

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 17, 2017 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – SADOFF ELECTRONICS RECYCLING LOT 1, PAPIO VALLEY BUSINESS PARK REPLAT 1 (120 TH & CARY CIRCLE)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit to locate and operate a computer electronics recycling center on Lot 1, Papio Valley Business Park Replat 1, generally located west of 120th Street and Cary Circle.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by Sadoff E-Recycling and Data Destruction for a Conditional Use Permit to locate and operate a computer electronics recycling center on Lot 1, Papio Valley Business Park Replat 1. The property is zoned I-2 Heavy Industrial; a computer electronics recycling center is listed in the I-2 District as a conditional use. The applicant proposes to operate a recycling center in an existing 18,932 sq. ft. building located near the cul-de-sac of Cary Circle, west of 120th Street.

A detailed staff report is attached.

The Planning Commission held a public hearing on September 21, 2017, and voted unanimously to recommend approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

RESOLUTION NO. 17-__

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR CARY CIRCLE LP TO OPERATE A COMPUTER ELECTRONICS RECYCLING CENTER LOT 1, PAPIO VALLEY BUSINESS PARK REPLAT 1.

WHEREAS, Cary Circle LP has applied for approval of a conditional use permit for a computer electronics recycling center on Lot 1, Papio Valley Business Park Replat 1, located west of 120th Street on Cary Circle; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Cary Circle LP to operate a computer electronics recycling center on Lot 1, Papio Valley Business Park Replat 1.

PASSED AND APPROVED THIS 17TH DAY OF OCTOBER, 2017.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: PCUP-17-0005

FOR HEARING OF: October 17, 2017
REPORT PREPARED ON: October 11, 2017

I. GENERAL INFORMATION

- A. APPLICANT:** Sadoff E-Recycling and & Data Destruction
- B. PROPERTY OWNER:** Cary Circle LP
- C. LOCATION:** 12034 Cary Circle
- D. LEGAL DESCRIPTION:** Lot 1 Papio Valley Business Park Replat 1
- E. REQUESTED ACTION(S):** Conditional Use Permit to operate a computer electronics recycling center.
- F. EXISTING ZONING AND LAND USE:**
I-2 Heavy Industrial, Gateway Corridor District (Overlay District); the property is an industrial flex building.
- G. PROPOSED USES:** The Conditional Use Permit (CUP) will allow the applicant to operate a computer electronics recycling center.
- H. SIZE OF SITE:** 1.21 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** The property was developed as an industrial flex building constructed in 2002. The topography of the property is relatively flat.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 1. **North:** Tax Lot 6C1 19-14-12; I-1 Light Industrial District with a Gateway Corridor District (Overlay District)
 2. **East:** Papio Valley I Business Park; I-2 Heavy Industrial District with a Gateway Corridor District (Overlay District)
 3. **South:** Papio Valley I Business Park; I-2 Heavy Industrial District with a Gateway Corridor District (Overlay District)
 4. **West:** Papio Valley I Business Park; I-2 Heavy Industrial District with a Gateway Corridor District (Overlay District)

C. RELEVANT CASE HISTORY:

N/A

D. APPLICABLE REGULATIONS:

1. Section 5.14 of the Zoning Regulations – I-2 Heavy Industrial District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Article 6 of the Zoning Regulations – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for industrial uses.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Access currently exists from two driveways onto Cary Circle.
2. As per the submitted Operational Statement traffic will be confined to 5 to 7 inbound/outbound truck loads weekly, along with passenger vehicles related to employees and guests to the facility.

D. UTILITIES: All utilities are available to the site.

E. PARKING REQUIREMENTS: The parking requirements would follow the minimum needed for industrial uses. Based on the size of the facility, 7 parking spaces would be required. The site plan depicts 32 parking stalls.

F. LANDSCAPING: Section 7.17 of the zoning ordinance requires the planting of 1 tree per 40 feet of street frontage. The site is already in conformance with this requirement.

IV. REVIEW COMMENTS:

1. The conditional use permit specifically requires the proposed use to be limited to the operations described within the Operational Statement (Exhibit B).
2. Condition “2d” of the conditional use permit specifically prohibits outdoor storage in conjunction with this use.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The Planning Commission held a public hearing on September 21, 2017 and unanimously voted to recommend approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

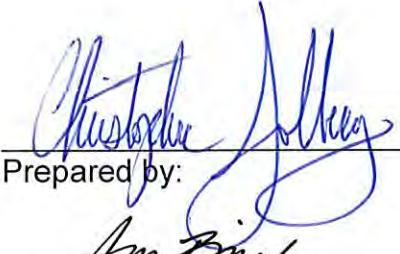
VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Applicant's Operational Statement
3. Staff Review Letters
4. Draft CUP

VIII. COPIES OF REPORT TO:

1. Jason Lasky – Sadoff E-Recycling & Data Destruction, Applicant
2. Bill Hall – Cary Circle LP, Property Owner
3. Public Upon Request

