract Negotiation.

At 4:51 P.M. Chairman Jones stated for the record that the County Board had gone into Executive Session at 3:39 P.M. during which their discussion was restricted to Contract Negotiation and no formal Board action was taken.

MOTION: At 4:51 P.M. Hike moved, seconded by Jansen, to return to regular session. Ayes: Hike, Jones, Richards, Thomas & Jansen. Nays: None.

16. Adjournment

MOTION: At 4:51 P.M. Hike moved, seconded by Richards, to adjourn until 3/10/2009 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 Report 1/2009	
County Clerk	\$ 42,526.59
Fee Report 2/2009	
Landfill	\$ 187,300.59

**Joni M. Jones, Chairman
Sarpy County Board of Commissioners**

Attest:

**Debra J. Houghtaling
Sarpy County Clerk**