

MINUTES OF MEETING
SARPY COUNTY BOARD OF COMMISSIONERS
December 12, 2017 3:23 P.M.

Notice of this meeting was publicized in advance on the Sarpy County website (www.sarpy.com/boards-commissions/county-board). The location of the posted "Nebraska Open Meetings Act" was given in open and public session at the opening of this meeting.

Commissioners Present: Don Kelly, Jim Thompson, Brian Zuger, Gary Mixan, Jim Warren
Commissioners Absent: None
Others Present: County Clerk Deb Houghtaling
County Administrator Dan Hoins
Deputy County Attorney John Reisz

Resolution [2017-441](#): Recognize the 2017 Sarpy County Elected Official Salary Committee members for their service. Don Kelly, Commissioner

MOTION: Warren resolved, seconded by Mixan, to approve the resolution recognizing the Elected Officials Salary Committee for the significant effort and personal time, without compensation, assisting both Sarpy County and the Sarpy County Board of Commissioners.
Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

Commissioners' and Administrator's comments were recorded.

Chairman Kelly requested item 21 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 the regular agenda for action by the County Board.}

1. [Minutes](#) (December 5, 2017). Deb Houghtaling, County Clerk
2. [Claims](#) report. Deb Houghtaling, County Clerk
3. Resolution [2017-442](#): Reappoint Ben Justman to the Joint Douglas/Sarpy Extension Board to represent Commissioner District 2 for a three (3) year term commencing January 1, 2018 through December 31, 2020. Jim Thompson, Commissioner
4. Resolution [2017-443](#): Amendment #2 to Joint Funding Agreement with U.S. Department of Interior Geological Survey (USGS) for the Eastern Nebraska Urban Area LiDAR Collection Project (previously approved on June 14, 2016 by Resolution 2016-184 and modified December 6, 2016 by Resolution 2016-426) to extend the expiration to June 30, 2018. Eric Herbert, GIS Coordinator

5. Resolution [2017-444](#): Interlocal agreement with the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) for the countywide acquisition of digital aerial photography products in the spring of 2018 at a cost not to exceed \$30,900. Eric Herbert, GIS Coordinator
6. Resolution [2017-445](#): Ratify the application for the selective overtime alcohol enforcement mini-grant for the Sarpy County Sheriff's Office. Lisa Haire, Grant Coordinator
7. Resolution [2017-446](#): 2018 Juvenile Services Community Based Aid Grant Application (LB561) and assurances. Lisa Haire, Grant Coordinator
8. Resolution [2017-447](#): Award and special conditions for the Victims of Crime Act Grant (VOCA) for Sarpy County Victim Witness Unit. Jean Brazda, Director Victim Witness
9. Resolution [2017-448](#): Reappoint Harlan Metschke to the Sarpy County Board of Adjustment for a three-year term expiring on December 31, 2020. Bruce Fountain, Planning Director
10. Resolution [2017-449](#): Reappoint Doug Whitfield to the Sarpy County Planning Commission for a three-year term expiring on December 31, 2020. Bruce Fountain, Planning Director
11. Resolution [2017-450](#): Reappoint Gayle Malmquist to the Sarpy County Planning Commission for a three-year term expiring on December 31, 2020. Bruce Fountain, Planning Director
12. Resolution [2017-451](#): Reappoint Jan Davis to the Sarpy County Planning Commission for a three-year term expiring on December 31, 2020. Bruce Fountain, Planning Director
13. Resolution [2017-452](#): Reappoint Michael George to the Sarpy County Planning Commission for a three-year term expiring on December 31, 2020. Bruce Fountain, Planning Director
14. Resolution [2017-453](#): Award lowest responsible bid to Byers Printing Company for book preservation and rebinding project for the Register of Deeds Office to include the alternate bid and change order #1 for a total of \$35,141.25 and rescind resolution 2017-407. Beth Garber, Purchaser
15. Resolution [2017-454](#): Agreement with Ion Wave Technologies for enterprise sourcing and contract management applications for the Purchasing Department. Beth Garber, Purchaser