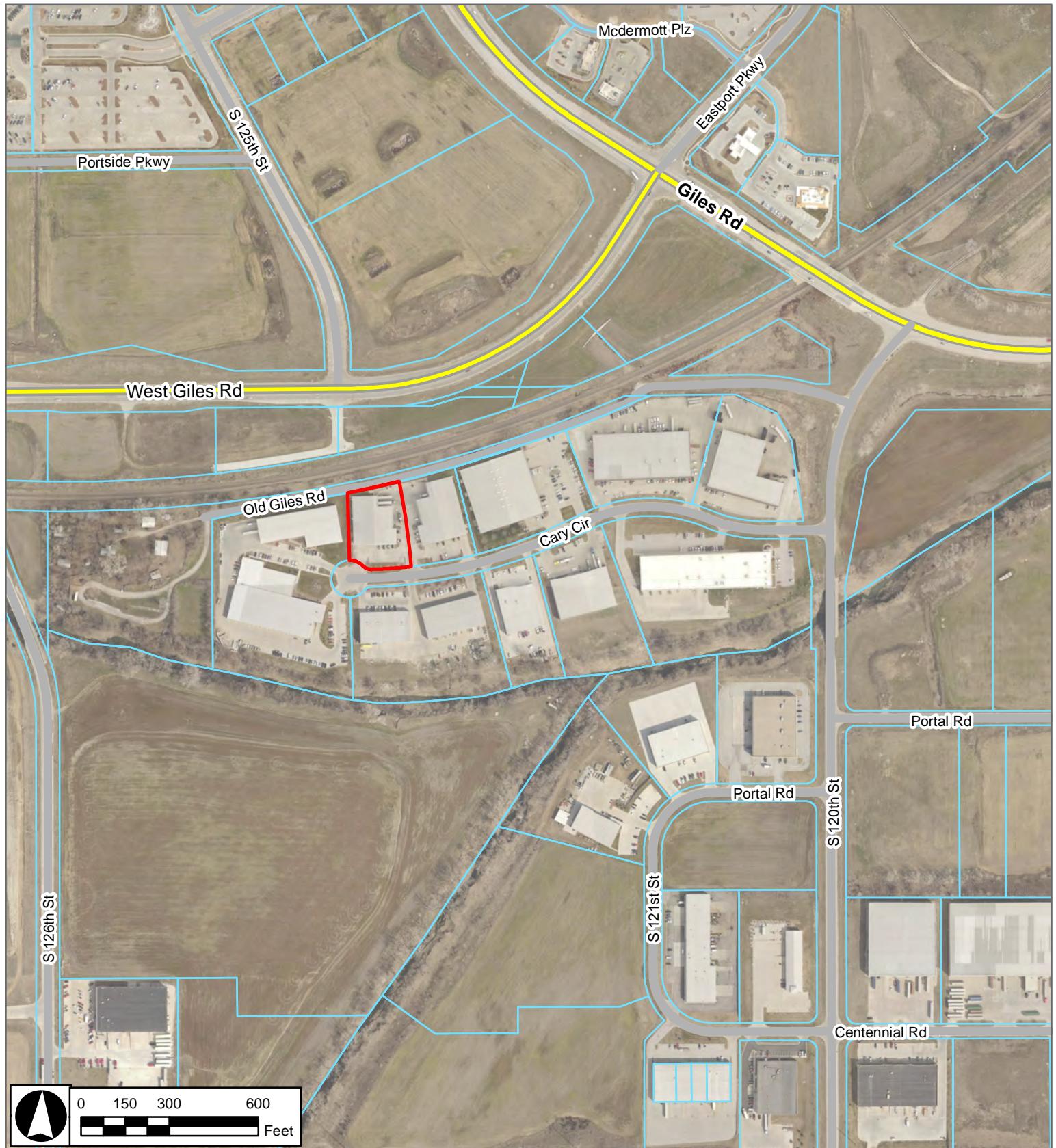
Prepared by:


Am Brey

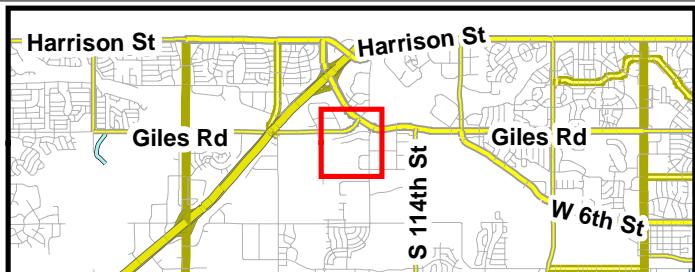
10-11-17

Date

Community Development Director



Project Vicinity Map



Lot 1 Papio Valley 1 Business Park Replat 1

8-24-2017

JMC





Business Overview:

1. Business Concept and Description:

Sadoff E-Recycling & Data Destruction (SEDD) is a subsidiary of Sadoff Iron and Metal Company. We provide our customers with a Safe/Secure and Environmentally sustainable recycling solutions for their End of Life Electronics (EOLE). Our new facility in Omaha will be dedicated to processing EOLE, this includes the dismantling of the electronic devices to separate the recyclable/resale materials. This site will also be dedicated to Secure Data destruction, the site will employ a state of the art Hard Drive shredder as well as other data destruction devices. All customer data that is sent to our facility will be destroyed. SEDD will set itself apart from others by shredding every hard drive that is sent to us. We will not resale any hard drive. This provides our customers with an added layer of protection that their data will never see the light of day once it is on our hands.

2. Prospect Facility Locations:

Site selection is being done utilizing a local real estate firm CBRE. We have identified a few sites that we feel will suit our business needs. The sites we have selected are zoned either General Industrial or Heavy Industrial.

12304 Cary Circle
La, Vista Nebraska 68128

4. Employment:

Our new facility will provide for employment of 4 staff in the beginning with the potential to add additional staff as our business grows. These positions will range from general laborer to electronic dismantling technicians as well as account representatives. These positions will enjoy a full benefit package including; Health, 401k, and personal time off.

4. Facility Utilization:

The new facility will incorporate a Warehouse, Dismantling, and Secure Data Destruction areas as well as office space for the facility manager and account representatives. – See Facility Site Plan

5. Client Base/Facility Traffic:

Our business model is a Business to Business model, there will be no retail or walk-in business at this site. Material will arrive and be shipped via 53' van trailers (Sadoff owned and common carrier) as well as utilizing a 26' secure Sadoff owned box truck with tommy liftgate. We anticipate truck traffic to our location to be light and estimate that we will have approximately 5 - 7 inbound/outbound truck loads weekly. We will be utilizing approximately 5-10 spaces for our employees/guests.

6. Days/Hours of Operation:

Our Facility will operate Monday thru Friday 8am – 5pm, with days off for holidays.

