

**Bellevue City Council Meeting +++Amended Agenda+++**

Tuesday, May 4, 2021 6:00 PM

Bellevue City Hall

1500 Wall Street

Bellevue, NE 68005

1. PLEDGE OF ALLEGIANCE
2. INVOCATION - Father Tom Jones, Church of the Holy Spirit (Episcopal), 1305 Thomas Drive.
3. CALL TO ORDER AND ROLL CALL
4. OPEN MEETINGS ACT - Posted in the Entry to the Council Chambers
5. APPROVAL OF AGENDA, CONSENT AGENDA, CLAIMS, AND ADVISORY COMMITTEE REPORTS:
  - a. Approval of the Agenda
  - b. Approval of the Consent Agenda *(Items marked with an (\*) are approved where this item is, unless otherwise removed)*
    1. (\*) Acknowledge Receipt of the April 16, 2021 Board of Health Meeting Minutes.
    2. (\*) Approval of the April 20, 2021 Board of Equalization Meeting Minutes.
    3. (\*) Approval of the April 20, 2021 City Council Minutes.
    4. (\*) Acknowledge Receipt of the April 22, 2021 Planning Commission Minutes.
6. (\*) APPROVAL OF CLAIMS
7. SPECIAL PRESENTATIONS: None
8. ORGANIZATIONAL MATTERS: None
9. APPROVED CITIZEN COMMUNICATION: None Received
10. LIQUOR LICENSES:
  - a. Recommend approval of a Special Designated Liquor License for Paul R. Klabunde dba "Century Lounge to sell beer, wine, and distilled spirits at a BBQ Kickoff, to be held at 2109 Franklin Street, Bellevue, on June 6, 2021 from 8:00 a.m. to 12:00 a.m. (City Clerk)
  - b. Recommend approval of application for Sarah Norman Rowe as the new Manager for Midwest Catering and Events, LLC dba "Patricia's Catering" at 439 Galvin Road N., Bellevue. (City Clerk)
11. ORDINANCES FOR ADOPTION (3rd reading):
  - a. Ordinance No. 4030: Amending Section 12-57 through 12-85, of the Municipal Code pertaining to Fireworks. (City Clerk)
  - b. Ordinance No. 4031: Ordinance pertaining to Adoption of the 2021 International Fire Code. (Chief Building Inspector)
  - c. Ordinance No. 4032: Ordinance pertaining to the adoption of the 2021 International Building Code, International Residential Code and the 2018 International Energy Conservation Code. (Chief Building Inspector)
  - d. Ordinance No. 4033: Ordinance pertaining to amendments of the 2021 International Residential Code. (Chief Building Inspector)
  - e. Ordinance No. 4034: Ordinance pertaining to the adoption of the 2021 International Mechanical Code. (Chief Building Inspector)
  - f. Ordinance No. 4035: Ordinance pertaining to the adoption of the 2021 Uniform Plumbing Code; Uniform Swimming Pool, Spa and Hot Tub Code and the 2021 International Fuel Gas Code. (Chief Building Inspector)
  - g. Ordinance No. 4036: Request to rezone Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, from AG and RE to RE and RG-50, for the purpose of existing residential development. Applicant: DWS Land Surveying. General location: 9100 S 13th Street. (Planning Manager)
    1. Approval of small subdivision plat Lots 1 through 3, Old Orchard Place Replat 2.

2. Approval of waiver of Section 6-7 (8) of the Subdivision Regulations for flag lots.

12. ORDINANCES FOR PUBLIC HEARING (2nd reading):

13. ORDINANCES FOR INTRODUCTION (1st reading):

a. Ordinance No. 4037: An Ordinance to add new sections to Chapter 6 regarding leash and muzzle requirements for pit bull breeds, breed ambassadors, insurance, and the NHS annual reporting procedures. (Councilman Burns)

b. +++ Item removed

14. PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES:

a. Request to final plat Lots 1 through 263 and Outlots A and D, Alta Collina, being a platting of the South 1/2 of the Northeast 1/4 of Section 7, T13, R13E of the 6th P.M., Sarpy County, Nebraska. Applicant: Orchard Valley, LLC General Location: 48th Street and Lookingglass Drive. (Planning Manager)

1. Approval of the Alta Collina Subdivision Agreement

15. RESOLUTIONS: None

16. CURRENT BUSINESS: None

17. ADMINISTRATION REPORTS: Comments must be limited to items on the current

Reports **(Monthly reports are given at the first Council Meeting of every month - April report is attached.)**

18. CLOSED SESSION:

19. ADJOURNMENT

# MINUTE RECORD

## ***Bellevue Board of Health, April 16, 2021, Page 1***

A meeting of the Bellevue Board of Health was called to order by Mayor Rusty Hike in the City Council Chambers at the Bellevue City Hall at 9:00 a.m. on the 16<sup>th</sup> day of April. Board Members Ken Clary, Assistant Chief of Police, Dave Stukenholtz on behalf of Chief of Police Ken Clary, Dr. Tony Yonkers, and Dr. Jeff Akerson were present. Also present were Jim Ristow, City Administrator, Bree Robbins, City Attorney, and Annie Mathews, Assistant City Attorney. Absent was Council President Paul Cook.

Notice of this meeting was given in advance thereof by posting in two public places and by publication in the Gretna Guide and News. All Board Members were notified of the meeting. The applicant received notification and the materials prior to the meeting. All proceedings shown were taken while the convened meeting was open to the public. The Board previously approved prior minutes via email. The minutes are accepted into the record.

### **Open Meetings Act**

Mayor Hike announced that a copy of the Open Meetings Act is posted in the entry to the City Council Chambers.

### **Approve and accent into record March 31, 2021 Board of Health Minutes**

**Motion** made by Akerson, seconded by Yonkers, to approve the Board of Health Minutes from March 31, 2021. Roll call vote on motion was as follows: Hike, Yonkers, and Akerson voted yes; voting no: none; abstain: Stukenholtz; absent: Cook. Motion carried.

### **Appeal Decision of Nebraska Humane Society**

Mayor Hike advised the Board of Health is meeting to hear and consider Mr. Kirk Mercer's appeal of a Potentially Dangerous Dog (PDD) declaration on Kuma by the Nebraska Humane Society (NHS). All documents were provided to Mr. Mercer by the City Clerk prior to today's hearing.

Mayor Hike requested Mr. Mercer to come forward to address the Board regarding the requirements.

Mr. Mercer, 14511 S. 31<sup>st</sup> Street, mentioned he stated his request for an appeal in his letter. He advised he had pictures of the back yard and the camera system located on the school grounds. He stated the school's camera system would capture anything that took place on his property. The pictures he provided include photos of a barrier the school put up after the incident occurred. He explained the barrier has been on the ground for the last month. Mr. Mercer handed Ms. Bree Robbins, City Attorney, the pictures to distribute to the Board Members for review.

Mr. Mercer stated the incident is not his dog's nature. He is a great, beautiful dog who loves people. He has never denied anyone from petting Kuma. Kuma loves children and adults. He stated his neighbors on the left side of him have a 2-year-old and a 5-year-old and they love Kuma. The kids even put their fingers through the fence to pet Kuma. The neighbors on the other side have children who play with Kuma as well. He commented the neighbor wrote a letter in support of Kuma and signed it; however, he couldn't find the letter. He stated all the kids on the school playground know Kuma and even call him by his name. Mr. Mercer advised his insurance company came out after the incident and took pictures. He advised the insurance company tried to obtain the security footage from the school's camera system. However, the company was unable to receive it. He provided documents to Ms. Robbins to distribute to the Board Members for review.

Mayor Hike questioned how old Kuma is. Mr. Mercer advised he got Kuma September 2018. He was told his approximate age was two years old at that time. Mayor Hike questioned Mr. Mercer if he has always had Kuma at that location. Mr. Mercer replied yes.

Mr. Mercer mentioned the principal called him approximately a month prior to the incident. She told him her concerns and said he was warned. He said she did not warn him but wanted to make him aware Kuma grabbed a kid by his hood. He questioned if the student was playing with Kuma. Three weeks later the biting incident occurred. He was not sure what this principal was requesting him to do, as he had already spent \$2500 to enclose his backyard. An hour after his phone conversation with the principal, he received a text or an email from her. He advised she stated she hopes he addresses the issue. He advised Kuma was in his own yard. He stressed the security cameras on the school property should have captured the incident. He does not understand why the footage is not available. He feels Kuma was provoked. He explained after school hours, kids have been playing basketball, and they tend to tease Kuma. He has had to step outside to tell them to stop and they say they are just playing. He questioned what responsibility do these kids have? If the school is concerned with the safety of the children, why haven't they fixed the barrier which has been laying on the ground for the last month. He advised if he can put up a barrier, inside his fence, then he will do so. Mr. Mercer explained an incident where there was a hat in his yard. He stated the maintenance man of the school explained one of the students threw the hat into the yard. Mr. Mercer feels the school needs to take responsibility with the students as Kuma is in his yard. He does not want Kuma to be labeled a PDD as he is a good dog.

Dr. Yonkers reiterated Mr. Mercer has had Kuma for three years. Kuma has never done anything terrible in that time.

Mr. Steve Glandt, Vice President Field Operations Nebraska Humane Society, was present to answer any questions.

Mayor Hike questioned Mr. Glandt if he disagrees with anything Mr. Mercer has stated. Mr. Glandt replied not necessarily. Kuma is a beautiful dog. In fact, Kuma was adopted from NHS and they like to see their dogs be successful.

Mr. Glandt stated a previous concern was Mr. Mercer was placing the blame on the school. He did not seem willing to accept responsibility as the dog owner. However, a few minutes ago, Mr. Mercer mentioned he would do anything. Mr. Glandt advised if Mr. Mercer is willing to put another fence in, within the existing fence, he would be happy.

Mayor Hike questioned if putting another fence up would be a resolution. Mr. Glandt replied it would be. It would ensure there is no other interaction. The one thing he has learned about dogs, is the only thing predictable about dogs, is they can be unpredictable. A dog can be well behaved at any time and one thing can trigger it. In this incident, the child was playing and leaned up against the fence. It is quite possible Kuma could have gotten excited. He is not sure if he was provoked; however, he could have been excited with all the activity going around. Mr. Glandt advised he would be satisfied if Mr. Mercer put up another fence.

Dr. Akerson referred to the school's fence and questioned what type of fence it is and if it is up to code. Mr. Glandt stated it is a cyclone style fence. Dr. Akerson commented it seems low to be around a school. Mr. Glandt stated an additional fence would cause a satisfactory barrier for Kuma. Mayor Hike commented most schools have taller fences around them. It seems to him the school should have some responsibility.

Assistant Chief Stukenholtz stated the insurance company mentioned on two sides the fence is four feet tall. However, on the back of the playground the fence is 3 feet 9 inches tall.

Mayor Hike commented it sounds like the kids were winding the dog up and getting him active. He questioned if there was an actual bite. Mr. Glandt stated it could be a bite through the clothing that left a mark. Mayor Hike inquired if it broke the skin. Mr. Glandt stated it did not.

Ms. Robbins questioned besides the six-year-old child, were there any other witnesses to the encounter. Mr. Glandt replied not that he is aware.

Ms. Robbins questioned if NHS took any steps to try to obtain the video surveillance from the school. Mr. Glandt replied the animal control officer did not.

Ms. Robbins stated for the record she did call to try to obtain the video footage. She explained she was told the footage only went back to February 7, 2021. Therefore, the footage no longer exists.

Assistant Chief Stukenholtz mentioned the letter from the insurance company indicates the security camera does not cover the area where the incident occurred.

Ms. Robbins clarified besides this incident there have been no reports or incidents with the dog running loose or any bites. Mr. Glandt replied correct.

Ms. Robbins advised she was able to pull up the map of Mr. Mercer's property in comparison to the school. She asked Mr. Glandt if he would agree Mr. Mercer's property and his fence line do not mirror the playground. Mr. Glandt replied correct.

Dr. Akerson commented if Mr. Mercer is willing to put up a fence, this can be resolved.

Dr. Yonkers advised Kuma has been there for three years. He has a gentle demeanor, kids have played with him, people pet him, and the dog enjoys being around people. He does not cause any fights at the dog park. He is in his own yard, in an area where he is used to kids. He stated this kid leaned against the fence and for some reason the dog does not like him. He questioned why the dog does not like this kid, when he likes everyone else. Did the child pull the dog's ears? His tail? Pull on his paws? He feels, if that is the case, the dog is justified for protecting himself. He believes the dog was provoked, even if it cannot be proven. He feels NHS made a fast judgement on this dog. He suggested the humane society revisit how they handle a situation before they label a dog so quickly.

Dr. Akerson questioned Mr. Mercer on what a reasonable time frame would be for him to put up fencing. Mr. Mercer replied he has spoken to a fencing company previously. He can contact that company today for more information on a timeline.

Mayor Hike questioned if there is a code for schools to have fencing around them. Ms. Robbins commented she does not know what the code is. She can look at this item separately. If the fence is not in compliance, they can reach out to the school. Mayor Hike stated the school has some responsibility and he has a hard time putting all the blame on Mr. Mercer. Mr. Mercer explained several families along the school fence line have dogs.

Mayor Hike questioned what response Mr. Mercer has received from his insurance company. Mr. Mercer stated they closed the case out the other day. They had not heard from the family regarding any medical cost or if they were suing him. The insurance company took pictures of the yard and has been in contact with the school. Mayor Hike questioned if the insurance company instructed him to put up a higher fence. Mr. Mercer replied no.

Mayor Hike questioned if there is a way to make a motion for Mr. Mercer to add to the school fence. Ms. Robbins advised the City cannot grant permission to do something on someone else's property. She explained the options for a motion could be: to reverse the decision of the humane society on the PDD declaration; a motion to continue to allow Mr. Mercer time to remedy the fence situation; or a motion to uphold the determination of NHS.

Mayor Hike stated he does not feel this is a dangerous dog situation. Ms. Robbins commented if there is a motion to reverse the PDD declaration by NHS, Mr. Mercer could receive a warning if he does not fix the issue.

**Motion** was made by Akerson, seconded by Yonkers, to support Mr. Mercer's appeal and reverse the decision of Nebraska Humane Society declaring Kuma as a Potentially Dangerous Dogs.

Mayor Hike stated the City will reach out to the school on their fence if it is determined the school is fence is not in compliance with code.

Assistant Chief Dave Stukenholtz commented there was another incident where Kuma jumped up and grabbed a student's hoodie. He would be much more in favor of supporting Mr. Mercer's appeal, if he provides assurance he will install an additional barrier.

Dr. Yonkers advised it is the height issue of the fence, not just a fence inside a fence.

Ms. Robbins clarified the request is to put another fence approximately two feet from the existing fence.

Mayor Hike clarified the motion is to support Mr. Mercer's appeal and reverse the decision of Nebraska Humane Society declaring Kuma as a Potentially Dangerous Dogs. He added this is with a strong warning to Mr. Mercer there needs to be a barrier.

Assistant Chief Stukenholtz requested clarification from Mr. Mercer he will be putting up another barrier. Mr. Mercer replied he will.

Roll call vote on the motion was as follows: Hike, Stukenholtz, Yonkers, and Akerson voted yes; voting no: none; absent: Cook. Motion carried.

#### **ADJOURNMENT**

There being no further business to come before the Board at this time, on motion by Hike, seconded by Yonkers, at 10:07 a.m., the meeting was adjourned.

---

Shirley R. Harbin  
Deputy City Clerk

---

Rusty Hike  
Mayor, Board of Health

# MINUTE RECORD

Bellevue Board of Equalization, April 20, 2021 Page 1

A meeting of the Mayor and Council of the City of Bellevue, sitting as the Board of Equalization, was called to order by Mayor Rusty Hike at the Bellevue City Hall at 5:30 p.m. on the 20th day of April, 2021. Present were Council Members Bob Stinson, Paul Cook, Jerry McCaw, Don Preister, Thomas Burns, and Kathy Welch; Absent: None.

Notice of this meeting was given in advance thereof by publication in the Gretna Guide, "Daily Record" and posting in two public places, the designated method for giving notice and was also given to the Mayor and all members of the City Council. A copy of the affidavit of publication, the certificate of posting, and the council's acknowledgment of receipt of notice are hereby attached to these minutes. All proceedings shown hereafter were taken while the convened meeting was open to the public.

## Open Meetings Act

Mayor Rusty Hike announced that a copy of the Open Meetings Act is posted in the entry to the City Council Chambers and can also be found online under Nebraska Revised Statutes 84-1407 through 84-1414.

## Approval of the Agenda

**Motion** was made by Cook, seconded by Burns to approve the agenda.

Roll call vote on the motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; Absent: None.

## Public hearing to consider the levy of liens for non-payment of costs associated with the mowing, trimming, snow removal, removal of deteriorating fencing, debris & rubbish and/or general clean-up of properties within the City of Bellevue, identified in the attachment and in Resolution BOE No. 2021-0420-01.

Mayor Hike opened the meeting for public hearing to give opportunity for individuals to speak in favor of or in opposition to the proposed liens. With no one else coming forward to speak, Mayor Hike declared the public hearing closed.

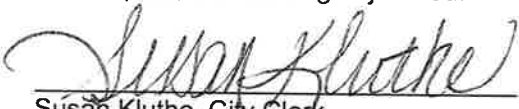
## Resolution BOE No. 2021-0119-01: Levying of liens for non-payment of costs associated with the mowing, trimming, snow removal, removal of deteriorating fencing, debris & rubbish, and/or general clean-up efforts on the identified properties within the City of Bellevue.

**Motion** was made by Cook, seconded by Preister, for passage of Resolution BOE No. 2021-04-20-01: Levying of liens for non-payment of costs associated with the mowing, trimming, snow removal, removal of deteriorating fencing, debris & rubbish, and/or general clean-up efforts on the identified properties within the City of Bellevue, as amended and presented tonight.

Roll call vote was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; Absent: None. Motion carried.

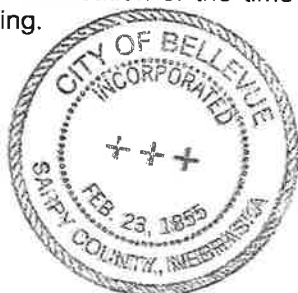
## Adjournment

There being no further business to bring before the Board, on motion made by Welch, seconded by Burn, at 5:35 p.m., the meeting adjourned.

  
Susan Kluthe, City Clerk

\_\_\_\_\_  
Rusty Hike, Mayor

I, the undersigned, City Clerk of the City of Bellevue, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on April 20, 2021; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agendas for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.



  
Susan Kluthe, City Clerk

# MINUTE RECORD

Bellevue City Council Meeting, April 20, 2021, Page 1

A regular meeting of the Mayor and Council of the City of Bellevue was called to order by Mayor Rusty Hike at the Bellevue City Hall on the 20<sup>th</sup> day of April, 2021, at 6:00 p.m. Present were Council Members Bob Stinson, Paul Cook, Jerry McCaw, Don Preister, Thomas Burns, and Kathy Welch.

Notice of this meeting was given in advance thereof by publication in the Gretna Guide, "Daily Record" and posting in two public places, the designated method for giving notice and was also given to the Mayor and all members of the City Council. A copy of the affidavit of publication, the certificate of posting, and the council's acknowledgment of receipt of notice are hereby attached to these minutes. All proceedings shown hereafter were taken while the convened meeting was open to the public.

## **PLEDGE OF ALLEGIANCE AND INVOCATION**

Mayor Hike led the Pledge of Allegiance. Pastor Joseph Gastineau, Revival Tabernacle Church, 2226 Jefferson Street, Bellevue, gave the invocation.

Mayor Hike announced to the audience if anyone is there for the pet ordinance, the first reading has been postponed to May 4<sup>th</sup>.

## **OPEN MEETINGS ACT**

Mayor Hike announced a copy of the Open Meetings Act is posted by the entry in the City Council Chambers.

## **APPROVAL OF THE AGENDA:**

**Motion** was made by Burns, seconded by Welch to approve the agenda.

**Motion** was made by Cook, seconded by Preister, to amend the agenda by moving Item 16g. after Item 10. Roll call to approve the motion was as follows: Stinson, Cook, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

Roll call to approve the agenda as amended is as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

## **APPROVAL OF THE CONSENT AGENDA:**

**Motion** was made by Stinson, seconded by Burns, to approve the consent agenda, consisting of the following items: Acknowledge Receipt of March 25, 2021 Planning Commission Minutes; Acknowledge Receipt of March 31, 2021 Board of Health Minutes; Approval of April 6, 2021 City Council Minutes; Acknowledge Receipt of March 3, 2021 Sidewalk Task Force Minutes; Acknowledge Receipt of March 9, 2021 Tree Board Meeting Minutes; Approval of Claims; Recommend reappointment of John Perrin and Leland Jacobson to the Citizens Complete Street Advisory Panel, for a four-year term ending April 2025.

Roll call vote on the motion was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

## **SPECIAL PRESENTATIONS:**

Mayor Hike read the Proclamation declaring April 20, 2021 as "Arbor Day" in the City of Bellevue. (Councilman Preister)

Members of the Tree Board were present to receive the proclamation.

## **ORGANIZATIONAL MATTERS: None**

## **APPROVED CITIZEN COMMUNICATION: None**

## **LIQUOR LICENSES: None**

**Recommendation to approve a Special Fireworks Application for Twisted Thunder Fireworks to provide a Special Fireworks Display for the Schankenbergs wedding, at the View, 1102 Country Club Ct., on 05/21/21 at dusk for approximately 5 minutes. (City Clerk)**

Council President Cook explained prior to the meeting he was advised the distributor for the fireworks display will be changing.

Mr. Eric Schankenbergs explained the wedding date has changed to May 15, 2021. Due to the date change the fireworks vendor is changing to Midwest Fireworks.

**Motion** was made by Cook, seconded by Welch, to approve a Special Fireworks Application for Midwest Fireworks to provide a Special Fireworks Display for the Schankenbergs wedding, at the View, 1102 Country Club Ct., on 05/15/21 at dusk for approximately 5 minutes. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

# MINUTE RECORD

Bellevue City Council Meeting, April 20, 2021, Page 2

## **ORDINANCES FOR ADOPTION (Third Reading):**

### **Ordinance No. 4029: An ordinance to amend Article VI, Chapter 19, of the Bellevue Municipal Code by adding a new section 19-83 regarding prohibition of engine braking.** (Public Works Director)

Ordinance No. 4029: An Ordinance to amend Article VI, Chapter 19, of the Bellevue Municipal Code by adding a new Section 19-83 regarding the prohibition of engine braking and to provide for an effective date was read for the third and final time.

**Motion** was made by Welch, seconded by Stinson, to approve Ordinance No. 4029. Roll call vote on the motion was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: none. Motion carried.

## **ORDINANCES FOR PUBLIC HEARING (Second Reading):**

### **Ordinance No. 4036: Request to rezone Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, from AG and RE to RE and RG-50, for the purpose of existing residential development. Applicant: DWS Land Surveying. General location: 9100 S 13th Street.** (Planning Manager)

Ordinance No. 4036: An Ordinance to amend the Official Zoning Map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 3619 by changing the zone classification of land located at or about 9100 South 13th Street, more particularly described in Section 1 of the Ordinance and to provide an effective date of this ordinance was read by title only for the second time and a public hearing was held.

**Approval of small subdivision plat Lots 1 through 3, Old Orchard Place Replat 2. (No action taken at this meeting.)**

**Approval of waiver of Section 6-7 (8) of the Subdivision Regulations for flag lots. (No action taken at this meeting.)**

Mayor Hike opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the application.

No one in the audience came forth to speak in support of or in opposition to the application. Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading of the ordinance will be heard at the Council meeting on May 4, 2021.

### **Ordinance No. 4030: Amending Section 12-57 through 12-85 of the Municipal Code pertaining to Fireworks.** (City Clerk)

Ordinance No. 4030: An ordinance to amend Section 12-57 through 12-85, of the Bellevue Municipal Code pertaining to fireworks, to repeal all previous versions of the same; to provide for the publication of this ordinance in pamphlet form; and to provide an effective date of this ordinance was read by title only for the second and a public hearing was held.

Mayor Hike opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the ordinance.

Mr. Blake James, 1812 Hancock Street, questioned why Bellevue does not allow fireworks to be sold in tents but in temporary building structures.

No one in the audience came forth to speak in support of or in opposition to the application. Mayor Hike declared the public hearing closed.

Mayor Hike advised he will have the fire department review this item.

Ms. Robbins commented she will talk to Chief Guido and have information at the next meeting for the Council.

Mayor Hike stated the third and final reading of the ordinance will be heard at the Council meeting on May 4, 2021.

### **Ordinance No. 4031: Ordinance pertaining to Adoption of the 2021 International Fire Code.** (Chief Building Inspector)

Ordinance No. 4031: An Ordinance to amend Sections 12-2, 12-36 through 12-36.1 and 12-170 of the Bellevue Municipal Code pertaining to the Bellevue Fire Prevention Code; to repeal Sections 12-2, 12-36 through 12-36.1 and 12-170 of the Bellevue City Code as heretofore existing; to provide for the publication of this ordinance in pamphlet form; and to provide for the effective date of this ordinance was read by title only for the second time and a public hearing was held.

# MINUTE RECORD

Bellevue City Council Meeting, April 20, 2021, Page 3

Mayor Hike opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the application.

No one in the audience came forth to speak in support of or in opposition to the application. Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading of the ordinance will be heard at the Council meeting on May 4, 2021.

**Ordinance No. 4032: Ordinance pertaining to the adoption of the 2021 International Building Code, International Residential Code and the 2018 International Energy Conservation Code.** (Chief Building Inspector)

Ordinance No. 4032: An Ordinance to amend Sections 8-16 through 8-18 of Chapter 8 of the Bellevue City Code by adopting the 2021 Edition of the International Building Code with amendments and changes; to repeal Sections 8-16 through 8-18 of Chapter 8 of the Bellevue City Code as heretofore existing; to provide for the publication of this ordinance in pamphlet form; and to provide for the effective date of this ordinance was read by title only for the second time and a public hearing was held.

Mayor Hike opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the application.

Mr. Leon Komar, 5712 Rees Street, Omaha, Nebraska addressed concerns with certain changes and modifications to the 2018 IECC energy code. He mentioned the changes will impact the health, safety and energy code for new homeowners and occupants in the Bellevue area. He advised the city currently enforces the 2009 IECC and is looking at updating to 2021 IECC. Bellevue is many years behind updating the International Codes. If Bellevue doesn't change now, it may be a long time before they consider it again. Mr. Koma mentioned he has great concern with the amendment completely deleting a mandatory requirement for building air leakage or blower door testing. Further discussion ensued.

Ms. Jaylene Eilenstine, 2637 S. 158<sup>th</sup> Plaza, Executive Director of Metro Omaha Builders Association (MOBO, spoke in support of Ordinance No. 4032 and the adoption of the 2021 IRC with proposed amendments.

Mr. Denny Van Moorlehem, 3758 South 184<sup>th</sup> Avenue, Omaha, advised he is a builder and developer of several subdivisions in Bellevue. He spoke in support of the proposed ordinance and amendments to the IRC code.

Mr. Marc Stadola, 3803 N. 153<sup>rd</sup> Street, Charleston Homes, spoke in support of the proposed ordinance and adoption of the 2021 IRC code. He advised these codes are written for safety issues and to benefit the homeowner.

Mr. Jerry Standerford, 14711 Industrial Road, Omaha, Sherwood Homes, advised he has served on the IRC review committee since 2000. He advised originally when the IRC code was presented, it was presented the code would be amended at the local level. The mandate is still the same. Countless hours have been spent reviewing the amendments to the code. Mr. Standerford provided a description of what a REScheck is and advised how the REScheck works. Further discussion ensued.

No one in the audience came forth to speak in support of or in opposition to the application. Mayor Hike declared the public hearing closed.

Mayor Hike questioned Mr. Mike Christensen, Chief Building Official, when a blower door test is taken on a house. Mr. Christensen replied at the end when the house is final.

Mr. Christensen mentioned the City of Bellevue did extensive research to try to be compatible to other jurisdictions. There is a program put in place to ensure homes are energy sufficient. The City of Bellevue goes out through the home building process to check the REScheck process. He advised it is redundant to do a blower test. Conversation ensued.

Councilman Preister mentioned the code is straight forward. He questioned why all the other codes are 2021 and the energy code is 2018. Mr. Christensen explained the city has to be equivalent to the state. The National Home Builders Association have been unhappy with some of the proposals in the 2021 codes and there have been some lawsuit. Since there have been so many issues on the 2021 energy codes, he decided to match up with what the state the state has.

Councilman Preister mentioned the codes apply to new construction. He requested clarification if the codes would also apply to remodeling or additions of existing structures. Mr. Christensen replied yes, any new additions would need to adhere to the International Energy Conservation Code and building codes.

Councilman Preister initiated conversation on having a blower door test done in his personal home. He does not understand why the builders have an issue with the blower test. Mr. Christensen commented costs keep going up. Every dollar counts. The blower test may be a great investment for an older home. The newer homes do go through RESchecks as well as a REScheck inspection.

# MINUTE RECORD

Bellevue City Council Meeting, April 20, 2021, Page 4

Councilman Preister requested clarification on the four options of ventilation. Mr. Christensen replied there are two options. Mr. Christensen explained the difference in the two options.

Councilwoman Welch requested clarification that the city has an energy inspector who would create the instance, where a blower door test is not required. Mr. Christensen stated the city has an inspector to do a physical insulation inspection and REScheck. The REScheck is a component which allows the builders to meet the energy conservation code. Conversation ensued.

Councilman Preister initiated conversation on the basement wall R value is 13 inches. Discussion followed.

Mayor Hike stated the third and final reading of the ordinance will be heard at the Council meeting on May 4, 2021.

Councilman Preister questioned Mr. Komar on his response to the blower door component. Mr. Komar proceeded to answer Councilman Preister's question.

## **Ordinance No. 4033: Ordinance pertaining to amendments of the 2021 International Residential Code.** (Chief Building Inspector)

Ordinance No. 4033: An Ordinance to amend Section 8-18.6 of Chapter 8 of the Bellevue City Code pertaining to the amendments and changes to the International Residential Code, 2021 Edition, to repeal Section 8-18.6 of Chapter 8 of the Bellevue City Code as heretofore existing, to provide for the publication of this ordinance in pamphlet form; and to provide for the effective date of this ordinance was read by title only for the second time and a public hearing was held.

Mayor Hike opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the application.

Ms. Bree Robbins advised Mr. Christensen provided an amendment which will be presented at third reading. Ms. Robbins advised she wanted to read the amendment for the public hearing. The amendment is to add a new Section R908.7 Roof Maintenance/Repair as follows: "No roofing permit is required for any maintenance or repairs that are an accumulative of one roofing square (100' sq) or less provided there is only one layer of existing roof covering. Any reroofing exceeding one roofing square (100' sq) requires a permit and the entire roof to be brought up to current code".

No one in the audience came forth to speak in support of or in opposition to the application. Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading of the ordinance will be heard at the Council meeting on May 4, 2021.

## **Ordinance No. 4034: Ordinance pertaining to the adoption of the 2021 International Mechanical Code.** (Chief Building Inspector)

Ordinance No. 4034: An Ordinance to amend Sections 27-196 through 27-196.1 of Chapter 27 of the Bellevue City Code by adopting the 2021 Edition of the International Mechanical Code; to repeal Sections 27-196 through 27-196.1 of the Bellevue City Code as heretofore existing; to provide for the publication of this ordinance in pamphlet form; and to provide for the effective date of this ordinance was read by title only for the second time and a public hearing was held.

Mayor Hike opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the application.

No one in the audience came forth to speak in support of or in opposition to the application. Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading of the ordinance will be heard at the Council meeting on May 4, 2021.

## **Ordinance No. 4035: Ordinance pertaining to the adoption of the 2021 Uniform Plumbing Code; Uniform Swimming Pool, Spa and Hot Tub Code and the 2021 International Fuel Gas Code.** (Chief Building Inspector)

Ordinance No. 4035: An Ordinance to amend Sections 27-85 through 27-87 of Chapter 27 of The Bellevue City Code by adopting the 2021 Edition of the Uniform Plumbing Code; to amend Section 27-85.1 of the Bellevue City Code by adopting the 2021 Edition of the International Fuel Gas Code, to amend Section 27-86 of the Bellevue City Code by adopting the 2021 Edition of the Uniform Swimming Pool, Spa, and Hot Tub Code; to amend Section 27-87 of the Bellevue City Code pertaining to the amendments and changes to the newly adopted codes; to repeal Sections 27-85 through 27-87 of the Bellevue City Code as heretofore existing; to provide for the publication of this ordinance in pamphlet form; and to provide for the effective date of this ordinance was read by title only for the second time and a public hearing was held.

Mayor Hike opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the application.

# MINUTE RECORD

Bellevue City Council Meeting, April 20, 2021, Page 5

No one in the audience came forth to speak in support of or in opposition to the application. Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading of the ordinance will be heard at the Council meeting on May 4, 2021.

**ORDINANCES FOR INTRODUCTION: (First Reading): None**

**PUBLIC HEARINGS ON MATTERS OTHER THAN ORDINANCES: None**

**RESOLUTIONS:**

**Resolution No. 2021-11: A resolution ratifying all actions taken by the City Council during virtual meetings.** (Legal)

**Motion** was made by Welch, seconded by Preister, to approve Resolution No. 2021-11: A resolution ratifying all actions taken by the City Council during virtual meetings. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

**CURRENT BUSINESS:**

**Approve and authorize the Mayor to sign the CDBG-CV Round 3 Subrecipient Agreement with the Bellevue Public School Foundation for the COVID-19 PPE Emergency Assistance, in an amount not to exceed \$8,904.00.** (CDBG Program Specialist / Finance Director)

**Motion** was made by Cook, seconded by Burns, to approve and authorize the Mayor to sign the CDBG-CV Round 3 Subrecipient Agreement with the Bellevue Public School Foundation for the COVID-19 PPE Emergency Assistance, in an amount not to exceed \$8,904.00. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

**Approve and authorize the Mayor to sign the CDBG-CV Round 3 Subrecipient Agreement with All Communities Outreach Services for the COVID-19 Companionship and Outreach Assistance, in an amount not to exceed \$29,907.00.** (CDBG Program Specialist / Finance Director)

**Motion** was made by Stinson, seconded by Preister, to approve and authorize the Mayor to sign the CDBG-CV Round 3 Subrecipient Agreement with All Communities Outreach Services for the COVID-19 Companionship and Outreach Assistance, in an amount not to exceed \$29,907.00. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

**Approve & authorize the Mayor to sign the agreement with DIY Holding Company, LLC for the 2021 Concrete Pavement Rehab Project, in an amount not to exceed \$396,818.00, plus a 10% contingency of \$39,681.80, for a total project cost of \$436,499.80.** (Public Works Director)

**Motion** was made by Preister, seconded by Cook, to approve and authorize the Mayor to sign the agreement with DIY Holding Company, LLC for the 2021 Concrete Pavement Rehab Project, in an amount not to exceed \$396,818.00, plus a 10% contingency of \$39,681.80, for a total project cost of \$436,499.80. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

**Approve and authorize the Mayor to sign the Professional Engineering Services Agreement with Jacobs Engineering Group Inc. for the seven sites in the Storm Drainage Improvement Project, in an amount not to exceed \$241,757.00.** (Public Works Director)

**Motion** was made by Burns, seconded by Welch, to approve and authorize the Mayor to sign the Professional Engineering Services Agreement with Jacobs Engineering Group Inc. for the seven sites in the Storm Drainage Improvement Project, in an amount not to exceed \$241,757.00. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

**Approve and authorize the Mayor to sign the Professional Services Agreement with Alfred Benesch & Company for the Municipal Separate Storm Sewer System (MS4) Annual Reporting, in an amount not to exceed \$17,880.00.** (Public Works Director)

**Motion** was made by McCaw, seconded by Burns, to approve and authorize the Mayor to sign the Professional Services Agreement with Alfred Benesch & Company for the Municipal Separate Storm Sewer System (MS4) Annual Reporting, in an amount not to exceed \$17,880.00. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

# MINUTE RECORD

Bellevue City Council Meeting, April 20, 2021, Page 6

**Approve and authorize the Mayor to sign the Lease Agreement Addendum with the DMV located at 14402 Harlan Lewis Road, extending the terms for one year with an expiration date of April 30, 2022. (City Administrator)**

**Motion** was made by Cook, seconded by Welch, to approve and authorize the Mayor to sign the Lease Agreement Addendum with the DMV located at 14402 Harlan Lewis Road, extending the terms for one year with an expiration date of April 30, 2022. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

**Approve and authorize the Mayor to sign the Purchase and Sale Agreement conveying 13407 Spencer Circle, which city acquired upon annexation, to Aimee and Brant Hill, in the amount of \$32,000.00. (Administration)**

**Motion** was made by McCaw, seconded by Cook, to approve and authorize the Mayor to sign the Purchase and Sale Agreement conveying 13407 Spencer Circle, which city acquired upon annexation, to Aimee and Brant Hill, in the amount of \$32,000.00. Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

**ADMINISTRATION REPORTS:** Comments must be limited to items on the current Reports (**Monthly reports are given at the first Council Meeting of every month - March report will be attached to the April 6<sup>th</sup> Council packet**).

**CLOSED SESSION:** None

**ADJOURNMENT:**

There being no further business to come before the Council at this time, on motion by Preister, seconded by McCaw, the meeting was adjourned at 7:20 p.m.

Roll call vote on motion to approve was as follows: Stinson, Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; Absent: none. Motion carried.

