RESOLUTION DENYING VACATION OF THAT UNUSED PORTION OF 45TH STREET AND CAPEHART ROAD

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103, the powers of the County as a body are exercised by the County Board; and,

WHEREAS, pursuant to Neb. Rev. Stat. §39-1722, the County Surveyor has been directed to study the use being made of said road and report said study to this Board; and,

WHEREAS, pursuant to Neb. Rev. Stat. §39-1724, this Board has received said report from the Sarpy County Surveyor within thirty (30) days of the directive, and said report contains the study made and the County Surveyor’s recommendation as to the vacation thereof as required by Neb. Rev. Stat. §39-1722, and recommends denial of said vacation and that pursuant to Neb. Rev. Stat. §39-1726 no fragment of the county road is lying within a township; and,

WHEREAS, pursuant to Neb. Rev. Stat. §39-1725, approval of the vacation has been denied by the City of Bellevue, as the tract of road lies within the ETJ of such City for the first class; and,

WHEREAS, on the 18th day of October, 2016, a Public Hearing on the vacation was held as required by Neb. Rev. Stat. §39-1724, after the publication and the service of notice on adjacent landowners, all as required by Neb. Rev. Stat. §39-1724;

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that, pursuant to Neb. Rev. Stat. §39-1722, et seq., the tract of land described as:

That unused portion of 45th Street and Capehart Road, north of relocated Capehart Road, Section 5, T13N, R13E. (see attached map).

said land being located within the zoning jurisdiction of Sarpy County, Nebraska, shall not be vacated.

DATED this 25th day of October, 2016.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 25th day of October, 2016.

Attest

SEAL
Memorandum

To: Sarpy County Board of Commissioners

From: Dennis Wilson, Engineer, Sarpy County Public Works

Date: April 6, 2016

Re: Vacation of 45th & Capehart Road, north of relocated Capehart Road, Section 5, T13N, R13E.
Resolution No. 2016-85

I recommend denial of the vacation of 45th and Capehart Road as proposed.

One adjoining land owner is still using 45th for access onto Capehart Road. Unless provisions are made for continued access, either directly or through the adjoining land, with an agreement from the adjoining land owner, we cannot recommend approval.

This area is located within the Extended Territorial Jurisdiction (ETJ) of the City of Bellevue.

Dennis Wilson, P.E., PhD
Sarpy County Engineer
A regular meeting of the Mayor and Council of the City of Bellevue was called to order by Mayor Rita Sanders at the Bellevue City Hall on the 14th day of September, 2016, at 6:00 p.m. Present were Council Members Steve Carmichael, Paul Cook, Donald Preister, Jim Moudry, and Carol Blood. John Hansen was absent.

Notice of this meeting was given in advance thereof by publication in the Bellevue Leader and posting in three public places, the designated method for giving notice and was also given to the Mayor and all members of the City Council. A copy of the affidavit of publication, the certificate of posting, and the council's acknowledgment of receipt of notice are hereby attached to these minutes. All proceedings shown hereafter were taken while the convened meeting was open to the public.

Pledge of Allegiance and Invocation
Mayor Sanders led in the Pledge of Allegiance. Pastor Dan Wills, Chandler Acres Baptist Church, 7505 Chandler Acres Drive, gave the invocation.

Open Meetings Act
Mayor Sanders announced a copy of the Open Meetings Act is posted in the entry to the City Council Chambers.

Approval of the Agenda
Motion was made by Blood, seconded by Carmichael, to approve the agenda. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Approval of the Consent Agenda
Motion was made by Cook, seconded by Blood, to approve the consent agenda. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Approval of the City Council Minutes
Motion was made by Cook, seconded by Blood, to approve the minutes of the April 25, 2016, meeting of the City Council. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Acknowledgement of the Receipt of the Minutes of Planning Commission
Motion was made by Cook, seconded by Blood, to acknowledge receipt of the minutes of the April 28, 2016, meeting of the Planning Commission. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Approval of Claims
Motion was made by Cook, seconded by Blood, to approve the payment of claims as presented. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

SPECIAL PRESENTATIONS:
Proclamation: May 2016 as "Josh the Otter Month" in support of Water Safety in the Bellevue Community
Mayor Sanders read a proclamation designating May 2016 as "Josh the Otter Month" in support of water safety in the Bellevue community. Senator Sue Crawford presented a Certificate of Recognition from the Nebraska Unicameral Legislature to Josh the Otter.