3. Services Offered:

- End of Life Electronics Recycling**

- We offer collection and logistics support, guaranteed data destruction and reporting. Our facilities operate to best industry and government standards and will be certified to R2 standards for Electronics Recycling

- Data Destruction**

- On-Site Data Destruction Services
 - Hard Drive Shredding
 - Data Erasure
 - Hard Drive Degaussing
 - Hard Drive Crushing
 - Lockable Bins for Hard Drive Storage
 - Tape Destruction
 - Bulk Data Destruction Services (At SEDD Facility)
 - Bulk Data Erasure
 - Bulk Hard Drive Shredding
 - Witnessed Destruction

- **Asset Recovery Services**

- Sadoff E-Recycling and Data Destruction (SEDD) offers comprehensive asset recovery services. Our systematic handling and processing enables customers to destroy data, remove assets from their live environment, and manage logistics and final disposition of assets. Depending on customer requirements, assets can be tracked by individual asset, pallet or load.
 - Onsite Data Destruction
 - Optional service to ensure all digital data is destroyed prior to leaving client site.
 - Collection
 - Assets packed and loaded at the client location. Specific handling is based on data security, compliance and cost requirements of client.
 - Secure Transport
 - Unbroken chain of custody achieved through multiple transportation options, including SEDD owned fleet of trucks.
 - Receiving
 - Assets are received and weighed against original bill of lading.
 - Processing
 - Our secure facilities offer a full range of asset recovery, asset refurbishment, parts recovery, redeployment, resale and responsible recycling.

- **IT Asset Refurbishment**

- SEDD can provide parts harvesting services where components and parts are recovered from IT and communications assets and redistributed as spares, parts for servicing and maintenance or resold to return maximum value to your business.
- The reuse of components and parts subsequently saves money by reducing the requirement for purchasing brand new components. It also has a direct positive impact on the sustainable use of resources within product lifecycles.
 - Parts We Recover
 - Memory and hard drives

- CPUs / GPUs
- Printed circuit boards
- Video and graphics cards
- Laptop batteries

- 100% Data Security
 - All memory components and devices that SEDD recovers will be securely data wiped using industry and government recognized software.

- **Decommissioning Services**
 - SEDD offers a complete suite of decommissioning and commissioning services. From small office projects to complex facility projects, SEDD can help with planning, organization, modelling for asset disposition, transition plans, de-installation of assets, harvesting of hardware and software assets, and a completely secure chain of custody. Such services are generally tailored to specific client requirements.

August 16, 2017



Jason Laksy
Sadoff E-Recycling and Data Destruction
240 W. Arndt Street
Fond du Lac, WI 54935

RE: Conditional Use Permit – Initial Review
Sadoff E-Recycling
12304 Cary Circle
Lot 1, Papio Valley Business Park Replat 1

Mr. Lasky:

Thank you for your submittal of the Sadoff E-Recycling Conditional Use Permit (CUP) application. Staff has reviewed the initial submittal and has provided the following initial comments:

1. In regards to Articles 6.05.06, 6.05.07 and 6.05.08, please confirm that there are no external noise impacts from the processing operations and no related odors or fumes.
2. The site plan appears to have some discrepancies. Please see the attached redline and make revisions as necessary.
3. The business overview statement submitted within the application package listed the following items that will be handled at the subject location:
 - Memory and hard drives
 - CPUs/GPUs
 - Printed circuit boards
 - Video and graphics cards
 - Laptop batteries

Please provide additional information regarding possible hazardous materials and controls that will be implemented by Sadoff to prevent contamination.

4. The business overview statement needs to be revised to include additional information on the types of trucks utilized in the transport of the product (inbound and outbound).
5. Please provide locations of any other Sadoff sites with operations that reflect those that are proposed in the business overview statement.

City Hall
8116 Park View Blvd.
La Vista, NE 68128-2198
p: 402-331-4343
f: 402-331-4375

Community Development
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f: 402-331-0410

Golf Course
8305 Park View Blvd.
p: 402-339-9147

Library
9110 Giles Rd.
p: 402-537-3900
f: 402-537-3902

Police
7701 South 96th St.
p: 402-331-1582
f: 402-331-7210

Public Buildings & Grounds
8112 Park View Blvd.
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f: 402-331-4375

Public Works
9900 Portal Rd.
p: 402-331-8927
f: 402-331-1051

Recreation
8116 Park View Blvd.
p: 402-331-3455
f: 402-331-0299

6. The draft Conditional Use Permit will be forwarded to you after provision of this additional information. Be advised that the CUP will include conditions that will limit what items will be allowed to be handled at the proposed facility.

The CUP will also reinforce the current zoning prohibition on outdoor storage. All materials, once they arrive on the site, until they leave the premises, will be required to be stored inside.

As noted in comment #3 above, a draft Conditional Use Permit (CUP) will be forwarded to you in the coming days for your review. It should be noted that this is just a draft of the CUP document, the City Attorney will review the draft prior to forwarding it on to City Council.

Please provide revisions prior to August 21st to remain under consideration for the September 21st Planning Commission meeting.

Should you have any questions please contact me at 402-593-6402 or csolberg@cityoflavista.org.