---

Susan Kluthe, City Clerk

---

Rusty Hike, Mayor

I, the undersigned, City Clerk of the City of Bellevue, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on April 20, 2021; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agendas for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Susan Kluthe, City Clerk

# MINUTE RECORD

Bellevue Planning Commission Meeting, April 22, 2021 Page 1

Pursuant to the Governor's Executive Order 20-36, on Thursday April 22, 2021 at 7:00 p.m. the Bellevue Planning Commission meeting was held via video conference. Upon roll call, present were Commissioners Ritz, Cain, Aerni, Hankins, Cutsforth, Ackley, Perrin, and Jacobson. Absent was Casey. Also present were Tammi Palm, Planning Manager, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Daily Record and posting in two public places, and was also given to the Chairperson and members prior to the meeting. These minutes were written and available for public inspection within ten days of the meeting.

Ritz announced the Open Meetings Act pursuant to the Governor's Executive Order 20-36, and said the meeting may be held via videoconference, telephone conference, or by conferencing by other electronic means. As such, said meeting will be a virtual meeting and the public may join using Facebook live via the City of Bellevue's Facebook page.

Cutsforth asked for a correction to the March 25, 2021 minutes.

Motion was made by Ackley, seconded by Aerni, to approve the minutes of the March 25, 2021 regular meeting with corrections. Upon roll call, all voted yes. Motion carried unanimously.

Ritz asked if there were any updates or additions to staff reports. Palm advised there were no updates.

Motion was made by Cutsforth, seconded by Jacobson, to accept into the record all staff reports, attachments, memos, and handouts regarding each application. Upon roll call, all present voted yes. Motion carried unanimously.

Ritz explained the consent agenda process.

There was one item on the consent agenda:

Request to final plat Lots 1 through 263 and Outlots "A" through "D", Alta Collina, being a platting of the South ½ of the Northeast ¼ of Section 7, T13N, R13E of the 6th P.M., Sarpy County, Nebraska; and approval of the Alta Collina Subdivision Agreement. Applicant: Orchard Valley, LLC. General location: 48th Street and Capehart Road. Case #: S-2103-04.

No one spoke in favor of, or opposition to this request.

MOTION was made by Jacobson, seconded by Cutsforth, to approve the consent agenda based upon conformance with the preliminary plat. Upon roll call, all present voted yes. MOTION carried unanimously.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING ON May 4, 2021.**

Ritz explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone Tax Lots 6A1A and 9A4A1, east of right-of-way, located in the Southwest ¼ of Section 26, T14N, R13E, of the 6th P.M., from BG to RG-20 for the purpose of a residential group home facility. Applicant: i3, LLC. General Location: 601 Chateau Drive. Case #: Z-2012-17.

Ritz asked staff if there were any updates. Palm stated the applicant had emailed a request to withdraw the application. She stated there is no need for a public hearing and the meeting could proceed to agenda item 3.b.

PUBLIC HEARING was held on a request to approve the Redevelopment Plan for Lots 1 through 6, Block 130, Bellevue & Vacated Avenue Adjacent. Applicant: Ivy Properties, Inc. General Location: 2009 Franklin Street. Case #: ECD-48.

Ritz asked staff if there were any updates. Palm stated there were no updates.

Elizabeth Sevcik, Croker Huck Law Firm, 2120 S 72<sup>nd</sup> Street, Suite 120, Omaha, NE was present on behalf of the applicant. Sevcik stated the property consists of six lots with two commercial buildings which are in poor condition and have been vacant for a number of years. She stated the other four lots had never been developed. Sevcik stated the northern lots would be developed into twelve row-house style apartment buildings with garages on the first floor and an additional parking lot on the south side

# MINUTE RECORD

Bellevue Planning Commission Meeting, April 22, 2021 Page 2

to provide parking for the commercial development. She stated construction would begin this year on the first building and after completion construction would begin on the second building. Sevick stated the commercial property would be developed after the completion of the apartments. She stated the commercial project would be complementary to the apartments but there were no definite plans for that development at this time. Sevcik stated the cost of construction is increasing but her client is very motivated and with the help of tax increment financing, they believe the project could move forward. She stated this project is very close to the Olde Towne overlay and would provide a much-needed update to the corridor that leads to Olde Towne as well as complement the goals for Olde Towne Bellevue.

There was no one present to speak in favor of, or opposition to this request. Subsequently, Ritz closed the public hearing.

Ritz stated this is a great location and he would like to see the property developed.

Aerni asked staff what the parking requirements were for the apartments. Palm stated in the BGM (Metropolitan General Business District) zone there are no parking requirements.

Motion was made by Aerni, seconded by Perrin, to recommend approval of the Redevelopment Plan for Lots 1 through 6, Block 130, Bellevue & Vacated Avenue Adjacent. APPROVAL based upon conformance with the Comprehensive plan, elimination of a blighted and substandard area, conformance with the requirements of the State Statutes, and the opportunity for redevelopment in the Olde Towne Corridor. Upon roll call all present voted yes. MOTION carried unanimously.

**This item will proceed to CITY COUNCIL for PUBLIC HEARING ON May 18, 2021.**

Meeting adjourned at 7:27 p.m.

  
Dianna Van Horn  
Planning Secretary

# MINUTE RECORD

\*6.  
5/4/2021

## CLAIMS FOR MAY 4, 2021

PAGE 1

### MAYOR

BELLEVUE LEADER	RENEW SUBSCRIPTION THRU 2022/05/18	156.00
		<u>\$ 156.00</u>

### CITY COUNCIL

DON PREISTER	INTERNET SERVICE 2021/04/04-2021/05/03	59.99
		<u>\$ 59.99</u>

### LEGAL

ERICKSON & SEDERSTROM, PC	PROFESSIONAL SERVICES	6,932.50
		<u>\$ 6,932.50</u>

### CITY CLERK

GRETNA GUIDE & NEWS	LEGAL AD	330.86
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/09-2021/04/06	5.50
ROYCE CORNHUSKER, LLC	TIF - ROYCE 1/2 - #8793/8798 INT & PRINC	25,008.63
SARPY CO REGISTER OF DEEDS	COPIES, SID PENALTY	52.00
SOUTHGATE APARTMENTS BELLEVUE	TIF - SOUTHGATE #8790 INT & PRINC	85,390.46
WH BELLEVUE, LLC	TIF - WH BELLEVUE #8788 INT & PRINC	66,299.17
		<u>\$ 177,086.62</u>

### FINANCE/RISK MANAGEMENT

AMAZON	OFFICE SUPPLIES, SANITIZER WANDS	818.80
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	10.06
INDOFF	ENVELOPES, LABELS	138.60
		<u>\$ 967.46</u>

### LIBRARY

AMAZON	BOOKS, PROGRAM SUPPLIES, VIDEOS, OFFICE SUPPLIES	2,331.47
CENGAGE LEARNING, INC	BOOKS	485.43
CENTER POINT LARGE PRINT	BOOKS	85.08
INGRAM LIBRARY SERVICES	BOOKS	2,123.87
LEO A DALY COMPANY	LIBRARY RENOVATION DESIGN	35,687.17
LIBRARICA, LLC	SUPPORT RENEWAL 2021/05/20-2022/05/19	387.60
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/06-2021/04/06	107.46
QUADIENT FINANCE USA, INC	POSTAGE REFILL	639.00
		<u>\$ 41,847.08</u>

### ADMINISTRATIVE SERVICES

ALEGENT HEALTH OHS/EAP	PHYSICAL TESTING	742.00
IDEAL PURE WATER COMPANY	BOTTLED WATER	80.25
INTEGRATED REHAB	RANDOM DRUG TESTING	530.00
		<u>\$ 1,352.25</u>

### CODE ENFORCEMENT

AMAZON	OFFICE SUPPLIES	26.86
		<u>\$ 26.86</u>

### PUBLIC WORKS

AMAZON	OFFICE SUPPLIES, DRY ERASE BOARD	393.12
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/09-2021/04/06	9.24
		<u>\$ 402.36</u>

# MINUTE RECORD

CLAIMS FOR MAY 4, 2021

PAGE 2

## PARKS

AMAZON	CPR RESCUE MASKS	44.75
A-RELIEF SERVICES	PORTABLE RESTROOM-CITY PARKS	357.00
BURTON PLUMBING SERVICES	REPIPE PLUMBING TO REFILL POND-AHP	4,795.13
FARMERS NATIONAL COMPANY	INSTALL AERATOR-PIPER'S GLEN	300.00
HUGHES MULCH PRODUCTS	WOOD FIBER FOR PLAYGROUND	1,600.00
J & J SMALL ENGINE SERVICE	LAZER ZX 96 #406658199	26,399.00
J & J SMALL ENGINE SERVICE	CROSSFIRE 5LB	117.98
LOGAN CONTRACTORS SUPPLY	SAW BLADES, EAR PLUGS	144.63
MENARDS	SPREADER	79.99
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/06-2021/04/07	564.93
MIDWEST IMPRESSIONS	SPORTS JACKETS	943.40
WALKERS UNIFORM RENTAL	UNIFORM SERVICE	13.42
WESTLAKE ACE HARDWARE	SAW, BATTERY, BLADES	289.97
		<u>\$ 35,650.20</u>

## RECREATION

CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	46.27
KARI OLBREY	REFUND TRACK/ SWIMMING REGISTRATIONS	140.00
LAURA BAKER	REFUND FLAG FOOTBALL REGISTRATION	35.00
WESTLAKE ACE HARDWARE	CLEANING SUPPLIES	35.56
		<u>\$ 256.83</u>

## BUILDING MAINTENANCE

AMAZON	SOUNDPROOFING PANELS-PERMITS & PLANNING	558.52
ANDERSON ELECTRIC SALES & SERVICE	POOL SUPPLIES	975.00
ECHO GROUP, INC	PASSIVE INFRARED SENSOR	112.58
FERGUSON ENTERPRISES INC #1657	PLUMBING SUPPLIES	484.31
FISH WINDOW CLEANING	WINDOWS WASHING	784.00
HILLYARD DES MOINES	JANITORIAL SUPPLIES	187.16
JACKSON SERVICES, INC	DOOR MAT SERVICE-LIBRARY	174.60
MENARDS	LIMESTONE, CONCRETE, PLUMBING SUPPLIES, BATTERIES, DRILLBITS, SUPPLIES	658.48
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/06-2021/04/06	455.52
OMAHA DOOR & WINDOW COMPANY	ADJUST DOOR CLOSER AND SHIM HINGES	108.00
OVERHEAD DOOR COMPANY	RESET CABLE AND ADJUSTED DOOR	178.50
ROCHESTER MIDLAND CORPORATION	WATER ENERGY TEAM FIXED BILLING	309.00
THE HOME DEPOT PRO-SUPPLY WORKS	JANITORIAL SUPPLIES	1,168.35
TK ELEVATOR CORPORATION	ELEVATOR MAINTENANCE	464.81
VOSS LIGHTING	JANITORIAL SUPPLIES	140.40
WESTLAKE ACE HARDWARE	RECIP BLADES	26.99
		<u>\$ 6,786.22</u>

## CEMETERY

METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/06-2021/04/06	89.80
BEVERLY HRDY	BUY BACK PLOTS 1-59-3&4	216.00
PULVERENTE MONUMENT COMPANY	MAUSOLEUM DOORS	100.00
		<u>\$ 405.80</u>

# MINUTE RECORD

CLAIMS FOR MAY 4, 2021

PAGE 3

## STREETS

AMAZON	OFFICE SUPPLIES, TOOLS	531.36
3M COMPANY	CLEAR FILM SHEETING	1,393.78
ALFRED BENESCH & COMPANY	PROF SVC-CAPEHART RD 27-36	535.50
ASP ENTERPRISES, INC	STRAW BLANKET, STAPLES	594.00
BUCKLEY CONSTRUCTION	CUT OUT & REPLACE INLET TOP	2,900.00
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	11.66
FELSBURG HOLT & ULLEVIG, INC	PROF SVC-36TH ST PRELIM DESIGN	10,479.56
GRETNA GUIDE & NEWS	LEGAL AD	13.47
INDEPENDENT SALT CO	ICE CONTROL SALT	6,654.15
J & J SMALL ENGINE SERVICE	HAND HELD BLOWER	204.00
KAREN BROWN	PROPERTY DAMAGE CLAIM	111.97
LOGAN CONTRACTORS SUPPLY	PARTS	92.50
MARTIN PRODUCTS SALES, LLC	OIL	458.80
MD SOLUTIONS, INC	STREET SIGNS	7,550.00
MENARDS	REBAR LOOP TIES	7.14
METRO LANDSCAPE MATERIALS AND RECYCLING	MULCH FOR ISLANDS	1,200.00
METRO LEASING	8714-LEASE-2021/04/10 STREET SWEEPER	10,409.24
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/06-2021/04/07	574.45
MICHAEL TODD & COMPANY	GUTTER BROOMS,TUBE BROOM	5,705.74
MID-AMERICAN SIGNAL	TRAFFIC SIGNAL CABINET	14,998.00
OMNI	ASPHALT	4,734.07
READY MIXED CONCRETE COMPANY	CONCRETE	28,200.46
TRISTAR RISK ENTERPRISE MANAGEMENT, INC	WORK COMP FUNDING-MAR 2021	678.75
WALKERS UNIFORM RENTAL	UNIFORM SERVICE	13.42
		<b>\$ 98,052.02</b>

## FLEET MAINTENANCE

AMAZON	STORAGE CABINET, TOOLS	182.31
911 CUSTOM, LLC	SHOULDER BELT	356.54
AUTO VALUE PARTS - SOUTH OMAHA	PARTS	14.69
BAUER BUILT	TIRES	3,584.95
BAXTER CHRYSLER DODGE JEEP	INSULATOR, SPRING	248.21
BAXTER FORD	CORE, BRACKETS, FILTERS, BLADES	683.92
BIG RIG TRUCK ACCESSORIES	POWER UNIT FOR ST10	744.01
CUMMINS SALES AND SERVICE	INSITE PRO SOFTWARE, SERVICE DONE ON TRUCK 21	1,852.48
DANIELSON / TECH SUPPLY	WHEEL WEIGHTS	37.42
DANKO EMERGENCY EQUIPMENT	UTILITY STRAPS, GENERATOR LIGHTS	775.73
DULTMEIER SALES LLC	POLYPROP PUMP	997.00
ED M FELD EQUIPMENT CO	WIPER ARMS FOR FIRE TRUCK	516.96
FACTORY MOTOR PARTS CO	FILTER, BRAKE LINING, WIPER BLADES, BRAKE PADS	157.26
FARM PLAN	SPRINGS, ACTUATOR, HOSE, BLADE, HUB CAP	1,255.25
FLEET PRIDE	HANGER KIT, FENDER	72.37
FORCE AMERICA, INC	FINAL ASSEMBLY, AMPLIFIER	192.08
INDOFF	OFFICE SUPPLIES	224.60
INLAND TRUCK PARTS CO	QUICK RELEASE VALVE	29.04
INTERSTATE BATTERIES	BATTERIES	2,423.56
J & J SMALL ENGINE SERVICE	OIL SEAL, BELTS, SPACERS, BEARINGS	93.74
JIM HAWK TRUCK TRAILERS	FIRE EXTINGUISHER, BRAKE PARTS	304.56
KRIHA FLUID POWER CO	BULKHEAD UNION, FITTINGS	263.31

# MINUTE RECORD

CLAIMS FOR MAY 4, 2021

PAGE 3

## FLEET MAINTENANCE (cont'd)

MACQUEEN EQUIPMENT, LLC	HOOD STRUTS, LINEAR ACTUATORS, LATCHES, DOOR HANDLES, MIRROR, SERVICE WORK ON SWEEPER	3,111.76
MATHESON TRI-GAS INC	WELDING SUPPLIES	808.07
MENARDS	TOTES, JIGSAW, CIRCULAR SAW, PIPE	410.18
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/09-2021/04/08	120.27
MICHAEL TODD & COMPANY	PIVOT PINS, FENDERS, CUTTING EDGES	14,171.73
MPH INDUSTRIES	CABLE ASSEMBLY, BRACKETS	1,799.89
NAPA AUTO PARTS	FILTERS, FITTINGS, TEMP SENSOR, U-JOINTS, DISTRIBUTOR, CLAMPS, FITTINGS, PARTS	822.42
NEBRASKA IOWA INDUSTRIAL FASTENERS	DRILL BITS, COUPLERS, RIVETS	310.61
O'REILLY AUTOMOTIVE PARTS	GASKET, FILTERS, CONNECTORS	36.23
PATTON EQUIPMENT CO	RACKING	1,664.00
PERFORMANCE ADVANTAGE COMPANY	TOOL BOARDS	2,143.79
STATE STEEL	TUBING AND METAL	414.60
TOMASEK MACHINE SHOP	REPAIR BRUSH FRAME	570.00
TOOL SHED	CARBIDE TIP, SCALER, CONNECTORS, STANCHIONS	846.17
TRISTAR RISK ENTERPRISE MANAGEMENT, INC	WORK COMP FUNDING-MAR 2021	8,859.75
TRUCK CENTER COMPANIES	REMAN ENGINE	679.39
UNITED AUTO RECYCLERS	WHEEL	85.00
UPS STORE	FREIGHT TO RETURN PARTS	54.47
WALKERS UNIFORM RENTAL	UNIFORM SERVICE	79.40
WATCHGUARD VIDEO	VISOR POST CAMERA BRACKETS	780.00
WELDON PARTS INC	FITTINGS	7.84
WESTLAKE ACE HARDWARE	SUPPLIES	5.80
		<b>\$ 52,791.36</b>

## SOLID WASTE

PAPILLION SANITATION	GLASS RECYCLING	1,220.53
		<b>\$ 1,220.53</b>

## PLANNING

AMERICAN PLANNING ASSOCIATION	MEMBERSHIP DUES 2021/07/01-2022/06/30	276.00
GRETNA GUIDE & NEWS	LEGAL AD	42.27
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/09-2021/04/06	8.36
		<b>\$ 326.63</b>

## PERMITS & INSPECTIONS

METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/09-2021/04/06	11.16
		<b>\$ 11.16</b>

## POLICE

AMAZON	OFFICE SUPPLIES, ROAD FLARES, MARKING PAINT, LAMPGLOBES, SUPPLIES FOR CYBER CRIMES AND WELLNESS ROOM	2,913.27
ABM SUPPLY	BREACHING TOOL, SLING	1,199.90
ACTION SIGNS	INSTALL GRAPHICS ON UNIT 702	85.00
AUTO BODY AUTHORITY	REPAIR REAR BUMPER-UNIT 601	792.00
AVERY L LOSCHEN	RENT FOR K9 BUILDING-APR 2021	1,248.00
AVERY L LOSCHEN	RENT FOR K9 BUILDING-MAY 2021	1,248.00

# MINUTE RECORD

CLAIMS FOR MAY 4, 2021

PAGE 3

**POLICE (cont'd)**

AXON ENTERPRISE, INC	TASER CARTRIDGES	5,904.00
AXON ENTERPRISE, INC	TASER AGREEMENT-YEAR 5	2,376.00
BARCODES INC	MOUNT PRINTER IN CRUISER	1,084.66
CHRISTOPHER LEWIS ABBOTT	REIMB PER DIEM FOR HONOR GUARD DUTY IN IA	76.50
CITY OF LAVISTA	NEW OFFICERS TRAINING-4 EMP	6,000.00
CITY OF OMAHA	FORENSIC BILLING-QTR 1 2021	3,350.00
CNA SURETY	RENEW NOTARY BOND	80.00
CONSOLIDATED MANAGEMENT CO	MEALS FOR TRAINING AT THE ACADEMY	183.40
CRAFTSMAN WINDOW COVERINGS	INSTALL SHADES	273.00
DON'S PIONEER UNIFORMS	UNIFORMS-5 EMP	2,626.58
DOUGLAS COUNTY SHERIFF OFFICE	FORENSIC FEES	50.00
ENTERPRISE FM TRUST	DEA VEHICLE LEASE-APR 2021	549.08
GALLO PROFESSIONAL POLYGRAPH SVC	POLYGRAPH SERVICE	350.00
GRAPHIC DESIGNS INTERNATIONAL, LLC	GRAPHICS FOR CRUISERS 621 AND 627	1,117.51
GREAT PLAINS UNIFORMS	UNIFORMS	600.00
GRETNA GUIDE & NEWS	LEGAL AD	13.47
J P COOKE COMPANY	POCKET STAMP	35.95
JAMES MURRAY	REIMB PER DIEM FOR TRAINING	255.00
KIESLER POLICE SUPPLY & AMMO	PEPPERBALL CASES	110.00
LINDSEY BETSWORTH	REIMB FOR HONOR GUARD FOR OFFICER IN IA	76.50
MENARDS	LADDER HOOK	28.41
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/09-2021/04/06	197.85
MIDLANDS PRINTING	BUSINESS CARDS-LUDLOW	108.00
NEBRASKA LAW ENFORCEMENT TRAINING CENTER	BASIC TRAINING SESSIONS, LODGING	430.00
NORTH AMERICAN RESCUE	MEDICAL SUPPLIES	1,848.25
SPRINT	MONTHLY SERVICE 2021/03/06-2021/04/05	125.22
SUNSET LAW ENFORCEMENT, LTD	AMMUNITION	5,389.25
THE CURE	SAFTY VESTS, POLICE TAPE	1,322.00
TRAVELERS	LIABILITY CLAIM	1,079.00
TRISTAR RISK ENTERPRISE MANAGEMENT, INC	WORK COMP FUNDING-MAR 2021	2,740.43
TRI-TECH FORENSICS, INC	FORENSIC SUPPLIES	55.35
WATCHGUARD VIDEO	CAR VIDEO CAMERA-UNIT 702	5,050.00
WESTLAKE ACE HARDWARE	AUTO DETAILER	13.98
		<b>\$ 50,985.56</b>

**FIRE & RESCUE**

AIRGAS USA, LLC	OXYGEN	40.95
AVERY RENTS	PROPANE	16.60
DOROTHY BOS	REIMB CHECK 7503	77.54
DPS, LLC	FIRE TRAINING PAVEMENT REPLACEMENT	8,741.83
GREAT PLAINS UNIFORMS	BADGES/COLLAR BRASS, UNIFORMS	2,094.50
JD CASEY PAINT CO	CAR WASH SOAP	163.33
LEAH SHIPLEY	REIMB CHECK 13838	72.73
MENARDS	HDMI CABLE, CURVE TV TILT, BATTERIES, CLEANING SUPPLIES	120.07
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/06-2021/04/07	3,119.57
NEOTERIC INC	HOVERCRAFT THROTTLE, STARTER, PUMP	993.00
SHRED-IT USA	SHREDDING SERVICE	180.00
TELEFLEX FUNDING LLC	MEDICAL SUPPLIES	2,010.50
TRISTAR RISK ENTERPRISE MANAGEMENT, INC	WORK COMP FUNDING-MAR 2021	86.00
ZIRMED, INC	MONTHLY PROF MGT FEE 2021/04/12	493.54
ZOLL DATA SYSTEMS INC	MONTHLY BILLING 2021/05/01-5/31	1,105.00
		<b>\$ 19,315.16</b>

# MINUTE RECORD

CLAIMS FOR MAY 4, 2021

PAGE 3

## NON-DEPARTMENTAL/CONTRACTS

CENTURY LINK	MONTHLY SERVICE 2021/03/04-2021/04/03	975.41
METRO AREA TRANSIT	MAT 2021-2 1987 MILES-FEB 2021	4,268.00
METRO AREA TRANSIT	MAT 2021-3 1987 MILES-MAR 2021	4,522.00
NE-DEPARTMENT OF REVENUE	2021/03 SALES TAX	101.36
QUADIENT, INC	POSTAGE METER RENTAL 2021/05/05-2021/08/04	927.84
		<u>\$ 10,794.61</u>

## INFORMATION TECHNOLOGY

CORE TECHNOLOGIES, INC	BILLABLE TIME-UC ADMIN	364.51
CORE TECHNOLOGIES, INC	PROGRESS BILL-NEW PHONE SYSTEM	2,500.00
FIRST WIRELESS, INC	SUBCONTRACT REPAIR	1,120.00
MOTOROLA SOLUTIONS, INC	RADIO WIDEBAND, PORTABLE RADIOS, MICROPHONES	6,427.07
		<u>\$ 10,411.58</u>

## WASTEWATER

AMAZON	OFFICE SUPPLIES, GLOVES	274.60
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	22.36
CENTURY LINK	MONTHLY SERVICE 2021/04/04-2021/05/03	58.23
COX BUSINESS SERVICES	MONTHLY SERVICE 2021/04/04-2021/05/03	220.00
GRAINGER	MAGNETIC MOTOR STARTER	363.76
INTERSTATE ALL BATTERY CENTER	BATTERY	28.95
MENARDS	SUPPLIES FOR MEETING, STONES, WIRE, GROMMETS, TOOLS	199.08
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE 2021/03/09-2021/04/07	460.45
MOTION INDUSTRIES	BALL BEARINGS	371.62
NAPA AUTO PARTS	GREASE FITTINGS, FUSE KIT	32.67
TRISTAR RISK ENTERPRISE MANAGEMENT, INC	WORK COMP FUNDING-MAR 2021	1,796.72
USA BLUE BOOK	SENSAPHONE AUTODIALERS-LIFT STATIONS	1,469.90
UTILITY EQUIPMENT COMPANY	GREEN MARKING PAINT	116.81
		<u>\$ 5,415.15</u>

## COMMUNITY BETTERMENT

NEBRASKA DEPARTMENT OF REVENUE	QRTLTY LOTTERY TAX 51-C 2021/03/31	59,211.00
		<u>\$ 59,211.00</u>

## COMMUNITY DEVELOPMENT

BELLEVUE JR SPORTS ASSOCIATION	1ST QTR GRANT CYCLE SPORTS PROGRAM-VOLLEY AND BASKETBALL	1,320.00
GRETNA GUIDE & NEWS	LEGAL AD	81.40
		<u>\$ 1,401.40</u>

**TOTAL CLAIMS FOR MAY 4, 2021** \$ 581,866.33

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

10a.  
5/4/2021

COUNCIL MEETING DATE: 05/04/2021		SUBMITTED BY: Susan Kluthe, City Clerk	
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input checked="" type="checkbox"/>	ORDINANCE <input type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>	
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Recommend approval of a Special Designated Liquor License for Paul Klabunde dba "Century Lounge"

SYNOPSIS/BACKGROUND:

Paul Klabunde dba "Century Lounge" would like to be able to sell beer, wine, and distilled spirits for a BBQ Cookoff on June 6, 2021 from 8 a.m. to 12:00 a.m. at 2109 Franklin Street, Bellevue. SDL applications are turned in directly to the City Clerk's Office. Application is reviewed by the Police, submitted to the City Council for review and recommendation, and then forwarded to the Nebraska Liquor Control Commission for issuance (if there are no issues).

FISCAL IMPACT: \$40.00 BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: NO COUNTER-PARTY: INTERLOCAL AGREEMENT: NO

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE: CONTRACT TERM: CONTRACT END DATE:

PROJECT NAME:

START DATE: END DATE: PAYMENT DATE: INSURANCE REQUIRED: NO

CIP PROJECT NAME: CIP PROJECT NUMBER:

STREET DISTRICT NAME (S): STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

Recommend approval of Special Designated Liquor License for Paul R. Klabunde dba "Century Lounge" to sell beer, wine, and distilled spirits at a BBQ Kickoff, to be held at Century Lounge, 2109 Franklin Street, Bellevue, on June 6, 2021 from 8:00 a.m. to 12:00 a.m.

ATTACHMENTS:

1. Application 2. Police Report 3. 4. 5. 6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*Cynthia Mathes*  
*[Signature]*

**Special Designated License  
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions  
Late applications are non-refundable and will be rejected

Paul R. Klabunde

Retail Liquor License Name or \*Non-Profit Organization (\*Must include Form #201 as Page 2)

2109 Franklin St. Bellevue, NE 68005

Retail Liquor License Address or Non-Profit Business Address

013859

Retail License Number or Non-Profit Federal ID #

Consecutive Dates only

Event Date(s): 6-4-21

Event Start Time(s): 8:00am

Event End Time(s): 12:00am

Alternate Date: 06-13-2021

Alternate Location Building & Address: N/A

Event Building Name: Century Lounge

Event Street Address/City: 2109 Franklin St. Bellevue, NE 68005

Indoor area to be licensed in length & width:     X    

Outdoor area to be licensed in length & width: 42 X 50 (Diagram Form #109 must be attached)

Type of Event: BBQ cookoff Estimate # of attendees: 100+

Type of alcohol to be served: Beer  Wine  Distilled Spirits   
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Jennifer Filley Event Contact Phone Number: 402-291-6266

Event Contact Email: century2109@cox.net

\*Signature Authorized Representative: Monica A. Minge Printed Name Monica A. Minge

*I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.*

\*Retail licensee – Must be signed by a member listed on permanent license

\*Non-Profit Organization – Must be signed by a Corporate Officer

Local Governing Body completes below:

The local governing body for the City/Village of \_\_\_\_\_ OR County of \_\_\_\_\_ approves the issuance of a Special Designated License as requested above. (Only one should be written above)

Local Governing Body Authorized Signature

Date

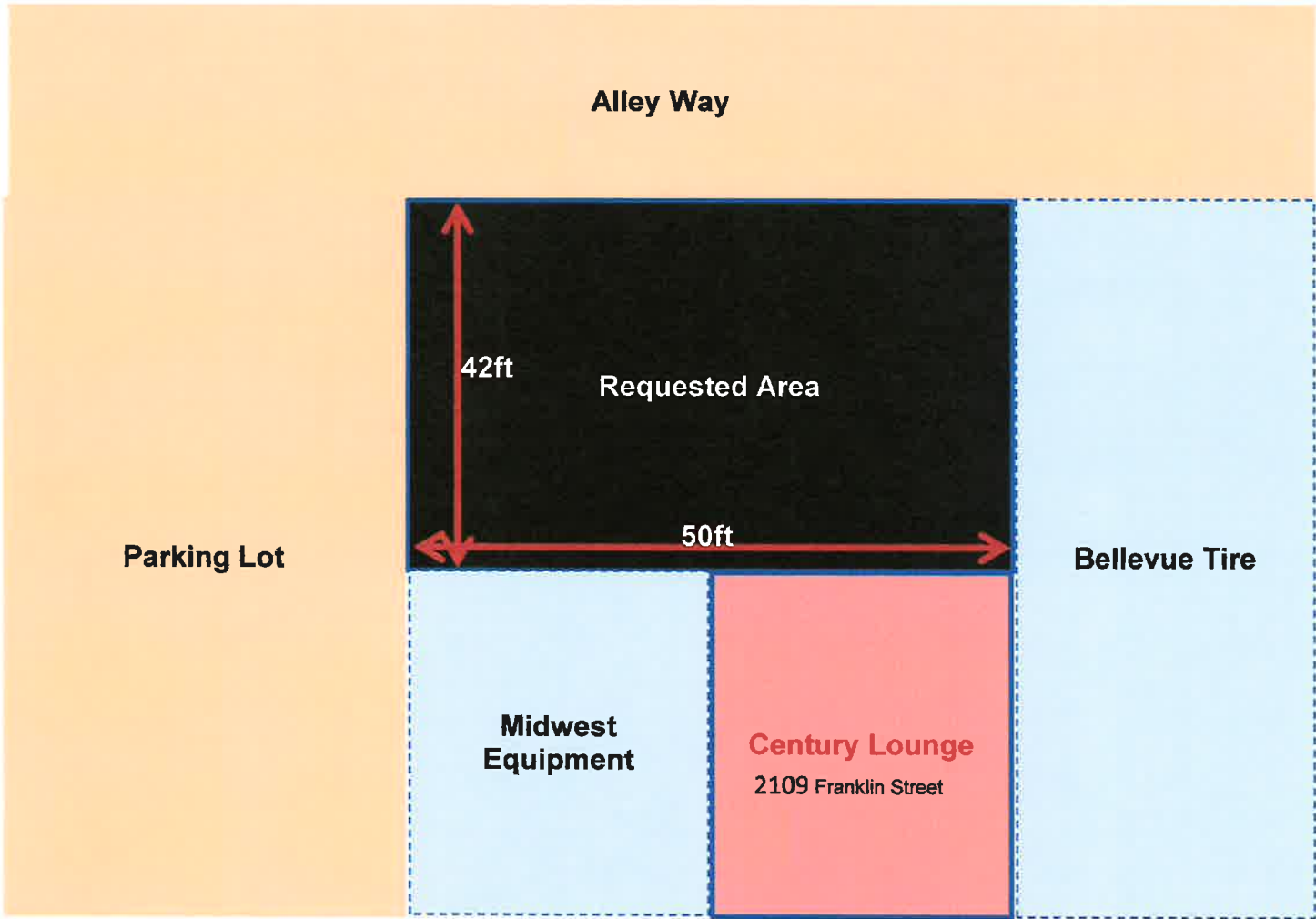
# OUTDOOR AREA DIAGRAM

HOW AREA WILL BE PATROLLED Bouncer / Bar manager

- IF APPLICABLE, OUTDOOR AREA MUST BE CONNECTED TO INDOOR AREA IF INDOOR AREA IS TO LICENSED
- MEASUREMENT OF OUTER WALLS OF AREA TO BE LICENSED MUST INCLUDED LENGTH & WIDTH IN FEET
- DOUBLE FENCING IS REQUIRED FOR ALL NON-PROFIT ORGANIZATIONS UNLESS FORM #140 IS FILED WITH THIS FORM AND IS APPROVED BY THE COMMISSION
- RETAILER LIQUOR LICENSE HOLDERS ARE NOT REQUIRED TO DOUBLE FENCE, ALTHOUGH MEASURES NEED TO BE TAKEN TO SECURE THE AREA

DIAGRAM OF PROPOSED AREA:

See Attached



**SPECIAL DESIGNATED LIQUOR LICENSE**

**POLICE REPORT**

DATE OF COUNCIL MEETING: 05/04/2021 Due to City Clerk: By 04/28/2021

APPLICANT: Paul Klabunde dba "Century Lounge"

LOCATION/ADDRESS: 2109 Franklin Street, Bellevue

REQUESTED ACTION: Approval to recommend approving a Special Designated Liquor License for Paul Klabunde dba "Century Lounge", 2109 Franklin St., Bellevue, for a BBQ Cookoff, on June 6, 2021, from 8:00 a.m. to 12:00 a.m.

COMMENTS:

No objection 4-26-21  
Asst Chief [Signature]

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 05/04/2021		SUBMITTED BY: Susan Kluthe, City Clerk	
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input checked="" type="checkbox"/>	ORDINANCE <input type="checkbox"/>	PUBLIC HEARING <input checked="" type="checkbox"/>	
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Application for new Manager for Midwest Catering and Events, LLC dba "Patricia Catering" at 439 Galvin Road N., Bellevue

SYNOPSIS/BACKGROUND:

Midwest Catering and Events, LLC dba "Patricia Catering" would like recommendation to approve Sarah Norman Rowe as a new Manager for the store located at 439 Galvin Road N., Bellevue. Applications are turned directly into the NE Liquor Control Commission by the applicant then forwarded on to the City Clerk's Office by the NE Liquor Control Commission. The Clerk sends application to be reviewed by the Police and then submitted to the City Council for review and recommendation, and then forwarded to the NE Liquor Control Commission for final approval (if there are no issues).

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

RECOMMENDATION:

Recommend approval of application for Sarah Norman Rowe as the new Manager for Midwest Catering and Events, LLC dba "Patricia Catering" at 439 Galvin Road N., Bellevue.

ATTACHMENTS:

- |   |   |                         |
|---|---|-------------------------|
| 1. <input type="text" value="Application"/> | 2. <input type="text" value="Police Report"/> | 3. <input type="text"/> |
| 4. <input type="text"/>                     | 5. <input type="text"/>                       | 6. <input type="text"/> |

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*Susan Kluthe*  
*[Signature]*  
*[Signature]*



BR

**MANAGER APPLICATION  
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov



**FORM MUST BE COMPLETELY FILLED OUT IN ORDER FOR APPLICATION TO BE PROCESSED**

**MANAGER MUST:**

- ✓ • Complete all sections of the application. Be sure it is signed by a **member or corporate officer**, corporate officer or member must be an individual on file with the Liquor Control Commission
- ✓ • Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- ✓ • Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- ✓ • Be a registered voter in the State of Nebraska, include a copy of voter card or print document from Secretary of State website with application

Spouse who **will not** participate in the business, **spouse must:**

- ✓ • Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

Spouse who **will** participate in the business, the **spouse must:**

NA

- Sign the application
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required

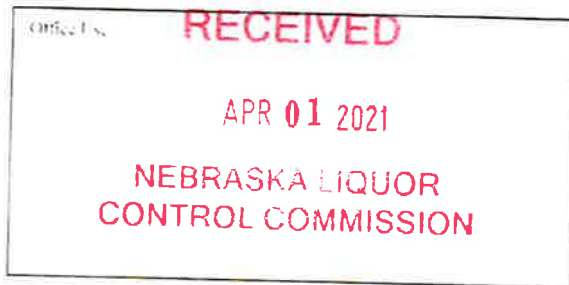


2100003877

0400

**MANAGER APPLICATION  
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL, SUITE 111  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov



**MUST BE:**

- ✓ Include copy of US birth certificate, naturalization paper or current US passport;
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form MUST be included with your application
- ✓ 21 years of age or older

**Corporation/LLC information**

Name of Corporation/LLC: **Midwest Catering and Events, LLC**

**Premise information**

Liquor License Number: **123548** Class Type **CK**  
Premise Trade Name/DBA: **Patricia Catering**  
Premise Street Address: **439 Galvin Rd. N**  
City: **Bellevue** County: **Sarpy** Zip Code: **68005**  
Premise Phone Number: **402-733-6733**  
Premise Email address: **socoindustries@cox.net**

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).

