

October 16, 2000

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 7:30 P.M. on October 16, 2000 at the Courthouse in Papillion, Nebraska. Present: Gene Benash, Marcia Matthies, Becky Crofoot, Gene Mackey and Doug Hill. Planning & Building Coordinator Ken Tex represented his office and Renee Lansman was Secretary.

Notice of the meeting was given in advance thereto by publication in the Bellevue Leader on October 11, 2000, 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. All Board members present.

Matthies moved, seconded by Hill, to approve the minutes of the September 11, 2000 meeting as submitted. Ayes: Benash, Crofoot, Matthies, Mackey & Hill. Nays: None.

Steve Oltmans, General Manager, Papio-Missouri River Natural Resource District, introduced himself and explained the purpose of this hearing. A packet of information was distributed to the Board. Steve informed the board that a problem has arisen with the Western Sarpy-Clear Creek Flood Protection and Environmental Restoration Project. The purpose of this project is to provide comprehensive resource management in the Platte River Basin and will aid flood control efforts and fortify the existing system of levees while restoring wetlands in the area. The NRD is requesting the Board of Adjustment adopt a resolution to grant future variances to specific owners of improved property located riverward of these levees because of exceptional and undue hardship which will occur with said project.

Oltmans discussed the 1993 flood in Sarpy County that ravaged the Lower Platte River Basin near Gretna and Ashland causing more than \$9 million in damage to roads, bridges, railroads, farmlands, levees, homes and businesses. Flooding closed Interstate 80, State Highway 6, the Burlington Northern Santa Fe Railroad (Amtrak), the National Guard's Camp Ashland and came close to breaching the pipelines that supply water to the City of Lincoln.

To strengthen the existing levee system and provide greater protection for infrastructure adjacent to the Platte River, the U.S. Army Corps of Engineers studied the Lower Platte River for opportunities to control flooding, update flood control maps, restore the environment and implement other beneficial projects. The project will rebuild levees on both sides of the Platte River to 50-year flood protection. All levees will be reinforced and the 50-year flood protection will reduce damage to infrastructure and agricultural interests while not allowing additional homes to develop in the floodway. The projected increases in the base flood elevation resulting from the Project range from 0.4 feet to 0.9 feet in the vicinity of the affected structures.

Marlin Petermann, Assistant General Manager/NRD, introduced himself to the board. He informed the Board that in order to be in compliance with FEMA (Federal Emergency Management Agency) Standards they must have Sarpy County approval. He presented a map with the location of the homes affected within Sarpy and Saunders Counties. The homes in Sarpy County are mostly located between Fairview Road and Schram Road for about a 2 mile reach. Mr. Petermann referred to a letter from FEMA that discussed their approval being based on the structures being mitigated and their options included removal, demolition, relocation and elevation of the impacted structures. The NRD intends to buy out as many properties as possible and elevate only the remaining structures.

Chairman Benash stated that Sarpy County does not allow elevation in the floodway. Mr. Petermann stated that this is exactly the reason they were appearing today to ask the Board of Adjustment to adopt a resolution stating an undue hardship for the specific property owners that will remain in this area. The property owners will then need to apply for a variance through the Board of Adjustment which will allow their specific structures to be elevated within the floodway. The Building Mitigation Procedure was discussed and a three year plan laid out. Petermann did state that further information on specific properties will be determined later after the exact elevations have been determined and further studies have been completed.

Boardmember Mackey asked "How much will the properties need to be raised?" Petermann said that some are very near the 100-year flood level but most will need to be raised 2 to 3 feet.

After further discussion Planning & Building Coordinator Ken Tex informed the Board that each property owner would still be required to come and make application for a variance with the Board of Adjustment. A list of each owner/tenant was provided the Board by the NRD and several of the property owners were present for this meeting.

Further discussion was held. Boardmember Matthies asked about a specific brick home that is located within this area and how it would be elevated. Petermann stated that they weren't sure at this point if that particular home would need to be elevated - it might be high enough already but further studies still needed to be made. Boardmember Crofoot asked about the 1993 Flood and how much money went into repairing these homes at that time. The NRD was unable to provide specific dollar amounts at this time. Matthies asked about the bridges in the floodway

and Petermann stated that this project will help with the ice jams and improve the water flow saving some of the overflow bridges and improving the overall process.

Crofoot asked what would happen if Sarpy County did not allow the said variance to these property owners. Petermann said the homes would have to be moved out of the area or this project will not continue. Chairman Benash complimented the NRD and stated that this is the first thing in five years that makes sense (as far as the flood project process goes).

Steve Oltmans thanked the Board for their time.

Chairman Benash opened the floor to public comment.

Wally Smith (Property Owner) appeared and stated his support for this project. He said that their ground is worth nothing to them without their summer homes.

Ken Tex read the NRD's suggested resolution into the record which is as follows:

BE IT RESOLVED by the Board of Adjustment of Sarpy County that, because of exceptional and undue hardship, the owners of improved properties located riverward of the levees in Sections 4, 5, 8, and 9 of Township 13 North, Range 10 East, Sarpy County, Nebraska, which the U.S. Army Corps of Engineers finally determines are affected by increases in base flood elevations resulting from implementation of the Western Sarpy-Clear Creek Flood Protection and Environmental Restoration Project, shall, upon application of such owners, be granted variances permitting elevation of such structures above the base flood elevation.

Ryan Hruska appeared before the Board to state that he, as a cabin and landowner, supports the elevation. He did have some concern that if after this resolution is passed could they still be turned down for a variance for this project in the future? Ken Tex addressed this question. After the Board of Adjustment passes this resolution granting the elevation in this area Planning & Building will be allowed to issue the required permit after application has been made to the Board of Adjustment.

Boardmember Doug Hill stated that the emphasis needed to be made on the Hardship...a true hardship for these property owners.

Kim Hawkins appeared before this Board and had concern about which properties EXACTLY were covered in this project. He has one property on this list and one that is not. He feels the legals should be all encompassing. The NRD's Attorney Paul Peters concluded that the section of the resolution that stated "Section 4, 5, 8 and 9 of Township 13 North, Range 10 East" could be removed in order to cover all properties located riverward of said levees.

Matthies moved to adopt the resolution presented to the Board of Adjustment as stated above with the removal of the section stating "in Sections 4, 5, 8, and 9 of Township 13 North, Range 10 East"

Darrell Rhoades addressed the Board with his concerns about certain properties that are OUTSIDE this area but will still be affected by the project. Oltmans clarified that properties outside this area will not be affected unless they fall in the Right-Of-Way and those will have to be negotiated after it has been decided that a property is in the way of the levy line.

Returning to Matthies motion, Hill seconded, to adopt the resolution presented to the Board of Adjustment as stated above with the removal of the section stating "in Sections 4, 5, 8, and 9 of Township 13 North, Range 10 East". Ayes: Benash, Crofoot, Matthies, Mackey & Hill. Nays: None.

Boardmember Crofoot stressed the importance of the property owners understanding that this is for ELEVATION only.

Steve Oltmans again thanked the Board for their cooperation.

Discussion was held on regular meeting dates. Board of Adjustment meetings will now be held on the THIRD Monday of every month. If an application has not been filed there will be no publication of meeting or meeting.

At 8:33 P.M. Matthies moved, seconded by Hill. to adjourn. Ayes: Benash, Crofoot, Matthies, Mackey & Hill. Nays: None.

ATTEST: Recording Secretary

Gene Benash, Chairman