Sincerely,



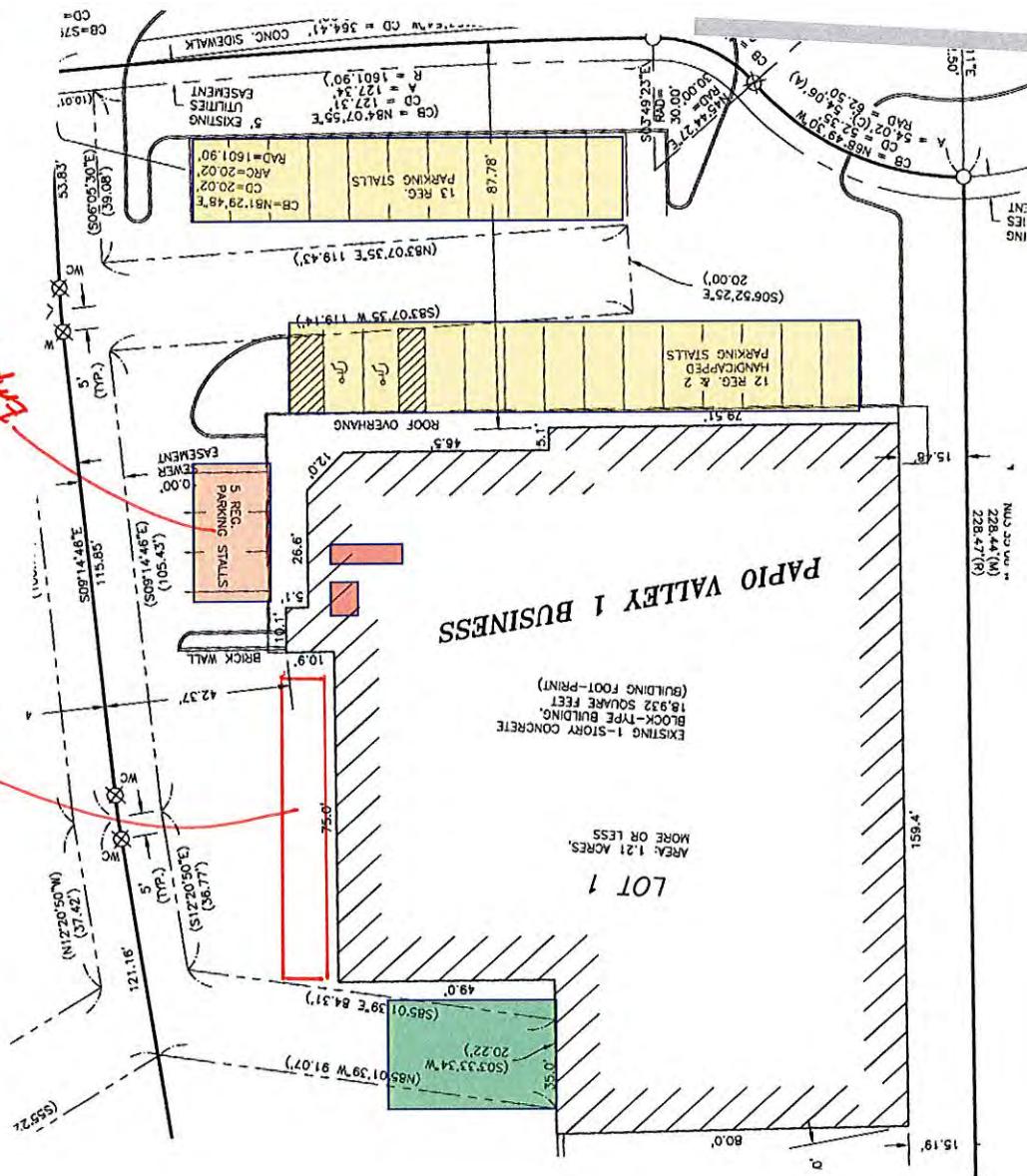
Christopher Solberg, AICP
City Planner

Enclosure

Cc: Ann Birch, Community Development Director
John Kottmann, City Engineer
Jeff Sinnett, Chief Building Official
File

— See attached oblique imagery of existing building.

Employee parking?
Overhead?
Overhead?

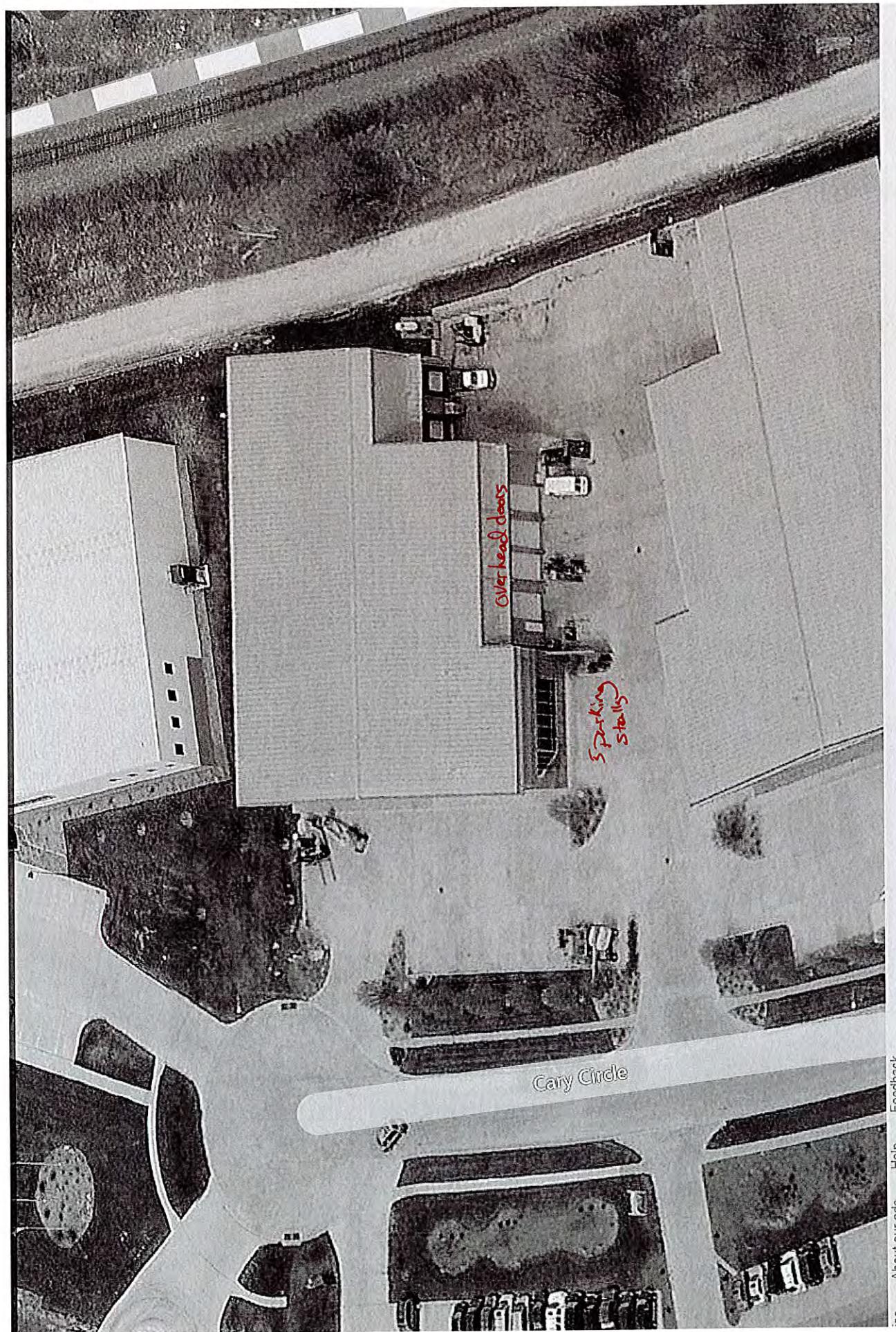


Employee Parking

Trailer Parking

Overhead Doors

Waste Containers
Will be located INSIDE building



Dear Mr. Solberg and La Vista City Staff,

Thank you for the opportunity to respond to your questions/concerns regarding our application for a conditional use permit for our electronics recycling operation. Below are our responses to the questions or requests for additional information.

