

August 22, 2005

MINUTES OF MEETING
BOARD OF ADJUSTMENT OF SARPY COUNTY, NEBRASKA

A meeting of the Board of Adjustment of Sarpy County, Nebraska was convened in open and public session at the call of Chairman Benash at 7:04 P.M. on August 22, 2005 at the Courthouse in Papillion, Nebraska. Present: Gene Benash, Sharon Hansen, David Fanslau, Gene Mackey and Alan Berns. Kendra Koehler represented the County Clerk's office and Planning & Building Coordinator, Ken Tex was present.

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 August 17, 2005, 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 Adjustment of Sarpy County, Nebraska. Availability of the agenda was communicated in the published notice and in the notice to members of the Board of Adjustment of this meeting. All proceedings were taken while the convened meeting was open to the attendance of the public.

Roll call attendance was taken.

Benash moved, seconded by Hansen, to approve the minutes of the July 25, 2005 meeting as submitted. Ayes: Benash, Hansen, Fanslau, Mackey & Berns. Nays: None.

Hansen advised the Board that Mr. Steve Reeder had contacted her on two separate occasions to discuss the case and she advised him that she would not be able to participate in any discussion outside the Board of Adjustment meeting.

Stephen Mossman, attorney representing Waste Connections of Nebraska, Inc. dba Papillion Sanitation and Commerce Business Centre, LLC, appeared before the board to appeal the determination made by Ken Tex, Planning and Building Coordinator for Sarpy County for the use of the property in the Light Industrial Zoning District (IL), Section 28. (Sarpy County Zoning Regulations).

Scott Blanford, Waste Connections District Manager, presented a video and information regarding Waste Connections.

Stever Reeder, Commerce Business Centre, presented information regarding the proposed facility.

Ken Tex, Planning and Building Coordinator, approached the Board to answer questions.

Tom Dowd, attorney representing Sarpy County, addressed the issue before the Board.

Mike Smith, Sarpy County Deputy Attorney, representing Ken Tex, addressed the Board.

Discussion followed.

Benash moved to approve the application appealing the decision made by Planning and Building. Benash withdrew the motion.

Discussion followed.

Hansen moved, seconded by Fanslau, that the Planning and Building Coordinator did not err when he denied the permit per the letter dated June 30, 2005, because this request was a different application as far as location was concerned compared to the application that was submitted the year before. Ayes: Benash, Hansen, Fanslau. Nays: Berns & Mackey. MOTION PASSED.

Discussion followed.

Berns moved, seconded by Mackey, that the application of Waste Connections of Nebraska be approved for a solid waste transfer station, situated on Lot 3 of the Commerce Business Centre situated in Sarpy County, subject to an operating plan detailing such elements but not limited to the traffic in the back to the area and final approval of the plans by Sarpy County. Ayes: Benash, Berns, Mackey. Nays: Hansen & Fanslau. MOTION FAILED pursuant to Sarpy County Zoning Ordinance, Section 42.2.6.

At 8:45 P.M. Benash moved, seconded by Fanslau to adjourn. Ayes: Benash, Hansen, Fanslau, Mackey & Berns. Nays: None.

ATTEST: Board of Adjustment Secretary

Gene Benash, Chairman