

**SARPY COUNTY**  
**Department of Planning & Building**  
Sarpy County Courthouse Annex  
1261 Golden Gate Drive, Suite 2E  
Papillion, Nebraska 68046  
Phone (402) 593-2156 - Fax (402) 593-4335  
Ken Tex, Planning & Zoning Coordinator

**July 21, 2004**

**Sarpy County Board of Commissioners**  
**Sarpy County Courthouse**  
**1210 Golden Gate Drive**  
**Papillion, Nebraska 68046**

To The Sarpy County Board of Commissioners:

The Sarpy County Planning Commission held its regular monthly meeting on Wednesday, July 21, 2004 in the County Board Room at the Sarpy County Courthouse, Papillion, Nebraska. Vice-Chairman Wees called the meeting to order at 7:00 p.m. with the following members present: Brenda Kunz, Don Fenster, Wayne LaBart, Marcia Matthies, Don Meyer and Tom Wees. Absent was David Fanslau, Tom Hurley, Alan Wear and Doug Whitfield. Tamra Madsen, Deputy County Attorney was present. Also present were Ken Tex, Planning & Building Coordinator and Cindy Gilbert, Recording Secretary.

Vice-Chairman Wees asked for commissioner reports. There were none.

Tamra Madsen, Ken Tex and Cindy Gilbert were introduced as Deputy County Attorney, Planning & Building Coordinator and Planning Secretary, respectively.

< *Vice-Chairman Wees asked for a motion to approve the agenda as submitted. Matthies moved, seconded by LaBart to approve the agenda as submitted. Ballot: Ayes - Fenster, Kunz, LaBart, Matthies, Meyer and Wees. Nays - none. Abstain - none. Absent - Fanslau, Hurley, Wear and Whitfield. Motion carried.*

< *Vice-Chairman Wees asked for a motion to approve the minutes of the June 16, 2004 meeting. Fenster moved, seconded by Matthies to approve the minutes as submitted. Ballot: Ayes - Fenster, Kunz, LaBart, Matthies, Meyer and Wees. Nays - none. Abstain - none. Absent - Fanslau, Hurley, Wear and Whitfield. Motion carried.*

**I. CONSENT AGENDA ITEMS:**

None.

**II. REGULAR AGENDA ITEMS:**

**1. Schewe Farms, Inc. (with E & A Consulting Group), 12289 Stratford Drive, Olive, IA requests approval of a Final Plat for a subdivision to be known as Palisades on the following described property, to wit: Being a platting of part of the SE1/4 of Sec 21, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (168<sup>th</sup> & Cornhusker)**

Mark Westergard, E & A Consulting, Engineer for the Palisades, stated they were looking for final approval for this subdivision. He noted the location as being on the northwest corner of 168<sup>th</sup> and Cornhusker Road. He indicated it conforms to the Preliminary Plat with the minor change that pedestrian access has been improved within the subdivision. He also noted that the open creeks and draws will be preserved. The western boundary was originally shown as an easement and has since been changed to an outlot. All 50' wide lots have been eliminated. The preliminary plat showed 441 lots; the final will have 431 lots. The commercial acreage remains the same at 9.2 acres. They have set aside \$300,000

to spend in road improvements however the County Highway Department sees fit.

Ron Hunter, Attorney, stated his opinion that there is too much commercial in that area already. There are six different areas from Harrison Street south to Highway 370. It causes too much additional traffic and the County does not have enough money to build roads as needed. He feels the widening of 168<sup>th</sup> Street should be put into a subdivision agreement for the Palisades.

Larry Forman, Attorney representing S.I.D. #230, requested that the zone change be put back to a BN (Neighborhood Business) zoning so that a convenience store can't go there. He also noted that the houses in Cinnamon Acres would sit lower than the commercial area across the street in this subdivision. He asked that the County not penalize their own residents for what an Iowa owner wants.

Tim Goodman, resident of Ballena, stated he had spoken to Ken Tex and learned that landscaping is required. He would like to see a landscaped berm along 168<sup>th</sup> Street. He also indicated that there was supposed to be a sidewalk around the subdivision and was curious to know who was going to pay for it if it infringed on the right-of-way.

Ken Tex noted that the sidewalk would be constructed within the subdivision and that county taxpayers would not be footing the bill. It would be the subdivisions responsibility.

Randy Folkerts, resident of Cinnamon Acres, indicated there is a culvert that comes under the road in to Cinnamon Acres. The recent rains have caused enough water across the street in Cinnamon Acres to flood a basement. He wants to make sure that the Palisades subdivision will not divert any more water through that culvert so that additional flooding does not occur.

Jim Griger, area resident, is concerned that, with the grading taking place, it is creating dust storms that cause problems with traffic on Cornhusker Road.

Mark Westergard, in his rebuttal, said they will make an effort to keep the dust down as much as possible. He also said that according to regulations, the subdivision is not allowed to divert more water than it already does and with the retention pond, it should help some of that problem. But, at the same time, he can only concentrate on the area in which this subdivision lies, not the area across the street. In addition, he commented that they would comply with the current landscaping regulations and would consider berms in some areas. Mr. Westergard went on to explain that the zoning had already been approved and a site plan would be sent to the Planning Department for prior approval for a BG (General Business) zoning.