1. In regards to Articles 6.05.06, 6.05.07 and 6.05.08, please confirm that there are no external noise impacts from the processing operations and no related odors or fumes.

Response: After review of the specific provisions, we do not anticipate that any of our activities will go against any of the articles listed above. All processing will be done within the confines of the building itself. The processes for the dismantling of electronics requires the utilization of small battery-operated hand tools. Delivered electronics will enter our facility, get weighed, sorted and inventoried. Complete electronics i.e. computers, servers, networking equipment will then be dismantled by hand using the small hand tools to separate and segregate the internal components, however we will only be dismantling the electronic components to separate their in-tact individual commodity components. We will not be processing the dismantled components further. – in other words, we will not be further processing harvested components from the electronics i.e. shredding circuit boards, taking apart batteries etc...all of the components that are harvested from our dismantling process will be sold whole to other qualified recyclers throughout the country for further processing at their facilities, with the exception of hard drives. Sadoff E-Recycling and Data Destruction will utilize a small, portable specialized hard drive shredder to shred the separated hard drives, for the purpose of data destruction, meeting industry and government standards for data security. The hard drive shredder we will be using is a portable Ameri-Shred hard drive/solid state drive shredder. More information about this specific piece of equipment can be found by visiting: <http://ameri-shred.com/product-detail/solid-state-drive-shredders-series-1/>. The shredding process makes very little noise, similar to operating a forklift within the building and as such does not require hearing protection during operation and does not produce any odors or fumes. We do not anticipate any external noise, odors or fumes from our operations, dismantling or hard drive shredding process.

***Of note we applied for and received a grant from the Nebraska Recycling Council to assist in our purchase of our hard drive shredder, as they believe that this equipment will assist in achieving increased recycling rates within state of Nebraska.*

2. The site plan appears to have some discrepancies. Please see the attached redline and make revisions as necessary.

Response: Please see attached Appendix A, and attached revised site plan, and note the following:

- We anticipate 4-5 employees to begin and no more than 10 employees as we grow – well within the 24 available parking spaces allocated at the prospect site location.
- We have revised the plan to indicate the location of ground level overhead doors (4) these doors will be utilized for the purposes of shipping and receiving using our 26' box truck with tommy lift-gate. We anticipate using these doors for our box truck to enter our building for overnight storage purposes.

- We have revised the plan to indicate the utilization of existing 2 - truck docks with dock plates. We anticipate staging up to 2 - 53' van trailers at these docks for the purposes of shipping and receiving.
- We have removed the indication for utilizing 5 additional employee parking spots as they will not be necessary for our use.

3. The business overview statement submitted within the application package listed the following items that will be handled at the subject location:

- Memory and hard drives
- CPUs/GPUs
- Printed circuit boards
- Video and graphics cards
- Laptop batteries

Please provide additional information regarding possible hazardous materials and controls that will be implemented by Sadoff to prevent contamination.

Response: As stated above we will be receiving and harvesting whole memory, printed circuit boards, video and graphics cards and laptop batteries. These products will be received, inventoried and shipped whole, and will not cause any risk of exposure to hazardous materials either for our employees or property or have any potential to produce any contamination. Specific to the handling of batteries, we will be following all local/federal laws for handling and transportation of these materials. In the event that we receive or accidentally break a battery during any of our collection, inventorying or shipping processes we have a specific procedure to address this concern and ensure the proper clean up and handling in those instances. For us to operate, our facility will be certified to the internationally recognized R2 (Responsible Recycling) standards which is an international standard for electronics recyclers requiring the proper handling, shipping, security, recycling and disposition for electronics and their components. The R2 standard and certification requires us to have specific procedures trained and in place to address the uncommon event of an accidental battery breakage. We also do not anticipate any long-term on-site storage for any of our collected materials, our business model is to get material in, sort those materials and ship them out as efficiently as possible. As a requirement of the R2 standard we will also develop a facility clean-up plan similar to the one that we already have in place at our existing facility located in Oshkosh, WI and acquire pollution insurance – this is a requirement in order for us to achieve our certification. *A copy of our E-Recycling and collection procedures are attached.*

4. The business overview statement needs to be revised to include additional information on the types of trucks utilized in the transport of the product (inbound and outbound).

Response: Please see revised business overview statement, Appendix B, and attached that includes specific truck type/size that we will be utilizing for transport inbound and outbound.

5. Please provide locations of any other Sadoff sites with operations that reflect those that are proposed in the business overview statement.

Sadoff currently operates 8 scrap metal and electronics recycling and collection facilities 6 located throughout Wisconsin and 2 current Nebraska locations (Omaha and Lincoln). Of those 8 facilities, our facility located in Oshkosh, WI is similar in operation to our intended site in La Vista, NE. Our intent is to replicate our Oshkosh, WI facility in La Vista, Nebraska specific to being our electronics dismantling operation. In addition to collecting electronics directly from regional businesses we will consolidate electronics from our existing retail facilities in both Omaha and Lincoln and ship those materials to our La, Vista facility to go through our dismantling/harvesting processes. This allows us to generate value added efficiencies within our operations.