A handwritten signature in blue ink, appearing to be "C. Smith".

**SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER**  
(Faxed signatures are acceptable)

**Manager's information must be completed below PLEASE PRINT CLEARLY**

Last Name: Norman Rowe First Name: Sarah MI: E.  
 Home Address: 2104 Pleasantview Lane  
 City: Bellevue County: Sarpy Zip Code: 68005  
 Home Phone Number: (402) 657-1164  
 Driver's License Number & State: [REDACTED]  
 Social Security Number: [REDACTED]  
 Date Of Birth: [REDACTED] Place Of Birth: Papillion, NE  
 Email address: sarah3306@gmail.com

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)  
 YES  NO

**Spouse's information**

Spouses Last Name: Rowe First Name: Nicholas MI: P.  
 Social Security Number: [REDACTED]  
 Driver's License Number & State: [REDACTED]  
 Date Of Birth: [REDACTED] Place Of Birth: Omaha, NE

**APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS**

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Bellevue, NE	1992	2021	Bellevue, NE	2015	2021
			Omaha, NE	1991	2015

**MANAGER'S LAST TWO EMPLOYERS**

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2014	-----	Patricia Catering	Patricia Regan-Chuck Oddo	(402) 733-6733
2011	2016	Daycare Plus	Rita Martin	(402) 292-0530

**I. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

**Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.**

Has anyone who is a party to this application, or their spouse, **EVER** been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. **include traffic violations**. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES       NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES       NO

**IF YES,** list the name of the premise(s):

\_\_\_\_\_

3. Do you, as a manager, qualify under Nebraska Liquor Control Act ([§53-131.01](#)) and do you intend to supervise, in person, the management of the business?

YES       NO

4

List the alcohol related training and or experience (when and where) of the person making application.

\*NLCC Training Certificate Issued: \_\_\_\_\_ Name on Certificate: \_\_\_\_\_

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

\*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name - Job Title	Date of Employment:	Name & Location of Business:
Server	2014-2017	Patricia Catering 439 Galvin Rd. N, Bellevue, NE
Assistant Office Manager	2017-2020	Patricia Catering 439 Galvin Rd. N, Bellevue, NE
Office Manager	2020-Present	Patricia Catering 439 Galvin Rd. N, Bellevue, NE

5. Have you enclosed form 147 regarding fingerprints?

YES       NO

**PERSONAL OATH AND CONSENT OF INVESTIGATION**

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

**Applicant Notification and Record Challenge:** Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

Silvia Rive  
Signature of Manager Applicant

[Signature]  
Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska  
County of Sarpy The foregoing instrument was acknowledged before me this

24<sup>th</sup> March 2021 by Sarah Norman Rowe & Nicholas Rowe  
date NAME OF PERSON BEING ACKNOWLEDGED

Jessica L. Roseland  
Notary Public signature

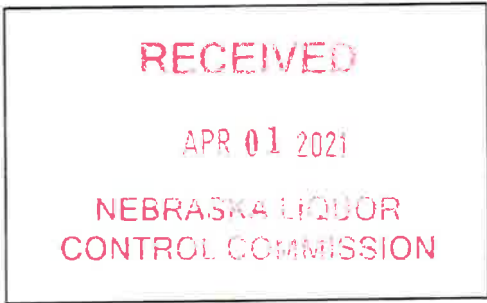


In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

pg 1 - -

**PRIVACY ACT STATEMENT/  
SUBMISSION OF FINGERPRINTS /  
PAYMENT OF FEES TO NSP-CID**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2571  
FAX: (402) 471-2814  
Website: [www.lcc.nebraska.gov](http://www.lcc.nebraska.gov)



**THIS FORM IS REQUIRED TO BE SIGNED BY EACH PERSON BEING FINGERPRINTED:**  
**DIRECTIONS FOR SUBMITTING FINGERPRINTS AND FEE PAYMENTS:**

- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
- Fee payment of \$45.25 per person **MUST** be made **DIRECTLY** to the Nebraska State Patrol:  
It is recommended to make payment through the **NSP PayPort** online system at [www.ne.gov/go/nsp](http://www.ne.gov/go/nsp)  
Or a check made payable to **NSP** can be mailed directly to the following address:  
**\*\*\*Please indicate on your payment who the payment is for (the name of the person being fingerprinted) and the payment is for a Liquor License\*\*\***

The Nebraska State Patrol – CID Division  
3800 NW 12<sup>th</sup> Street  
Lincoln, NE 68521

- Fingerprints taken at NSP LIVESCAN locations will be forwarded to NSP – CID  
*Applicant(s) will not have cards to include with license application.*
- Fingerprints taken at local law enforcement offices may be released to the applicants:  
*Fingerprint cards should be submitted with the application.*

*Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedures for obtaining a change, correction, or updating a FBI identification record are set forth in Title 28, CFR, 16.34.*

\*\*\*\*Please Submit this form with your completed application to the Liquor Control Commission\*\*\*\*

Trade Name \_\_\_\_\_

Name of Person Being Fingerprinted: Sarah Norman Rowe

Date of Birth: [REDACTED] Last 4 SSN: [REDACTED]

Date fingerprints were taken: 3-24-2021

Location where fingerprints were taken: State Patrol Office

How was payment made to NSP?

NSP PAYPORT  CASH  CHECK SENT TO NSP CK # \_\_\_\_\_

My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES

Sarah Norman Rowe

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

Page 2, of 2

Description of Document Form 147 - Submission of Fingerprints

**Acknowledgement**

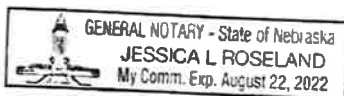
State of Nebraska

s.s.

County of Sarpy

The foregoing instrument was acknowledged before me this

24<sup>th</sup> day of March, 2021  
(month)  
by Sarah E Norman Rowe  
(printed name of person acknowledged)

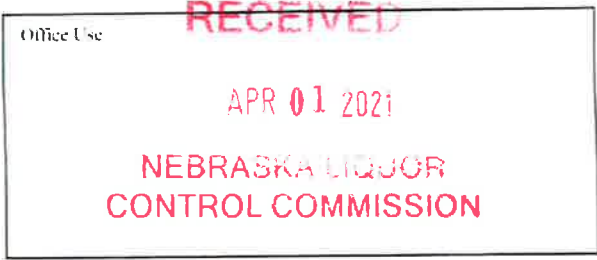


Jessica L Roseland  
Notary Public

† Affix Official Notary seal here †

**SPOUSAL AFFIDAVIT OF  
NON PARTICIPATION INSERT**

NEBRASKA LIQUOR CONTROL COMMISSION  
301 CENTENNIAL MALL SOUTH  
PO BOX 95046  
LINCOLN, NE 68509-5046  
PHONE: (402) 471-2577  
FAX: (402) 471-2814  
Website: www.lcc.nebraska.gov



NR I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will not have any interest, directly or indirectly in the operation of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent myself as the owner or **in any way participate in the day to day operations of this business in any capacity**. The penalty guideline for violation of this affidavit is cancellation of the liquor license.

SR I acknowledge that I am the applicant of the non-participating spouse of the individual signing below. I understand that my spouse and I are responsible for compliance with the conditions set out above. If it is determined that my spouse has violated (§53-125(13)) the commission may cancel or revoke the liquor license.

Nicholas P. Rowe  
Signature of **NON-PARTICIPATING SPOUSE**

Signature of **NON-PARTICIPATING SPOUSE**

**Nicholas P. Rowe**

Print Name

Sarah E. Norman Rowe  
Signature of **APPLICANT**

Signature of **APPLICANT**

**Sarah E. Norman Rowe**

Print Name

State of Nebraska, County of Sarpy

State of Nebraska, County of Sarpy

The foregoing instrument was acknowledged before me  
this 24 March 2021 (date)

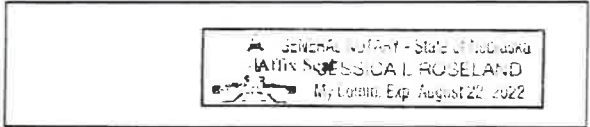
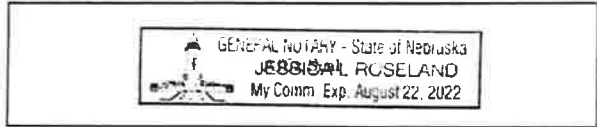
The foregoing instrument was acknowledged before me  
this 24 March 2021 (date)

by Nicholas P. Rowe  
Name of person acknowledged  
(Individual signing document)

by Sarah E. Norman Rowe  
Name of person acknowledged  
(Individual signing document)

Jessica L. Roseland  
Notary Public Signature

Jessica L. Roseland  
Notary Public Signature



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternate format.

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

11a.  
5/4/2021

COUNCIL MEETING DATE: 04/06/2021		SUBMITTED BY: City Clerk	
AGENDA ITEM:		CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>	
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Amending Section 12-57 through 12-85 of the Bellevue Municipal Code pertaining to fireworks so application process is comparable to other cities in Sarpy County.

SYNOPSIS/BACKGROUND:

After reviewing Bellevue's Fireworks Ordinance and comparing to other cities in Sarpy County, the Clerk's Department had a meeting with Administration on revising portions of our City Code to be comparable to other cities in the County, with the Administration. A red-lined version is attached showing the changes.

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

RECOMMENDATION:

Approve Ordinance No. 4030 amending Section 12-57 through 12-85, of the Bellevue Municipal Code pertaining to fireworks.

ATTACHMENTS:

1.  2.  3.

4.  5.  6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: \_\_\_\_\_

FINANCE APPROVAL AS TO FORM: \_\_\_\_\_

ADMINISTRATOR APPROVAL AS TO FORM: \_\_\_\_\_

*A. Bruce Rollins*  
*[Signature]*  
*[Signature]*

## **ORDINANCE NO. 4030**

AN ORDINANCE TO AMEND SECTION 12-57 THROUGH 12-85, OF THE BELLEVUE MUNICIPAL CODE PERTAINING TO FIREWORKS, TO REPEAL ALL PREVIOUS VERSIONS OF THE SAME; AND TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. That Sections 12-57 through 12-85 of the Bellevue Municipal Code are hereby amended to read as follows:

### **§ 12-57 DEFINITIONS.**

(A) For the purposes of this article, the words CONSUMER FIREWORKS shall mean only sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet-type color aerial shells without explosive charge for the purpose of making noise, lady fingers, not to exceed seven eighths (7/8) of an inch in length or one-eighth (1/8) inch in diameter, total pyrotechnic composition not to exceed one-half (1/2) grain in each weight, color wheels and any other fireworks approved under the provisions of Neb. RS § 28-1241(6)(a) as may be amended.

(B) The term FLYING LANTERNS shall mean any device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. FLYING LANTERNS shall not include hot-air balloons used for transporting persons.

### **§ 12-58 EXCEPTION.**

The provisions of this article shall not apply to the discharge of any fireworks for purposes or under the auspices of any governmental subdivision.

### **§ 12-59 FIREWORKS RESTRICTED.**

No person shall possess, sell, offer for sale, bring into the City or discharge any flying lanterns or pyrotechnics, commonly known as fireworks, other than permissible fireworks. No person shall discharge any flying lanterns or fireworks within an area less than 100 feet from any structure used for the exhibition or sale of fireworks.

### **§ 12-60 SALE, DISTRIBUTION, STORAGE AND DISCHARGE OF FIREWORKS RESTRICTED; DEFINITIONS.**

(A) No person shall sell, hold for sale, offer for sale, or distribute or deliver fireworks in the City as a distributor, jobber or retailer (as such terms are defined by the laws of the State, as amended from time to time) unless licensed by the City for such purposes; provided that such licensee shall at all times comply with sections 12-60 through 12-100 and with any applicable laws, regulations and rules of the State, as amended from time to time.

(B)(1) No fireworks may be sold at retail in this City except, daily, from 8:00 a.m. until 10:00 p.m., June 25 through July 3, and from 8:00 a.m. until 12:00 midnight on July 4. Unless first expressly approved by the city council, it shall be unlawful for any person to discharge any other pyrotechnics or pyrotechnic devices in this City other than fireworks. Unless first expressly approved by the City Council, it shall be unlawful to discharge fireworks in this City except between:

- (a) 8:00 a.m. to 10:00 p.m. on any day from June 25 through July 3,
- (b) 8:00 a.m. to 12:00 midnight on July 4, and
- (c) 9:00 p.m. on December 31 to 12:30 a.m. on January 1.

(2) All retail fireworks sales sites shall prominently display a sign listing the days and hours for legal discharge of fireworks in the City of Bellevue and that any debris caused by the discharge of fireworks in the City must be disposed of by the user. Nothing in this article shall be construed

to permit the discharge or other use of any fireworks or any other pyrotechnics or pyrotechnic devices in violation of any other law of this City or the State of Nebraska.

(C) No person other than distributors or jobbers or retailers licensed by the City shall store fireworks for retail sale, distribution or delivery in this City. No such storage shall be permitted except between the hours of 8:00 a.m. on June 23 through 12:00 noon on July 7. Such storage shall be allowed only on sites approved for the retail sale of fireworks pursuant to the provisions of section 12-77 in facilities complying with all applicable provisions of law.

(D) Unless the context shall otherwise require, whenever used in sections 12-60 through 12-100, the term:

(1) **COMMUNITY BETTERMENT** shall mean a purpose which generally betters or enhances the community of the City of Bellevue, including:

(a) The acquisition, improvement and maintenance of parks and recreational facilities, public equipment and other items for community use;

(b) The recruitment and attraction of new businesses and jobs to the City of Bellevue;

(c) Athletic programs which serve the city or neighborhoods or other areas of the community;

(d) Scholarships and youth programs; and

(e) Other acquisitions, services or programs which generally benefit the city and its residents.

(3) **FIREWORKS** shall mean and include only those fireworks that are permitted for sale by a retailer under the laws of the state, as amended from time to time.

(4) **FLYING LANTERNS** shall mean any device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Flying lanterns shall not include hot-air balloons used for transporting persons.

(E) Notwithstanding any other provisions in this section, the possession, use, discharge, retail sale, offer for retail sale, or explosion of flying lanterns in this city is prohibited.

#### **§ 12-61 LOCATION AND MAKE-UP OF FIREWORKS RETAIL OUTLETS.**

(A) No fireworks shall be sold or exhibited except from a sales outlet meeting the requirements of this code. All such sales outlets and all facilities used to store fireworks shall be located and set back at least:

(1) 25 feet from the nearest right-of-way line of any public right-of-way,

(2) 100 feet from any residential structure, and

(3) 50 feet from any other structure.

(B) All sales outlets shall consist of a temporary building structure (which shall not include any tent or structure with canvas or cloth-like roofs) that either has a booth or stand that allows patrons to view and purchase fireworks from the outside of such structure or that allows patrons to enter such structure to view and purchase fireworks; provided, however, no such structure shall enclose floor space exceeding 1,250 square feet nor be located within 20 feet of any facility used to store fireworks.

(C) All sales outlets enclosing any area intended to be used by patrons in connection with the sale of fireworks shall have a minimum of three doors for patrons, each at least three feet in width and located as remotely as practical from any other door or entryway. Each door shall be able to be opened in the direction of egress. All sales outlets enclosing any other area to be used by any person other than a patron shall have a minimum of one door at least three feet in width that is able to be opened in the direction of egress.

(D) The floor area enclosed by any sales outlet shall be earthen, steel, asphalt or concrete, in all instances free of any vegetation in excess of three inches in height and all flammable or combustible materials.

#### **§ 12-62 PROXIMITY TO CERTAIN BUSINESSES AND HAZARDS.**

(A) No sales outlet and no facility used to store fireworks shall be located within: (i) 100 feet from:

(1) Any facility or structure used for the sale, above ground storage or dispensing of any liquefied petroleum gases or any other combustible fuel, including diesel fuel, gasoline or propane; or

(2) Any container used in connection with any liquefied petroleum gases; provided, further, that no organization holding a retail license for sales of fireworks shall permit any motor vehicle to park within 15 feet of the exterior of any fireworks sales outlet or facility used to store fireworks. Such distance shall be measured from the closest point where such motor vehicle may be situated or any hazard or material may be located or is dispensed, vented, or stored above ground.

(B) No vegetation (in excess of three inches in height), flammable or combustible materials shall be allowed within ten feet from the exterior of any sales outlet or any facility used to store fireworks.

#### **§ 12-63 SCREENING.**

All windows, entryways and other openings on any sales outlet shall be covered by a screen, with squares or openings in the screen not more than one-quarter inch across; provided a sales outlet that allows for outside sales may have up to one foot of the space immediately above the sales counter area unscreened for the transaction of business. Screens shall be securely fastened to the sales outlet to prevent any gaps between the screen and the sales outlet.

#### **§ 12-64 FIRE EXTINGUISHER.**

At least one multipurpose fire extinguisher shall be furnished and maintained with a current annual inspection tag in all areas used for the sale and storage of fireworks. The extinguisher shall have a rating of at least 4-A for Class A fires. Two stored pressure water extinguishers with a capacity of at least 2-1/2 gallons each may be substituted for multipurpose extinguishers. The travel distance to any extinguisher required by this section shall not exceed 25 feet. At least one person shall be present at the sales outlet during all business hours who has been trained, and is able, to operate the fire extinguishing equipment. Such person shall be required to demonstrate such ability whenever requested by the fire department.

#### **§ 12-65 ELECTRICAL SERVICE.**

(A) Any electrical service used in any sales outlet shall comply with all provisions of the National Electrical Code, as then currently adopted by the city.

(B) Any extension cord used in, for or to any sales outlet or fireworks storage facility shall be designated as "heavy-duty" and shall have conductors of at least 14AWG and shall be protected from vehicle and pedestrian traffic at all times.

(C) No electrical cord shall be used in, for or to any sales outlet or fireworks storage facility in a manner that would increase the potential for fire or electric shock.

(D) Any portable generator used to supply power to any sales outlet or fireworks storage facility shall be placed at least ten feet from the sales outlet and storage facility.

(E) Generators and/or fuel supplies shall not be stored in any sales outlet or any fireworks storage facility.

#### **§§ 12-66—12-75 RESERVED.**

#### **§ 12-76 LIMITED ISSUANCE OF RETAIL FIREWORKS LICENSES.**

The City of Bellevue finds that there has been a proliferation of outlets for the sale of fireworks within the City and that such proliferation has placed an unacceptable burden on the fire marshal, the Bellevue Police Department, and other City departments in regulating the businesses. In addition, an increased use of fireworks within the City limits and surrounding areas has caused additional safety concerns. Therefore, licenses for the retail sale of fireworks may be issued to no more than 25 not-for-profit charitable, community or civic benevolent organizations which operate on a not-for-profit and benevolent basis within the City and meet the criteria set forth in this code.

## § 12-77 CITY CLERK TO ISSUE RETAIL LICENSES; APPLICATION FOR LICENSE.

(A) The City Clerk shall issue a single license to permit the sale of fireworks at retail to those duly organized and existing not-for-profit and benevolent organizations or associations meeting the criteria set forth in section 12-77(C) whose application has been approved for such purposes by the City Administrator. No person issued a retailer's license shall be authorized to purchase, sell, store, hold for sale, offer for sale, or accept delivery of any fireworks other than fireworks sold or distributed by a jobber or distributor that has been licensed by the City for such purposes.

(B) No application of any organization shall be approved by the City Administrator and no license to sell fireworks as a retailer shall be issued except to an organization that:

(1) Is a duly organized not-for-profit and benevolent organization or association that has been operating or doing business on a not-for-profit and benevolent basis within the City for at least one year prior to April 1 of the year in which the application required by this section is submitted and has actually conducted or engaged in community betterment activity during such period;

(2) Has been licensed by the State of Nebraska as a retailer; and

(3) Has made application for such license required by section 12-77(E).

(C) Notwithstanding any other provision of this code, no organization shall be eligible to receive a City retailer's license for the license year following any license year during which the organization:

(1) Failed to satisfactorily evidence the payment of all sales taxes applicable to the sales of fireworks by the organization for such license year or otherwise failed to comply with section 12-64, 12-65, 12-85; or

(2) Had a City retailer's license revoked by the City. Thereafter, an organization that was ineligible to receive a City retailer's license by application of section 12-77(C)(1) shall remain ineligible until such organization has paid the applicable sales tax for the deficient license year and has otherwise satisfactorily complied with section 12-64, 12-65, 12-85 for non-compliant license year to the extent possible.

(D) Application for a retailer's license shall be made to the City Clerk between April 1 and April 30 of each year; provided that in the event such date shall fall on a weekend or a day that is a holiday recognized by the City, such application shall be submitted no later than the close of business on the first business day of the City following such date. The City Clerk shall promptly forward each application to the City Administrator. No application shall be accepted unless the full application and supporting documentation is completed and submitted to the City Clerk at the time of submission. Applications shall only be supplemented if allowed by the City Administrator and only for good cause shown. Examples of good cause shall include, but not be limited to, information that is an applicant is waiting on from the State Fire Marshal, bond approval, or other state requirement that may be delayed. The application and any supplemental information shall be maintained in the office of the City Clerk.

(E) Application shall be made on a form provided by the City Clerk for such purposes and shall include the following:

(1) The identity, address and telephone number of a contact person for the organization, together with a copy of the retailer's license issued by the State to the organization.

(2) To the extent that the organization is required by law to register its existence or make some other filing in order to be authorized to lawfully operate or to conduct business in the State of Nebraska and/or the City, a certified copy from such appropriate governmental body or agency showing that at the time of the application the organization is existing, validly organized, in good standing and certified to do business or operate in the State of Nebraska; provided, however, that to the extent the organization is not so required (e.g., lodges, social, civic, fraternal and beneficial entities authorized under Neb. RS § 21-608), the organization shall include such information as may be necessary or appropriate to evidence to the City that it is validly organized, in good standing and able to do business in the City;

(3) Documentation evidencing that the organization is currently operating as a not-for-profit and benevolent organization or association within the City and otherwise meet the eligibility requirements set forth in section 12-77(B)(1);

(4) A verified statement identifying (by name and state license number) all distributors or jobbers with whom such organization will do business as a retailer during the year of application

if the license is issued, with appropriate documentation from the distributor or jobber supporting such statement;

(5) Documentation evidencing the organization's due payment of all sales taxes applicable to the sales of fireworks by the organization in the preceding year;

(6) A verified statement that, as a condition of the license, the organization:

(a) Agrees to purchase fireworks only from those distributors or jobbers that are identified in the statement submitted pursuant to section 12-77(E)(4) to whom a license for such purposes has been issued by the City;

(b) Agrees to comply with and abide by all provisions of this code, including any directive from the City in respect to this code or to the laws, rules or regulations of the State;

(c) Agrees to sell fireworks only from a single sales outlet meeting the requirement of this code at the approved location identified in its application by address or other suitable area description;

(d) Understands that any such license issued to the organization is personal to the organization and the organization agrees that it will not assign or transfer or attempt to assign or transfer the license in any manner; and

(e) Understands and agrees that the City is authorized and entitled, in its discretion, to revoke or suspend the organization's City retail license (and upon demand the organization shall immediately surrender its license to the city and cease selling any fireworks) upon the occurrence of any act, error or omission of the organization (including any of its members, officers, directors or agents) that results in:

1. A violation of any of the agreements or understandings set forth in this subsection 12-77(E)(6);

2. A violation of the laws, rules or regulation of the State pertaining to the sale or storing of fireworks that may, or does, result in the revocation or suspension of its State retailers license; or

3. A violation of sections 12-60 through 12-100 that constitutes an immediate threat, in the opinion of the fire inspector, to public health, safety or welfare;

(8) A verified statement that the organization understands that, in addition to the eligibility criteria otherwise set forth in this code, as a condition of being permitted to apply for a license, the organization shall:

(a) Have made the timely payment of all applicable sales and other taxes resulting from the retail sale of fireworks, including any related reporting obligations, under any similar license issued by the City in the preceding year; and

(b) Have made a timely and true and correct filing of any statement required by section 12-85.

(10) Any other information request on such form as may be appropriate in order that the City may ascertain that the organization shall have complied with any applicable provisions of this code;

(F) In any year, if more than 25 duly completed applications from eligible organizations are received by the City Clerk and have been approved by the City Administrator, then the City Clerk shall issue licenses from among such approved organizations as follows:

(1) Those organizations that were issued a similar license by the City in the immediately preceding license year shall be issued a license;

(2) In the event that after expiration of the appeal time as outlined in section (G) below for all organizations whose applications were not approved by the City Administrator (other than by application of section 12-77(B) or 12-77(C)), there are less than 25 organizations that have been issued a license by application of 12-77(F)(1), and there remain organizations whose applications were approved by the City Administrator, the City Clerk shall issue licenses to a number of approved organizations equal to a number that when added to the total of licenses issued for that year pursuant to section 12-77(F)(1) does not exceed 25 provided that the organization who received a license in the preceding year and whose appeal has been successful shall be accorded the same priority as if approved by the City Administrator. The organization to be issued a license pursuant to section 12-77(F)(2) shall be determined by lot in a manner the City Administrator finds to be appropriate.

(G) The City Administrator shall approve or deny all the applications of all organizations by no later than the second Monday in May in the year of the application. Any denial shall be made in

writing personally delivered or sent by regular mail addressed to the person designated in the application specifying the reasons for the denial. Any denial may be appealed to the City Council by written notice made to the City Administrator within ten (10) calendar days of the date of the denial; provided, however, no appeal shall be permitted because denial was the result of the application of sections 12-77(B) or 12-77(C) and no appeal shall be allowed to any organization denied a license by the application of section 12-77(F)(2). The city administrator shall schedule a hearing before the city council at the next available and regularly scheduled city council meeting that is at least five business days after receipt of such notice of appeal.

(H) Whenever an organization has been approved by the City Administrator or by a successful appeal to the City Council, no license shall be issued.

(1) Unless the organization shall first:

(a) Pay the City a license fee in the amount stated in the Master Fee Schedule in cash or by check representing then good funds;

(b) Furnish the bond required by section 12-79;

(c) File a copy of its State retail license with the City Clerk; and

(2) The inspection contemplated by section 12-81 has been successfully completed.

#### **§ 12-78 RESERVED.**

#### **§ 12-79 BOND.**

(A) No license may be issued to an organization for the retail sale of fireworks, unless the organization shall first furnish to the City a cash bond in the amount of \$1,000.00.

(B) Such bond shall be conditioned so that:

(1) The organization shall abide by any laws and regulations pertaining to the sale of fireworks, including all applicable provisions of sections 12-60 through 12-100, and

(2) That the organization shall thoroughly clean the location identified in its application where fireworks are to be stored or sold and remove any outlet, stand, booth or other facility and all debris from such location by 12:00 noon on July 7 of each year, unless July 7th falls on a weekend, then clean-up shall be completed by 12:00 noon on the following Monday.

(C) The bond shall be forfeited to the City in its entirety whenever the license issued to the organization is revoked by the City for any reason contemplated by section 12-77(E)(6) or whenever the organization shall not comply with the condition set forth in section 12-79(B)(2).

#### **§ 12-80 LICENSING OF DISTRIBUTORS AND JOBBERS; FEES AND TAXES; REVOCATION OF LICENSE.**

(A) No person shall sell, hold for sale, offer for sale, or distribute or deliver fireworks in the City as a distributor or jobber unless such person is licensed as a distributor or jobber by the State of Nebraska and the City. No person shall be licensed as a distributor or jobber by the City unless such person shall register its State license with the City on a form provided by the City Clerk for such purposes on or before April 1 in the calendar year in which such activity is to be conducted and shall first pay the license fee imposed by section 12-80(D); provided however the registration shall not be permitted to any distributor or jobber (including any affiliate, subsidiary or other organization that is, directly or indirectly, owned, operated or controlled by any such distributor or jobber or by any person or individual owning, operating or controlling such distributor or jobber) if a jobber's or distributor's license previously issued by the City has been revoked.

(B) In the event such date shall fall on a weekend or a day that is a holiday recognized by the City, registration shall be made by no later than the close of business on the first business day of the City following such date.

(C) A City jobber's or distributor's license shall be valid only for the calendar year during which the State license is issued and the registration is made.

(D) Registration shall be made on a form provided by the City Clerk for such purposes and shall include:

(1) Identification of the license number and the pertinent nature of the license issued by the State, and

(2) All other information requested by the City as may be appropriate in order that the City may ascertain that such distributor or jobber is in compliance with the applicable provisions of this code; provided that such information shall be considered the confidential proprietary information of the organization and of the applicant/distributor/jobber and not subject to disclosure to the extent permitted by law. Such registration shall be accompanied by payment, by certified check, of a license fee in the amount stated in the Master Fee Schedule.

(E) Nothing in this section 12-80 shall be construed to permit any distributor or jobber to engage in the sale of fireworks at retail unless such distributor or jobber has been licensed for such sales in accordance with the provisions of section 12-77.

(F) All information submitted by any distributor or jobber pursuant to this section 12-80 shall be maintained and made available in the City Clerk's office.

(G) Any license issued pursuant to this section 12-80 shall not be construed to allow such distributor or jobber to sell, purchase or distribute any fireworks except to those distributors, jobbers and retailers licensed by the City for such activities.

(H) Each distributor's or jobber's license issued by the City shall be subject to immediate revocation or suspension by the City whenever the distributor or jobber shall sell, purchase or distribute fireworks to or from any retailer, jobber or distributor that is not appropriately licensed by the City at the time of the purchase, sale or distribution.

#### **§ 12-81 INSPECTION REQUIRED; DUTY OF LICENSEE.**

(A) No retail license may be issued to an organization whose application has been approved for the retail sale of fireworks, unless an inspection conducted by the fire inspector and any other appropriate inspector of the City of its sales outlet and storage facilities has determined the organization's conformity to and compliance with the code, including any land use regulations.

(B) The organization shall request the City in writing addressed to the City Clerk no later than 4:00 p.m. on June 23 of the appropriate calendar year to make such inspection. The City shall attempt to conduct such inspection within 24 hours after the request has been made. The inspector(s) shall advise the City Clerk at such time as the inspection has determined that such organization is in compliance with the requirements of the code.

(C) Nothing in this shall preclude the City from subsequently revoking, suspending or demanding the surrender of the organization's retail license.

#### **§ 12-82 DISPLAY OF RETAIL LICENSE.**

Any retail license issued by the City shall be prominently displayed at all times at the sales outlet.

#### **§ 12-83 DURATION.**

Any retail license issued by the City shall be valid only for the calendar year in which issued.

#### **§ 12-84 AGE OF SELLERS AND PURCHASERS.**

(A) Any person actually selling or offering for sale any fireworks in the City shall be at least 14 years of age, and no licensee shall allow or permit any person to sell or offer to sell any fireworks who is not 14 years of age, provided however that someone over the age of 16 shall be present at all times.

(B) No person actually selling or offering for sale any fireworks in the City shall sell or offer to sell fireworks to any person who is under 16 years of age, and no licensee shall allow or permit any person to sell or offer to sell any fireworks to any person who is under 16 years of age.

**§ 12-85 STATEMENT OF PROFITS AND EXPENSES.**

(A) Each organization that has received a retail license pursuant to section 12-77 shall file with the City Clerk on or before September 30, a detailed verified statement providing the following information:

(1) The total dollar amount paid by all patrons for fireworks at the sales outlet during the license period, including, separately stated, the amount of sales tax collected by the organization and to be paid in connection with such sales, including the manner and means of calculating the same; and

(2) Such other information as the City shall consider appropriate.

(B) Such statement shall be filed on a form that the City Clerk has prepared for such purposes.

(C) The form shall be maintained and made available in the office of the City Clerk.

**§ 12-86 VIOLATIONS.**

Any person or any licensee who violates any of the provisions of sections 12-59, 12-60, 12-61, 12-64, 12-82 or 12-84 shall be deemed guilty of a misdemeanor in addition to any fine or penalty for such violation as may otherwise be provided in sections 12-60 through 12-100.

**§§ 12-87—12-100 RESERVED.**

**ORDINANCE NO. 4030**

AN ORDINANCE TO AMEND SECTION 12-57 THROUGH 12-85, OF THE BELLEVUE MUNICIPAL CODE PERTAINING TO FIREWORKS, TO REPEAL ALL PREVIOUS VERSIONS OF THE SAME; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. That Sections 12-57 through 12-85 of the Bellevue Municipal Code are hereby amended to read as follows:

**§ 12-57 DEFINITIONS.**

(A) For the purposes of this article, the words CONSUMER FIREWORKS shall mean only sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet-type color aerial shells without explosive charge for the purpose of making noise, lady fingers, not to exceed seven eights (7/8) of an inch in length or one-eighth (1/8) inch in diameter, total pyrotechnic composition not to exceed one-half (1/2) grain in each weight, color wheels and any other fireworks approved under the provisions of Neb. RS § 28-1241(6)(a) as may be amended.

(B) The term FLYING LANTERNS shall mean any device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. FLYING LANTERNS shall not include hot-air balloons used for transporting persons.

**§ 12-58 EXCEPTION.**

The provisions of this article shall not apply to the discharge of any fireworks for purposes or under the auspices of any governmental subdivision.

**§ 12-59 FIREWORKS RESTRICTED.**

No person shall possess, sell, offer for sale, bring into the City or discharge any flying lanterns or pyrotechnics, commonly known as fireworks, other than permissible fireworks. No person shall discharge any flying lanterns or fireworks within an area less than 100 feet from any structure used for the exhibition or sale of fireworks.

**§ 12-60 SALE, DISTRIBUTION, STORAGE AND DISCHARGE OF FIREWORKS RESTRICTED; DEFINITIONS.**

(A) No person shall sell, hold for sale, offer for sale, or distribute or deliver fireworks in the City as a distributor, jobber or retailer (as such terms are defined by the laws of the State, as amended from time to time) unless licensed by the City for such purposes; provided that such licensee shall at all times comply with sections 12-60 through 12-100 and with any applicable laws, regulations and rules of the State, as amended from time to time.

(B)(1) No fireworks may be sold at retail in this City except, daily, from 8:00 a.m. until 10:00 p.m., June 25 through July 3, and from 8:00 a.m. until 12:00 midnight on July 4. Unless first expressly approved by the city council, it shall be unlawful for any person to discharge any other pyrotechnics or pyrotechnic devices in this City other than fireworks. Unless first expressly approved by the City Council, it shall be unlawful to discharge fireworks in this City except between:

- (a) 8:00 a.m. to 10:00 p.m. on any day from June 25 through July 3,
- (b) 8:00 a.m. to 12:00 midnight on July 4, and
- (c) 9:00 p.m. on December 31 to 12:30 a.m. on January 1.

(2) All retail fireworks sales sites shall prominently display a sign listing the days and hours for legal discharge of fireworks in the City of Bellevue and that any debris caused by the discharge

of fireworks in the City must be disposed of by the user. Nothing in this article shall be construed to permit the discharge or other use of any fireworks or any other pyrotechnics or pyrotechnic devices in violation of any other law of this City or the State of Nebraska.

(C) No person other than distributors or jobbers or retailers licensed by the City shall store fireworks for retail sale, distribution or delivery in this City. No such storage shall be permitted except between the hours of 8:00 a.m. on June 23 through 12:00 noon on July 7. Such storage shall be allowed only on sites approved for the retail sale of fireworks pursuant to the provisions of section 12-77 in facilities complying with all applicable provisions of law.

(D) Unless the context shall otherwise require, whenever used in sections 12-60 through 12-100, the term:

(1) **COMMUNITY BETTERMENT** shall mean a purpose which generally betters or enhances the community of the City of Bellevue, including:

(a) The acquisition, improvement and maintenance of parks and recreational facilities, public equipment and other items for community use;

(b) The recruitment and attraction of new businesses and jobs to the City of Bellevue;

(c) Athletic programs which serve the city or neighborhoods or other areas of the community;

(d) Scholarships and youth programs; and

(e) Other acquisitions, services or programs which generally benefit the city and its residents.

(3) **FIREWORKS** shall mean and include only those fireworks that are permitted for sale by a retailer under the laws of the state, as amended from time to time.

(4) **FLYING LANTERNS** shall mean any device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Flying lanterns shall not include hot-air balloons used for transporting persons.

(E) Notwithstanding any other provisions in this section, the possession, use, discharge, retail sale, offer for retail sale, or explosion of flying lanterns in this city is prohibited.

#### **§ 12-61 LOCATION AND MAKE-UP OF FIREWORKS RETAIL OUTLETS.**

(A) No fireworks shall be sold or exhibited except from a sales outlet meeting the requirements of this code. All such sales outlets and all facilities used to store fireworks shall be located and set back at least:

(1) 25 feet from the nearest right-of-way line of any public right-of-way,

(2) 100 feet from any residential structure, and

(3) 50 feet from any other structure.

(B) All sales outlets shall consist of a temporary building structure (which shall not include any tent or structure with canvas or cloth-like roofs) that either has a booth or stand that allows patrons to view and purchase fireworks from the outside of such structure or that allows patrons to enter such structure to view and purchase fireworks; provided, however, no such structure shall enclose floor space exceeding 1,250 square feet nor be located within 20 feet of any facility used to store fireworks.

(C) All sales outlets enclosing any area intended to be used by patrons in connection with the sale of fireworks shall have a minimum of three doors for patrons, each at least three feet in width and located as remotely as practical from any other door or entryway. Each door shall be able to be opened in the direction of egress. All sales outlets enclosing any other area to be used by any person other than a patron shall have a minimum of one door at least three feet in width that is able to be opened in the direction of egress.