Andrew Rainbolt – 1st Quarter Report for the Sarpy County Economic Development Corporation
Mr. Andrew Rainbolt and Mr. James Caraway gave the First Quarter Report for the Sarpy County Economic Development Corporation.

Bellevue Housing Authority – Strategic Planning Report
Mr. Jim Hawkins, Commissioner, and Ms. Carolyn Pospisil, Executive Director, with the Bellevue Housing Authority updated the Council on some proposed changes they would like to make. They are requesting support from the City Council for these changes.

LIQUOR LICENSES:
St. Bernadette Catholic Church – Application for a Special Designated Liquor License on July 10, 2016
The application of St. Bernadette Catholic Church for a Special Designated Liquor License to sell beer during a beer garden at 7600 South 42nd Street on July 10, 2016, from 10:00 a.m. to 12:00 a.m., was presented for Council consideration. Mr. Andrew Flanagan was present to answer any questions.

Mayor Sanders asked for public comment. No one in the audience came forth to speak in support of or in opposition to the application. Mayor Sanders declared the public hearing closed.

Motion was made by , seconded by , to recommend to the Nebraska Liquor Control Commission the application of St. Bernadette Catholic Church for a Special Designated Liquor License to sell beer during a beer garden at 7600 South 42nd Street, on July 10, 2016, from 10:00 a.m. to 12:00 a.m., be approved.
MINUTE RECORD

Bellevue City Council Meeting, May 9, 2016, Page 2

Mr. Moudry advised he would be abstaining from the vote on all of the liquor license applications due to personal and religious reasons.

Roll call vote on the motion was as follows: Carmichael, Cook, Preister, and Blood voted yes; voting no: none; absent: Hansen; abstaining: Moudry. Motion carried.

ORDINANCES:

Ordinance No. 3848: Amending the City of Bellevue Subdivision Regulations regarding Required Signatures on Administrative Small Subdivision Plats (First Reading)

Ordinance No. 3848, an ordinance to amend Ordinance No. 3704, City of Bellevue Subdivision Ordinance, relating to small subdivisions; to repeal such section as heretofore existing; to provide an effective date of the ordinance and to provide for the publication of this ordinance in pamphlet form, was read by title only for the first time and scheduled for public hearing at the Council meeting on May 23, 2016.

Ordinance No. 3849: Amending Section 5.31 of the City of Bellevue Zoning Ordinance regarding Setback Requirements in the "Olde Towne Core Area" (First Reading)

Ordinance No. 3849, an ordinance to amend Section 5.31, Ordinance No. 3619, Bellevue Zoning Ordinance, relating to the Olde Towne Overlay District; to repeal such section as heretofore existing; to provide an effective date of the ordinance; and to provide for the publication of this ordinance in pamphlet form, was read by title only for the first time and scheduled for public hearing at the Council meeting on May 23, 2016.

PUBLIC HEARINGS ON MATTERS OTHER THAN ORDINANCES: None

RESOLUTIONS: None

CURRENT BUSINESS:

Recommendation to the Sarpy County Board to Deny a Request to Vacate an Unused Portion of 45th Street and Capehart Road

Motion was made by Preister, seconded by Blood, to recommend denial to the Sarpy County Board of a request to vacate an unused portion of 45th Street and Capehart Road. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Approval of the Purchase of an Unmarked Investigations Vehicle to Replace One Damaged in an Accident

Motion was made by Carmichael, seconded by Blood, to approve the purchase of an unmarked investigation vehicle to replace one damaged in an accident. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Approval of an Interlocal Cooperation Agreement for Law Record Management System Consulting Services