Our existing Nebraska facilities are located at the following addresses:

Sadoff Iron & Metal Company
4918 F Street
Omaha, NE 68117
Phone: (402) 345-6624
www.sadoff.com

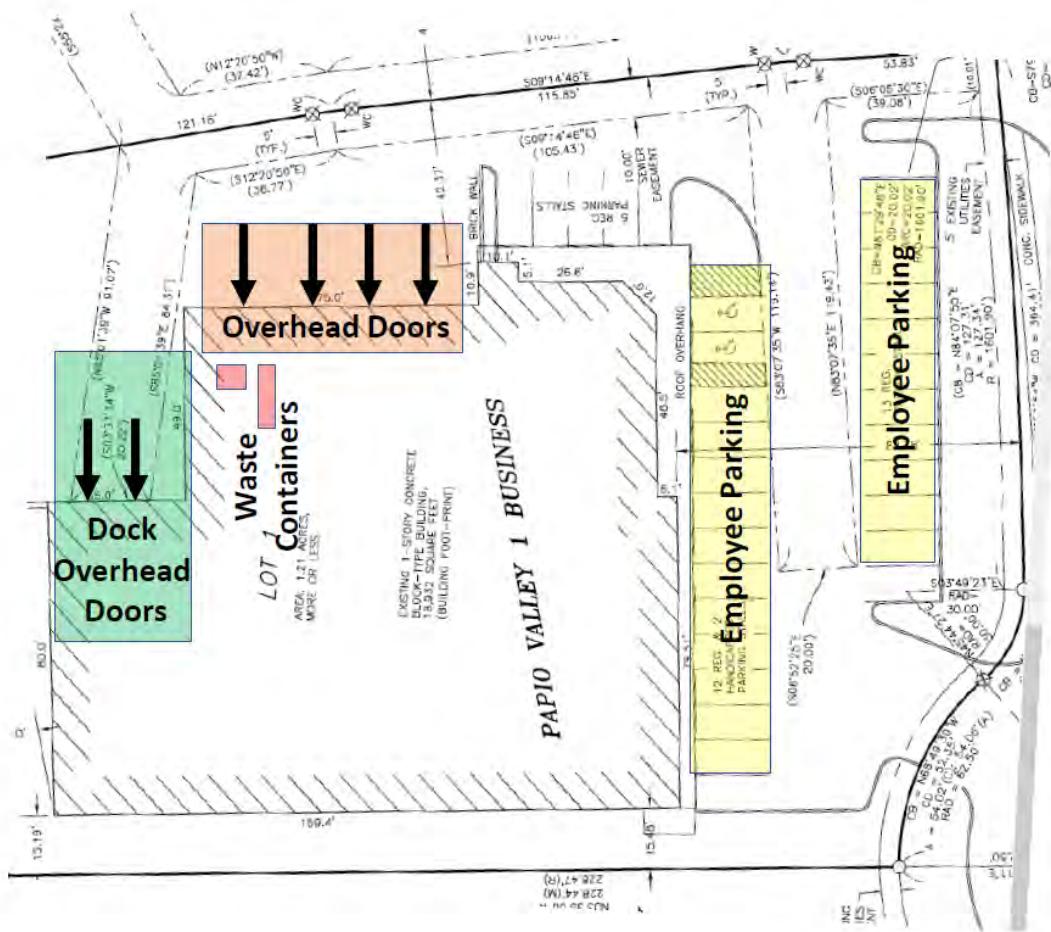
Sadoff Iron & Metal Company
4400 W. Webster Street
Lincoln, NE 68524
Phone: (402) 470-2510

6. The draft Conditional Use Permit will be forwarded to you after provision of this additional information. Be advised that the CUP will include conditions that will limit what items will be allowed to be handled at the proposed facility.

The CUP will also reinforce the current zoning prohibition on outdoor storage. All materials, once they arrive on the site, until they leave the premises, will be required to be stored inside.

Response: The outside storage provision in the CUP is anticipated, and aligns with our intent to apply for a non-contact storm water permit through the DEQ. Which will require us to store all materials inside the building. Our site plan also indicates that we will be storing all refuse/trash collection bins inside the building as well.

Appendix A – Revised Site Plan



Appendix B –Revised Business Overview Statement

5. Client Base/Facility Traffic:

Our business model is a Business to Business model, there will be no retail or walk-in business at this site. Material will arrive and be shipped via 53' van trailers (Sadoff owned and common carrier) as well as utilizing a 26' secure Sadoff owned box truck with tommy liftgate. We anticipate truck traffic to our location to be light and estimate that we will have approximately 5 - 7 inbound/outbound truck loads weekly. We will be utilizing approximately 5-10 spaces for our employees/guests.

August 25, 2017



Jason Laksy
Sadoff E-Recycling and Data Destruction
240 W. Arndt Street
Fond du Lac, WI 54935

RE: Conditional Use Permit – 2nd Review
Sadoff E-Recycling
12304 Cary Circle
Lot 1, Papio Valley Business Park Replat 1

Mr. Lasky:

Thank you for your resubmittal of information regarding the Sadoff E-Recycling Conditional Use Permit (CUP) application. Staff has found that the revised materials have satisfactorily addressed the comments in the City's review letter dated August 16, 2017.

A draft Conditional Use Permit (CUP) has been included for your review. It should be noted that this is just a draft of the CUP document, the City Attorney will review the draft prior to forwarding it on to City Council.

In order for the CUP to be considered for review at the September 21st Planning Commission meeting, a full, revised set of documents will need to be provided for Planning Commission Packets. Please submit 11" x 17" copies (along with electronic copies) of the revised documents by noon on September 5, 2017 to ensure that the application stays on track for the review by the Planning Commission.

Should you have any questions please contact me at 402-593-6402 or csolberg@cityoflavista.org.

Sincerely,

Christopher Solberg, AICP
City Planner

Enclosure

Cc: Ann Birch, Community Development Director
John Kottmann, City Engineer
Jeff Sinnott, Chief Building Official
File

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f: 402-331-1051

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f: 402-331-0299

City of La Vista Conditional Use Permit

Conditional Use Permit for Electronics Recycling Center

This Conditional Use Permit issued this ____th day of _____, 2017, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Sadoff E-Recycling and Data Destruction (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to operate an electronics recycling facility upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1, Papio Valley 1 Business Park Replat 1, a subdivision as surveyed, platted and recorded in the City of La Vista, Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of operating an electronics recycling facility (*Recycling center for computers, televisions and household items*) based upon the criteria prescribed in the La Vista Zoning Ordinance; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided and prescribed in the La Vista Zoning Ordinance.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit “A” hereto for an electronics recycling facility, said use hereinafter being referred to as “Permitted Use or Use”.