(D) The floor area enclosed by any sales outlet shall be earthen, steel, asphalt or concrete, in all instances free of any vegetation in excess of three inches in height and all flammable or combustible materials.

## **§ 12-62 PROXIMITY TO CERTAIN BUSINESSES AND HAZARDS.**

(A) No sales outlet and no facility used to store fireworks shall be located within: (i) 100 feet from:

(1) Any facility or structure used for the sale, above ground storage or dispensing of any liquefied petroleum gases or any other combustible fuel, including diesel fuel, gasoline or propane; or

(2) Any container used in connection with any liquefied petroleum gases; provided, further, that no organization holding a retail license for sales of fireworks shall permit any motor vehicle to park within 15 feet of the exterior of any fireworks sales outlet or facility used to store fireworks. Such distance shall be measured from the closest point where such motor vehicle may be situated or any hazard or material may be located or is dispensed, vented, or stored above ground.

(B) No vegetation (in excess of three inches in height), flammable or combustible materials shall be allowed within ten feet from the exterior of any sales outlet or any facility used to store fireworks.

## **§ 12-63 SCREENING.**

All windows, entryways and other openings on any sales outlet shall be covered by a screen, with squares or openings in the screen not more than one-quarter inch across; provided a sales outlet that allows for outside sales may have up to one foot of the space immediately above the sales counter area unscreened for the transaction of business. Screens shall be securely fastened to the sales outlet to prevent any gaps between the screen and the sales outlet.

## **§ 12-64 FIRE EXTINGUISHER.**

At least one multipurpose fire extinguisher shall be furnished and maintained with a current annual inspection tag in all areas used for the sale and storage of fireworks. The extinguisher shall have a rating of at least 4-A for Class A fires. Two stored pressure water extinguishers with a capacity of at least 2-1/2 gallons each may be substituted for multipurpose extinguishers. The travel distance to any extinguisher required by this section shall not exceed 25 feet. At least one person shall be present at the sales outlet during all business hours who has been trained, and is able, to operate the fire extinguishing equipment. Such person shall be required to demonstrate such ability whenever requested by the fire department.

## **§ 12-65 ELECTRICAL SERVICE.**

(A) Any electrical service used in any sales outlet shall comply with all provisions of the National Electrical Code, as then currently adopted by the city.

(B) Any extension cord used in, for or to any sales outlet or fireworks storage facility shall be designated as "heavy-duty" and shall have conductors of at least 14AWG and shall be protected from vehicle and pedestrian traffic at all times.

(C) No electrical cord shall be used in, for or to any sales outlet or fireworks storage facility in a manner that would increase the potential for fire or electric shock.

(D) Any portable generator used to supply power to any sales outlet or fireworks storage facility shall be placed at least ten feet from the sales outlet and storage facility.

(E) Generators and/or fuel supplies shall not be stored in any sales outlet or any fireworks storage facility.

## **§§ 12-66—12-75 RESERVED.**

## **§ 12-76 LIMITED ISSUANCE OF RETAIL FIREWORKS LICENSES.**

The City of Bellevue finds that there has been a proliferation of outlets for the sale of fireworks within the City and that such proliferation has placed an unacceptable burden on the fire marshal, the Bellevue Police Department, and other City departments in regulating the businesses. In addition, an increased use of fireworks within the City limits and surrounding areas has caused additional safety concerns. Therefore, licenses for the retail sale of fireworks may be issued to no

more than 25 not-for-profit charitable, community or civic benevolent organizations which operate on a not-for-profit and benevolent basis within the City and meet the criteria set forth in this code.

**§ 12-77 CITY CLERK TO ISSUE RETAIL LICENSES; APPLICATION FOR LICENSE.**

(A) The City Clerk shall issue a single license to permit the sale of fireworks at retail to those duly organized and existing not-for-profit and benevolent organizations or associations meeting the criteria set forth in section 12-77(C) whose application has been approved for such purposes by the City Administrator. No person issued a retailer's license shall be authorized to purchase, sell, store, hold for sale, offer for sale, or accept delivery of any fireworks other than fireworks sold or distributed by a jobber or distributor that has been licensed by the City for such purposes.

(B) No application of any organization shall be approved by the City Administrator and no license to sell fireworks as a retailer shall be issued except to an organization that:

- (1) Is a duly organized not-for-profit and benevolent organization or association that has been operating or doing business on a not-for-profit and benevolent basis within the City for at least one year prior to April 1 of the year in which the application required by this section is submitted and has actually conducted or engaged in community betterment activity during such period;
- (2) Has been licensed by the State of Nebraska as a retailer; and
- (3) Has made application for such license required by section 12-77(E).

(C) Notwithstanding any other provision of this code, no organization shall be eligible to receive a City retailer's license for the license year following any license year during which the organization:

- (1) Failed to satisfactorily evidence the payment of all sales taxes applicable to the sales of fireworks by the organization for such license year or otherwise failed to comply with section 12-64, 12-65, 12-85; or
- (2) Had a City retailer's license revoked by the City. Thereafter, an organization that was ineligible to receive a City retailer's license by application of section 12-77(C)(1) shall remain ineligible until such organization has paid the applicable sales tax for the deficient license year and has otherwise satisfactorily complied with section 12-64, 12-65, 12-85 for non-compliant license year to the extent possible.

(D) Application for a retailer's license shall be made to the City Clerk between April 1 and April 30 of each year; provided that in the event such date shall fall on a weekend or a day that is a holiday recognized by the City, such application shall be submitted no later than the close of business on the first business day of the City following such date. The City Clerk shall promptly forward each application to the City Administrator. No application shall be accepted unless the full application and supporting documentation is completed and submitted to the City Clerk at the time of submission. Applications shall only be supplemented if allowed by the City Administrator and only for good cause shown. Examples of good cause shall include, but not be limited to, information that is an applicant is waiting on from the State Fire Marshal, bond approval, or other state requirement that may be delayed. The application and any supplemental information shall be maintained in the office of the City Clerk.

(E) Application shall be made on a form provided by the City Clerk for such purposes and shall include the following:

- (1) The identity, address and telephone number of a contact person for the organization, together with a copy of the retailer's license issued by the State to the organization.
- (2) To the extent that the organization is required by law to register its existence or make some other filing in order to be authorized to lawfully operate or to conduct business in the State of Nebraska and/or the City, a certified copy from such appropriate governmental body or agency showing that at the time of the application the organization is existing, validly organized, in good standing and certified to do business or operate in the State of Nebraska; provided, however, that to the extent the organization is not so required (e.g., lodges, social, civic, fraternal and beneficial entities authorized under Neb. RS § 21-608), the organization shall include such information as may be necessary or appropriate to evidence to the City that it is validly organized, in good standing and able to do business in the City;

(3) Documentation evidencing that the organization is currently operating as a not-for-profit and benevolent organization or association within the City and otherwise meet the eligibility requirements set forth in section 12-77(B)(1);

(4) A verified statement identifying (by name and state license number) all distributors or jobbers with whom such organization will do business as a retailer during the year of application if the license is issued, with appropriate documentation from the distributor or jobber supporting such statement;

(5) Documentation evidencing the organization's due payment of all sales taxes applicable to the sales of fireworks by the organization in the preceding year;

(6) A verified statement that, as a condition of the license, the organization:

(a) Agrees to purchase fireworks only from those distributors or jobbers that are identified in the statement submitted pursuant to section 12-77(E)(4) to whom a license for such purposes has been issued by the City;

(b) Agrees to comply with and abide by all provisions of this code, including any directive from the City in respect to this code or to the laws, rules or regulations of the State;

(c) Agrees to sell fireworks only from a single sales outlet meeting the requirement of this code at the approved location identified in its application by address or other suitable area description;

(d) Understands that any such license issued to the organization is personal to the organization and the organization agrees that it will not assign or transfer or attempt to assign or transfer the license in any manner; and

(e) Understands and agrees that the City is authorized and entitled, in its discretion, to revoke or suspend the organization's City retail license (and upon demand the organization shall immediately surrender its license to the city and cease selling any fireworks) upon the occurrence of any act, error or omission of the organization (including any of its members, officers, directors or agents) that results in:

1. A violation of any of the agreements or understandings set forth in this subsection 12-77(E)(6);

2. A violation of the laws, rules or regulation of the State pertaining to the sale or storing of fireworks that may, or does, result in the revocation or suspension of its State retailers license; or

3. A violation of sections 12-60 through 12-100 that constitutes an immediate threat, in the opinion of the fire inspector, to public health, safety or welfare;

(8) A verified statement that the organization understands that, in addition to the eligibility criteria otherwise set forth in this code, as a condition of being permitted to apply for a license, the organization shall:

(a) Have made the timely payment of all applicable sales and other taxes resulting from the retail sale of fireworks, including any related reporting obligations, under any similar license issued by the City in the preceding year; and

(b) Have made a timely and true and correct filing of any statement required by section 12-85.

(10) Any other information request on such form as may be appropriate in order that the City may ascertain that the organization shall have complied with any applicable provisions of this code;

(F) In any year, if more than 25 duly completed applications from eligible organizations are received by the City Clerk and have been approved by the City Administrator, then the City Clerk shall issue licenses from among such approved organizations as follows:

(1) Those organizations that were issued a similar license by the City in the immediately preceding license year shall be issued a license;

(2) In the event that after expiration of the appeal time as outlined in section (G) below for all organizations whose applications were not approved by the City Administrator (other than by application of section 12-77(B) or 12-77(C)), there are less than 25 organizations that have been issued a license by application of 12-77(F)(1), and there remain organizations whose applications were approved by the City Administrator, the City Clerk shall issue licenses to a number of approved organizations equal to a number that when added to the total of licenses issued for that year pursuant to section 12-77(F)(1) does not exceed 25 provided that the organization who received a license in the preceding year and whose appeal has been successful shall be accorded the same priority as if approved by the City Administrator. The organization to be issued a license pursuant to section 12-77(F)(2) shall be determined by lot in a manner the City Administrator finds to be appropriate.

(G) The City Administrator shall approve or deny all the applications of all organizations by no later than the second Monday in May in the year of the application. Any denial shall be made in writing personally delivered or sent by regular mail addressed to the person designated in the application specifying the reasons for the denial. Any denial may be appealed to the City Council by written notice made to the City Administrator within ten (10) calendar days of the date of the denial; provided, however, no appeal shall be permitted because denial was the result of the application of sections 12-77(B) or 12-77(C) and no appeal shall be allowed to any organization denied a license by the application of section 12-77(F)(2). The city administrator shall schedule a hearing before the city council at the next available and regularly scheduled city council meeting that is at least five business days after receipt of such notice of appeal.

(H) Whenever an organization has been approved by the City Administrator or by a successful appeal to the City Council, no license shall be issued.

(1) Unless the organization shall first:

(a) Pay the City a license fee in the amount stated in the Master Fee Schedule in cash or by check representing then good funds;

(b) Furnish the bond required by section 12-79;

(c) File a copy of its State retail license with the City Clerk; and

(2) The inspection contemplated by section 12-81 has been successfully completed.

#### **§ 12-78 RESERVED.**

#### **§ 12-79 BOND.**

(A) No license may be issued to an organization for the retail sale of fireworks, unless the organization shall first furnish to the City a cash bond in the amount of \$1,000.00.

(B) Such bond shall be conditioned so that:

(1) The organization shall abide by any laws and regulations pertaining to the sale of fireworks, including all applicable provisions of sections 12-60 through 12-100, and

(2) That the organization shall thoroughly clean the location identified in its application where fireworks are to be stored or sold and remove any outlet, stand, booth or other facility and all debris from such location by 12:00 noon on July 7 of each year, unless July 7th falls on a weekend, then clean-up shall be completed by 12:00 noon on the following Monday.

(C) The bond shall be forfeited to the City in its entirety whenever the license issued to the organization is revoked by the City for any reason contemplated by section 12-77(E)(6) or whenever the organization shall not comply with the condition set forth in section 12-79(B)(2).

#### **§ 12-80 LICENSING OF DISTRIBUTORS AND JOBBERS; FEES AND TAXES; REVOCATION OF LICENSE.**

(A) No person shall sell, hold for sale, offer for sale, or distribute or deliver fireworks in the City as a distributor or jobber unless such person is licensed as a distributor or jobber by the State of Nebraska and the City. No person shall be licensed as a distributor or jobber by the City unless such person shall register its State license with the City on a form provided by the City Clerk for such purposes on or before April 1 in the calendar year in which such activity is to be conducted and shall first pay the license fee imposed by section 12-80(D); provided however the registration shall not be permitted to any distributor or jobber (including any affiliate, subsidiary or other organization that is, directly or indirectly, owned, operated or controlled by any such distributor or jobber or by any person or individual owning, operating or controlling such distributor or jobber) if a jobber's or distributor's license previously issued by the City has been revoked.

(B) In the event such date shall fall on a weekend or a day that is a holiday recognized by the City, registration shall be made by no later than the close of business on the first business day of the City following such date.

(C) A City jobber's or distributor's license shall be valid only for the calendar year during which the State license is issued and the registration is made.

(D) Registration shall be made on a form provided by the City Clerk for such purposes and shall include:

(1) Identification of the license number and the pertinent nature of the license issued by the State, and

(2) All other information requested by the City as may be appropriate in order that the City may ascertain that such distributor or jobber is in compliance with the applicable provisions of this code; provided that such information shall be considered the confidential proprietary information of the organization and of the applicant/distributor/jobber and not subject to disclosure to the extent permitted by law. Such registration shall be accompanied by payment, by certified check, of a license fee in the amount stated in the Master Fee Schedule.

(E) Nothing in this section 12-80 shall be construed to permit any distributor or jobber to engage in the sale of fireworks at retail unless such distributor or jobber has been licensed for such sales in accordance with the provisions of section 12-77.

(F) All information submitted by any distributor or jobber pursuant to this section 12-80 shall be maintained and made available in the City Clerk's office.

(G) Any license issued pursuant to this section 12-80 shall not be construed to allow such distributor or jobber to sell, purchase or distribute any fireworks except to those distributors, jobbers and retailers licensed by the City for such activities.

(H) Each distributor's or jobber's license issued by the City shall be subject to immediate revocation or suspension by the City whenever the distributor or jobber shall sell, purchase or distribute fireworks to or from any retailer, jobber or distributor that is not appropriately licensed by the City at the time of the purchase, sale or distribution.

#### **§ 12-81 INSPECTION REQUIRED; DUTY OF LICENSEE.**

(A) No retail license may be issued to an organization whose application has been approved for the retail sale of fireworks, unless an inspection conducted by the fire inspector and any other appropriate inspector of the City of its sales outlet and storage facilities has determined the organization's conformity to and compliance with the code, including any land use regulations.

(B) The organization shall request the City in writing addressed to the City Clerk no later than 4:00 p.m. on June 23 of the appropriate calendar year to make such inspection. The City shall attempt to conduct such inspection within 24 hours after the request has been made. The inspector(s) shall advise the City Clerk at such time as the inspection has determined that such organization is in compliance with the requirements of the code.

(C) Nothing in this shall preclude the City from subsequently revoking, suspending or demanding the surrender of the organization's retail license.

#### **§ 12-82 DISPLAY OF RETAIL LICENSE.**

Any retail license issued by the City shall be prominently displayed at all times at the sales outlet.

#### **§ 12-83 DURATION.**

Any retail license issued by the City shall be valid only for the calendar year in which issued.

#### **§ 12-84 AGE OF SELLERS AND PURCHASERS.**

(A) Any person actually selling or offering for sale any fireworks in the City shall be at least 14 years of age, and no licensee shall allow or permit any person to sell or offer to sell any fireworks who is not 14 years of age, provided however that someone over the age of 16 shall be present at all times.

(B) No person actually selling or offering for sale any fireworks in the City shall sell or offer to sell fireworks to any person who is under 16 years of age, and no licensee shall allow or permit any person to sell or offer to sell any fireworks to any person who is under 16 years of age.

**§ 12-85 STATEMENT OF PROFITS AND EXPENSES.**

(A) Each organization that has received a retail license pursuant to section 12-77 shall file with the City Clerk on or before September 30, a detailed verified statement providing the following information:

(1) The total dollar amount paid by all patrons for fireworks at the sales outlet during the license period, including, separately stated, the amount of sales tax collected by the organization and to be paid in connection with such sales, including the manner and means of calculating the same; and

(2) Such other information as the City shall consider appropriate.

(B) Such statement shall be filed on a form that the City Clerk has prepared for such purposes.

(C) The form shall be maintained and made available in the office of the City Clerk.

**§ 12-86 VIOLATIONS.**

Any person or any licensee who violates any of the provisions of sections 12-59, 12-60, 12-61, 12-64, 12-82 or 12-84 shall be deemed guilty of a misdemeanor in addition to any fine or penalty for such violation as may otherwise be provided in sections 12-60 through 12-100.

**§§ 12-87—12-100 RESERVED.**

**Section 2.** This Ordinance shall take effect and be in full force on the \_\_\_ day of April, 2021.

ADOPTED by the Mayor and City Council this \_\_\_ day of May, 2021.

ATTEST:

\_\_\_\_\_  
Mayor, Rusty Hike

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

First Reading: 04/06/2021  
Second Reading: 04/20/2021  
Third Reading: \_\_\_\_\_

\_\_\_\_\_  
City Attorney

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

11b.  
5/4/2021

COUNCIL MEETING DATE: 04/06/2021	SUBMITTED BY: Mike Christensen	Permits & Inspections
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>

SUBJECT:

Ordinance pertaining to the adoption of the 2021 International Fire Code

SYNOPSIS/BACKGROUND:

It is time for the City of Bellevue to update our codes to the current codes available.

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

RECOMMENDATION:

Approve ordinance to adopt code updates for the City of Bellevue.

ATTACHMENTS:

- |  |                         |                         |
|--|-------------------------|-------------------------|
| 1. <input type="text" value="Ordinance 4031"/> | 2. <input type="text"/> | 3. <input type="text"/> |
| 4. <input type="text"/>                        | 5. <input type="text"/> | 6. <input type="text"/> |

SIGNATURES:

LEGAL APPROVAL AS TO FORM:



FINANCE APPROVAL AS TO FORM:



ADMINISTRATOR APPROVAL AS TO FORM:



ORDINANCE NO 4031

AN ORDINANCE TO AMEND SECTIONS 12-2, 12-36 THROUGH 12-36.1 AND 12-170 OF THE BELLEVUE MUNICIPAL CODE PERTAINING TO THE BELLEVUE FIRE PREVENTION CODE; TO REPEAL SECTIONS 12-2, 12-36 THROUGH 12-36.1 AND 12-170 OF THE BELLEVUE CITY CODE AS HERETOFORE EXISTING; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA.

Section 1. That Section 12-2 of the Bellevue Municipal Code is hereby amended to read as follows:

**Sec. 12-2. Fire Hydrants generally**

(a) No building shall be erected within the city limits and within the extra-territorial zoning jurisdiction of the city, unless it shall be protected by sufficient approved type fire hydrants in accordance with Section 507 Fire Protection Water Supplies and Appendix B Fire Flow Required for Buildings of the 2021 International Fire Code.

(b) Where compliance with this section requires the installation of private hydrants, such hydrants will be installed at the expense of the property owner requiring such hydrants. These hydrants shall be served by a minimum of a 6-inch main and shall be certified, inspected, flow tested, and maintained by the Metropolitan Utilities District.

(c) All fire hydrant systems shall meet the approval of the fire department as to installation and location. Plans and specifications shall be submitted to the fire department for review and approval prior to construction.

(d) Building construction or storage areas shall not be started prior to the hydrant system being placed in service.

Section 2. That Section 12-36 of the Bellevue Municipal Code is hereby amended to read as follows:

**Sec. 12-36. Adoption of International Fire Code**

There is hereby adopted by the city of Bellevue, Nebraska, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2021 International Fire Code, being particular the edition in use the year of which shall correspond with the same year of the building code being currently used by the City of Bellevue, including appendices, of which code not less than three (3) copies have been and are now filed in the office of the Fire Marshal, and the same is hereby adopted and incorporated as fully set out at length herein; provided that whenever any provision shall conflict with the provisions of the City Code, or any other City ordinance, the provision of the City Code or other such ordinance shall govern.

Section 3. That Section 12-36.1 of the Bellevue Municipal Code is hereby amended to read as follows:

**Sec. 12-36.1 Amendments and changes to code adopted in Sec 12-36 adoption of International Fire Code.**

(A) The International Fire Code, 2021 Edition, is amended and changed in the following respects:

(1) **Amend Section 308.1.4 Open flame cooking devices.** By deleting exception 2 and by changing exception 3 to read as follows:

Exceptions:

2. LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.

(2) **Amend Section 503.2.1 Dimensions.** Change “20 feet” to “24 feet”.

(3) **Delete Section 503.2.7 Grade,** and substitute the following language:

“The grade of the fire apparatus access road shall be a maximum of 10%”

(4) **Delete Section 507.5.3 (1)** and substitute the following language:

Private fire hydrants (all types) shall be certified, inspected, flow tested, and maintained by the Metropolitan Utilities District.

(5) **Section 609.1 General.** Insert “and NFPA 96”

(6) **Section 903.2.8 Group R.** Add Exception to read as follows.

**Exception:** Sprinkler systems are not required in R-3 One- and two-family dwellings, or Townhouses that are separated into separate buildings by a common two (2) hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263. Such walls shall not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical, cable and telephone installations are permitted, but shall be installed in accordance with the adopted electrical code in Chapter 10 of the Bellevue City Code. Penetrations of electrical boxes shall be in accordance with Section R302.4 2012 IRC.

(7) **Amend Section 3405.1 Individual piles.** Add new first sentence, “These regulations shall apply to outdoor storage of tires where fifty (50) or more tires are stored”. Change “5,000 square feet (464.5 M2)” to “2,500 square feet (232.3 M2)” and change “50,000 cubic feet (1416 M3)” to “25,000 cubic feet (707.92 M3)”. Add, “A maximum of two tire piles may be established on a single site”.

(8) **Delete Section 3405.6**

(9) **Add Section 3405.8 Bond.** Add as a new Section to read as follows:

**Bond.** As a condition of the issuance or continuation of any permit authorizing the outdoor storage of tires, the applicant or permittee shall file with the city clerk a bond in favor of the City, with good and sufficient surety, in the amount of \$20,000. This bond shall be conditioned that the applicant or permittee, as principal, shall faithfully perform all of the requirements imposed upon the outdoor tire storage operation by federal, state, and local law; and shall perform such cleanup, moving or removal of tires as is required by federal, state or local law. This section shall apply immediately to all applications or renewal requests submitted after the effective date of this Section.

Holders of permits as of the effective date of this Section shall file the required bond within 90 days of the effective date of this Section.

Once every two (2) years after the effective date of this Section, the City shall inspect all sites licensed under this Section. If such an inspection finds that the fair and reasonable cost to lawfully remove and dispose of all tires stored on the site exceeds \$20,000, then the amount of the required bond for that site shall be immediately increased to equal that cost. In such case, the license holder shall be so notified, and shall provide the required bond within thirty (30) days. Nothing in this Section shall be construed to permit the storage of a volume of tires in excess of that which is otherwise allowed by law.

(10) **Amend Section 3407.1 Where required.** To read as follows:

Where required. A firmly anchored fence or other approved method of security that controls unauthorized access to the storage yard shall surround the storage yard.

(11) **Amend Section 3407.2 Construction.** Change “6 feet (1829mm) high” to “10 feet (2048mm high)”.

(12) **Amend Section 3504.2.1 When required.** Change “30 minutes” to “2 hours” and change “extend” to “modify”

(13) **Amend Section 5601.1.3 Fireworks.**

Delete Exceptions 1 and 2 and renumber 3 and 4.

(14) **Amend Appendix D Fire Apparatus Access Roads:** Change all 20 feet widths to 24 feet widths.

(B) The following Reference Standards for this Fire Code are amended as follows:

(1) Change “ICCEC- 21 ICC Electrical Code” to “Electrical Code: The electrical code for this jurisdiction shall be as adopted by Chapter 10 of the Bellevue Municipal Code and all codes adopted therein”

(2) Change “IBC- 21 International Building Code” to Building Code: The building code for the jurisdiction shall be as adopted by Chapter 8 of the Bellevue Municipal Code and all codes adopted therein”.

(3) Delete “IEBC- 21 International Existing Building Code”.

(4) Change “IFGC- 21 International Fuel Gas Code” to “Fuel Gas Code: The fuel gas code for this jurisdiction shall be as adopted in Chapter 27 to the Bellevue Municipal Code”.

(5) Change “IMC- 21 International Mechanical Code” to “Mechanical Code: The mechanical code for this jurisdiction shall be as adopted by Chapter 27 of the Bellevue Municipal Code”.

(6) Change “IPC- 21 International Plumbing Code” to “Plumbing Code: The plumbing code for this jurisdiction shall be as adopted by Chapter 27 of the Bellevue Municipal Code”.

(7) Change “IRC- 21 International Residential Code” to “International Residential Code: The International Residential Code shall be as adopted by Chapter 8 of the Bellevue Municipal Code”.

(8) Delete. “IUWIC-21 International Urban-Wildlife Interface Code”.

Section 4. That Sections 12-170 of the Bellevue Municipal Code is hereby amended to read as follows:

#### **Sec.12-170. Signs**

All signs shall meet the requirements of the 2021 International Fire Code, Appendix D. If there is a curb along the fire lane, the curb shall be painted red.

Section 5. That Sections 12-2, 12-36 through 12-36.1 and 12-170 of Chapter1 of the Bellevue City Code as heretofore existing are hereby repealed.

Section 6. This Ordinance shall be published in pamphlet form.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

---

Mayor

Attest:

---

City Clerk

First Reading April 6, 2021

Second Reading April 20, 2021

Third reading May 4, 2021

APPROVED AS TO FORM:

---

City Attorney

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

11c.  
5/4/2021

COUNCIL MEETING DATE: 04/06/2021	SUBMITTED BY: Mike Christensen	Permits & Inspections
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>

SUBJECT:

Ordinance pertaining to the adoption of the 2021 International Building Code, International Residential Code & the 2018 International Energy Conservation Code.

SYNOPSIS/BACKGROUND:

It is time for the City of Bellevue to update our codes to the current codes available.

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRUBUTION CODE:  ACCOUNT NUMBER:

RECOMMENDATION:

Approve ordinance to adopt code updates for the City of Bellevue.

ATTACHMENTS:

1. Ordinance 4032	2. <input type="text"/>	3. <input type="text"/>
4. <input type="text"/>	5. <input type="text"/>	6. <input type="text"/>

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*A. Brex Robin*  
*[Signature]*  
*[Signature]*

ORDINANCE NO. 4032

AN ORDINANCE TO AMEND SECTIONS 8-16 THROUGH 8-18 OF CHAPTER 8 OF THE BELLEVUE CITY CODE BY ADOPTING THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE WITH AMENDMENTS AND CHANGES; TO REPEAL SECTIONS 8-16 THROUGH 8-18 OF CHAPTER 8 OF THE BELLEVUE CITY CODE AS HERETOFORE EXISTING; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. Section 8-16 through 8-18 of Chapter 8 of the Bellevue City Code is hereby amended to read as follows:

**§ Sec. 8-16 STATE BUILDING CODE ADOPTED.**

- (A) By this reference there is hereby created the State Building Code as such code is identified by Neb. RS § 71-6403, Reissue of 2019 Cum. Supp.
- (1) The International Building Code (IBC), chapter 13 of the ~~2009~~ 2018 Edition, and all but such chapter of the 2018 edition, published by the International Code Council, except that (i) section 305.2.3 applies to a care facility for twelve or fewer persons;
  - (2) The International Residential Code (IRC), chapter 11 of the ~~2009~~ 2018 Edition, and all but such chapter of the 2018 edition except section R313, published by the International Code Council;
  - (3) The International Existing Building Code, ~~2009~~ 2018 Edition, published by the International Code Council.
- (B) Notwithstanding any provision in section 8-16 (A), in the event that any provision in the state building code shall conflict with this chapter, any other provision of the Bellevue City Code, or any other applicable ordinances adopted by the City of Bellevue, the applicable provision of the Bellevue City Code or ordinance shall prevail.
- (C) The foregoing matters are made a part of the Bellevue City Code as though fully set out herein; provided, however, that three copies of each such code shall be separately maintained on file in the office of the Permits and Inspections Department and shall remain there for public use and inspection.

**Sec. 8-17. Building codes adopted.**

- (A) The following codes are hereby adopted and shall be considered the building codes for the City:
- (1) The International Building Code, 2021 Edition, Chapters 2-29, 35, inclusive;
  - (2) Appendix C, Group U-Agricultural Buildings; E, Supplemental Accessibility Requirements; Appendix F, Rodent Proofing; Appendix G, Flood Resistant Construction; Appendix I, Patio Covers and Appendix J, Grading, of the International Building Code, 2021 Edition;
  - (3) The International Residential Code, 2021 Edition, Chapters 2-24 inclusive: and Chapter 44;
  - (4) Appendix AJ Existing Buildings and Structures.
  - (5) Appendix AK "Sound Transmission", of the International Residential Code, 2021 Edition;
  - (6) The International Energy Conservation Code, 2018 Edition;

- (B) The following chapters are specifically excluded and shall not be considered as part of the building code for the city:
  - (1) Appendix Chapters A, B, H, K, L, M, N and O of the International Building Code, 2021 Edition;
- (C) The 2021 International Residential Code shall apply to the construction, alteration, enlargement, replacement or repair of detached one (1) and two (2) family dwellings and their accessory structures, and any new construction required as a result of moving a one (1) or two (2) family dwelling. The 2012 International Building Code shall apply to the construction, alteration, enlargement, replacement or repair of all other buildings and structures, and any new construction required as a result of moving any other building.
- (D) Sections of these codes that are modified amended or deleted elsewhere in this article. Three (3) copies of the International Building Code 2021 Edition, the International Residential Code 2021 Edition, and the International Energy Conservation Code 2018 Edition, are to be retained on file with the Permits and Inspections Division and shall there remain for public use and inspection. These codes shall be in effect within the limits of the city and its two-mile zoning “jurisdiction”.

Section 2. That Section 8-18 of Chapter 8 of the Bellevue City Code is hereby amended to read as follows:

**Sec. 8-18. Amendments and changes to codes adopted in Section 8-17.**

- (A) The 2021 International Building Code is hereby amended, altered, modified and changed in the following respects:
  - (1) **Amend Section 202, Definitions, by adding the following definitions:**
    - ELECTRICAL CODE: The electrical code for this jurisdiction shall be Chapter 10 of the Bellevue City Code.
    - FIRE CODE: The fire code for this jurisdiction shall be Chapter 12 of the Bellevue City Code and all codes adopted therein.
    - FUEL GAS CODE: The fuel gas code for this jurisdiction shall be the International Fuel Gas Code.
    - ICC ELECTRICAL CODE: Wherever reference is made to the ICC Electrical Code it shall mean “Electrical Code”. See definition for “Electrical Code”.
    - INTERNATIONAL FIRE CODE: Whenever reference is made to the International Fire Code it shall mean “Fire Code”.
    - INTERNATIONAL MECHANICAL CODE: Whenever reference is made to the International Mechanical Code. it shall mean “Mechanical Code” See definition for “Mechanical code.
    - INTERNATIONAL PLUMBING CODE: Wherever reference is made to the International Plumbing Code it shall mean “Plumbing Code”. See definition for “Plumbing Code”.
    - MECHANICAL CODE: The mechanical code for this jurisdiction shall be Article VII Chapter 27 of the Bellevue City Code.
    - PLUMBING CODE: The plumbing code for this jurisdiction shall be Article IV Chapter 27 of the Bellevue City Code.

(2) **Section 1502.5 Rain water. Add a new section as follow:**

When roofs are sloped to drain over the edge, scuppers or gutters and down spouts, adequately sized, pitched, and supported, shall be installed to conduct rain water to ground level. Rain water shall be discharged at least three (3) feet away from the building foundation in a direction parallel to the adjoining property line when the discharge point is within twenty (20) feet of the adjoining property line.

Exception: Structures with no sub-grade spaces.

(3) **Section 1807.1.4 Permanent Wood Foundation Systems.**

Delete this section in its entirety.

(4) **Section 1809.12 Timber footings.**

Delete this section in its entirety.

(5) **Section 1809.5 Frost protection. Delete this section and the exceptions in their entirety and replace with:**

Except where erected on solid rock or otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings and structures larger than *seven* hundred fifty (750) square feet in area or ten (10) feet in height shall extend below the established frost line. The established frost line shall be 42 inches below the exterior grade of the structure.

Exceptions:

1. The bottom surface of footings for unattached garages and accessory structures of wood or metal not more than seven hundred fifty (750) square feet in area shall not be less than one (1) foot below grade.

2. The bottom surface of foundations that bear on rock surfaces is not required to be below the established frost line provided the rock does not have seams or cracks or contain disintegrated material that could serve as reservoirs for water which could be subject to freezing.

(7) **Chapter 29, Plumbing Systems. Delete this chapter in its entirety and change to read as follows:**

Plumbing systems shall be installed in accordance with Chapter 27 of the Bellevue City Code.

(B) The 2018 International Energy Conservation Code is hereby amended, altered, modified and changed in the following respects:

(1) **Amend Section R303.3 Maintenance information, by deleting the second and third sentences from this section.**

(2) **Amend Table R402.1.2, by changing climate zone 5 and Marine 4 – Basement Wall R-value to read as follows:**

13

(3) **Section R402.4.1.2 testing:**

Delete this section in its entirety.

(4) **Amend Section R403.3.3 Duct Testing (mandatory), by adding exception 3 to read as follows:**

Exception 3. A duct air-leakage test shall not be required for ducts that are sprayed with closed cell foam.

- (5) **Amend Section R403.3.5 Building Cavities (mandatory), by adding an exception as follows:**

Exception: Interior building cavities may be used as ducts or plenums for return air when completely panned and sealed.

- (6) **Amend Section R403.5.1.1 Circulation systems to read as follows:**

Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold-water supply pipe. Gravity and thermosyphon circulation systems shall be prohibited. Controls for circulation hot water system pumps shall start the pump based on the identification of a demand for hot water within the occupancy. The controls may automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water.

- (7) **Amend Section R403.6 Mechanical ventilation (Mandatory), to read as follows:**

When buildings and dwelling units are provided with mechanical ventilation it shall meet the requirements of Section M1505 of the International Residential Code or with other approved means of ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

- (8) **Delete Section R403.8 Systems serving multiple dwelling units in its entirety.**

Section 3. That Sections 8-16, 8-17 and 8-18 of Chapter 8 of the Bellevue City Code as heretofore existing are hereby repealed.

Section 4. This Ordinance shall be published in pamphlet form.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

First Reading April 6, 2021

APPROVED AS TO FORM:

Second Reading April 20, 2021

\_\_\_\_\_  
City Attorney

Third reading May 4, 2021

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

11d.  
5/4/2021

COUNCIL MEETING DATE: 04/06/2021	SUBMITTED BY: Mike Christensen	Permits & Inspections
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>

SUBJECT:

Ordinance pertaining to the amendments of the 2021 International Residential Code.

SYNOPSIS/BACKGROUND:

It is time for the City of Bellevue to update our codes to the current codes available.

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

RECOMMENDATION:

Approve ordinance to adopt code updates for the City of Bellevue.

ATTACHMENTS:

1. Ordinance 4033	2. <input type="text"/>	3. <input type="text"/>
4. <input type="text"/>	5. <input type="text"/>	6. <input type="text"/>

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*A. Bruecklin*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_

ORDINANCE NO. 4033

AN ORDINANCE TO AMEND SECTION 8-18.6 OF CHAPTER 8 OF THE BELLEVUE CITY CODE PERTAINING TO THE AMENDMENTS AND CHANGES TO THE INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION; TO REPEAL SECTION 8-18.6 OF CHAPTER 8 OF THE BELLEVUE CITY CODE AS HERETOFORE EXISTING; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDNANIED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. That Section 8-18.6 of Chapter 8 of the Bellevue City code is hereby amended to provide as follows:

**Sec. 8-18.6. Amendments and changes to the International Residential Code, 2021 Edition.**

(A) The International Residential Code, 2021 Edition, is amended and changed in the following respects:

**(1) Amend Section R202 Definitions, by adding the following definition:**

**Sleeping Room.** Any room in the house that is greater than seventy (70) square feet, has a built-in closet space and typically could be used as a bedroom. This does not include rooms used for cooking, eating, family living or gathering and excludes bathrooms, toilet rooms, halls, storage, utility and workshop space and all unconditioned space.

**(2) Amend Table R301.2 Climatic and Geographic Design Criteria, by adding the following:**

**Table R301.2 Climatic and Geographic Design Criteria**

Ground SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP	FLOOD HAZARDS	ICE BARRIER REQ'D	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			Weathering	Frost Line	Termite	Decay					
25	115	A	Severe	42"	M-H	S-M	-3	1971	YES	1680	51.2°

**MANUAL J DESIGN CRITERIA**

Elevation	Altitude Correction	Coincident Wet bulb	Indoor winter design temperature dry	Indoor winter design dry – bulb temperature	Outdoor Winter design temperature	Outdoor dry design temperature	Heating temperature difference
1,033	N/A	77% Humidity		70 F		1 F	69 F
Latitude	Daily range	Indoor summer design humidity	Indoor summer	Indoor summer design temperature	Outdoor summer design temperature	Outdoor summer design temperature	Cooling temperature difference
41.1543623		50%		75 F		91 F	16 F

**(3) Amend Table R301.5 Minimum Uniformly Distributed Live Load, by changing the number “30” (live load for sleeping rooms) and replacing it with the number “40”**

**(4) Amend Section: R302.2 Townhouses. To read as follows:**

Each townhouse shall be considered a separate building and shall be separated by a common two (2) hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263. Such walls shall not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical, cable and telephone installations are permitted, but shall be installed in raceways and metallic outlet boxes. Electrical installation shall be installed in accordance with the adopted electrical code in Chapter 10 of the Bellevue City Code. Penetrations of electrical boxes shall be in accordance with Section R302.4.