\*Public Hearing Closed at 7:38 p.m.\*

After a brief discussion,

< *Fenster moved, seconded by Matthies to recommend approval of a Final Plat for a subdivision to be known as Palisades as it meets the subdivision regulations. Ballot: Ayes - Fenster, Kunz,*

*LaBart, Matthies, Meyer and Wees. Nays - none. Abstain - none. Absent - Fanslau, Hurley, Wear and Whitfield. Motion carried.*

**2. Graves Development Resources, 11920 Burt St., Omaha requests approval of a Final Plat for a subdivision to be known as Bellbrook on the following described property, to wit: Being a platting of the NE1/4 and the E1/2 of the NW1/4 of Sec 18, Twp 14N, Rng 11E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (192<sup>nd</sup> & Harrison)**

Bob Dean, RD Engineering, stated this is the first phase of the final plat. This phase will be about 91 acres on the eastern portion of the plat. It conforms to the preliminary with one minor exception, and that is a street was moved to accommodate the 20' landscape buffer. One of the lots is a multi-family area. Overall, this first phase represents about 40% of the development. They will be meeting with Tom Lynam to form an interlocal agreement for road improvements and another meeting with Tom Lynam and

Douglas County/City of Omaha for road improvements on Harrison Street.

\*Public Hearing Close at 7:47 p.m.\*

The question was posed to Ken Tex asking why the main street through this subdivision did not match the street names in the subdivisions adjacent to it.

Ken Tex explained that this subdivision was somewhat unique in its layout and felt, since the main street through the subdivision curved through the subdivision, it was better to have its own name.

With no further discussion,

< *LaBart moved, seconded by Kunz to recommend approval for the final plat of a subdivision to be known as Bellbrook as it meets the subdivision regulations. Ballot: Ayes - Fenster, Kunz, LaBart, Matthies, Meyer and Wees. Nays - none. Abstain - none. Absent - Fanslau, Hurley, Wear and Whitfield. Motion carried.*

3. **The City Of Omaha, 1819 Farnam, Omaha, requests approval of a Special Use Permit to operate and expand current yardwaste composting facility, expansion to use as fill soil from EPA/City of Omaha lead cleanup project on the following described property, to wit: A tract of land in Sec. 19, Twp 13N, Rng 14E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska. (Papillion Creek WWTP, 15705 Harlan Lewis Road, Bellevue) (Tabled from June 16 meeting)**

Norm Jackman, Acting Public Works Director, introduced Bob Sink, Gordon Andersen, Bob Feild, Bryant Burnett and Steve Kemp. He explained that the compost facility is currently on a 10-year permit. It serves the metro area. They are now asking for another permit to expand that operation. They need to expand the area to reduce what flows into the Missouri River. They intend to move the compost pad on the property adjacent to the current location. They will need fill material for the site, so the leaded soil would be used as fill.

Bob Feild, United States Environmental Protection Agency, stated that this pad needs the fill. The lead is only hazardous to children under the age of six years. It does not pose a hazard in a fill site. There will be a clay barrier. The fill will be brought in and built up to grade. It will slope back into the retention pond. It is far more protected here than in the landfills currently being used to dump the leaded soil. Lead is not mobile. It cannot leach into the ground. He stated it's a pretty simple process. They have done multiple analysis tests on every yard they have removed the leaded soil from and none of them have reached the hazard level according to EPA regulations.

Tamra Madsen, Deputy County Attorney, was asked how she felt about this situation. She indicated the EPA is highly regulated and feels confident there is no problems with proceeding.

Bryant Burnett stated that this beneficial fill is only hazardous to children under the age of six who ingest it. They aren't even moving the soil from industrial sites because of the low risk of children being in those areas. In some instances, the soil can be treated where it sits, instead of hauling it away.

Steve Kemp, Nebraska Department of Environmental Quality, indicated he has reviewed the concept, not the detailed plans. He agrees the beneficial fill is more appropriate in this situation. He felt the EPA would be very protective and will provide a liner and a cap to ensure that protection. He stated the NDEQ supports the EPA in this project.

Ken Tex, when asked, said the interlocal agreement isn't really a concern here. It will be worked out between the city attorney, county attorney and the Board of Commissioners.

Mr. Burnett added that the dust from the truck traffic will be monitored and kept to a minimum.

Gordon Andersen stated the average number of trucks coming to the site is 25 a day. This number will

increase up to 40 a day with the beneficial fill coming in.

Duwayne Brigman, Sarpy County Environmental Control Officer, had said they originally anticipated 120 trucks and that has been reduced by 50%. He also noted he does a site inspection every three months. He also supports this project.

It was also noted that this site will hold approximately 30% to 40% of all the leaded soil that is being taken out of the yards in Omaha.

\*Public Hearing Closed at 8:42 p.m.\*

< *Fenster moved, seconded by LaBart to recommend approval of the Special Use Permit to operate a composting facility for a period of ten years. Ballot: Ayes - Fenster, Kunz, LaBart, Matthies, Meyer and Wees. Nays - none. Abstain - none. Absent - Fanslau, Hurley, Wear and Whitfield. Motion carried.*

### **III. CORRESPONDENCE:**

Tamra Madsen, Deputy County Attorney, told the Planning Commissioners the County Board had approved all recommendations with the exception that the contract for consulting services had been tabled for two weeks. She handed them a copy of the revised proposal.

Tom Wees and Don Meyer both indicated they feel the need to be kept fully abreast of what is going on with the consultant's contract.

### **IV. ADJOURNMENT:**

< *Being no further discussion, Kunz moved, seconded by Meyer to adjourn the meeting. By a unanimous oral vote, Vice-Chairman Wees declared the meeting adjourned at 8:54 p.m.*

Respectfully Submitted,

Sarpy County Planning Commission  
Tom Wees, Vice-Chairman  
Cindy Gilbert, Recording Secretary