Conditions of Permit

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any transferee shall be bound to perform this permit the same as the original Owner. Any deviation from any terms of this permit without prior consent of the City, or breach of any terms of this permit, shall cause the permit to expire and terminate.
2. In respect to the proposed Use:
 - a. The use shall be limited to the type of operation as described in the applicant's Operational Statement (Exhibit “B”) and staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Department and may require an amendment to the Conditional Use Permit, subject to either City Planner or Planning Commission and City Council approval, depending on the nature of the proposed change.
 - b. A site plan set showing the property boundaries of the tract of land, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as Exhibit ‘Exhibit C’.
 - c. The hours of operation will be 8:00am to 5:00pm, Monday-Friday.
 - d. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles. All trash dumpsters shall be properly screened with a six-foot enclosure and gated with materials similar to the building

construction. Such enclosure shall obtain approval of the City Planner.

- e. The premises shall be developed and maintained in accordance with the site plan set (Exhibit C), as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Chief Building Official for approval.
- f. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, FAA and ADA.
- g. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- h. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval, if the violation continues after written notice from the City to Owner and a reasonable time for Owner to cure such violation.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.

4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

5. If the permitted use is not commenced within one (1) year from _____, 2017 this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.

6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to

take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

1. The conditions and terms of this permit shall be binding upon owner, his successors and assigns.
2. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
3. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
4. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

Contact Name and Address: Jason Lasky
Sadoff E-Recycling & Data Destruction
240 W. Arndt Street
Fond du Lac, WI 54935

Effective Date:

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pam A. Buethe
City Clerk

CONSENT AND AGREEMENT

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: _____

Title: _____

Date: _____

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2017, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF CALIFORNIA)
)
COUNTY OF _____)
)
) ss.

On this _____ day of _____, 2017, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [_____], personally known by me to be the _____ of Sadoff E-Recycling & Data Destruction, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

Notary Public

EXHIBIT A

Lot 1, Papio Valley 1 Business Park Replat 1, a subdivision as surveyed, platted and recorded in the City of La Vista, Sarpy County, Nebraska.

EXHIBIT B



Business Overview:

1. Business Concept and Description:

Sadoff E-Recycling & Data Destruction (SEDD) is a subsidiary of Sadoff Iron and Metal Company. We provide our customers with a Safe/Secure and Environmentally sustainable recycling solutions for their End of Life Electronics (EOLE). Our new facility in Omaha will be dedicated to processing EOLE, this includes the dismantling of the electronic devices to separate the recyclable/resale materials. This site will also be dedicated to Secure Data destruction, the site will employ a state of the art Hard Drive shredder as well as other data destruction devices. All customer data that is sent to our facility will be destroyed. SEDD will set itself apart from others by shredding every hard drive that is sent to us. We will not resale any hard drive. This provides our customers with an added layer of protection that their data will never see the light of day once it is on our hands.

2. Prospect Facility Locations:

Site selection is being done utilizing a local real estate firm CBRE. We have identified a few sites that we feel will suit our business needs. The sites we have selected are zoned either General Industrial or Heavy Industrial.

12304 Cary Circle
La, Vista Nebraska 68128

4. Employment:

Our new facility will provide for employment of 4 staff in the beginning with the potential to add additional staff as our business grows. These positions will range from general laborer to electronic dismantling technicians as well as account representatives. These positions will enjoy a full benefit package including; Health, 401k, and personal time off.

4. Facility Utilization:

The new facility will incorporate a Warehouse, Dismantling, and Secure Data Destruction areas as well as office space for the facility manager and account representatives. – See Facility Site Plan

5. Client Base/Facility Traffic:

Our business model is a Business to Business model, there will be no retail or walk-in business at this site. Material will arrive and be shipped via 53' van trailers (Sadoff owned and common carrier) as well as utilizing a 26' secure Sadoff owned box truck with tommy liftgate. We anticipate truck traffic to our location to be light and estimate that we will have approximately 5 - 7 inbound/outbound truck loads weekly. We will be utilizing approximately 5-10 spaces for our employees/guests.

6. Days/Hours of Operation:

Our Facility will operate Monday thru Friday 8am – 5pm, with days off for holidays.

3. Services Offered:

- End of Life Electronics Recycling**

- We offer collection and logistics support, guaranteed data destruction and reporting. Our facilities operate to best industry and government standards and will be certified to R2 standards for Electronics Recycling

- Data Destruction**

- On-Site Data Destruction Services
 - Hard Drive Shredding
 - Data Erasure
 - Hard Drive Degaussing
 - Hard Drive Crushing
 - Lockable Bins for Hard Drive Storage
 - Tape Destruction
 - Bulk Data Destruction Services (At SEDD Facility)
 - Bulk Data Erasure
 - Bulk Hard Drive Shredding
 - Witnessed Destruction

- **Asset Recovery Services**

- Sadoff E-Recycling and Data Destruction (SEDD) offers comprehensive asset recovery services. Our systematic handling and processing enables customers to destroy data, remove assets from their live environment, and manage logistics and final disposition of assets. Depending on customer requirements, assets can be tracked by individual asset, pallet or load.
 - Onsite Data Destruction
 - Optional service to ensure all digital data is destroyed prior to leaving client site.
 - Collection
 - Assets packed and loaded at the client location. Specific handling is based on data security, compliance and cost requirements of client.
 - Secure Transport
 - Unbroken chain of custody achieved through multiple transportation options, including SEDD owned fleet of trucks.
 - Receiving
 - Assets are received and weighed against original bill of lading.
 - Processing
 - Our secure facilities offer a full range of asset recovery, asset refurbishment, parts recovery, redeployment, resale and responsible recycling.