**Exception:** A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses equipped with an automatic sprinkler system installed in accordance with NFPA 13, provided the common wall does not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and underside of the roof sheathing. Electrical installations shall be installed in accordance with the adopted electrical code in Chapter 10 of the Bellevue City Code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

(5) **Amend Section: R302.3 Two family dwellings. Delete exception #1 in its entirety.**

(6) **Amend Section R307.1 Space required, to provide as follows:**

Fixtures shall be spaced as per Chapter 27 of the Bellevue Plumbing Code.

Delete Figure 307.1 Minimum fixture clearances, in its entirety.

(7) **Delete R309.5 Fire sprinklers. Delete this section in its entirety.**

(8) **Amend Section R310.1 Emergency escape and rescue opening required. Delete exception #2 in its entirety.**

(9) **Amend Section R310.6 Dwelling additions. Delete exception #3 in its entirety.**

(10) **Amend Section R310.7 Alterations or repairs of existing basements. to read as follows:**

An emergency escape and rescue opening is required where existing basements undergo alterations or repairs.

Exception: New sleeping rooms created in an existing basement shall be provided with emergency escape and rescue openings in accordance with Section R310.1

(11) **Amend Section R311.3.1 Floor elevations at the required front door, to read as follows:**

The landing or floor on the exterior side shall be not more than 7-3/4" (196mm) below the top of the interior finished floor provided that the door does not swing over the landing or floor.

(12) **Amend Section R311.3.2 Floor elevations at other exterior doors, to read as follows:**

Doors other than the required egress door shall be provided with landings or floors not more than 7-3/4" (196mm) below the top of the finished floor.

Exception: A top landing is not required where a stairway of not more than three risers is located on the exterior side of the door, provided that the door does not swing over the stairway.

(13) **Amend Section R311.7.2 Headroom. Add the Following as a second paragraph:**

The Building Official shall have the authority to waive the requirements of this section where pre-existing conditions will not allow the requirements to be met.

(14) **Amend Section: R311.7.8.2-4Continuity. Add exception 3 to read as follows:**

Exception 3. Handrails for stairways shall be permitted to have no more than a 4" break due to wall offsets and other ornamental features.

(15) **Amend Section R313.1 Townhouse automatic fire sprinkler systems, to read**

**as follows:**

An automatic residential fire sprinkler system is not required to be installed in townhouses.

**(16) Amend Section R313.1.1 Design and installation, to read as follows:**

**Design and installation for non-required systems.** When a non-required automatic residential fire sprinkler system is intended to be installed within a townhouse, the system shall be designed and installed in accordance with NFPA 13 NFPA 13D or NFPA 13R.

**(17) Amend Section R313.2 One- and two-family dwellings automatic fire systems, to read as follows:**

An automatic residential fire sprinkler system is not required to be installed in one- and two-family dwellings.

**(18) Amend Section R313.2.1 Design and Installation, to read as follows:**

**Design and installation of non-required systems.** When an automatic residential fire sprinkler system is intended to be installed, it shall be designed and installed in accordance with NFPA 13, NFPA 13D or NFPA 13R.

**(19) Amend Section: R317.1 Location required. Change location #2 to read as follows:**

All wood framing members, sills, or plates that rest on concrete or masonry walls.

**(20) Delete Section R317.1.1 Field treatment. Delete this section in its entirety.**

**(21) Amend Section R318.1 Subterranean termite control methods., by deleting method #5 in its entirety and renumbering #6 to #5.**

**(22) Delete Section R318.1.2 Field treatment. Delete this section in its entirety.**

**(23) Delete Section R318.3 Barriers. Delete this section in its entirety.**

**(24) Amend Section R326 Habitable attic, and subsections R326.1, R326.2 and R326.3 to read as follows:**

A habitable attic shall not be considered a story where complying with all of the following requirements:

1. The occupiable floor area is not less than 70 square feet (6.5 m<sup>2</sup>), in accordance with Section R304.
2. The occupiable floor area has a ceiling height in accordance with Section R305.
3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.
4. The floor of the occupiable space shall not extend beyond the exterior walls of the floor below.

**(25) Amend Section R403.1.4.1 Frost protection, to read as follows:**

Except where otherwise protected from frost, foundation walls, piers, and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2
2. Erected on solid rock.

Exceptions:

1. Protection of freestanding accessory structures with an area of 750 square feet or less, of light framed construction, with an eave height of ten feet or less shall not be required.
2. Protection of freestanding accessory structures with and area of 400 square feet or less, of other than light framed construction, with an eave height of ten feet or less shall not be required.

Footings shall not bear on frozen soil unless the frozen condition is permanent.

General note:

1. Deck footings shall be twice the diameter of the supporting member.

**(26) Delete Section R403.3 Frost protection shallow footings in its entirety.**

**(27) Delete Table R403.3 (1) in its entirety.**

**(28) Delete Figures R403.3 (1), R403.3 (3), R403.3 (4) and R403.4.(1) in their entirety.**

**(29) Delete Sections R403.3.1, R403.3.1.1, R403.3.1.2, R403.3.2, R403.3.3, R403.3.4 and R403.4.1 in their entirety.**

**(30) Delete Section R404.1.8 Rubble stone masonry in its entirety.**

**(31) Delete Section R404.2 Wood foundation walls, and subsections R404.2.1, R404.2.2, R404.2.3, R404.2.4, R404.2.5 and R404.2.6 in their entirety.**

**(32) Change Section R502.6.2 Joist Framing, to read as follows:**

Joist framed into the side of a wood girder shall be supported by approved framing anchors.

**(33) Amend Section 507.3 Footings. Delete all exceptions and amend to read as follows:**

Decks shall be supported on concrete footings or other approved structural systems designed to accommodate all loads in accordance with Section R301. Deck footings shall extend below the frost line specified in Table R301.2 in accordance with Section R403.1.4.1 and sized to carry the imposed loads from the deck structure to the ground as shown in Table R507.3.1

**(34) Amend Section 507.3.1 Minimum size. Amend to read as follows:**

The minimum size of concrete footings shall be in accordance with Table R507.3.1, and allowable soil-bearing pressure of 1,500<sup>a</sup> pounds per square foot.

- a. Where the building official determines that in-place soils with and allowable bearing capacity of less than 1,500 psf are likely to be present at the site, the allowable bearing capacity shall be determined by a soil investigation.

**(35) Delete Table R507.3.1 in its entirety and replace with new Table R507.3.1 Minimum Footing Sizes for Decks.**

**TABLE R507.3.1 MINIMUM FOOTING SIZES FOR DECKS**

Footing Depth	Footing Diameter Allowed (1,500 psf soil-bearing pressure)						
	8" diam	10" diam	12" diam	14" diam	16" diam	18" diam	20" diam
<b>42"</b>	<941 lbs.	< 1340 lbs.	< 1805 lbs.	<2334 lbs.	<2930 lbs.	<3591 lbs.	<4316 lbs.
<b>48"</b>	<1481 lbs.	<2071 lbs.	<2747lbs	<3509 lbs.	<4360lbs	<5298 lbs.	<6323 lbs.
<b>Post diam</b>	<b>4x4</b>	<b>4x4</b>	<b>6x6</b>	<b>6x6</b>	Engineered	Engineered	Engineered

- (36) **Amend Section R507.4 Deck posts. To read as follows:**

For single-level decks, wood post size shall be in accordance with Table R507.3.1 and post height in accordance with Table R507.4

- (37) **Delete Table R507.4 and replace with new Table R507.4**

**TABLE R507.4 DECK POST HEIGHT**

DECK POST SIZE	MAXIMUM HEIGHT (FEET-INCHES)
<b>4X4</b>	<b>6</b>
<b>4X6</b>	<b>8</b>
<b>6X6</b>	<b>14</b>
<b>8X8</b>	<b>14</b>

- (38) **Amend Section R903.4 Roof drainage, add to existing paragraph as follows:**

When roofs are sloped to drain over the edge, scuppers or gutters and down spouts, adequately sized, pitched and supported, shall be installed to conduct rain water to ground level. Rain water shall be discharged at least three (3) feet away from the building foundation in a direction parallel to the adjoining property line.

**Exception:** Structures with no sub-grade spaces.

- (39) **Delete Section R908.3.1 Roof recover in its entirety.**

- (40) **Amend Section R908.3.1.1 Roof recover not allowed to read as follow:**

A roof recover shall not be permitted.

- (41) **Add new Section R908.7 Roof maintenance – repair, to read as follows:**

No roofing permit is required for any maintenance or repairs that are an accumulative of one roofing square (100’sq) or less provided there is only one layer of existing roof covering. Any reroofing exceeding one roofing square (100’sq) requires a permit and the entire roof to be brought up to current code.

- (42) **Delete Chapter 11, Energy Efficiency. Delete this chapter in its entirety and change to read as follows:**

One- and Two-Family Dwellings shall be designed and constructed in accordance with the 2018 International Energy Conservation Code as amended in chapter 8, section 8-18 (B) of the Bellevue City Code.

- (43) **Delete Chapter 25 through Chapter 32 in their entirety and substitute the same with the following:**

a. The plumbing requirements shall conform to the provisions of Chapter 27 of the Bellevue City Code.

b. When installed; Fire sprinkler systems shall be installed in accordance with NFPA 13, NFPA 13D or NFPA 13R.

**(44) Delete Chapter 33 through Chapter 42 in their entirety and substitute the same with the following:**

- a. The storm drainage requirements shall conform to the provisions of Chapter 27 of the Bellevue City Code.
- b. The electrical requirements shall conform to the provisions of Chapter 10 of the Bellevue City Code.

Section 2. That Section 8-18.6 of Chapter 8 of the Bellevue City Code as heretofore existing are hereby repealed.

Section 3. This Ordinance shall be published in pamphlet form.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

First Reading: April 6, 2021

APPROVED AS TO FORM:

Second Reading: April 20, 2021

\_\_\_\_\_  
City Attorney

Third reading: May 4, 2021

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

11e.  
5/4/2021

COUNCIL MEETING DATE: 04/06/2021	SUBMITTED BY: Mike Christensen	Permits & Inspections
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>

SUBJECT:

Ordinance pertaining to the adoption of the 2021 International Mechanical Code.

SYNOPSIS/BACKGROUND:

It is time for the City of Bellevue to update our codes to the current codes available.

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

RECOMMENDATION:

Approve ordinance to adopt code updates for the City of Bellevue.

ATTACHMENTS:

1. Ordinance 4034	2. <input type="text"/>	3. <input type="text"/>
4. <input type="text"/>	5. <input type="text"/>	6. <input type="text"/>

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

*A. Buehler*

FINANCE APPROVAL AS TO FORM:

*[Signature]*

ADMINISTRATOR APPROVAL AS TO FORM:

*[Signature]*

ORDINANCE NO. 4034

AN ORDINANCE TO AMEND SECTIONS 27-196 THROUGH 27-196.1 OF CHAPTER 27 OF THE BELLEVUE CITY CODE BY ADOPTING THE 2021 EDITION OF THE INTERNATIONAL MECHANICAL CODE; TO REPEAL SECTIONS 27-196 THROUGH 27-196.1 OF THE BELLEVUE CITY CODE AS HERETOFORE EXISTING; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. That section 27-196 of Chapter 27 of the Bellevue City Code is hereby amended to read as follows:

**Sec. 27-196. Adopted.**

The International Mechanical Code, 2021 Edition, published by the International Code Council, Inc., is hereby adopted by reference and made a part of this division as though set out in full herein; provided that whenever any provisions of the International Mechanical Code conflict with the provisions of the City Code or any other City Ordinance, the provisions of the City Code or such City Ordinance shall govern. Three (3) copies of the International Mechanical Code, 2021 Edition, are on file in the office of the Permits and Inspections Department and shall there remain for public use and inspection.

Section 2. That Section 27-196.1 of Chapter 27 of the Bellevue City Code is hereby amended to read as follows:

**Sec. 27-196.1. Amendments and changes to the International Mechanical Code, 2021 Edition.**

(A) The International Mechanical Code, 2021 Edition, is amended and changed in the following respects:

(1) **Delete Chapter 1 Administration, in its entirety.**

(2) **Amend Section 401.2 Ventilation required. To read as follows:**

Every occupied space shall be ventilated by natural means in accordance with Section 402 or If needed by mechanical means in accordance with Section 403.

(3) **Amend Section 403.2.1 Recirculation of air. To read as follows:**

The outdoor air provided by Section 403.3 shall not be recirculated. Air in excess of that provided by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

(1) Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.

(2) Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces.

(3) Where mechanical exhaust is required by Note b in Table 403.3.1.1, recirculation of air from such spaces shall be prohibited. Recirculation of air that is contained completely within such spaces is prohibited, all

air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.1.1

(4) Where mechanical exhaust is required by note g in Table 403.3.1.1, mechanical exhaust is required and recirculation from such spaces is prohibited where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces. Recirculation of air that is contained completely within such spaces shall not be prohibited.

(4) **Amend Section 403.3 Outdoor air and local exhaust airflow rates. To read as follows:**

When group R-2, R-3 and R-4 occupancies three stories and less in height above grade plane are provided with outdoor air and local exhaust they shall be in accordance with Section 403.3.2 Other buildings intended to be occupied may be provided with outdoor air and local exhaust in accordance with Section 403.3.1.

(5) **Section 508.1.1 Makeup air temperature.**

Delete this section in its entirety.

(6) **Section 1101.9 Locking access port caps.**

Delete this section in its entirety.

Section 3. That Sections 27-196 and 27-196.1 of Chapter 27 of the Bellevue City Code as heretofore existing are hereby repealed.

Section 4. This Ordinance shall be published in pamphlet form.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

First Reading April 6, 2021

APPROVED AS TO FORM:

Second Reading April 20, 2021

\_\_\_\_\_  
City Attorney

Third reading May 4, 2021

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

11f.  
5/4/2021

COUNCIL MEETING DATE: 04/06/2021		SUBMITTED BY: Mike Christensen		Permits & Inspections	
AGENDA ITEM:		CONSENT AGENDA	<input type="checkbox"/>	SPECIAL PRESENTATION	<input type="checkbox"/>
LICOR LICENSE	<input type="checkbox"/>	ORDINANCE	<input checked="" type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>
RESOLUTION	<input type="checkbox"/>	CURRENT BUSINESS	<input type="checkbox"/>	OTHER	<input type="checkbox"/>

SUBJECT:

Ordinance pertaining to the adoption of the 2021 Uniform Plumbing Code, Uniform Swimming Pool, Spa and Hot Tub Code & the 2021 International Fuel Gas Code

SYNOPSIS/BACKGROUND:

It is time for the City of Bellevue to update our codes to the current codes available.

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

RECOMMENDATION:

Approve ordinance to adopt code updates for the City of Bellevue.

ATTACHMENTS:

- |                         |                         |                         |
|-------------------------|-------------------------|-------------------------|
| 1. Ordinance 4035       | 2. <input type="text"/> | 3. <input type="text"/> |
| 4. <input type="text"/> | 5. <input type="text"/> | 6. <input type="text"/> |

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*A. Bree Roblin*  
*[Signature]*  
*[Signature]*

ORDINANCE NO. 4035

AN ORDINANCE TO AMEND SECTIONS 27-85 THROUGH 27-87 OF CHAPTER 27 OF THE BELLEVUE CITY CODE BY ADOPTING THE 2021 EDITION OF THE UNIFORM PLUMBING CODE; TO AMEND SECTION 27-85.1 OF THE BELLEVUE CITY CODE BY ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FUEL GAS CODE; TO AMEND SECTION 27-86 OF THE BELLEVUE CITY CODE BY ADOPTING THE 2021 EDITION OF THE UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE; TO AMEND SECTION 27-87 OF THE BELLEVUE CITY CODE PERTAINING TO THE AMENDMENTS AND CHANGES TO THE NEWLY ADOPTED CODES; TO REPEAL SECTIONS 27-85 THROUGH 27-87 OF THE BELLEVUE CITY CODE AS HERETOFORE EXISTING; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. That Section 27-85 of Chapter 27 of the Bellevue City Code is hereby amended to read as follows:

**Sec. 27-85. Adopted.**

The Uniform Plumbing Code, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and made a part of this division as though set out in full herein; provided that whenever provisions of the Uniform Plumbing Code shall conflict with the provisions of the City Code or any other City Ordinance, the provisions of the City Code or such City Ordinance shall govern. Three (3) copies of the Uniform Plumbing Code, 2021 edition, are on file in the office of the Permits and Inspections Department and shall there remain for public use and inspection.

Section 2. That Section 27-85.1 of Chapter 27 of the Bellevue City Code is hereby amended to read as follows:

**Sec. 27-85.1. International Fuel Gas Code adopted.**

The International Fuel Gas Code, 2021 Edition, published by the International Code Council Inc., is hereby adopted by reference and made a part of this division as though set out in full herein; provided that whenever provisions of the International Fuel Gas Code shall conflict with the provisions of the City Code or any other City Ordinance shall govern. Three (3) copies of the International Fuel Gas Code, 2021 Edition, are on file in the office of the Permits and Inspections Department and shall there remain for public use and inspection.

Section 3. That Section 27-86 of Chapter 27 of the Bellevue City Code is hereby amended to read as follows:

**Sec. 27-86. Uniform Swimming Pool, Spa and Hot Tub Code adopted.**

The Uniform Swimming Pool, Spa and Hot Tub Code, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference and made a part of this division as though set out in full herein; provided that whenever provisions of the Uniform Swimming Pool, Spa and Hot Tub Code shall conflict with the provisions of the city Code or any other city ordinance, the provision of the city Code or such city ordinance shall govern. Three (3) copies of the Uniform Swimming Pool, Spa and Hot Tub Code, 2021 Edition, are on file in the office of the Permits and Inspections Department and shall there remain for public use and inspection.

Section 4. That Section 27-87 of Chapter 27 of the Bellevue City Code is hereby amended to read as follows:

**Sec. 27-87. Amendments and changes to the Uniform Plumbing Code, 2012 Edition, International Fuel Gas Code, 2021 Edition, and Uniform Swimming Pool, Spa and Hot Tub Code, 2012 Edition.**

(A) The Uniform Plumbing Code, 2021 Edition, is amended and changed in the following respects:

- (1) Delete Chapter 1, Administration, in its entirety.
- (2) Amend Table 422.1 footnotes to read as follows:

PLUMBING FIXTURES AND FIXTURE FITTINGS

1. The figures shown are based upon one (1) fixture being the minimum required for the number of persons indicated or any fraction thereof.
  2. A restaurant is defined as a business that sells food to be consumed on the premises.
    - (a) The number of occupants for a drive-in restaurant shall be considered as equal to the number of parking stalls.
    - (b) Hand-washing facilities shall be available in the kitchen for employees.
  3. The total number of required water closets for females shall be not less than the total number or required water closets and urinals for males.
  4. For each urinal added in excess of the minimum required, one water closet shall be permitted to be deducted. The number of water closets shall not be reduced to less than two-thirds of the minimum requirements.
  5. Metering or self-closing faucets shall be installed on lavatories intended to serve the transient public.
  6. Laundry trays. One (1) laundry tray or one (1) automatic washer standpipe for each dwelling unit or one (1) laundry tray or one (1) automatic washer standpipe, or combination thereof, for each twelve (12) apartments. Kitchen sinks; one (1) for each dwelling or apartment unit.
  7. Twenty-four (24) lineal inches (610 mm) of wash sink or eighteen (18) inches (557 mm) of a circular basin, when provided with water outlets for such space, shall be considered equivalent to one (1) lavatory.
- (3) Delete Sections 506.0 through 506.9 of Chapter 5, Combustion Air, in their entirety.
  - (4) Delete Chapter 12 in its entirety.
  - (5) Delete Appendix H in its entirety, and substitute the following:

Private Sewage Disposal Systems shall be: "Title 124 Rules and Regulations for the Design, Operation and Maintenance of on-site wastewater treatment system "(Nebraska Department of Environment and Energy)."

(B) The International Fuel Gas Code, 2021 Edition, is amended and changed in the following respects:

- (1) Delete Chapter 1, Administration, in its entirety.

Section 5. That Sections 27-85 through 27-87 of the Bellevue City Code as heretofore existing are hereby repealed.

Section 6. This Ordinance shall be published in pamphlet form.

Section 7. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

First Reading April 6, 2021

APPROVED AS TO FORM:

Second Reading April 20, 2021

Third reading May 4, 2021

\_\_\_\_\_  
City Attorney

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

11g. 11g1. & 11g2.  
5/4/2021

COUNCIL MEETING DATE: 03/20/2021		SUBMITTED BY: Tammi Palm		TITLE: Planning Manager	
AGENDA ITEM:		CONSENT AGENDA <input type="checkbox"/>		SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input type="checkbox"/>		ORDINANCE <input checked="" type="checkbox"/>		PUBLIC HEARING <input type="checkbox"/>	
RESOLUTION <input type="checkbox"/>		CURRENT BUSINESS <input type="checkbox"/>		OTHER <input type="checkbox"/>	

**SUBJECT:**

Approval of a request to rezone Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, located in the Southeast 1/4 of Section 22, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska from AG and RE and RE and RG-50 for the purpose of existing residential development; small subdivision plat Lots 1 through 3, Old Orchard Place Replat 2; and waiver of Section 6-7 (8) of the Subdivision Regulations for flag lots. Applicant: DWS Land Surveying, Dennis Whitfield. General Location: 9100 South 13th Street.

**SYNOPSIS/BACKGROUND:**

Dennis Whitfield, on behalf of DWS Land Surveying, is requesting approval of a change of zone for Lots 1 through 3, Old Orchard Place Replat 2, and small subdivision plat for Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B and 15C, Old Orchard Place, for the purpose of existing residential development; and requesting a waiver of Section 6-7 (8), regarding Subdivision Regulations for flag lots. The applicant is requesting RE zoning for existing Lots 15A and 15C, Old Orchard Place, which are presently non-conforming AG lots with several homes, garages, and outbuildings. Existing Lot 15B, Old Orchard Place, is zoned RE and developed with a single-family residential home which is compliant with the current zoning ordinance; this current configuration is a flag lot therefore, staff has no objections to the waiver of Section 6-7 (8) as it is necessary to allow for the minimum setback requirements for the existing buildings on the adjacent properties.

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

**TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:**

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

**RECOMMENDATION:**

The Planning Department and Planning Commission have recommended approval of this application.

**ATTACHMENTS:**

- |   |                         |                         |
|---|-------------------------|-------------------------|
| 1. Planning Commission Recommendation Sheet | 2. Staff Report         | 3. Rezoning Ordinance   |
| 4. <input type="text"/>                     | 5. <input type="text"/> | 6. <input type="text"/> |

**SIGNATURES:**

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*[Handwritten signatures in blue ink over horizontal lines]*

# City of Bellevue

## PLANNING COMMISSION RECOMMENDATION

APPLICANT: DWS Land Surveying

CASE #'s: Z-2102-01, S-2101-01

CITY COUNCIL HEARING DATE: April 20, 2021

REQUEST: Request to rezone Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, from AG and RE to RE and RG-50, for the purpose of existing residential development; small subdivision plat Lots 1 through 3, Old Orchard Place Replat 2; and waiver of Section 6-7 (8), Subdivision Regulations, regarding lot standards for flag lots.

On March 25, 2021 the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained to recommend:

**APPROVAL** based upon conformance with the Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, and lack of perceived negative impact upon the surrounding area.

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Casey						Jacobson
	Perrin						
	Cain						
	Aerni						
	Ackley						
	Hankins						
	Cutsforth						
	Ritz						

Planning Commission Hearing (s) was held on: March 25, 2021

# CITY OF BELLEVUE PLANNING DEPARTMENT

## RECOMMENDATION REPORT #2

CASE NUMBERS: Z-2102-01  
S-2101-01

FOR HEARING OF:  
REPORT #1: March 25, 2021  
REPORT #2: April 20, 2021

### **I. GENERAL INFORMATION**

#### **A. APPLICANT:**

DWS Land Surveying  
Attn: Dennis Whitfield  
2915 Sheridan Road  
Bellevue, NE 68123

#### **B. PROPERTY OWNER:**

James Lorence  
9100 South 13<sup>th</sup> Street  
Bellevue, NE 68147

#### **C. GENERAL LOCATION:**

9100 South 13<sup>th</sup> Street

#### **D. LEGAL DESCRIPTION:**

Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, located in the Southeast  $\frac{1}{4}$  of Section 22, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

#### **E. REQUESTED ACTIONS:**

1. Rezone Lots 1 through 3, Old Orchard Place Replat 2, from AG and RE to RE and RG-50.
2. Small subdivision plat Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B and 15C, Old Orchard Place.
3. Waiver of Section 6-7 (8), Subdivision Regulations, regarding lot standards for flag lots.

**F. EXISTING ZONING AND LAND USE:**

AG and RE, Single-Family Residential

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain approval of a rezoning and small subdivision plat for the purpose of existing residential development, and a request for a waiver of Section 6-7 (8) of the Subdivision Regulations regarding flag lots.

**H. SIZE OF SITE:**

The site is approximately 4.96 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

Lot 15A is presently developed with two single-family residential buildings (one 578 square feet built in 1886 and one 810 square feet built in 1961), three detached garages, and two accessory structures; Lot 15B, is developed with a single-family residential building built in 1971 and a wooden shed; and Lot 15C is presently developed with a single-family residential structure built in 1934.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

1. **North:** Vacant, AG
2. **East:** Single Family Residential, AG (across South 13<sup>th</sup> Street)
3. **South:** Single Family Residential, RS-72
4. **West:** Single Family Residential, RS-72

**C. REVELANT CASE HISTORY:**

On March 25, 2021, the Planning Commission recommended approval of a request to rezone Lots 1 through 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, located in the Southeast ¼ of Section 22, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, from AG and RE to RE and RG-50, small subdivision plat Lots 1 through 3, Old Orchard Place Replat 2, and waiver of Section 6-7 (8), Subdivision Regulations, regarding lot standards for flag lots.

**D. APPLICABLE REGULATIONS:**

1. Section 5.07, Zoning Ordinance, regarding RE uses and requirements.
2. Section 5.12, Zoning Ordinance, regarding RG-50 uses and requirements.
3. Chapter 5, Subdivision Regulations, regarding Small Subdivisions.

4. Chapter 8, Subdivision Regulations, regarding Hardship and Waivers.

### **III. ANALYSIS**

#### **A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this property as medium density residential.

#### **B. OTHER PLANS:**

None

#### **C. TRAFFIC AND ACCESS:**

1. There is no MAPA traffic data information available for this area.
2. The property presently has access from private driveways off of South 13<sup>th</sup> Street.

#### **D. UTILITIES:**

All utilities are available to this property.

#### **E. ANALYSIS:**

1. Dennis Whitfield, on behalf of DWS Land Surveying, is requesting approval of a rezoning and small subdivision plat for Lots 1 through 3, Old Orchard Place Replat 2, for the purpose of existing residential development.

2. Lots 15A and 15C, Old Orchard Place, are presently non-conforming AG (Agricultural District) lots with several homes, garages, and outbuildings. The applicant is requesting a change in zone from AG to RG-50 to bring both lots into conformance with existing setbacks and structures.

Lot 15B, Old Orchard Place, is zoned RE (Residential Estates) and developed with a single-family residential home which is compliant with the current zoning ordinance.

3. The proposed lots meet the minimum zoning requirements for the requested RE and RG-50 zoning districts.

4. This application was sent out for review by the following departments and individuals: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, and the Bellevue Public School District. The cover letter indicated a deadline to send comments back to the Planning Department and

stated if the requested department did not have comments pertaining to the application, no response was needed.

Krista Hoffart, Offutt AFB commented this project is not located within Offutt Air Force Base's Accident Potential zones or Noise Contours.

No other comments were received on this case.

5. The applicant is also requesting a waiver of Section 6-7 (8), Subdivision Regulations, regarding lot standards for flag lots. The existing configuration of the properties contains a flag lot for Lot 15B, Old Orchard Place; therefore, staff has no objections to the waiver as requested. The waiver is necessary to allow for the minimum setback requirements for the existing buildings on the adjacent property.

6. The Future Land Use Map of the Comprehensive Plan shows these properties as medium density residential. This request is in conformance with the Comprehensive Plan.

7. The requested small subdivision plat, rezoning, and waiver do not change what can be built on the properties. The properties will remain single family residential in nature. The requested actions bring these properties into conformance with the current zoning ordinance regulations.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, and lack of perceived negative impact upon the surrounding area.

**V. PLANNING COMMISSION RECOMMENDATION**

APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, Comprehensive Plan, and lack of perceived negative impact upon the surrounding area.

**VI. ATTACHMENTS TO REPORT**

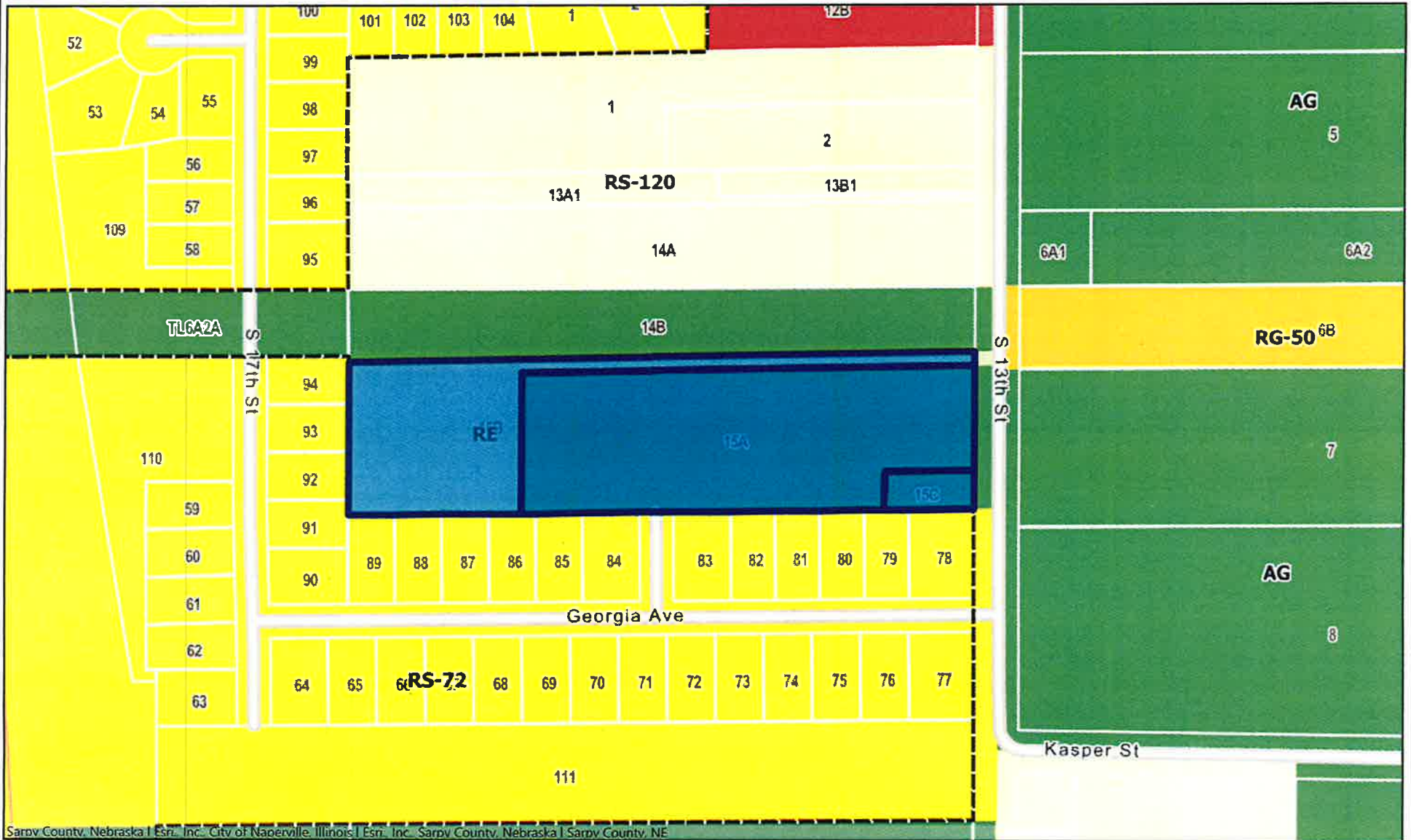
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Small subdivision plat received February 1, 2021
4. As-built received February 20, 2021
5. Letter from Dennis Whitfield received March 2, 2021

**VII. COPIES OF REPORT TO:**

1. DWS Land Surveying (Dennis Whitfield)
2. James Lorence
3. Public Upon Request

 3/29/21  
Assistant Planning Manager

 3/29/21  
Planning Manager Date of Report



Sarpy County, Nebraska | Est. Inc. City of Naperville, Illinois | Est. Inc. Sarpy County, Nebraska | Sarpy County, NE



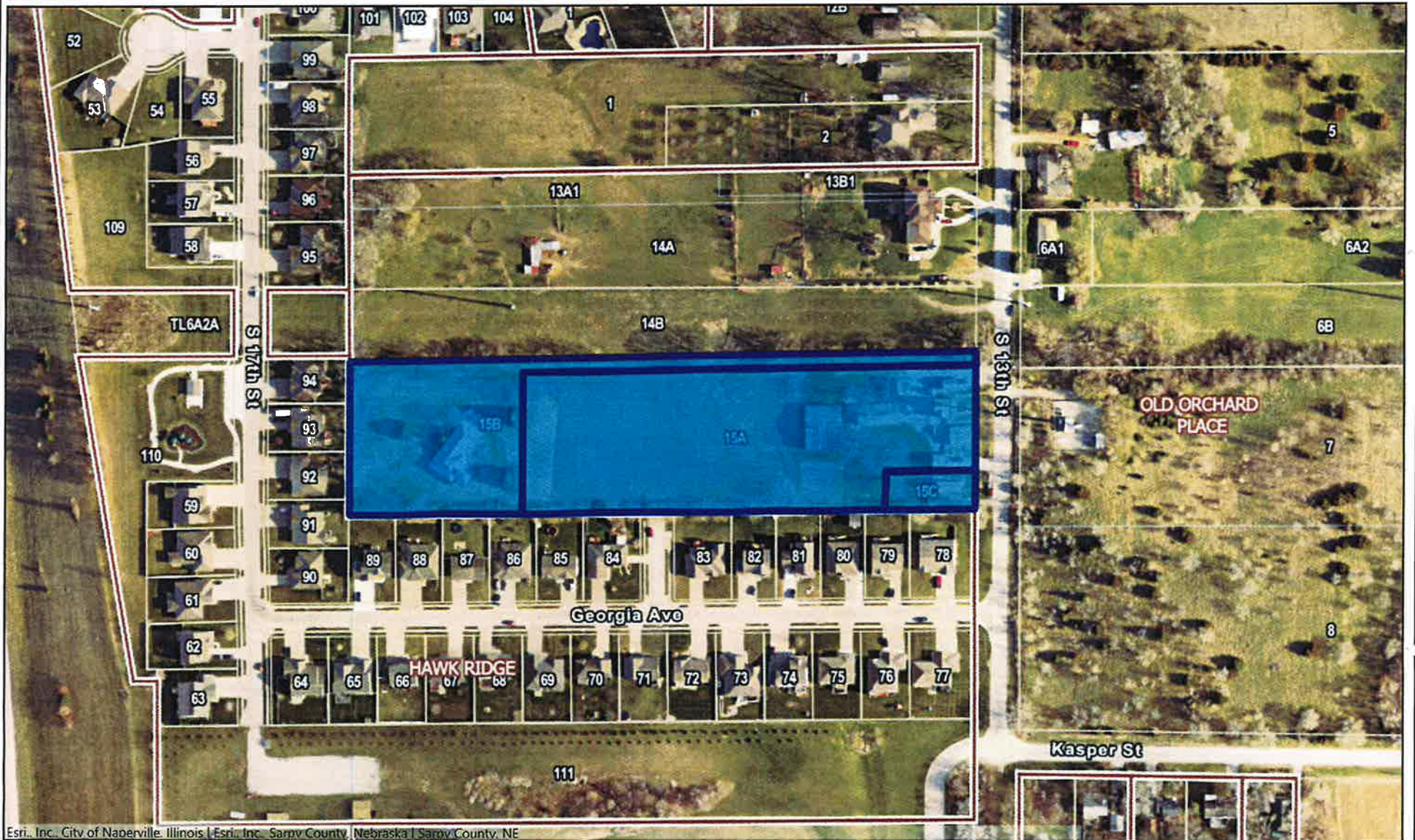
Map Scale 1: 3185

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

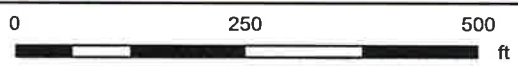


Notes





Esri, Inc. City of Naperville, Illinois | Esri, Inc. Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 3185

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes



Reserved for Sarpy County Deeds Office

RECEIVED  
FEB 01 2021  
PLANNING DEPT.