16. Resolution [2017-455](#): Proposal for services with Vertiv Services, Inc. for battery services associated with emergency management uninterruptible power supply. Beth Garber, Purchaser
17. Resolution [2017-456](#): Award low bid to Midwest Underground for Bridge #141 Abutment Repair, Project C-77 (17-17) in the amount of \$30,594 for the Public Works Department. Beth Garber, Purchaser
18. Resolution [2017-457](#): Reappoint Kyle Fisher to the Visitor's Committee for an additional term commencing January 1, 2018 through December 31, 2021. Fred Uhe, Tourism Director
19. [Permission to request disbursement requisition 3](#) of Sarpy County Safekeeping Account 2017 (Road Construction Bonds) funds for billing from Charles Vrana Construction for Project C-77(01-2) 72nd St Platteview Road to Capehart Road for Grading, Culvert & Paving costs in the amount of \$217,956.18. Brian Hanson, Fiscal Administrator
20. [Permission to request disbursement requisition 1 and 2](#) of Sarpy County Safekeeping Account 2017 (Road Construction Bonds) funds for billing from Olsson Associates for Project C-77(09-1) Harrison Street 147th Street to 157th Street for Public Outreach in the amount of \$1764.87 and for Testing in the amount of \$244.42. Brian Hanson, Fiscal Administrator
- *21. *Resolution [2017-458](#): Funding Agreement for construction of the Highway Grade Separation BNSF Railway Company Capehart Road, between Sarpy County, Burlington Northern Santa Fe Railroad and the Nebraska Department of Transportation (NDOT). Denny Wilson, Engineer* **MOVED TO REGULAR**
22. Resolution [2017-459](#): Sewer Connection and Wastewater Service Agreement with Sanitary and Improvement District (SID) 316, North Shore Commercial development. Nicole Spitzenberger, Deputy County Attorney
23. Resolution [2017-460](#): Memorandum of Understanding (MOU) with the Fraternal Order of Police (FOP), Sarpy Lodge No.3, Law Enforcement – Non-sworn regarding the removal of recognition of the house arrest/work release technician position from the 2015-2018 FOP Non-sworn Collective Bargaining Agreement. Scott Bovick, Deputy County Administrator

MOTION: Warren moved, seconded by Zuger, to approve the Consent Agenda as amended with the removal of item 21. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

REGULAR AGENDA

- *21. Resolution [2017-458](#): Funding Agreement for construction of the Highway Grade Separation BNSF Railway Company Capehart Road, between Sarpy County, Burlington Northern Santa Fe Railroad and the Nebraska Department of Transportation (NDOT).
Denny Wilson, Engineer

MOTION: Warren moved, seconded by Zuger, to table item 21 until January 9, 2018. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

24. Public Hearing and Resolution [2017-461](#): Sarpy County Subdivision Regulations. Bruce Fountain, Planning Director

MOTION: After a public hearing, Warren resolved, seconded by Thompson, to approve the resolution for the proposed amendments to the Subdivision Regulations, Text Amendments including Section 10 - Minimum Design Standards, attached to the resolution as Exhibit "A" and further to adopt the amended Subdivision Regulations attached to the resolution as Exhibit "B", effective date shall be December 12, 2017. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

25. Public Hearing and Resolution [2017-462](#): Alan Hans; Change of Zone from AG, Agricultural District to RE2, Residential Estates II District (River Ranch); Northwest of Highway 50 and Riha Road. Bruce Fountain, Planning Director

MOTION: After a public hearing, Thompson resolved, seconded by Kelly, to approve the resolution for the Change of Zone for the property legally described as: Tax Lot T2, a tax lot located in the NW¼ of Section 11, together with Tax Lot P3A a tax lot located in the SW¼ of said Section 11, also together with Tax Lot 13A, a tax lot located in the SE¼ of Section 10, all located in Township 12 North, Range 11 East, of the 6th P.M., Sarpy County, NE. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

26. Public Hearing and Resolution [2017-463](#): Alan Hans; Preliminary Plat of a subdivision to be known as River Ranch, Lots 1-9 and Outlot A; Northwest of Highway 50 and Riha Road. Bruce Fountain, Planning Director

MOTION: After a public hearing, Thompson resolved, seconded by Kelly, to approve the resolution for the Preliminary Plat for the property legally described as: Tax Lot T2, a tax lot located in the NW¼ of Section 11, together with Tax Lot P3A a tax lot located in the SW¼ of said Section 11, also together with Tax Lot 13A, a tax lot located in the SE¼ of Section 10, all located in Township 12 North, Range 11 East, of the 6th P.M., Sarpy County, NE. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

27. Public Hearing and Resolution [2017-464](#): Richland Homes, LLC; Final Plat of a subdivision to be known as Hills of Aspen Creek (formerly known as Aspen Falls); Lots 1 - 472 and Outlots A - O; Northwest of 180th Street and Cornhusker Road. Donna Lynam, Assistant Planning Director

MOTION: After a public hearing, Warren resolved, seconded by Zuger, to approve the resolution for the Final Plat for the property legally described as: Tax Lots 1A1 and Tax Lot 1A2 located in the Southeast Quarter of Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska, together with Tax Lot 6 located in the South Half of the Northeast Quarter of Section 20, Township 14N, Range 11E of the 6th P.M., Sarpy County, Nebraska. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

Chairman Kelly requested item 30 be moved and addressed after item 27.