IT Asset Refurbishment

- SEDD can provide parts harvesting services where components and parts are recovered from IT and communications assets and redistributed as spares, parts for servicing and maintenance or resold to return maximum value to your business.
- The reuse of components and parts subsequently saves money by reducing the requirement for purchasing brand new components. It also has a direct positive impact on the sustainable use of resources within product lifecycles.
 - Parts We Recover
 - Memory and hard drives

- CPUs / GPUs
- Printed circuit boards
- Video and graphics cards
- Laptop batteries

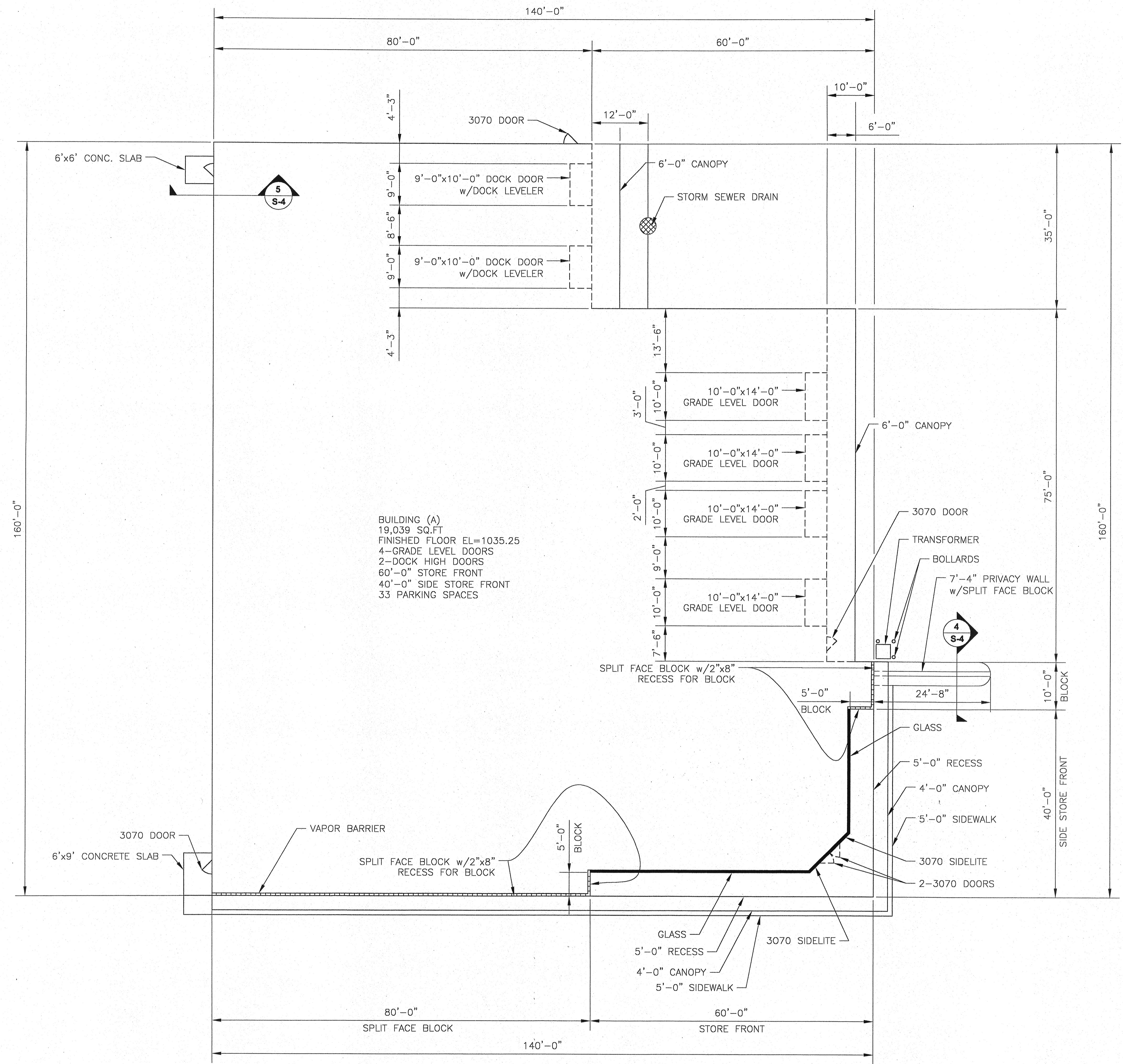
- 100% Data Security
 - All memory components and devices that SEDD recovers will be securely data wiped using industry and government recognized software.

- **Decommissioning Services**
 - SEDD offers a complete suite of decommissioning and commissioning services. From small office projects to complex facility projects, SEDD can help with planning, organization, modelling for asset disposition, transition plans, de-installation of assets, harvesting of hardware and software assets, and a completely secure chain of custody. Such services are generally tailored to specific client requirements.

5. Client Base/Facility Traffic:

Our business model is a Business to Business model, there will be no retail or walk-in business at this site. Material will arrive and be shipped via 53' van trailers (Sadoff owned and common carrier) as well as utilizing a 26' secure Sadoff owned box truck with tommy liftgate. We anticipate truck traffic to our location to be light and estimate that we will have approximately 5 - 7 inbound/outbound truck loads weekly. We will be utilizing approximately 5-10 spaces for our employees/guests.

EXHIBIT C



BUILDING PLAN

SCALE: 3/32" = 1'-0"

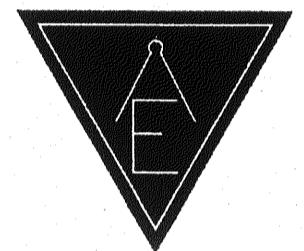
Bearden Management, Inc.

10460 West Sam
Houston Parkway South
HOUSTON, TEXAS 77099
SUITE 200

OFFICE: (281) 787-8547
FAX: (281) 495-9889

LOT 4, PAPIO VALLEY
1 BUSINESS PARK
LA VISTA
NEBRASKA

APPROVALS



ASSOCIATED ENGINEERING, PC
1214 N. 160TH STREET
SUITE 100
OMAHA, NE 68118
PH: 402-894-9097

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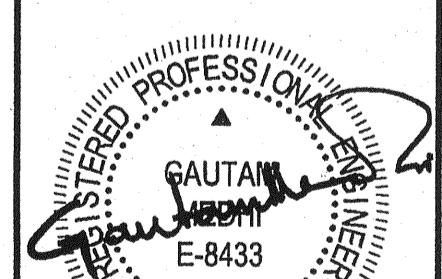
PROJECT NO: 0041

DRAWN BY: DHF

CHECKED BY: G.M.

NO.	DATE	REVISION / ISSUE
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3	11/26/01	100% CONST.
2	11/12/01	95% CONST.
1	08/10/01	90% CONST DWG



SHEET TITLE

BUILDING (A) PLAN

CHIEF NUMBER

