
MINUTES OF MEETING

BOARD OF APPEALS MONDAY, SEPTEMBER 18, 2023 @ 5:00 PM

The Board of Appeals met in open and public session in the City Council Chambers located in City Hall, 122 E Third St, Papillion, NE 68046, on September 18, 2023, at 5:00 PM. Mayor Black called the meeting to order. City Clerk Nicole Brown called the roll. Present were Board Members Brian Akert, Ethan Brown, Jim Hrabik, Bob Lapke, and Michael Tiedeman. Also present were City Administrator Amber Powers, City Attorney Nicole Hutter, and Chief Building Official Brad Sojka.

Mayor Black led those present in the Pledge of Allegiance.

Affidavit of Publication: Notice of the meeting was given in the Omaha World-Herald, a designated method of giving notice. A copy is available in the office of the City Clerk. Incorporated herein by references as if fully set out herein is the audio recording of the Board meeting.

Public announcement that a current copy of the Open Meetings Act is posted in the City Council Chambers.

APPROVAL OF THE AGENDA AS PRESENTED: Motion to approve the agenda as presented by Board Member Hrabik, second by Board Member Brown. There was no board discussion. Upon roll call vote, Akert, Hrabik, Lapke, and Tiedeman voted yes. Voting no: Brown. Motion passed.

OVERVIEW OF THE BOARD OF APPEALS: Mayor Black provided a brief background on the Papillion Property Maintenance Code and the creation of the Board of Appeals. He then explained the roles various boards, commissions, and committees of the City.

Board Member Hrabik asked if the Board members could ever be held liable if they overruled a decision made by the City. Mayor Black stated no. Board Member Tiedeman asked if the Board would be setting precedent when overturning the City's decision. Mayor Black stated no, as each case is an individual and unique case, and that no City rules or regulations would be changed as a result.

OVERVIEW OF OPEN MEETING LAWS: Ms. Hutter briefly explained the Nebraska Open Meetings Act and the Open Meeting Laws that govern the Board of Appeals.

OVERVIEW OF PURPOSE AND INTENT OF THE PAPILLION PROPERTY MAINTENANCE CODE: Mr. Sojka explained the Papillion Property Maintenance Code and its purpose and intent.

OVERVIEW OF STAFF AND BOARD ROLES: Mayor Black explained the roles of City Staff and the Board Members with regard to the Board's operation.

ELECTION OF CHAIRPERSON: Motion to open nominations for Chairperson by Board Member Tiedeman, second by Board Member Hrabik. Upon roll call vote, Akert, Brown, Hrabik, Lapke, and Tiedeman voted yes. Voting no: none. Motion passed.

Board Member Brown nominated Board Member Hrabik. There were no other nominations.

Motion to close nominations for Chairperson by Board Member Tiedeman, second by Board Member Lapke. Upon roll call vote, Akert, Brown, Hrabik, Lapke, and Tiedeman voted yes. Voting no: none. Motion passed.

Motion to approve Board Member Hrabik as Chairperson by Board Member Lapke, second by Board Member Tiedeman. Upon roll call vote, Akert, Brown, Hrabik, Lapke, and Tiedeman voted yes. Voting no: none. Motion passed.

ELECTION OF VICE-CHAIRPERSON: Motion to open nominations for Vice-Chairperson by Board Member Akert, second by Board Member Brown. Upon roll call vote, Akert, Brown, Hrabik, Lapke, and Tiedeman voted yes. Voting no: none. Motion passed.

Board Member Brown nominated Board Member Tiedeman. There were no other nominations.

Motion to close nominations for Vice-Chairperson by Board Member Lapke, second by Board Member Brown. Upon roll call vote, Akert, Brown, Hrabik, Lapke, and Tiedeman voted yes. Voting no: none. Motion passed.

Motion to approve Board Member Tiedeman as Vice-Chairperson by Board Member Hrabik, second by Board Member Brown. Upon roll call vote, Akert, Brown, Hrabik, Lapke, and Tiedeman voted yes. Voting no: none. Motion passed.

APPROVAL OF BYLAWS: Mayor Black explained that the Bylaws were distributed late and could be approved at a subsequent meeting if the Board chooses. Ms. Hutter briefly explained the Bylaws and stated that if there were an appeal of the Board's decision, that would be made to the District Court. Chairperson Hrabik asked if the Chairperson or Vice-Chairperson would have to appear in court. Ms. Hutter explained that they would have the option to appear and that the decision would be discussed between the Board and the Board's appointed counsel, who would represent the Board's interest at any appeal in court.

Vice-Chairperson Tiedeman asked for the definition of an interested party is, as listed in Section 4(B) of the Bylaws. Ms. Hutter explained who could be considered an interested party.

Vice-Chairperson Tiedeman stated that he thinks it is important to approve the Bylaws tonight so the Board may conduct business, and that amendments could be made at a later time if necessary.

Motion to approve the Bylaws as presented by Vice-Chairperson Tiedeman, second by Board Member Akert. Upon roll call vote, Akert, Brown, Hrabik, Lapke, and Tiedeman voted yes. Voting no: none. Motion passed.

OTHER BUSINESS: None.

ADJOURNMENT: Motion to adjourn by Board Member Brown, second by Chairperson Hrabik. Upon roll call vote, Akert, Brown, Hrabik, Lapke, and Tiedeman voted yes. Voting no: none. Motion passed. Meeting adjourned at 6:12 PM.

Chairperson Jim Hrabik