- *30. Resolution [2017-467](#): Subdivision Agreement between Sarpy County, Richland Homes, LLC and Sanitary and Improvement District (SID) 333, Hills of Aspen Creek, Lots 1 - 472, Outlots A – O. Nicole Spitzenberger, Deputy County Attorney

MOTION: Thompson resolved, seconded by Warren, to approve the resolution for the Residential Subdivision Agreement (Public Financing Utilized) which governs the development of the Hills of Aspen Creek Subdivision, Lots 1-472, Outlots A-O, generally located at the northwest corner of 180th Street and Cornhusker Road. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

28. Resolution [2017-465](#): Legislative Services Agreement for lobbying services with Catalyst Public Affairs Group for a period beginning January 1, 2018 until December 31, 2020. Dan Hoins, County Administrator

MOTION: Zuger resolved, seconded by Thompson, to approve the resolution for the letter constituting an agreement for state governmental services in Nebraska for a three (3) year term commencing January 1, 2018 through December 31, 2020 to support, oppose and monitor any legislative, administrative or regulatory activity related to any issues identified by or potentially affecting Sarpy County. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

29. Resolution [2017-466](#): Quit Claim Deed regarding county interests in a former portion of Capehart Road near 48th Street. Denny Wilson, Engineer

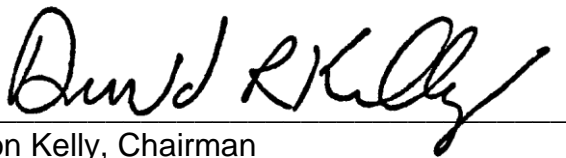
MOTION: Warren resolved, seconded by Zuger, to approve the resolution for the Quit Claim Deed of its interest in the portion of discontinued roadway to Boyer Young Development Company, the adjacent landowner at no cost to the County for the property legally described as: a tract of land located in part of tax lot 14, a tax lot located in part of the NW¹/₄ of the NW¹/₄ of Section 08, Township 13 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

31. Resolution [2017-468](#): Authorize Board Chairman and County Clerk to Act on Behalf of the Board. Don Kelly, Chairman

MOTION: Mixan resolved, seconded by Zuger, to approve the resolution which states that the Sarpy County Board of Commissioners shall adjourn after its last regularly scheduled meeting for calendar year 2017 on December 12, 2017 and said Board shall not meet again in a regularly scheduled meeting until January 9, 2018, and pursuant to the statutory authority of this Board, between December 12, 2017 and January 9, 2018, the Chairman of the Sarpy County Board of Commissioners and the Sarpy County Clerk are hereby authorized to prepare claims and issue warrants for the following expenditures, as this Board has previously approved such expenditures through budget approval, approval of contracts, and related processes: 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 5) expenses associated with jurors of the various courts and attorney fees and expenses ordered by a judge in the usual and ordinary manner and 6) payments that are in accordance with Sarpy County's current Written Standards of Eligibility and Assistance for General Assistance for the Poor. The aforementioned individuals have no authority to conduct County business beyond that stated above. Payments pursuant to paragraphs 1 through 4 above of this Resolution may only be made in those instances when required by law or enforceable contractual obligations to be made during the effective dates of this Resolution. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.

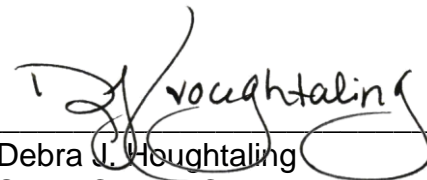
32. Adjournment.

MOTION: At 4:18 P.M. Thompson moved, seconded by Mixan, to adjourn until January 9, 2018. Ayes: Kelly, Thompson, Zuger, Mixan & Warren. Nays: None.



Don Kelly, Chairman
Sarpy County Board of Commissioners

Attest:



Debra J. Houghtaling
Sarpy County Clerk