# OLD ORCHARD PLACE REPLAT 2 CITY OF BELLEVUE - SMALL SUBDIVISION

LOTS 1, 2 & 3

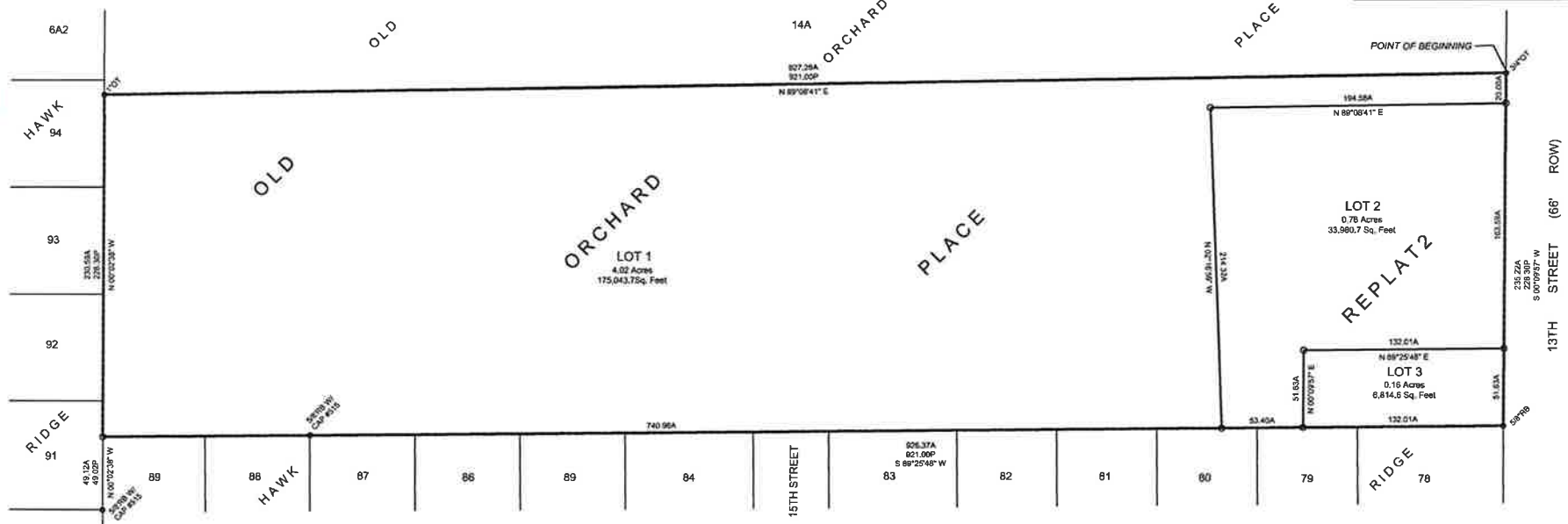
Being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in the Southeast 1/4 of Section 22, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska.

### LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I have made a boundary survey of the subdivision herein and that permanent monuments have been found or set at all corners of said subdivision to be known as OLD ORCHARD PLACE REPLAT 2, being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows:  
Beginning at the Northeastly corner of said Lot 15B, also being on the West Right-of-Way line of 13th Street, thence South 0°09'57" West (assumed bearing) along said West Right-of-Way line a distance of 235.22 feet to the Southeastly corner of said Lot 15C; thence South 89°25'48" West along the south line of said Lots 15C, 15A and 15B a distance of 926.37 feet to the Southwestly corner of said Lot 15B; thence North 0°02'38" West along the West line of said Lot 15B a distance of 230.59 feet to the Northwest corner of said Lot 15B; thence North 89°08'41" East along the North line of said Lot 15B a distance of 627.28 feet to the point of beginning and containing 4.955 acres more or less.

Dennis L. Whitfield, P.E., L.S.  
L.S. 449

Date: 1-29-21



### DEDICATION

Know all men by these presents that we, James L. Lorence and Lana J. Lorence, husband and wife, and Jacob Kripal, Member of Mike and Jake Properties, LLC, being the owners of the property described within the Surveyor's Certificate and embraced within this Plat, have caused said land to be Replatted as shown, said addition to be hereafter known as "OLD ORCHARD PLACE REPLAT 2", and we do hereby ratify and approve of the deposition of the property as shown on this plat, and further grant perpetual easements to Omaha Public Power District (OPPD), Cox Communications, and Centurylink across a five (5) foot wide strip of land abutting all front and side boundary lot lines; an eight (8) foot wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen (16) foot wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above described addition. The sixteen (16) foot wide easement may be reduced to eight (8) feet wide when the adjacent land is surveyed, platted and recorded. The subdivder shall grant perpetual easements to Metropolitan Utilities District and/or Black Hills Energy, their successors and assigns to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities and to extend thereon pipes for the transmission of gas and water on, through, under and across a five (5) foot wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid or rights herein granted.

In witness whereof, we do set our names this \_\_\_\_ day of \_\_\_\_\_, 2021.

James L. Lorence \_\_\_\_\_ Lana J. Lorence \_\_\_\_\_

In witness whereof, we do set our names this \_\_\_\_ day of \_\_\_\_\_, 2021.

Jacob Kripal, Member of Mike and Jake Properties, LLC

**REVIEWED BY SARPY COUNTY PUBLIC WORKS**  
This Plat of "OLD ORCHARD PLACE REPLAT 2" was reviewed by the Sarpy County Surveyor's Office.

Sarpy County Engineer / Surveyor \_\_\_\_\_ Date \_\_\_\_\_

### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS  
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared James L. Lorence and Lana J. Lorence, husband and wife, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherent to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_.

Notary Public \_\_\_\_\_

### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS  
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared Jacob Kripal, Member of Mike and Jake Properties, LLC, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherent to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_.

Notary Public \_\_\_\_\_

### COUNTY TREASURER'S CERTIFICATION

This is to certify that I find no regular or special taxes due or delinquent against the property as described in the Surveyor's Certificate and as shown by the records of this office.

Sarpy County Treasurer \_\_\_\_\_ Date \_\_\_\_\_

### APPROVAL OF BELLEVUE PLANNING COMMISSION

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue Planning Commission this \_\_\_\_ Day of \_\_\_\_\_, 2021.

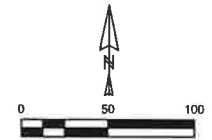
Bellevue Planning Commission \_\_\_\_\_

### APPROVAL OF BELLEVUE CITY COUNCIL

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue City Council this \_\_\_\_ Day of \_\_\_\_\_, 2021. This Plat becomes null and void if not recorded within 90 Days of the above Date.

Mayor, City of Bellevue \_\_\_\_\_

Attested, City Clerk \_\_\_\_\_



**LEGEND**  
o Plat Set  
x Plat Found  
P Plat Proposed  
A Actual Easement  
R Right of Way  
OT Open Top  
B Bottom  
C Centerline  
S Section Corner  
L Long Chord  
S Section Bar

**D W S**  
Land Surveying  
Dennis L. Whitfield, P.E., L.S.  
2915 Sheridan Road  
Bellevue, NE 68123  
(402) 292-1221  
Project No. 122-24





**SERVICES**

## Land Surveying

2915 Sheridan Road  
Bellevue, NE 68123-1993

402-292-1221  
dws-services@cox.net

March 2, 2021

Ms. Tammi Palm, Planning Director  
City of Bellevue  
1510 Wall Street  
Bellevue, NE 68005

RE: Proposed "OLD ORCHARD PLACE REPLAT 2"  
Zoning Wavier Request

Dear Ms. Palm,

Please allow this correspondence to serve as a request to wavier, City of Bellevue Subdivision Regulations, Chapter 6, Paragraph 7, Line 8.

Specific waiver being requested is;

- Proposed Lot 1 of "OLD ORCHARD PLACE REPLAT 2" currently, and for some length of time prior, is a "Flag Lot". Continuation of this configuration will be necessary to allow access to existing residence.

Please advise should additional questions or concerns need to be addressed.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Dennis L. Whitfield'.

Applicant For the Owner,  
Dennis L. Whitfield, P.E., L.S.

RECEIVED

MAR 2 2021

PLANNING DEPT.





ORDINANCE NO. 4036

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF BELLEVUE, NEBRASKA, AS PROVIDED FOR BY ARTICLE 3 OF ORDINANCE NO. 3619 BY CHANGING THE ZONE CLASSIFICATION OF LAND LOCATED AT OR ABOUT 9100 SOUTH 13<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THE ORDINANCE AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, having received a recommendation from the city of Bellevue Planning Commission and proper notice having been given and public hearing held as provided by law:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA:

Section 1. That part of the official zoning map of the City of Bellevue, Nebraska, as provided in Article 3, of Ordinance No. 3619 is hereby amended to change the zone classification of the following described parcel of land:

Lot 1, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, located in the Southeast ¼ of Section 22, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

From RE (Residential Estates) to RE (Residential Estates);

AND

Lots 2 and 3, Old Orchard Place Replat 2, being a replat of Lots 15A, 15B, and 15C, Old Orchard Place, located in the Southeast ¼ of Section 22, T14N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

From AG (Agricultural) to RG-50 (General Residential – 5,000 Square Foot Zone).

(DWS Land Surveying)

Section 2. This ordinance shall not take effect until such time as the final plat of Old Orchard Place Replat 2, is filed with the Sarpy County Register of Deeds in accordance with Section 5-10 of the City of Bellevue Subdivision Regulations.

Section 3. Except as amended herein, the official zoning map and the classification shown therein shall remain as heretofore existing.

Section 4. This ordinance shall take affect and be in force from and after its adoption and publication according to law.

ADOPTED by the Mayor and City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading: 04/06/2020  
Second Reading: 04/20/2021  
Third Reading: 05/04/2021

# OLD ORCHARD PLACE REPLAT 2 CITY OF BELLEVUE - SMALL SUBDIVISION

## LOTS 1, 2 & 3

Being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in the Southeast 1/4 of Section 22, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska.

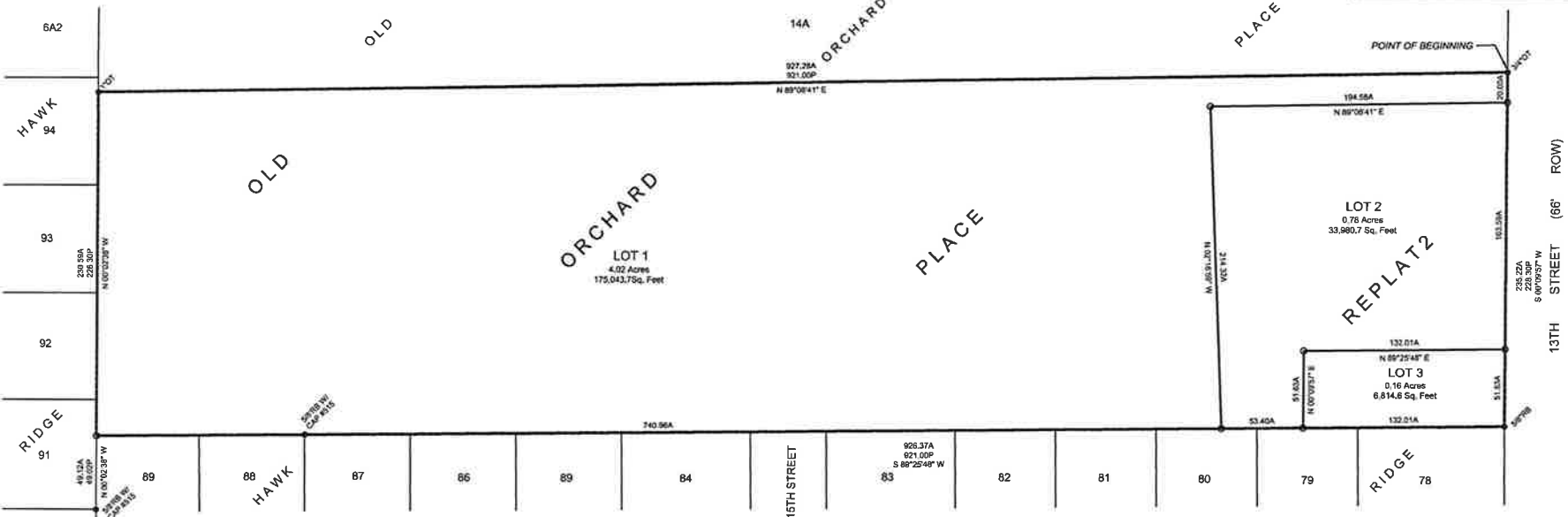
### LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I have made a boundary survey of the subdivision herein and that permanent monuments have been found or set at all corners of said subdivision to be known as OLD ORCHARD PLACE REPLAT 2, being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows:  
Beginning at the Northeast corner of said Lot 15B, also being on the West Right-of-Way line of 13th Street, thence South 0°09'57" West (assumed bearing) along said West Right-of-Way line a distance of 235.22 feet to the Southeast corner of said Lot 15C; thence South 89°25'48" West along the south line of said Lots 15C, 15A and 15B a distance of 928.37 feet to the Southwest corner of said Lot 15B; thence North 0°02'38" West along the West line of said Lot 15B a distance of 230.59 feet to the Northwest corner of said Lot 15B; thence North 89°08'41" East along the North line of said Lot 15B a distance of 827.28 feet to the point of beginning and containing 4.955 acres more or less.

Dennis L. Whitfield, P.E., L.S.  
L.S. 449

Date: 1-28-21

RECEIVED  
FEB 01 2021  
PLANNING DEPT.



### DEDICATION

Know all men by these presents that we, James L. Lorenzo and Lana J. Lorenzo, husband and wife, and Jacob Kripal, Member of Mike and Jake Properties, LLC, being the owners of the property described within the Surveyor's Certificate and embraced within this Plat, have caused said land to be replatted as shown, said addition to be hereafter known as "OLD ORCHARD PLACE REPLAT 2", and we do hereby ratify and approve of the deposition of the property as shown on this plat, and further grant perpetual easements to Omaha Public Power District (OPPD), Cox Communications, and CenturyLink across a five (5) foot wide strip of land abutting all front and side boundary lot lines; an eight (8) foot wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen (16) foot wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above described addition. The sixteen (16) foot wide easement may be reduced to eight (8) feet wide when the adjacent land is surveyed, platted and recorded. The subdivisor shall grant perpetual easements to Metropolitan Utilities District and/or Black Hills Energy, their successors and assigns to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities and to extend thereon pipes for the transmission of gas and water on, through, under and across a five (5) foot wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid or rights herein granted.

In witness whereof, we do set our names this \_\_\_\_ day of \_\_\_\_\_, 2021.

James L. Lorenzo Lana J. Lorenzo

In witness whereof, we do set our names this \_\_\_\_ day of \_\_\_\_\_, 2021.

Jacob Kripal, Member of Mike and Jake Properties, LLC

### REVIEWED BY SARPY COUNTY PUBLIC WORKS

This Plat of "OLD ORCHARD PLACE REPLAT 2" was reviewed by the Sarpy County Surveyor's Office.

Sarpy County Engineer / Surveyor Date

### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS  
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared James L. Lorenzo and Lana J. Lorenzo, husband and wife, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherein to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_

Notary Public

### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS  
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared Jacob Kripal, Member of Mike and Jake Properties, LLC, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherein to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_

Notary Public

### COUNTY TREASURER'S CERTIFICATION

This is to certify that I find no regular or special taxes due or delinquent against the property as described in the Surveyor's Certificate and as shown by the records of this office.

Sarpy County Treasurer Date

### APPROVAL OF BELLEVUE PLANNING COMMISSION

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue Planning Commission this \_\_\_\_ Day of \_\_\_\_\_, 2021.

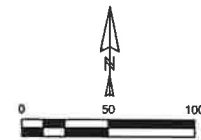
Bellevue Planning Commission

### APPROVAL OF BELLEVUE CITY COUNCIL

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue City Council this \_\_\_\_ Day of \_\_\_\_\_, 2021. This Plat becomes null and void if not recorded within 90 Days of the above Date.

Mayor, City of Bellevue

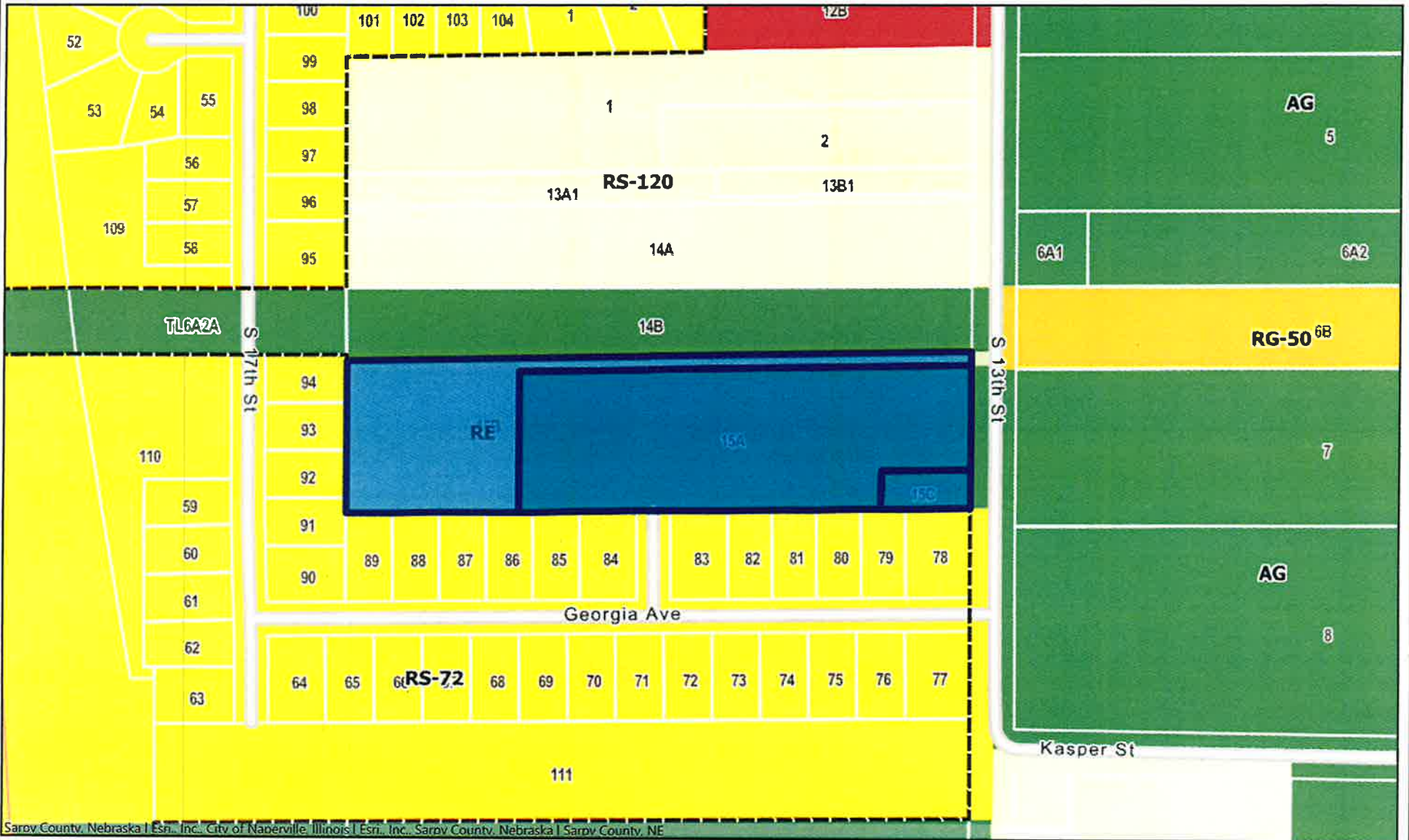
Attested, City Clerk



LEGEND

- o Plat Set
- o Plat Boundary
- o Plat Easement
- o Plat Front
- o Plat Rear
- o Plat Center
- o Plat Right
- o Plat Left
- o Plat Top
- o Plat Bottom
- o Plat Corner
- o Plat Edge
- o Plat Line
- o Plat Point
- o Plat Area
- o Plat Volume
- o Plat Weight
- o Plat Length
- o Plat Width
- o Plat Height
- o Plat Depth
- o Plat Thickness
- o Plat Density
- o Plat Porosity
- o Plat Permeability
- o Plat Conductivity
- o Plat Resistivity
- o Plat Capacitance
- o Plat Inductance
- o Plat Impedance
- o Plat Admittance
- o Plat Susceptance
- o Plat Reactance
- o Plat Susceptance
- o Plat Power
- o Plat Energy
- o Plat Momentum
- o Plat Force
- o Plat Torque
- o Plat Work
- o Plat Heat
- o Plat Temperature
- o Plat Pressure
- o Plat Stress
- o Plat Strain
- o Plat Displacement
- o Plat Velocity
- o Plat Acceleration
- o Plat Angular Velocity
- o Plat Angular Acceleration
- o Plat Frequency
- o Plat Wavelength
- o Plat Period
- o Plat Phase
- o Plat Amplitude
- o Plat Modulation
- o Plat Frequency Modulation
- o Plat Phase Modulation
- o Plat Amplitude Modulation
- o Plat Frequency Shift Keying
- o Plat Phase Shift Keying
- o Plat Amplitude Shift Keying
- o Plat Quadrature Phase Shift Keying
- o Plat Orthogonal Frequency Division Multiplexing
- o Plat Code Division Multiple Access
- o Plat Time Division Multiple Access
- o Plat Space Time Frequency Division Multiple Access
- o Plat Long Code
- o Plat Short Code
- o Plat Pseudo Random Noise

D W S  
Land Surveying  
Dennis L. Whitfield, PE, L.S.  
2915 Sheridan Road  
Bellevue, NE 68123  
(402) 292-1221  
Project No. 122-24



Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska | Sarpy County, NE



Map Scale 1: 3185

This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes



# OLD ORCHARD PLACE REPLAT 2 CITY OF BELLEVUE - SMALL SUBDIVISION

### LOTS 1, 2 & 3

Being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in the Southeast 1/4 of Section 22, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska.

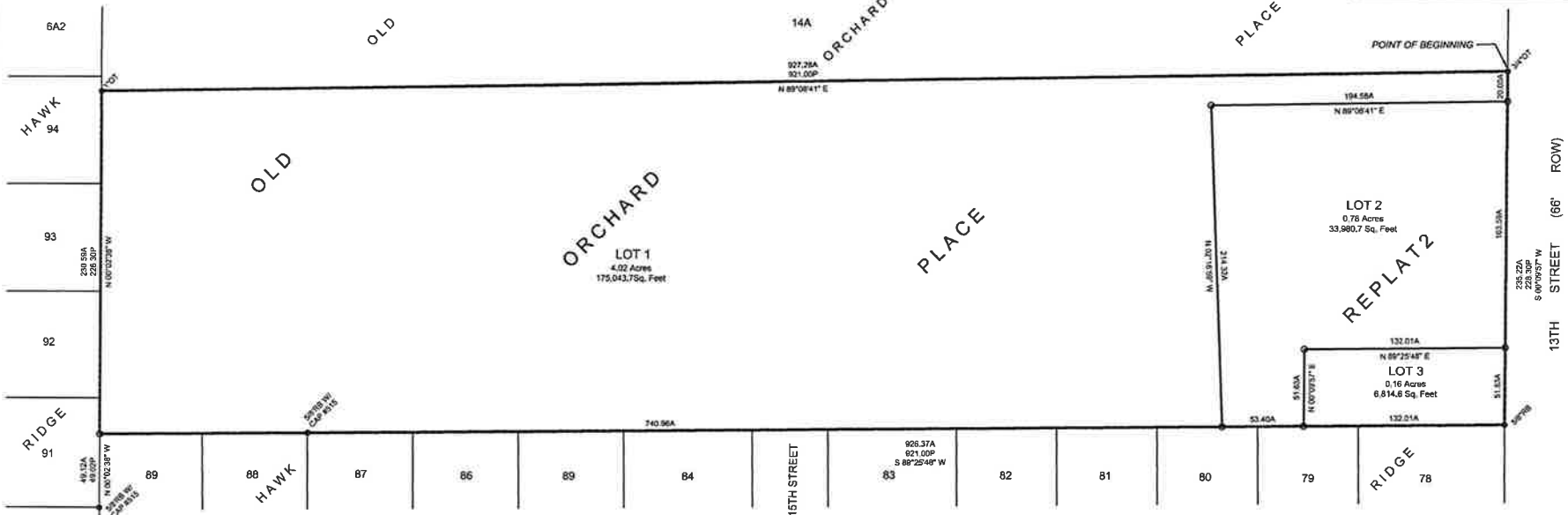
#### LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I have made a boundary survey of the subdivision herein and that permanent monuments have been found or set at all corners of said subdivision to be known as OLD ORCHARD PLACE REPLAT 2, being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows:  
Beginning at the Northeastly corner of said Lot 15B, also being on the West Right-of-Way line of 13th Street, thence South 0°09'57" West (assumed bearing) along said West Right-of-Way line a distance of 235.22 feet to the Southeastly corner of said Lot 15C; thence South 89°25'48" West along the south line of said Lots 15C, 15A and 15B a distance of 928.37 feet to the Southwestly corner of said Lot 15B; thence North 0°02'38" West along the West line of said Lot 15B a distance of 230.59 feet to the Northwest corner of said Lot 15B; thence North 89°08'41" East along the North line of said Lot 15B a distance of 827.28 feet to the point of beginning and containing 4.955 acres more or less.

Dennis L. Whitfield, P.E., L.S.  
L.S. 449

Date: 1-28-21

RECEIVED  
FEB 01 2021  
PLANNING DEPT.



#### DEDICATION

Know all men by these presents that we, James L. Lorenzo and Lana J. Lorenzo, husband and wife, and Jacob Kripal, Member of Mike and Jake Properties, LLC, being the owners of the property described within the Surveyor's Certificate and embraced within this Plat, have caused said land to be replatted as shown, said addition to be hereafter known as "OLD ORCHARD PLACE REPLAT 2", and we do hereby ratify and approve of the deposition of the property as shown on this plat, and further grant perpetual easements to Omaha Public Power District (OPPD), Cox Communications, and CenturyLink across a five (5) foot wide strip of land abutting all front and side boundary lot lines; an eight (8) foot wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen (16) foot wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above described addition. The sixteen (16) foot wide easement may be reduced to eight (8) feet wide when the adjacent land is surveyed, platted and recorded. The subdivisor shall grant perpetual easements to Metropolitan Utilities District and/or Black Hills Energy, their successors and assigns to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities and to extend thereon pipes for the transmission of gas and water on, through, under and across a five (5) foot wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid or rights herein granted.

In witness whereof, we do set our names this \_\_\_\_ day of \_\_\_\_\_, 2021.

James L. Lorenzo Lana J. Lorenzo

In witness whereof, we do set our names this \_\_\_\_ day of \_\_\_\_\_, 2021.

Jacob Kripal, Member of Mike and Jake Properties, LLC

#### REVIEWED BY SARPY COUNTY PUBLIC WORKS

This Plat of "OLD ORCHARD PLACE REPLAT 2" was reviewed by the Sarpy County Surveyor's Office.

Sarpy County Engineer / Surveyor Date

#### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS  
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared James L. Lorenzo and Lana J. Lorenzo, husband and wife, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherein to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_

Notary Public

#### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS  
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared Jacob Kripal, Member of Mike and Jake Properties, LLC, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherein to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_

Notary Public

#### COUNTY TREASURER'S CERTIFICATION

This is to certify that I find no regular or special taxes due or delinquent against the property as described in the Surveyor's Certificate and as shown by the records of this office.

Sarpy County Treasurer Date

#### APPROVAL OF BELLEVUE PLANNING COMMISSION

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue Planning Commission this \_\_\_\_ Day of \_\_\_\_\_, 2021.

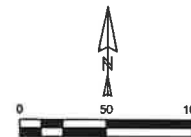
Bellevue Planning Commission

#### APPROVAL OF BELLEVUE CITY COUNCIL

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue City Council this \_\_\_\_ Day of \_\_\_\_\_, 2021. This Plat becomes null and void if not recorded within 90 Days of the above Date.

Mayor, City of Bellevue

Attested, City Clerk



**LEGEND**  
o Plat Set  
- Boundary Line  
- Easement  
- Pipe Easement  
- Utility Easement  
- Fenced Area  
- Survey Monument  
- Corner  
- Centerline  
- Section Corner  
- Long Chord  
- Small Circle

D  
W  
S  
Land Surveying  
Dennis L. Whitfield, PE, L.S.  
2915 Sheridan Road  
Bellevue, NE 68123  
(402) 292-1221  
Project No. 122-24



# OLD ORCHARD PLACE REPLAT 2 CITY OF BELLEVUE - SMALL SUBDIVISION

### LOTS 1, 2 & 3

Being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in the Southeast 1/4 of Section 22, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska.

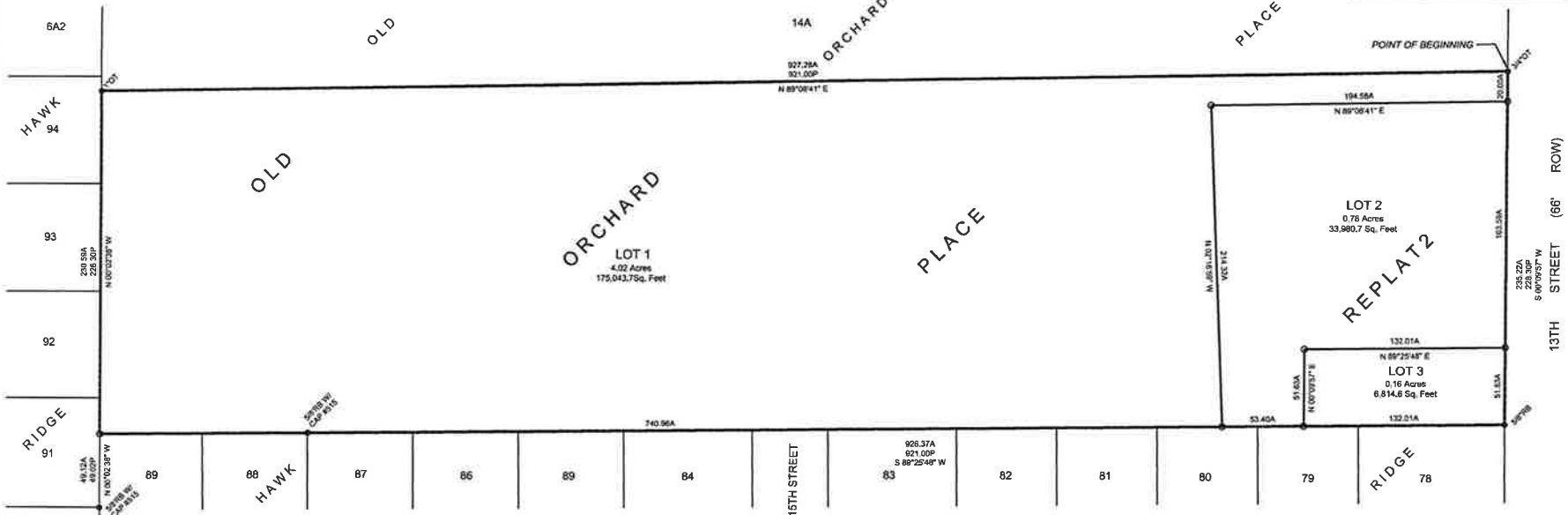
#### LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I have made a boundary survey of the subdivision herein and that permanent monuments have been found or set at all corners of said subdivision to be known as OLD ORCHARD PLACE REPLAT 2, being a replat of the Lots 15A, 15B and 15C, OLD ORCHARD PLACE, an addition to the City of Bellevue, as surveyed, platted and recorded in Sarpy County, Nebraska, more particularly described as follows:  
Beginning at the Northeastly corner of said Lot 15B, also being on the West Right-of-Way line of 13th Street, thence South 0°09'57" West (assumed bearing) along said West Right-of-Way line a distance of 235.22 feet to the Southeastly corner of said Lot 15C; thence South 89°25'48" West along the south line of said Lots 15C, 15A and 15B a distance of 928.37 feet to the Southwestly corner of said Lot 15B; thence North 0°02'38" West along the West line of said Lot 15B a distance of 230.59 feet to the Northwest corner of said Lot 15B; thence North 89°08'41" East along the North line of said Lot 15B a distance of 827.28 feet to the point of beginning and containing 4.955 acres more or less.

Dennis L. Whitfield, P.E., L.S.  
L.S. 449

Date: 1-28-21

RECEIVED  
FEB 01 2021  
PLANNING DEPT.



#### DEDICATION

Know all men by these presents that we, James L. Lorenzo and Lana J. Lorenzo, husband and wife, and Jacob Kripal, Member of Mike and Jake Properties, LLC, being the owners of the property described within the Surveyor's Certificate and embraced within this Plat, have caused said land to be replatted as shown, said addition to be hereafter known as "OLD ORCHARD PLACE REPLAT 2", and we do hereby ratify and approve of the deposition of the property as shown on this plat, and further grant perpetual easements to Omaha Public Power District (OPPD), Cox Communications, and CenturyLink across a five (5) foot wide strip of land abutting all front and side boundary lot lines; an eight (8) foot wide strip of land abutting the rear boundary lines of all interior lots; and a sixteen (16) foot wide strip of land abutting the rear boundary lines of all exterior lots. The term exterior lots is herein defined as those lots forming the outer perimeter of the above described addition. The sixteen (16) foot wide easement may be reduced to eight (8) feet wide when the adjacent land is surveyed, platted and recorded. The subdivisor shall grant perpetual easements to Metropolitan Utilities District and/or Black Hills Energy, their successors and assigns to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities and to extend thereon pipes for the transmission of gas and water on, through, under and across a five (5) foot wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid or rights herein granted.

In witness whereof, we do set our names this \_\_\_\_ day of \_\_\_\_\_, 2021.

James L. Lorenzo Lana J. Lorenzo

In witness whereof, we do set our names this \_\_\_\_ day of \_\_\_\_\_, 2021.

Jacob Kripal, Member of Mike and Jake Properties, LLC

#### REVIEWED BY SARPY COUNTY PUBLIC WORKS

This Plat of "OLD ORCHARD PLACE REPLAT 2" was reviewed by the Sarpy County Surveyor's Office.

Sarpy County Engineer / Surveyor Date

#### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS  
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared James L. Lorenzo and Lana J. Lorenzo, husband and wife, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherein to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_

Notary Public

#### ACKNOWLEDGEMENT OF NOTARY

State of Nebraska )  
County of \_\_\_\_\_ ) SS  
On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public duly commissioned and qualified in and for said County, appeared Jacob Kripal, Member of Mike and Jake Properties, LLC, known by me to be the identical persons whose names are affixed to the Dedication on this Plat, and did acknowledge the execution inherein to be their voluntary act and deed.  
My Commission expires \_\_\_\_\_

Notary Public

#### COUNTY TREASURER'S CERTIFICATION

This is to certify that I find no regular or special taxes due or delinquent against the property as described in the Surveyor's Certificate and as shown by the records of this office.

Sarpy County Treasurer Date

#### APPROVAL OF BELLEVUE PLANNING COMMISSION

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue Planning Commission this \_\_\_\_ Day of \_\_\_\_\_, 2021.

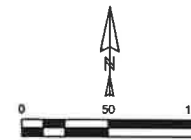
Bellevue Planning Commission

#### APPROVAL OF BELLEVUE CITY COUNCIL

This Plat of "OLD ORCHARD PLACE REPLAT 2" was approved by the Bellevue City Council this \_\_\_\_ Day of \_\_\_\_\_, 2021. This Plat becomes null and void if not recorded within 90 Days of the above Date.

Mayor, City of Bellevue

Attested, City Clerk



LEGEND	
○	Plat Set
○	Survey Station
○	Iron Nail
○	Partial Corner
○	Partial Center
○	Iron Peg
○	Old Center
○	Center
○	Section Corner
○	Long Chord
○	Small Peg

D W S  
Land Surveying  
Dennis L. Whitfield, PE, LS  
2915 Sheridan Road  
Bellevue, NE 68123  
(402) 292-1221

Project No. 122-24

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

13a.  
5/4/2021

COUNCIL MEETING DATE: 4.6.21		SUBMITTED BY: Councilman Burns		
AGENDA ITEM:		CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>		
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>		

SUBJECT:

Ordinance 4037, an ordinance to add new sections to Chapter 6 regarding leash and muzzle requirements for pit pull breeds, breed ambassadors, insurance, and the NHS annual reporting procedures.

SYNOPSIS/BACKGROUND:

This ordinance is being introduced to add new sections to Chapter 6 of the Bellevue City Code regarding leash and muzzle requirements for pit pull breeds, breed ambassadors, insurance, and the NHS annual reporting procedures. This ordinance is being introduced after a recent dog attack which brought the issue to the forefront and is intended to prevent or limit future occurrences.

FISCAL IMPACT:  BUDGETED FUNDS?:  GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:  COUNTER-PARTY:  INTERLOCAL AGREEMENT:

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED:

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

RECOMMENDATION:

Approve Ordinance No. 4037 adding the new sections to Chapter 6 of the Bellevue City Code.

ATTACHMENTS:

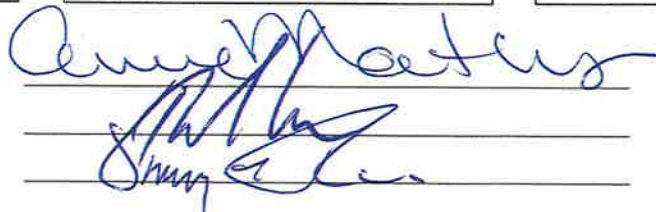
1. Ordinance 4037	2. <input type="text"/>	3. <input type="text"/>
4. <input type="text"/>	5. <input type="text"/>	6. <input type="text"/>

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:



ORDINANCE NO. 4037

AN ORDINANCE TO AMEND ARTICLE II, CHAPTER 6, OF THE BELLEVUE MUNICIPAL CODE BY ADDING A NEW SECTIONS 6-24 THROUGH 6-27 REGARDING LEASH AND MUZZLE REQUIREMENTS FOR PIT BULL BREEDS, BREED AMBASSADORS, PROOF OF INSURANCE, ANIMAL CONTROL AUTHORITY'S ANNUAL REPORTING TO CITY COUNCIL AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA.