Motion was made by Carmichael, seconded by Blood, to approve the Interlocal Cooperation Agreement for Law Record Management System Consulting Services. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Approval of the 2016 Campground Host Agreement with Doug Hale and Authorize the Mayor to Sign the Agreement

Motion was made by Cook, seconded by Blood, to approve the 2016 Campground Host Agreement with Doug Hale and authorize the Mayor to sign the agreement. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Approval of the Waterline Fees to Metropolitan Utilities District for Hastings Banner Park in the Amount of $22,638.00

Motion was made by Preister, seconded by Carmichael, to approve the waterline fees to the Metropolitan Utilities District for Hastings Banner Park in the amount of $22,638.00. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Approval of the Agreement and E-Verify with Schemmer & Associates, Inc., for Professional Services for the MEP for 1500 Wall Street

Motion was made by Carmichael, seconded by Cook, to approve the agreement and E-verify with Schemmer & Associates, Inc., for Professional Services for the MEP for 1500 Wall Street. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Discussion Only on the Development of the Bellevue Neighborhood Grant Program

Mrs. Blood explained the idea behind and need for this program and Council discussion ensued.

Motion was made by Blood, seconded by Preister, to allow public comment on this item. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.
Mayor Sanders opened the meeting for public comment.

Ms. Heather Loutzenhiser spoke in favor of the program as she is the coordinator for something similar in Pottawattamie County, Iowa.

Mayor Sanders asked for additional comments. No one in the audience came forth to speak in support of or in opposition to the program. Mayor Sanders declared the public hearing closed.

Administration agreed to "fine-tune" the details and add some structure so this program can be reviewed within the next three months.

CITY ADMINISTRATOR'S REPORT
Mr. Berlowitz asked if there were any questions for him or any of the Directors on the report presented. There were no questions or comments from the City Council on the Report.

PUBLIC REQUESTS TO BE HEARD:
Mayor Sanders read the following statement: "Any member of the public addressing the Council shall abide by Council Policy Resolution No. 35 regarding the Principles of Conduct and Decorum which states 'any statements made during City Council meetings by the Mayor, members of the City Council, City officials and employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a city official or employee, or a member of the general public' and also Bellevue City Code Section 2-68 regarding the manner of addressing the Council. Copies of the aforementioned rules are posted outside the Council Chambers. Speakers shall limit their presentations to five minutes."

Mr. Chuck Fredrick said he is proud there is a new restaurant coming to town that is named after his dog, Roma. He received information from Mr. Moudry on the studies he has asked for, but he would like information going back 10 years. The Auditor's Report indicated there are "billing issues" within the Fire/Rescue Department. He still thinks this should go back to being done by an outside entity.

Mr. Stephen Draper encouraged everyone to vote in Tuesday's Primary and remarked how imperative it is to vote for local leaders. He discussed the candidates for the At-Large City Council Member and read from a recent article in the Omaha World Herald. He said one of them "does not meet the criteria" and people really need to read the article before voting.

Mayor Sanders asked for additional comments from the public. No one came forward to speak. Mayor Sanders closed the public requests to be heard section of the meeting.

EXECUTIVE SESSION
Motion was made by Cook, seconded by Blood, to adjourn into executive session, for the protection of the public interest and the prevention of needless injury to the reputation of an individual, at 7:10 p.m. for the purpose of a discussion on imminent litigation due to sewer back-ups and discussion on the negotiations for naming rights of the new Conference Center. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

Motion was made by Cook, seconded by Blood, to adjourn from executive session and reconvene in regular session at 7:28 p.m. Roll call vote on the motion was as follows: Carmichael, Cook, Preister, Moudry, and Blood voted yes; voting no: none; absent: Hansen. Motion carried.

ADJOURNMENT:
There being no further business to come before the Council at this time, on motion by Preister, seconded by Carmichael, at 7:28 p.m. the meeting adjourned.

Sabrina Ohnmacht, City Clerk
Rita Sanders, Mayor

<< Acknowledgement is on the Next Page >>
I, the undersigned, City Clerk of the City of Bellevue, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on May 9, 2016, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agendas for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body, that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Jolinda Dammoch
City Clerk