**Section 1.** That Section 6-24 of Chapter 6, Article II of the Bellevue Municipal Code is hereby added to read as follows:

**Section 6-24 PIT BULL BREEDS – LEASH AND MUZZLE REQUIREMENTS**

- (A) It shall be unlawful for any person possessing, harboring, keeping, or having control or custody of a pit bull breed to permit such animal to be outdoors unless securely confined in or upon his or her premises in an enclosure sufficient to contain the dog or unless the animal is under the control of a person 19 years of age or older, restrained securely by a harness and leash no longer than six feet and properly muzzled in a muzzle as defined in Section 6-18(M)(1), to reasonably prevent the animal from biting, provided that the harness, leash and muzzle requirements apply only to those pit bull breeds six months of age or older.
- (B) For purposes of this section, pit bull breed shall be defined to mean:
- (1) American Pit Bull Terrier;
  - (2) American Staffordshire Terrier;
  - (3) Staffordshire Bull Terrier;
  - (4) Any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed); or
  - (5) Any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the animal control authority.
- (C) In addition to the sanctions which may be imposed by law, any person who fails to keep his or her pit bull breed harnessed, leashed and muzzled as required by this section shall pay the following penalties:
- (1) For the first violation, a penalty in the sum of \$100.00
  - (2) For the second violation within 24 months of the first violation, a penalty in the sum of \$250.00
  - (3) For the third violation within 24 months of the first violation, a penalty in the sum of \$500.00
- (D) Such penalties shall be paid to the animal control authority and shall be used solely for enforcement activities.

**Section 2.** That Section 6-25 of Chapter 6, Article II of the Bellevue Municipal Code is hereby added to read as follows:

#### 6-25 BREED AMBASSADOR

An owner of a pit bull breed as defined in section 6-24 may obtain a designation of “breed ambassador” for such dog from the animal control authority by (a) completing an application form, (b) payment of a fee of \$25.00, (c) providing proof of (i) sterilization, (ii) micro-chipping, including microchip number, (iii) vaccination and license in compliance with sections 6-31 and 6-41, (iv) insurance in compliance with section 6-26, and (v) successful completion of a responsible pet ownership class approved by the animal control authority and an American Kennel Club Canine Good Citizenship test administered by the animal control authority, and (d) demonstrating no history of violations(s) of Chapter 6 by the owner involving such pit bull breed.

Any costs associated with obtaining the designation of “breed ambassador” under this section shall be the responsibility of the dog owner.

Such designation shall be in effect for one year and may be renewed annually upon meeting each of the foregoing requirements, except that the responsible pet ownership class shall be required only once in any five-year period, and provided, that conviction of the owner of such dog for a violation of Chapter 6 involving such dog shall result in termination of the designation effective upon the date of conviction.

The owner of a pit bull breed which has been designated a “breed ambassador” shall ensure, when such dog is not securely confined on his or her premises in an enclosure sufficient to contain the dog, that such dog (a) wears a vest provided by the animal control authority, at the owner’s expense, with the words “breed ambassador” and the breed ambassador number assigned to such dog by the animal control authority displayed on the vest and (b) is under control of a person 19 years of age or older and is restrained securely by a harness and leash no longer than six feet as defined in section 6-18 (M)(1) and a collar joined with a connector attached to the leash in such a way as to provide a redundant restraint system, but such owner shall not be required to comply with the muzzle requirement of section 6-24 for such dog.

**Section 3.** That Section 6-26 of Chapter 6, Article II of the Bellevue Municipal Code is hereby added to read as follows:

#### 6-26 PIT BULL BREEDS – PROOF OF INSURANCE

No animal determined to fall within the definition of a pit bull breed, as defined in Section 6-24, shall be licensed unless the person possessing, harboring, keeping, or having control or custody of such dog first presents to the animal control authority written proof of liability insurance, written by an insurer authorized to issue such insurance in Nebraska, having limits of liability of not less than one-hundred thousand dollars (\$100,000.00) for injury to any one person caused by such dog. Such insurance shall be maintained in effect throughout the life of the pit bull. The animal control authority may require proof that such insurance coverage remains in effect at any time, but not more frequently than every sixty days, or may require such policy of insurance to provide that it may not be cancelled or allowed to expire without thirty days’ prior written notice to the animal control authority.

**Section 4.** That Section 6-27 of Chapter 6, Article II of the Bellevue Municipal Code is hereby added to read as follows:

**6-27 Animal Control Authority – Report to Council**

The animal control authority shall submit to the city council a report which shall provide statistical data and an evaluation of the effectiveness of the requirements of section 6-24, titled “Pit Bull Breeds – Leash and Muzzle Requirements” in reducing dog bites and other incidents involving pit bulls breeds as defined in section 6-24. The report shall be submitted at the first city council meeting in March of every year or upon resolution of the city council.

**Section 5.** This Ordinance shall take effect and be in full force on the \_\_\_\_ day of \_\_\_\_\_ 2021.

ADOPTED by the Mayor and City Council this \_\_\_\_ day of \_\_\_\_\_ 2021.

ATTEST:

\_\_\_\_\_  
Mayor, Rusty Hike

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

\_\_\_\_\_  
City Attorney

CITY OF BELLEVUE, NEBRASKA  
AGENDA ITEM COVER SHEET

14a. & 14a1.  
5/4/2021

COUNCIL MEETING DATE: 05/04/2021	SUBMITTED BY: Tammi Palm	TITLE: Planning Manager
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input type="checkbox"/>	PUBLIC HEARING <input checked="" type="checkbox"/>
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>

**SUBJECT:**

Request to final plat Lots 1 through 263, and Outlots A through D, Alta Collina, being a platting of the South 1/2 of the Northeast 1/4 of Section 7, T13, R13E of the 6th P.M., Sarpy County, Nebraska; and approval of the Alta Collina Subdivision Agreement. Applicant: Orchard Valley Inc. Location: Southwest corner of 48th Street and Capehart Road.

**SYNOPSIS/BACKGROUND:**

Melvin Sudbeck, on behalf of Orchard Valley Inc., is requesting approval of a final plat for Lots 1 through 263, and Outlots A through D, Alta Collina, for the purpose of single-family residential development. In conjunction with the final plat the applicant is also requesting approval of the Alta Collina Subdivision Agreement.

FISCAL IMPACT:  BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: NO

**TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:**

IS THIS A CONTRACT?: NO COUNTER-PARTY:  INTERLOCAL AGREEMENT: NO

CONTRACT DESCRIPTION:

CONTRACT EFFECTIVE DATE:  CONTRACT TERM:  CONTRACT END DATE:

PROJECT NAME:

START DATE:  END DATE:  PAYMENT DATE:  INSURANCE REQUIRED: YES

CIP PROJECT NAME:  CIP PROJECT NUMBER:

STREET DISTRICT NAME (S):  STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE:  ACCOUNT NUMBER:

**RECOMMENDATION:**

The Planning Department and Planning Commission have recommended approval of this application.

**ATTACHMENTS:**

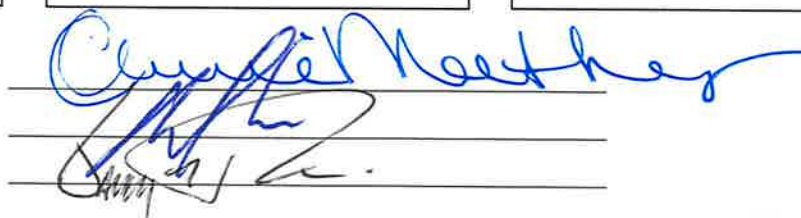
1. Planning Commission Recommendation Sheet
2. Staff Report
3. Alta Collina Subdivision Agreement
4.
5.
6.

**SIGNATURES:**

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:



# City of Bellevue

## PLANNING COMMISSION RECOMMENDATION

APPLICANT: Orchard Valley, Inc.

CASE #: S-2103-04

CITY COUNCIL HEARING DATE: May 4, 2021

REQUEST: to final plat Lots 1 through 263, and Outlots A through D inclusive, Alta Collina, being a platting of the South ½ of the Northeast ¼ of Section 7, T13, R13E of the 6th P.M., Sarpy County, Nebraska.

On April 22, 2021 the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained:

**APPROVAL** based upon conformance with the preliminary plat.

### VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Ritz						Casey
	Perrin						
	Cain						
	Aerni						
	Ackley						
	Hankins						
	Cutsforth						
	Jacobson						

Planning Commission Hearing (s) was held on: April 22, 2021

# CITY OF BELLEVUE PLANNING DEPARTMENT

## RECOMMENDATION REPORT # 2

CASE NUMBER: S-2103-04

FOR HEARING OF:

REPORT #1: April 22, 2021

REPORT #2: May 4, 2021

### I. GENERAL INFORMATION

#### A. APPLICANT:

Orchard Valley, Inc.  
Melvin Sudbeck  
16255 Woodland Drive  
Omaha, NE 68136

#### B. PROPERTY OWNERS:

Orchard Valley, Inc.  
Melvin Sudbeck  
16255 Woodland Drive  
Omaha, NE 68136

#### C. GENERAL LOCATION:

Southwest corner of 48<sup>th</sup> Street and Capehart Road

#### D. LEGAL DESCRIPTION:

Lots 1 through 263, and Outlots A through D, Alta Collina, located in the South ½ of the Northeast ¼ of Section 7, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska.

#### E. REQUESTED ACTION:

Final Plat Lots 1 through 263, and Outlots A through D, Alta Collina.

#### F. EXISTING ZONING AND LAND USE:

AG, Vacant

**G. PURPOSE OF REQUEST:**

The purpose of this request is to obtain final plat approval to enable single family residential development.

**H. SIZE OF SITE:**

The site is approximately 80 acres.

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:**

The site was most recently used agriculturally.

**B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**

- 1. **North:** Single Family Residential, RS-72 and RG-50-PS
- 2. **East:** Single Family Residential and Vacant, AG
- 3. **South:** Single Family Residential, RS-72-PS
- 4. **West:** Vacant, AG

**C. REVELANT CASE HISTORY:**

1. On December 17, 2020, the Planning Commission recommended approval of a request to rezone Lots 1 through 263, and Outlots A through D, Alta Collina, being a platting of the South ½ of the Northeast ¼ of Section 7, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska from AG to RS-72 and RD-60 for the purpose of single family residential development; and preliminary plat Lots 1 through 263, and Outlots A through D, Alta Collina. The City Council approved the aforementioned request on February 16, 2021.

2. On April 22, the Planning Commission recommended approval of a request to final plat Lots 1 through 263, and Outlots A through D, Alta Collina, being a platting of the South ½ of the Northeast ¼ of Section 7, T13N, R13E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska; and approval of the Alta Collina Subdivision Agreement.

**D. APPLICABLE REGULATIONS:**

- 1. Chapter 4, Subdivision Regulations, regarding Final Plats.
- 2. Chapter 7, Subdivision Regulations, regarding Capital Improvements.

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

The Future Land Use Map of the Comprehensive Plan designates this area as medium density residential.

**B. OTHER PLANS:**

None

**C. TRAFFIC AND ACCESS:**

1. There is no specific MAPA traffic count data available for the intersection of 48<sup>th</sup> Street and Capehart Road.
2. Access is proposed from two points off of South 48<sup>th</sup> Street. The property will also have access to the north from newly created extensions of South 49<sup>th</sup> Street, South 52<sup>nd</sup> Street, and South 55<sup>th</sup> Street connecting to the Falcon Pointe development. Access to the south will be from a newly created extension of South 51<sup>st</sup> Street connecting to the Lions Gate development.

**D. UTILITIES:**

All utilities are available or will be constructed to serve this development.

**E. ANALYSIS:**

1. Melvin Sudbeck, on behalf of Orchard Valley, Inc., has submitted a request to final plat Lots 1 through 263, and Outlots A through D, Alta Collina.
2. RD-60 zoning was requested for the southeastern portion of the development, while RG-72 zoning was requested for the majority of the subdivision. This zoning will take effect upon filing of the final plat.
3. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Offutt Air Force Base, Sarpy County Planning Director, Sarpy County Public Works Director, and the Springfield Platteview School District. The cover letter indicated a deadline to send comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Public Works Engineer Matt Knight had minor technical comments pertaining to the plat. The applicant's engineer has since made the necessary revisions.

No other comments were received on this case.

4. The final plat is in general conformance with the approved preliminary plat.

5. The applicant submitted a Subdivision Agreement which has been reviewed by the City Attorney.

**F. TECHNICAL DEFICIENCIES:**

None

**IV. DEPARTMENT RECOMMENDATION**

APPROVAL based upon conformance with the preliminary plat.

**V. PLANNING COMMISSION RECOMMENDATION**

APPROVAL based upon conformance with the preliminary plat.

**VI. ATTACHMENTS TO REPORT**

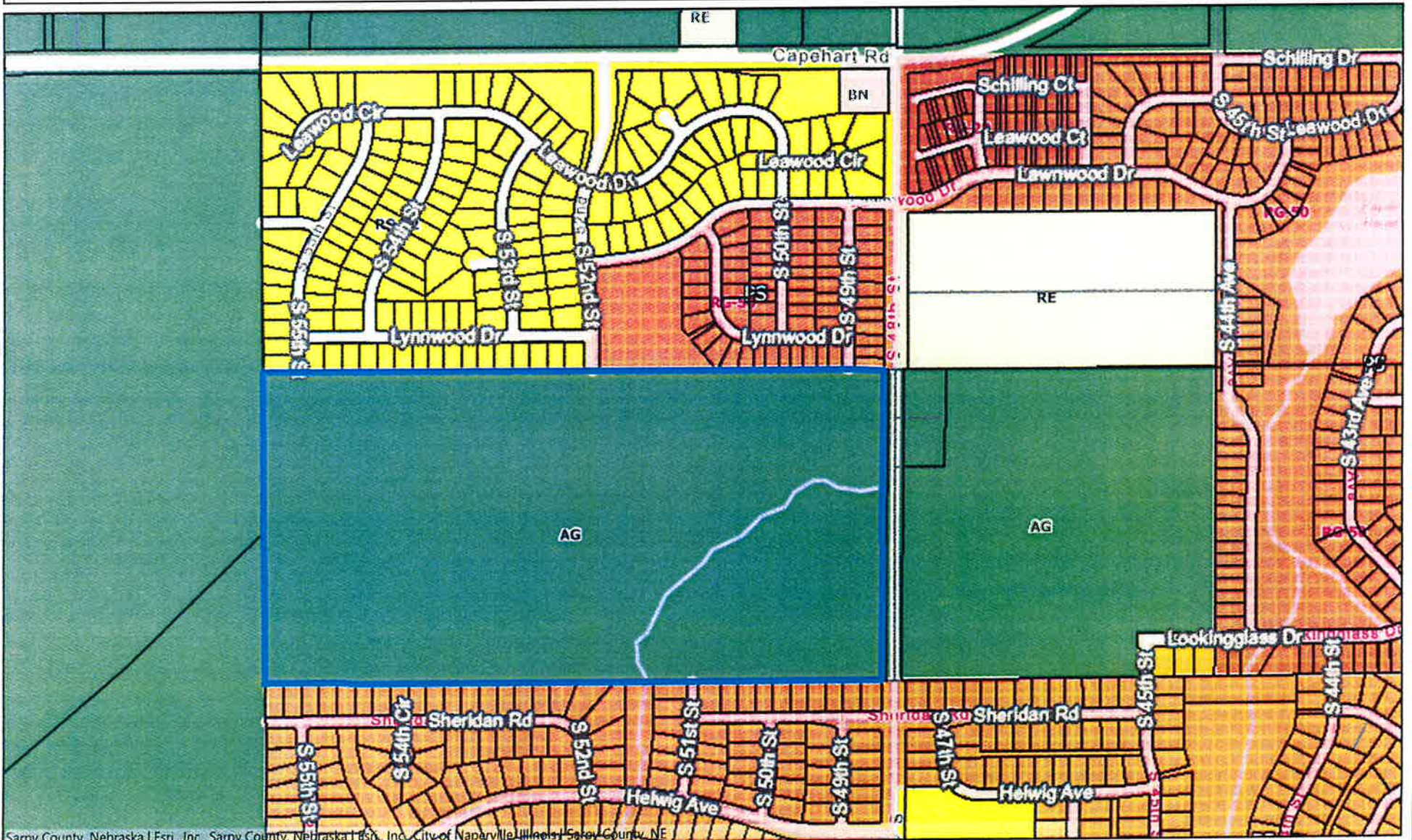
1. Zoning Map
2. 2020 GIS aerial photo of the property
3. Final plat received April 15, 2021
4. Subdivision Agreement received March 18, 2021
5. Letter from Bob Peterson received April 5, 2021

**VII. COPIES OF REPORT TO:**

1. Melvin Sudbeck, Orchard Valley, Inc.
2. Blakeman Engineering
3. Bob Peterson, Peterson & Foster Law
4. Public Upon Request

  
Assistant Planning Manager

  
Planning Manager                      Date of Report



Sarpy County, Nebraska | Esri, Inc. | Sarpy County, Nebraska | Esri, Inc. | City of Naperville, Illinois | Sarpy County, NE



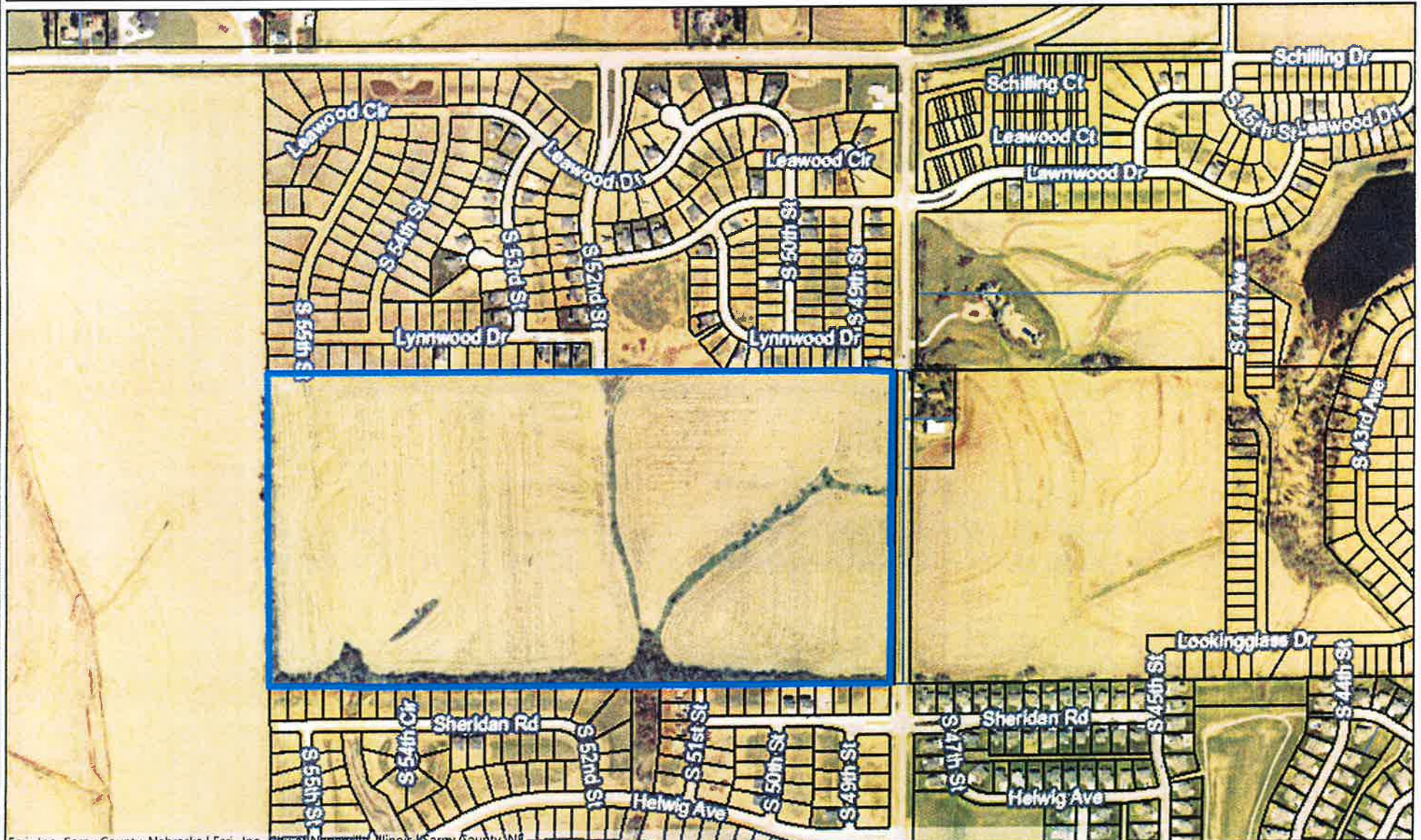
Map Scale 1: 9028

This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes





Esri, Inc. Sarpy County, Nebraska | Esri, Inc. City of Naperville, Illinois | Sarpy County, NE



Map Scale 1: 9028

This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.



Notes



RECEIVED

APR 15 2021

PLANNING DEPT

FINAL PLAT

# ALTA COLLINA

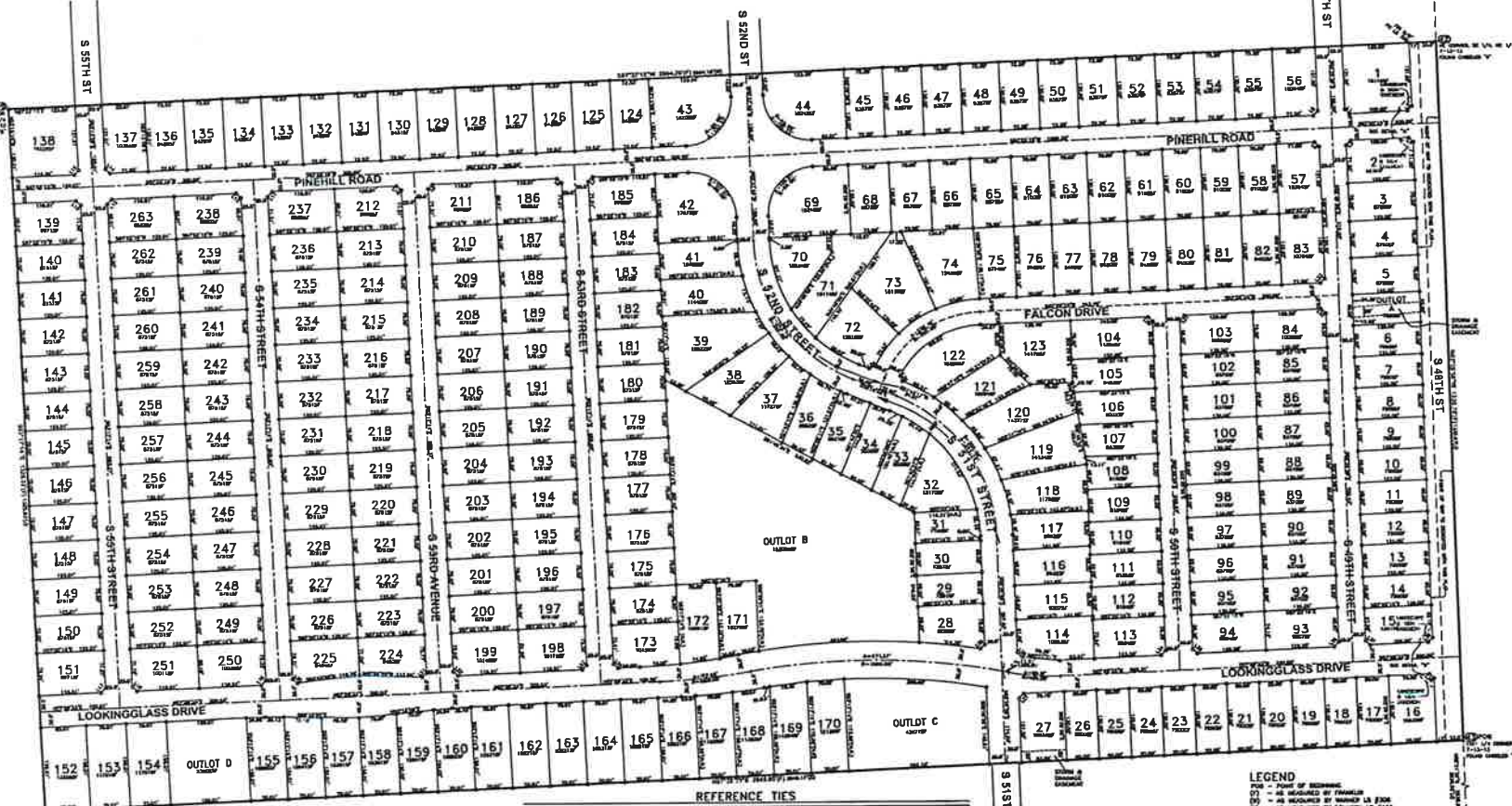
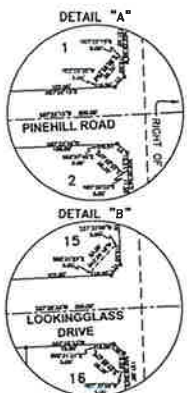
LOTS 1 THROUGH 263, AND OUTLOTS "A" THROUGH "D" INCLUSIVE  
BEING A PLATTING OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF  
SECTION 7, T13N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA



SCALE- 1" = 100'

LINE TABLE

1	138	137	136	135	134	133	132	131	130	129	128	127	126	125	124	43	44	45	46	47	48	49	50	51	52	53	54	55	56																																																																																			
2	139	263	238	237	212	211	186	185	42	69	68	67	66	65	64	63	62	61	60	59	58	57	3	4	5	6	7	8	9	10	11	12	13	14	15																																																																													
3	140	262	239	236	213	210	187	184	41	70	71	72	73	74	75	76	77	78	79	80	81	82	83	103	84	102	85	101	86	87	88	89	90	91	92	93																																																																												
4	141	261	240	235	214	209	188	183	40	70	71	72	73	74	75	76	77	78	79	80	81	82	83	103	84	102	85	101	86	87	88	89	90	91	92	93																																																																												
5	142	260	241	234	215	208	189	182	39	38	37	36	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104																																																																												
6	143	259	242	233	216	207	190	181	38	37	36	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																											
7	144	258	243	232	217	206	191	180	37	36	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																												
8	145	257	244	231	218	205	192	178	36	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																													
9	146	256	245	230	219	204	193	178	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																														
10	147	255	246	229	220	203	194	177	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																															
11	148	254	247	228	221	202	195	176	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																																
12	149	253	248	227	222	201	196	175	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																																	
13	150	252	249	226	223	200	197	174	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																																		
14	151	251	250	225	224	199	198	173	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																																			
15	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263



AREA TABLE

1	138	137	136	135	134	133	132	131	130	129	128	127	126	125	124	43	44	45	46	47	48	49	50	51	52	53	54	55	56																																																																																			
2	139	263	238	237	212	211	186	185	42	69	68	67	66	65	64	63	62	61	60	59	58	57	3	4	5	6	7	8	9	10	11	12	13	14	15																																																																													
3	140	262	239	236	213	210	187	184	41	70	71	72	73	74	75	76	77	78	79	80	81	82	83	103	84	102	85	101	86	87	88	89	90	91	92	93																																																																												
4	141	261	240	235	214	209	188	183	40	70	71	72	73	74	75	76	77	78	79	80	81	82	83	103	84	102	85	101	86	87	88	89	90	91	92	93																																																																												
5	142	260	241	234	215	208	189	182	39	38	37	36	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																										
6	143	259	242	233	216	207	190	181	38	37	36	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																											
7	144	258	243	232	217	206	191	180	37	36	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																												
8	145	257	244	231	218	205	192	178	36	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																													
9	146	256	245	230	219	204	193	178	35	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																														
10	147	255	246	229	220	203	194	177	34	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																															
11	148	254	247	228	221	202	195	176	33	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																																
12	149	253	248	227	222	201	196	175	32	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																																	
13	150	252	249	226	223	200	197	174	31	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																																		
14	151	251	250	225	224	199	198	173	30	29	28	119	118	117	116	115	114	113	112	111	110	109	108	107	106	105	104	103	84																																																																																			
15	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263

- REFERENCE TIES
- 1) 1/4 CORNER 7-13-13 FOUND IRON PIN
  - 2) CENTER OF SECTION 7-13-13 FOUND 1" IRON ROD
  - 3) EAST 1/4 CORNER 7-13-13 FOUND CHISELED "X"
  - 4) SE CORNER 7-13-13 FOUND SURVEY MARKER NAIL
  - 5) NW 1/4 NE 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 6) NE 1/4 NE 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 7) SE 1/4 NE 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 8) SW 1/4 NE 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 9) NW 1/4 SE 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 10) NE 1/4 SE 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 11) SW 1/4 SE 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 12) SE 1/4 SE 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 13) NW 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 14) NE 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 15) SW 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 16) SE 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 17) NW 1/4 E 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 18) NE 1/4 E 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 19) SW 1/4 E 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 20) SE 1/4 E 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 21) NW 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 22) NE 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 23) SW 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 24) SE 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 25) NW 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 26) NE 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 27) SW 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 28) SE 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 29) NW 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 30) NE 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 31) SW 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 32) SE 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 33) NW 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 34) NE 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 35) SW 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 36) SE 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 37) NW 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 38) NE 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 39) SW 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 40) SE 1/4 S 1/2 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 41) NW 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 42) NE 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 43) SW 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 44) SE 1/4 SW 1/4 7-13-13 FOUND 3/8" IRON REBAR WITH PLASTIC CAP
  - 45)



## **SUBDIVISION AGREEMENT**

THIS SUBDIVISION AGREEMENT ("Agreement") is made this 4th day of May, 2021 ("Effective Date"), by and among ORCHARD VALLEY, INC., a Nebraska corporation ("DEVELOPER"), SANITARY AND IMPROVEMENT DISTRICT NO. 353 OF SARPY COUNTY, NEBRASKA, a Nebraska political subdivision ("DISTRICT"), and THE CITY OF BELLEVUE, a municipal corporation of the first class ("CITY").

WITNESSETH:

WHEREAS, DEVELOPER is the contract purchaser or owner of the real property situated within the Development Area (as defined in Section 1); and

WHEREAS, DISTRICT and DEVELOPER desire to construct, install and locate certain improvements within the Development Area; and

WHEREAS, the Development Area is outside the incorporated limits of the CITY but within the CITY's zoning jurisdiction.

WHEREAS the Development Area will be developed in two (2) phases.

NOW, THEREFORE, in consideration of the premises, the PARTIES agree as follows:

### **SECTION 1 DEFINITIONS**

For the purpose of this Agreement, unless the context otherwise requires, the following words and phrases shall have the following meanings:

(a) "Benefitted Property" shall mean any parcel or lot within the Development Area which, as of the Effective Date, may actually be used as a buildable lot.

(b) "Cost" shall mean all construction costs, engineering fees, design fees, attorneys' fees, testing expenses, publication costs, financing costs (which shall include all warrant fees and bond fees, and interest on warrants to date of levy of special assessments), the administrative costs incurred by DISTRICT by application of Section 5(c) and all other related or miscellaneous costs or expenses directly incurred by DEVELOPER or DISTRICT in connection with Public Improvements.

(c) "Dedicated Street(s)" shall mean those concrete or paved area(s), including curbing, to be constructed, modified or improved within that portion of the Development Area designated as Dedicated Street right-of-way on Exhibit B.

(d) "Development Area" shall mean the real property situated within the area identified or depicted on Exhibit A.

(e) "General Obligation" shall mean any indebtedness for Public Improvements which is not required by law or this Agreement to be specially assessed against Benefited Property.

(f) "Party" shall mean CITY, DEVELOPER or DISTRICT, individually, and "Parties" shall mean the CITY, DEVELOPER and DISTRICT, collectively.

(h) "Plat" shall mean the Final Plat of Alta Collina, Lots 1 thru 263, inclusive, and Outlots A through D, approved by the City Council for the CITY on May 4, 2021, subject to any conditions expressly provided for at such time or in this Agreement.

(h) "Public Improvements" shall mean:

(i) All Dedicated Streets (including that portion of any "T" intersection abutting any buildable lot or parcel and Street Intersections) identified on Exhibit B.

(ii) All concrete sidewalks to be constructed, modified or improved along any Dedicated Streets and lying within the boundaries of any Dedicated Street right-of-way.

(iii) All Dedicated Street signage required by, and meeting the standards of, the "Manual of Uniform Traffic Control Devices" but only if first approved in writing by the CITY's Public Works Department and only if located at a Street Intersection.

(iv) All "Wastewater Sewers" constructed within the Development Area as identified in the sanitary sewer layout (Exhibit B) prepared by Blakeman Engineering LLC ("Engineer"). Wastewater Sewers shall include all necessary sanitary and wastewater sewer mains, manholes, lines, pipes, lift stations and related appurtenances.

(v) All "Storm Sewers" to be constructed in the Development Area identified on the storm sewer plan (Exhibit C) prepared by the Engineer, including all necessary storm sewers, inlets, manholes, lines, pipes and related appurtenances.

(vi) The "Water Distribution System" to be constructed and installed by Metropolitan Utilities District within the boundaries of any Dedicated Street right-of-way within the Development Area or other areas specifically approved by the CITY (Exhibit E).

(vii) The "Gas Distribution System" to be constructed and installed by Metropolitan Utilities District within any Dedicated Street right-of-way within the Development Area or other areas specifically approved by the CITY.

(viii) The "Lighting System" for any Dedicated Streets to be constructed and installed by the Omaha Public Power District within the boundaries of any Dedicated Street right-of-way within the Development Area, including any decorative, ornamental or other lighting not conforming to CITY standards but which has been specifically approved by the CITY.

(ix) The "Electrical Power Service" to be constructed and installed by the Omaha Public Power District within the boundaries of any Dedicated Street right-of-way within the Development Area. The Electrical Power Service shall include all electrical utility lines and other devices, other than the Lighting System, so constructed and installed for the benefit of the Development Area.

(i) "Sewer System" shall mean, collectively, all sewer systems within the DISTRICT and the Development Area, and shall also include all existing wastewater systems, Wastewater Sewers, existing storm sewer systems, the Storm Sewers and existing sanitary sewer systems located within the DISTRICT or the Development Area.

(j) "Street Improvements" shall mean those Public Improvements described in Sections 1(i)(i), (ii), (iii), and (viii) other than the Street Intersections.

(k) "Street Intersections" shall mean those portions of the Dedicated Streets (other than that portion of any "T" intersection abutting any buildable lot or parcel) designated as intersections on Exhibit B.

(l) "Weeds" shall include, but not be limited to, bindweed (*Convolvus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centuarea pieris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus*) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

(m) "Urban Design Standards" shall mean public concrete streets of various width and thicknesses including curbs, guttering, and related storm sewer systems, meeting the design, surface and other specifications of CITY, the plans for which shall be first approved by CITY in accordance with Section 2(b)(i).

## **SECTION 2 AUTHORITY AND DOCUMENTATION**

(a) The DISTRICT and the DEVELOPER shall cause all Public Improvements to be constructed and installed in accordance with the terms and conditions of this Agreement.

(b) Subject to the remaining terms and conditions of this Agreement, CITY hereby approves construction and installation of the Public Improvements substantially in accordance with the Plat; provided, however, that at least thirty (30) days before commencing any work in connection with the Public Improvements, the DISTRICT and DEVELOPER shall first:

(i) Deliver to the appropriate department(s) of the CITY duly executed copies of any agreement(s) for work required for, or otherwise entered into in connection with the Public Improvements, and all plans for the manner and means of any additional connections required by or for the Wastewater Sewers or Storm Sewers. The specifications and technical terms of all such agreements and plans shall be subject to review and approval of CITY. All agreements and plans shall require the timely and orderly engineering, design, procurement, construction, installation and

testing of Public Improvements and that all work therefore shall be performed in a good and workmanlike manner, using quality materials, in accordance with industry standards, in compliance with all applicable laws, rules, regulations, standards and specifications of any governmental agency with jurisdiction over any such work or over the Public Improvements and as otherwise may be reasonably required by the CITY. All such agreements shall require the contractor to procure and maintain throughout the term of any such agreement, policies of insurance as follows: (1) workers' compensation insurance and employer's liability insurance in the statutory amount; (2) commercial general liability insurance covering bodily injury, including death, and property damage coverage; (3) broad form contractual liability coverage for all obligations and liabilities undertaken by the agreement and product and completed operations; (4) comprehensive automobile liability and coverage providing bodily injury and property damage coverage covering all motor vehicles including hired and non-owned autos as well as mobile equipment to the extent that may be excluded from the general liability insurance. All such insurance shall have a combined single limit of at least \$1,000,000 per person, and an aggregate limit of at least \$2,000,000 per occurrence; umbrella liability coverage for all of the above with policy limits of \$2,000,000. The CITY and DISTRICT shall be named additional insured for purposes of all policies. Certificates of insurance shall be presented to the CITY upon request. No policy of insurance shall be cancelable, except upon thirty (30) days' notice to CITY and DISTRICT. All insurance shall be procured from and maintained by a reputable and financially responsible insurance company authorized to transact business in the State of Nebraska. The CITY shall endeavor to review and approve or require modification to any such agreement within fifteen (15) days after delivery; provided, however, that unless the CITY notifies the DISTRICT of its objection to any such agreement at least seven (7) days prior to the date scheduled for commencement of such work, the CITY shall be deemed to have approved such agreement.

(ii) Deliver to the Finance Director of the CITY duly executed copies of any written agreement(s) between the DISTRICT and its municipal financial advisor for the placement of the warrants or bonds of the DISTRICT used for the payment of the Costs of the Public Improvements.

(iii) Deliver to the Public Works Director of the CITY duly executed copies of an agreement between the DISTRICT and the City of Omaha for wastewater treatment for any wastewater or sewage flowing out of the Development Area.

(iv) Deliver to the Public Works Director of the CITY copies of all performance, labor and material payment or other bonds required by law or the Public Works Director.

(c) At least thirty (30) days prior to any meeting of the Board of Trustees for the DISTRICT when the Board will consider the levy of special assessments in connection with Public Improvements, the DISTRICT and DEVELOPER shall deliver to the CITY:

(i) A full and detailed statement of the Cost of each Public Improvement, which statement or statements shall separately identify and itemize:

1. The amount and date paid to each contractor, together with releases, lien waivers and other documentation necessary to show that all obligations of the DISTRICT in connection with the Public Improvements have been discharged; and
2. All other direct or indirect Costs of the DISTRICT or any other person which have been or will be expended or otherwise incurred in connection with the Public Improvement including, but not limited to, all engineering fees, attorneys' fees, testing expenses, publication costs, and financing costs including, but not limited to, interest on all warrants to date of levy of special assessments.
  - (ii) A detailed schedule of each proposed special assessment together with the amount of any General Obligation incurred or to be paid by the DISTRICT for the Public Improvement;
  - (iii) A plat of all real property to be assessed; and
  - (iv) Information as may be necessary to evidence that the Public Improvement has been completed in compliance with all applicable laws, rules, regulations, standards and specifications of any governmental agency with jurisdiction over any such work or the Public Improvements and as otherwise has been required by the CITY together with any other information reasonably requested by the CITY.

(d) The DISTRICT shall also provide the Finance Director of the CITY with at least thirty (30) days' prior written notice of any meeting whenever the issues of levying special assessments or equalizing or apportioning any debt in connection with the Public Improvements are being considered or discussed by any political or governmental body or agency of competent jurisdiction.

### **SECTION 3 COSTS OF PUBLIC IMPROVEMENTS**

(a) The Costs of Public Improvements shall be paid for by the DISTRICT but shall be defrayed as required by law. All such Costs, other than General Obligations, shall be privately financed or specially assessed against Benefitted Property on an equitable basis.

(i) If not previously paid for, all special assessments for Public Improvements shall be assessed pursuant to applicable provisions of Nebraska Revised Statutes Chapter 31, as amended from time to time, and DISTRICT shall take all necessary actions to see that such assessments are paid in the manner and time required by Chapter 31.

(ii) The DEVELOPER and DISTRICT shall, upon request of the CITY, evidence to the CITY's satisfaction that any lot or parcel to be assessed is a buildable lot. If any lot, parcel, or other area within the Development Area is not a buildable lot for any reason whatsoever, (e.g. by reason of sufficient size, dimensions, easements or similar burdens or for any other reason), then such lot

or parcel shall not be considered to be Benefitted Property and no portion of the Cost of the Public Improvements shall be levied against such lot or parcel.

(b) The following Costs of Public Improvements shall constitute General Obligations to the extent permitted by law:

(i) The Cost of any extra width paving for any Dedicated Streets exceeding twenty-five feet (25').

(ii) The Cost of Street Intersections.

(iii) The Cost of the original street signs for Dedicated Streets, other than the Cost of any decorative, ornamental or other signs not conforming to the "Manual of Uniform Traffic Control Devices" which (and notwithstanding any provision in Section 3(b) to the contrary) shall be the obligation of the DEVELOPER to be paid for at the time of installation.

(iv) The Cost of the Lighting System, other than the Cost of any decorative, ornamental or other Dedicated Street, Street Intersection or other lighting not conforming to CITY standards which (and notwithstanding any provision in Section 3(b) to the contrary) shall be the obligation of the DEVELOPER to be paid for at the time of installation. One hundred percent (100%) of the entire cost of monthly contract charges paid to the Omaha Public Power District for furnishing lighting of public streets shall be paid from the operating fund of the District.

(v) The Cost of Storm Sewers.

(vi) The difference in Cost between piping eight inches (8") in diameter and the size actually required for piping for the Wastewater Sewers, if greater than eight inches (8") in diameter.

(vii) The Cost of any outfall line of the Wastewater Sewers which is designed to serve a drainage area beyond the Development Area, but only if actually constructed and installed outside of the Development Area.

(viii) Charges paid to connect the DISTRICT's Wastewater Sewer System (but not merely the Wastewater Sewers) to another sanitary and improvement district.

(ix) The Cost of any sewage treatment plant or lift station for the Wastewater Sewers which is designed to serve the entire DISTRICT.

(x) The Cost of that portion of the Water Distribution System which is designed to benefit areas of the DISTRICT beyond the Development Area, including any pioneer main fees paid to MUD.

(xi) The Cost of that portion of the Gas Distribution System which is designed to benefit areas of the DISTRICT beyond the Development Area.

(xii) The Cost of the installation of Electrical Power Service other than that portion of the Cost equal to the estimated refundable charge from Omaha Public Power District (which shall be a General Obligation; provided that the refund to the DISTRICT shall be credited to the Bond Construction Account of the DISTRICT) shall be specially assessed against the Benefited Property.

(xiii) Payments for previous improvements made to 48<sup>th</sup> Street.

(xiv) The Cost of installation of any additional improvements to 48<sup>th</sup> Street including lane widening, left turn lanes, deceleration lanes, and pedestrian trails.

(xv) Future signalization will be required at the intersection of South 48<sup>th</sup> Street and Capehart Road. At such point as Sarpy County determines warrants are met for the installation of a permanent traffic signal, the District shall participate in a cost sharing of that construction. The cost of the installation will be a general obligation of the District.

(xvi) The cost of culverts or channel improvements necessary to improve the drainage characteristics of the Development Area and/or downstream areas.

(xvii) The cost of construction of permanent detention basin improvements and post construction stormwater management facilities.

(xviii) No more than 30% of the City of Bellevue plan review fees.

(xix) Traffic calming devices including speed tables or speed bumps.

(xx) The cost of sediment removal from permanent detention basins during infrastructure construction.

(c) One hundred percent (100%) of the entire cost of all sidewalk and construction by the DISTRICT per the sidewalk plan (Exhibit B), including handicap ramps at the corners of intersections (not shown) may be a general obligation of the DISTRICT. All sidewalks constructed on other lots shall be privately installed and at the cost of the owner of said lots. In the event sidewalks on any of the other lots have not been constructed within six (6) years of the recording of the subdivision plat, the DISTRICT shall construct sidewalks and shall be paid by special assessment against the property benefitted.

(d) Notwithstanding any provisions in Subsection 3(a)(i) related to DEVELOPER's payment obligations in connection with special assessments, to the extent the Water Distribution System or Gas Distribution System is financed in accordance with MUD policies, the payment of special assessments for such Public Improvements shall be undertaken in accordance with such policies.

**SECTION 4  
REPRESENTATIONS**

(a) DEVELOPER covenants and represents to the CITY as follows:

(i) DEVELOPER is, or will be at the time the final plat is recorded, the owner of record of the Development Area and has full right and authority to make decisions affecting the Development Area and to enter into this Agreement.

(ii) DEVELOPER is duly organized, validly existing and in good standing under the laws of the State of Nebraska and is currently authorized to do business in the State of Nebraska.

(iii) DEVELOPER has full power and authority to enter into, deliver and perform its obligations under this Agreement and each of the documents related thereto.

(iv) DEVELOPER has taken all necessary action to authorize DEVELOPER's execution, and delivery of, and its performance under, this Agreement and as such, this Agreement constitutes DEVELOPER's valid and binding obligation, enforceable against DEVELOPER in accordance with its terms.

(v) No consent, order, authorization, waiver, approval or any other action, or registration, declaration or filing with any person, board or body, public or private is required to be obtained by the DEVELOPER in connection with the execution, delivery or performance of this Agreement or the consummation of the transactions contemplated thereby, except as may be described or contemplated by this Agreement.

(vi) DEVELOPER shall take all steps reasonably necessary to cause all Public Improvements to be constructed and installed in accordance with the terms and conditions of this Agreement.

(vii) DEVELOPER shall take all steps reasonably necessary to cause all of the Public Improvements to be substantially constructed and installed by the DISTRICT in all phases by approximately August 15, 2025. To the extent not provided by the DISTRICT, DEVELOPER shall provide CITY with quarterly progress reports during the development and allow CITY reasonable access to any relevant financial or other records pertaining to the Public Improvements.

(viii) INTENTIONALLY LEFT BLANK

(ix) INTENTIONALLY LEFT BLANK.

(x) DEVELOPER shall comply with (i) the terms of this Agreement and (ii) the provisions of any agreement submitted to the CITY pursuant to this Agreement, which agreements shall not be amended or assigned without prior written approval of the CITY.

(xi) DEVELOPER shall not permit any private wastewater/sewage disposal systems to be constructed, installed or used on, under or in the vicinity of the Development Area, except as permitted by this Agreement.

(xii) DEVELOPER shall not permit any discharge into the Wastewater/Sewage System to be constructed, installed or used on, under or in the vicinity of the Development Area, in violation of an applicable law, ordinance, statute, rule or regulation.

(xiii) DEVELOPER has not employed or retained any company or person, other than a bona fide employee of DEVELOPER to solicit or secure this Agreement and has not paid or agreed to pay any entity or person other than a bona fide employee working for the DEVELOPER any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or making of this Agreement.

(xiv) All documents, contracts and instruments submitted to CITY now, or at any time in the future, or otherwise entered into by or on behalf of DEVELOPER shall in all material respects be fully authorized, and in all material respects shall be valid, binding and enforceable in accordance with their terms.

(xv) DEVELOPER shall construct the development according to the Phasing Plan (Exhibit F).

(b) DISTRICT covenants and represents as follows:

(i) It is duly organized, is in good standing and is currently authorized to do business in the State of Nebraska; that this Agreement has been duly executed and constitutes its valid and binding obligation, enforceable in accordance with its terms.

(ii) No consent, order, authorization, waiver, approval or any other action, or registration, declaration or filing with any person, board or body, public or private is required to be obtained by the DISTRICT in connection with the execution, delivery or performance of this Agreement or the consummation of the transactions contemplated thereby, except as may be described or contemplated by this Agreement.

(iii) It shall abide and be bound by the terms of this Agreement and the provisions of any agreement submitted to the CITY pursuant to this Agreement, which agreements shall not be amended or assigned without written approval of the CITY.

(iv) The performance of DISTRICT contemplated by this Agreement is within its lawful power and authority and has been duly authorized under, pursuant to and in accordance with its constituent documents and the laws of the State of Nebraska. The DISTRICT shall not incur any General Obligation other than those expressly contemplated by this Agreement for, or in connection with, Public Improvements for any purpose without prior approval from the CITY which may be withheld in the absolute discretion of the CITY.

(v) DEVELOPER shall not permit any private wastewater/sewage disposal systems to be constructed, installed or used in the Development Area.

(vi) It shall not permit any discharge into the Sewer System in violation of an applicable law, ordinance, statute, rule or regulation.

(vii) To maintain all Public Improvements in a good and functional state of repair.

(viii) DISTRICT shall cause CITY to be named as an additional insured under any policy of insurance, including all payment and performance bonds obtained by DEVELOPER (whether or not required by this Agreement) or any other person, including DISTRICT, in connection with the construction or operation of the Public Improvements.

(ix) Other than DISTRICT's Agreement with its municipal financial advisor or this Agreement, there are no agreements to which DISTRICT is a party or by which DISTRICT is bound concerning the construction or installation, or the repair, replacement or maintenance of any of the Public Improvements. DISTRICT shall not modify any such agreement nor otherwise undertake or assume any such obligation or liability therefor without the express prior written approval of the Bellevue City Council, which approval may be withheld in its absolute discretion.

(x) DISTRICT shall not issue any debt, bonds, warrants or enter into any other form of financing arrangement in furtherance of any other improvement lying, in whole or in part, outside the boundaries of the DISTRICT, without first obtaining an unqualified favorable opinion from competent bond counsel of DISTRICT's choice, including, among other appropriate matters, that such financing is within its lawful power and authority and has been duly authorized under, pursuant to, and in accordance with its constituent documents and the laws of the State of Nebraska. Such opinion shall be made to those parties deemed appropriate by DISTRICT and to the City of Bellevue, its elected officials and officers.

(xi) DEVELOPER shall contribute \$44,000 to the Park Development Fund.

(c) DISTRICT and DEVELOPER acknowledge that the CITY makes no representation or warranty as to the validity or effect of (i) any expenditure, bond or indebtedness contemplated to be incurred by DISTRICT or DEVELOPER in furtherance of this Agreement or otherwise to be incurred or actually incurred by DISTRICT in furtherance of the Public Improvements, (ii) CITY's approval of the plat or this Agreement, (iii) any future act of CITY in respect to DISTRICT or DEVELOPER's performance, under the Agreement or otherwise, in developing the Development Area; provided further that to the extent CITY has, or may, undertake any act in respect to any of the foregoing now or at a time in the future, both DISTRICT and DEVELOPER are proceeding at their own risk. The DEVELOPER and DISTRICT do hereby waive and release the CITY from any right, remedy or recourse against it or its elected officials, officers and employees in connection with any provision of this Agreement; provided, however, that such waiver shall not be construed to preclude DISTRICT from enforcing CITY's performance obligations in this Agreement.

## SECTION 5 OTHER OBLIGATIONS

(a) DEVELOPER shall undertake such acts, responsibilities and obligations as may be necessary or appropriate to prevent and control any adverse impact on any real estate or property beyond the Development Area directly or indirectly caused by, or attributable or related to construction and installation of the Public Improvements. Such acts shall include seeding the Development Area disturbed by grading operations, construction of temporary terraces on slopes, temporary silting basins, swales and spillways, and other acts which may be necessary to prevent erosion, damage and sedimentation to adjacent properties and public rights-of-way.

(b) Following the construction and installation of such Public Improvements, the DISTRICT shall pay for the Cost of (i) maintaining street signs, other than decorative, ornamental or other signs not conforming to the "Manual of Uniform Traffic Control Devices" (which shall be the sole obligation of the owner of the real estate and not the DISTRICT) and (ii) for monthly charges paid to Omaha Public Power District for the Lighting System for Dedicated Streets out of the operating fund of the DISTRICT, to the extent permitted by law.

(c) DISTRICT shall pay to the CITY \$121,813.00 (1% of the estimated public improvement costs) concurrent with the CITY's approval of the plans and specifications for the Public Improvements, as reimbursement for any costs incurred by the CITY for review of this Agreement and all actions undertaken by the CITY in connection with the adoption of this Agreement and the development contemplated thereby; provided, however, DISTRICT shall not be permitted by any provision of Section 3 to generally obligate, in the aggregate, an amount exceeding thirty percent (30%) of the fee paid pursuant to this Section 5(c).

(d) DEVELOPER shall comply with all applicable state statutes and CITY ordinances. DEVELOPER shall further adopt such regulations so as to require compliance by the owner, agent, occupant, or any person acquiring possession, charge or control of any lot or ground within the Development Area, or any part of any lot within the Development Area with the following:

- (i) All state statutes and CITY ordinances, including Nebraska Revised Statute Section 16-230 and CITY ordinances enacted pursuant thereto.
- (ii) That all such persons cut and clear any part of any lot within the Development Area in its possession, charge or control of all weeds, grass and worthless vegetation which has reached a height of twelve inches (12") or more.
- (iii) That such weeds, grass and worthless vegetation be cut as close to ground level as possible and be maintained so that at any time the same does not exceed twelve inches (12") or more above the ground.
- (iv) That the cuttings be raked and removed from such premises.
- (v) That if any such person fails to comply with these requirements, DEVELOPER shall cause such weeds, grass and worthless vegetation to be cut and assess the costs thereof upon the owner of the affected real estate.
- (vi) The name and telephone number of the person designated by the DISTRICT or the DEVELOPER to be contacted in the event that such violation occurs, with such name and telephone number being kept current at all times.

- (e) DEVELOPER shall make a contribution to the Park Development Fund in the aggregate amount of \$44,000, which amount shall be paid prior to the filing of the Alta Collina plat.
- (f) Sidewalks along both sides of all public streets shall be constructed by the DEVELOPER, the DISTRICT, or the lot owners in accordance with the following schedule:
- (i) Sidewalks shall be constructed immediately abutting built-upon lots as soon as weather permits. No final Certificate of Occupancy shall be issued until such sidewalks are completed.
  - (ii) All sidewalks along outlots shall be constructed with the installation of adjacent streets unless such outlot is required for a water quality basin, then such sidewalks shall be installed upon the later of the water quality basin being completed or the installation of the streets.
  - (iii) In any event, all sidewalks shall be constructed upon both sides of all public streets within six (6) years of the recording of the subdivision plat.
- (g) Except when otherwise specifically prohibited by law, the DISTRICT agrees to annually levy a minimum ad valorem property tax rate of eighty-eight cents (\$0.88) per one hundred dollars (\$100.00) of taxable valuation for all tax collection years through the year that all DISTRICT warrants can be paid on a cash basis and/or are converted to bonded debt. If the levy of such a minimum ad valorem property tax rate is specifically prohibited by law, then the DISTRICT agrees to levy the maximum ad valorem property tax rate allowed by law for all tax collection years through the year that all DISTRICT warrants can be paid on a cash basis and/or are converted to bonded debt.
- (h) Following the construction of Post-Construction Stormwater Management BMPs, the DISTRICT shall assume the responsibility for maintaining these features. Maintenance of post-construction stormwater management features may be paid from the operating fund of the DISTRICT provided that the maintenance activities are required to maintain the water quality benefits as designed. Routine maintenance, mowing, landscaping, screening or other amenities that do not contribute to water quality shall be maintained and paid for the by the DEVELOPER or the ASSOCIATION. Furthermore, upon annexation by the CITY, all maintenance responsibilities for the water quality features and BMPs shall transfer from the DISTRICT to the ASSOCIATION.

## **SECTION 6 USE OF SEWER SYSTEM**

- (a) DISTRICT shall connect its Sewer System to the wastewater sewer systems operated by the CITY pursuant to plans approved by CITY. Additional connections necessary for the Wastewater Sewers or Storm Sewers, or otherwise required by the Public Improvements shall be made in such a manner and by such means as shall be approved by the CITY.
- (b) In no event shall the DISTRICT permit any person (i) to connect to or otherwise use the Sewer System; (ii) to connect any part of the Sewer System to any other sewer system (including to the CITY's sewer system or to any outfall sewer or any wastewater or sewage treatment plant lying within the zoning jurisdiction of the CITY), except as may be currently existing (and then only to the extent as may be currently existing) or as may be specifically

permitted by this Agreement or the subsequent express written consent of the CITY; or (iii) to make or allow any unlawful or improper discharge into the CITY's sewer system.

(c) At the request of the CITY the DISTRICT shall permit any person to connect to the Sewer System unless then prohibited by the City of Omaha, provided, however, that the DISTRICT shall use reasonable efforts to obtain consent from the City of Omaha for such purposes. Except as provided in Section 6(d), the DISTRICT shall not be required to permit such connection except upon the payment of a duly levied connection fee calculated after giving due consideration to the Costs, maintenance and other investment of the DISTRICT to date in the Sewer System (including a proportionate share of any unrecovered costs, plus accrued interest) and additional design, engineering or maintenance costs, for the outfall line. Such proportionate share shall be determined on a pro rata basis of the contributing design flows to the total outfall design flow, which flows and fees shall be reviewed and approved by the CITY prior to levying said fees.

(d) Notwithstanding any provision in Section 6(c), the DISTRICT shall not charge the CITY nor the owner of such real estate nor place any lien or encumbrance upon any real estate for any connections permitted by CITY to, or any persons use of, the Sewer System as may be necessary in order to permit the discharge of wastewater, sewage or storm water from any areas within the then incorporated limits of the CITY for which the CITY shall, nevertheless, have the right to collect its own fees and charges.

(e) No Sewer System, or connection thereto, allowable pursuant to this Section 6 shall be made unless an appropriate permit is first issued by and obtained from the CITY. The construction, installation and other work related to such connection or Sewer System shall be made in compliance with applicable engineering, design, construction, installation and testing rules, regulations, standards, laws and specifications of any governmental agency with jurisdiction over any such work and as otherwise may be reasonably required by the CITY.

(f) Notwithstanding any other provision of this Agreement, the CITY retains the right to immediately require the DISTRICT to disconnect the Sewer System from the CITY's sewer system or to disconnect any user from the Sewer System for any discharge in violation of any rules, regulations, standards, laws and specifications of any governmental agency with jurisdiction over the same or as may otherwise be prohibited by the CITY.

## **SECTION 7 AMENITIES**

(a) Installation of decorative street lights, subdivision signs, entrance signs, fencing, related fixtures or landscaping, and the installation of any median, street island, outlot, or common area landscaping and related fixtures shall be paid for by the DEVELOPER. Plans for such proposed improvements must be submitted to the CITY for review and approval prior to the installation of such improvements.

(b) DEVELOPER agrees to be responsible for the permanent and continuous maintenance and upkeep of all landscaped medians, landscaped street islands, and outlots within the area to be developed, including all decorative street lights, subdivision signs, entrance signs, fencing, landscaping and related fixtures, until such time as all of the provisions of Sections 7(c) and 7(d) below are fully complied with. Upon compliance with such provisions, the association to be formed (per the terms hereof) shall be responsible for such maintenance and upkeep and DEVELOPER shall be relieved of responsibility therefor.

(c) DEVELOPER shall file with the Sarpy County Register of Deeds prior to the DEVELOPER'S sale of any lot within the area to be developed, covenants which shall provide that all owners of all lots within the area to be developed, shall be members of an incorporated lot owners' association and shall be subject to the levy and payment of all charges, dues, assessments and special assessments of said incorporated lot owners' association.

(d) DEVELOPER shall cause to be incorporated prior to the sale of any lot within the area to be developed, a permanent and continuous lot owners' association. The articles of incorporation and by-laws for such corporation shall provide that all owners of all lots within the area to be developed shall be members of such corporation and shall be subject to the levy and payment of all charges, dues, assessments and special assessments of such corporation. The articles of incorporation and by-laws for such corporation shall further provide that such corporation shall annually establish, levy and collect all charges, dues, and assessments required to pay all expenses in connection with the maintenance and upkeep of all decorative street lights, subdivision signs, entrance signs, fencing, landscaping and related fixtures, and all landscaped medians, landscaped street islands, outlots, and common areas within the area to be developed as hereinafter required, and to pay all other expenses incurred pursuant to the conduct of the business of such corporation. The articles of incorporation and by-laws for such corporation must be submitted to and approved by the CITY prior to execution and filing.

(e) Notwithstanding any provisions herein seemingly to the contrary, the DISTRICT may install decorative street lights at its cost, but the DEVELOPER shall pay the DISTRICT for the costs of any such decorative street lights in excess of the costs and charges by the Omaha Public Power District for its regular and standard non-decorative street lights. Additionally, all replacement, maintenance and upkeep expenses in connection with any such decorative street lights, in excess of the costs and charges of the Omaha Public Power District for its regular and standard non-decorative street lights, shall be the responsibility of and paid by the aforesaid incorporated lot owners' association.

## **SECTION 8 MISCELLANEOUS**

### (a) TERMINATION OF AGREEMENT.

(i) This Agreement shall not be terminated except (1) by the written agreement among DEVELOPER, DISTRICT and CITY; (2) by CITY for any material breach or default by any other PARTY which remains uncured thirty (30) days following notice to the respective PARTY specifying such breach or default ("Notice to Cure"), to be effective as of the date specified in a written Notice of Termination provided, however, that no such Notice to Cure shall be required whenever the breach or default shall recur within 180 days of a Notice to Cure, in which event termination shall be effective as of the date specified in a written Notice of Termination; or (3) upon annexation of the DISTRICT by CITY. No termination shall relieve the DISTRICT or the DEVELOPER of any unperformed obligation required as of the effective date of termination nor any liability which may have then accrued, each of which shall survive such termination.

(ii) The provisions of this Section 8 shall survive the expiration or termination of this Agreement.

(b) INDEMNITY. DEVELOPER shall defend, indemnify and hold CITY, its officers, elected officials, employees, agents and assigns harmless from and against any and all third party or CITY claims, judgments, actions, loss, liability, damage or injury of any nature whatsoever, whether under theory of tort, contract or otherwise (“Damages”), which may arise or result from, out of or in connection with (i) any material misrepresentation made by DISTRICT or DEVELOPER in this Agreement, (ii) any breach of any representation or covenant made by DEVELOPER or DISTRICT in this Agreement, (iii) any negligent or other act, error or omission of DEVELOPER or DISTRICT (including any of their respective employees, agents, contractors, subcontractors or other representatives) in furtherance of this Agreement or any other agreement contemplated by this Agreement to be entered into by DEVELOPER or DISTRICT, including the failure to perform or properly perform as may be so required, and (iv) any default in or breach of any provision of this Agreement, including any obligation or responsibility of DEVELOPER or DISTRICT in this Agreement. Notwithstanding the preceding sentence, DEVELOPER’s indemnity and related obligations under (ii), (iii) and (iv) thereof in respect to Damages related to DISTRICT’s conduct shall apply only in the event that the occurrence giving rise to such obligation shall occur during any period that DEVELOPER, its officers, directors or affiliates shall have, in the aggregate, sufficient voting power to elect a majority of DISTRICT’s Board of Trustees; otherwise, between DEVELOPER and DISTRICT, DISTRICT shall be responsible and liable for any such indemnity or related obligation in respect to such Damages, to the extent the same shall arise from, out of, or in connection with DISTRICT’s conduct.

(c) ASSIGNMENT. Neither this Agreement nor any obligations hereunder shall be assigned without the express written consent of CITY which may be withheld in CITY’s sole discretion.

(d) WAIVER. A waiver by any Party of any default, breach or failure of another shall not be construed as a continuing waiver of the same or of any subsequent or different default, breach or failure.

(e) GOVERNING LAW. This Agreement shall be governed exclusively by its provisions and by the laws of the State of Nebraska except to the extent such provisions may be superseded by applicable federal law regulation, in which case the latter shall apply.

(f) ENTIRE AGREEMENT.

(i) This Agreement, and the Exhibits and documents referenced in this Agreement (which are intended to be and hereby are specifically made a part of this Agreement whether or not so stated) express the entire understanding and all agreements of the PARTIES. Specifically, this Agreement supersedes any prior written or oral agreement or understanding between any of the PARTIES, whether individually or collectively concerning the subject matter hereof.

(ii) This Agreement may be modified only by a written agreement, executed by all PARTIES; provided that the PARTIES agree, without cost to the CITY, to conform this Agreement and all performance obligations hereunder to the requirements of any applicable laws, rules, regulations, standards and specifications of any governmental agency with jurisdiction over any such matter, including any amendment or change thereto.

(iii) This Agreement shall not be construed to be a joint venture or a lease among any of the Parties. Notwithstanding the preceding sentence, whenever any provision of this Agreement has reference to a performance

obligation or requirement of the DISTRICT and the DEVELOPER, such performance obligation or requirement shall be the joint and several obligation or requirement of the DISTRICT and the DEVELOPER, whether or not so stated, unless otherwise specifically stated.

(g) NOTICES, CONSENTS AND APPROVAL. All payments, notices, statements, demands, requests, consents, approval, authorizations or other submissions required to be made by the PARTIES shall be in writing, whether or not so stated, and shall be deemed sufficient and served upon the other only if sent by United States registered mail, return receipt requested, postage prepaid and addressed as follows:

For DEVELOPER: Orchard Valley, Inc.  
Attn: Melvin Sudbeck  
16255 Woodland Drive  
Omaha NE 68136

With Copy To: Blakeman Engineering, LLC  
Attn: Brad Blakeman  
10423 Hansen Avenue  
Omaha, NE 68124

For DISTRICT: Robert F. Peterson  
Peterson & Foster Law  
14747 California Street, Suite 2  
Omaha NE 68154

For CITY: City Clerk  
City of Bellevue  
210 West Mission Avenue  
Bellevue, Nebraska 68005

AND

Public Works Director  
City of Bellevue  
1510 Wall Street  
Bellevue, Nebraska 68005

Such address may be changed from time to time by notice to all other PARTIES.

(h) NON-DISCRIMINATION. In performing under this Agreement, no PARTY shall discriminate against any persons on account of disability, race, national origin, sex, age, and political or religious affiliations in violation of any applicable laws, rules and regulations of any governmental agency with jurisdiction over any such matter.

(i) MISCELLANEOUS. Unless otherwise specified, all references in this Agreement to Exhibits, numbered paragraphs or Sections shall mean those Exhibits attached to this Agreement, which are incorporated into this Agreement as if fully set out herein, and those numbered paragraphs and Sections of this Agreement.

(j) CAD DRAWINGS. DEVELOPER shall provide to the City Engineer along with the final plat, a complete copy of the CAD Drawings of the area to be developed, showing all lots, blocks, and water and sewer system improvements. Such CAD Drawings shall be in AutoCAD.

(k) VIOLATIONS. As a result of any violation of this Subdivision Agreement, the CITY shall have the authority, after first giving ten (10) days written notice to the DEVELOPER and/or the DISTRICT, to discontinue the issuance of building and/or sewer or water connection permits for the lots in the DISTRICT, until such time as the violation is corrected.

(l) PERMIT. No building permits shall be issued until after the substantial completion of all required public improvements, or as otherwise authorized by the City Engineer.

**[Remainder of Page Left Intentionally Blank; Execution Page Follows.]**

IN WITNESS WHEREOF, the PARTIES have executed this Agreement as of the date and year first above written.

ATTEST:

CITY OF BELLEVUE

\_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
Mayor Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Attorney for City of Bellevue

ATTEST:

SANITARY & IMPROVEMENT DISTRICT  
NO. \_\_\_\_\_ OF SARPY COUNTY, NEBRASKA

\_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
Chairman Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Attorney for Sanitary and Improvement  
District No. \_\_\_\_\_ of Sarpy County, Nebraska

\_\_\_\_\_  
A Nebraska limited liability company

By: \_\_\_\_\_, Manager

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Attorney for Developer



**FINAL PLAT**  
**ALTA COLLINA**  
**LOTS 1 THROUGH 263, AND OUTLOTS "A" THROUGH "D" INCLUSIVE**  
**BEING A PLATTING OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF**  
**SECTION 7, T13N, R13E OF THE 6TH P.M., SARPY COUNTY,**  
**NEBRASKA**

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, THAT WE, ORCHARD VALLEY INC. AND FIRST STATE BANK, BEING THE OWNERS OF THE LAND DESCRIBED WITHIN THE LEGAL DESCRIPTION AND ENCOMPASSED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO STREETS, LOTS AND OUTLOTS TO BE MARKED, MEASURED AND LETTERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS ALTA COLLINA.

WE DO HEREBY WAIVE AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT;

AND WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS AS SHOWN HEREON, AND WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE DAWNA PUBLIC POWER DISTRICT, CENTURILUM LLC AND ANY COMPANY WHICH HAS BEEN GRANTED A FRANCHISE TO PROVIDE A CABLE TELEVISION SYSTEM IN THE AREA TO BE SUBDIVIDED, THEIR SUCCESSORS AND ASSIGNS, TO EXERCISE, OPERATE, MAINTAIN, REPAIR AND REPAIR, REPLACE, RECONSTRUCT, DUMP DUMPS AND WINDROW, CABLES, COAXIALS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON WIRES OR CABLES FOR THE CONVEYANCE AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND PROMOTES BY A CABLE TELEVISION SYSTEM AND THEIR RECEIPTS, OIL OVER THROUGH, UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ADJUTING ALL FRONT AND SIDE BOUNDARY LOT LINES, AN EIGHT (8) FOOT WIDE STRIP OF LAND ADJUTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS, AND SIXTEEN (16) FOOT WIDE STRIP OF LAND ADJUTING THE REAR BOUNDARY LINE LINES OF ALL EXTERIOR LOTS, THE TERMS EXTERIOR LOTS IS MEAN DEFINED AS THOSE LOTS FORMING THE OUTER PERIPHERY OF THE ABOVE DESCRIBED SUBDIVISION, SAID A SIXTEEN (16) FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8) FOOT WIDE STRIP OF LAND WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED IF SAID SIXTEEN (16) FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF REQUESTED BY THE OWNER.

WE DO FURTHER GRANT PERPETUAL EASEMENTS TO METROPOLITAN UTILITIES DISTRICT OF DAWNA OR BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS, TO EXERCISE, OPERATE, MAINTAIN, REPAIR AND REPAIR, REPLACE, WINDROWS, WINDMILLS, AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER OR THROUGH UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ADJUTING ALL STREETS, CIRCLES, AND C&G-DE-SAC STREETS WHETHER PUBLIC OR PRIVATE.

NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LIMBER ROCK WALLS SHALL BE PLACED IN SAID EASEMENT STRIPS, BUT THE SAME MAY BE USED FOR GARAGES, BARRIERS, LANDSCAPING, SEWERLINES, DRAINAGES, AND OTHER PURPOSES THAT DO NOT TRAIL OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS THEREIN GRANTED.

ORCHARD VALLEY INC.

MELVIN SUDBECK, PRESIDENT OF ORCHARD VALLEY INC

MADE TESTOR, MANAGING MEMBER OF FIRST STATE BANK

**ACKNOWLEDGMENT OF NOTARY**

STATE OF NEBRASKA )  
 COUNTY OF \_\_\_\_\_ )  
 )  
 )

THE FOREGOING DESIGNATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY MELVIN SUDBECK, PRESIDENT OF ORCHARD VALLEY INC, ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

**ACKNOWLEDGMENT OF NOTARY**

STATE OF NEBRASKA )  
 COUNTY OF \_\_\_\_\_ )  
 )  
 )

THE FOREGOING DESIGNATION WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021 BY MADE TESTOR, MANAGING MEMBER OF FIRST STATE BANK, ON BEHALF OF SAID COMPANY.

NOTARY PUBLIC

**SARPY COUNTY TREASURER'S CERTIFICATE**

THIS IS TO CERTIFY THAT I FIND NO RECORDS OF SPECIAL TAXES, DUES OR DELINQUENT, AGAINST THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION AND EASEMENTS WITHIN THIS PLAT, AS SHOWN ON THE RECORDS OF THIS OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

DEPUTY \_\_\_\_\_

SARPY COUNTY TREASURER

**APPROVAL OF BELLEVUE PLANNING COMMISSION**

THIS PLAT OF ALTA COLLINA WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

CHAIRMAN \_\_\_\_\_

**APPROVAL OF BELLEVUE CITY COUNCIL**

THIS PLAT OF ALTA COLLINA WAS APPROVED BY THE BELLEVUE CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021. APPROVAL OF THIS PLAT BECOMES NULL AND VOID IF NOT RECORDED WITHIN NINETY (90) DAYS OF THE ABOVE DATE.

WATSON \_\_\_\_\_ CITY CLERK

**REVIEW BY SARPY COUNTY PUBLIC WORKS**

THIS PLAT OF ALTA COLLINA WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

SARPY COUNTY SURVEYOR/ENGINEER

**LAND SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED AT ALL CORNERS, ANGLE POINTS AND END OF CURVE ON THE BOUNDARY OF THE PLAT AND THAT PERMANENT MONUMENTS WILL BE PLACED AT ALL CORNERS, ANGLE POINTS AND ENDS OF CURVES ON ALL LOTS AND STREETS WITHIN THE SUBDIVISION TO BE KNOWN AS ALTA COLLINA.

BEING A PLATTING OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 7, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M. SARPY COUNTY, NEBRASKA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 7; THENCE N02°29'30"76"E, ON THE EAST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1330.78 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE S87°27'10"76"E, ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 2864.25 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE S02°17'14"E, ON THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 1330.78 FEET TO THE SOUTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; THENCE N87°27'10"76"E, ON THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4, A DISTANCE OF 2864.25 FEET BACK TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 80.88 ACRES MORE OR LESS.

  
 FRED M. FRANKLIN R.L.S. 525



**SETBACKS**

RD-50	RD-72
FRONT: 25 FOOT MINIMUM SETBACK	FRONT: 25 FOOT MINIMUM SETBACK
BACK: 3 FOOT MINIMUM	BACK: 3 FOOT MINIMUM
REAR: 15 FEET ON LOTS THAT ADJOIN BROADWAYS	REAR: 15 FEET ON LOTS THAT ADJOIN STREETS
REAR: 35 FOOT MINIMUM	REAR: 35 FOOT MINIMUM

**STREET ACCESS RESTRICTIONS**

THERE WILL BE NO STREET ACCESS FOR LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 AND OUT LOT "A" TO 46TH STREET.

**NOTES**

1. THERE ARE NO 90' LOT LINES UNLESS OTHERWISE NOTED.
2. ALL LOT LINES ARE PARALLEL TO CURVES UNLESS SHOWN AS NONPARALLEL (N.A.R.)

DATE: 04-09-2021  
 DRAWN BY: JKH  
 CHECKED BY: JMK  
 JOB NO.: 2018-008



**ALPHA LAND SURVEYING**  
**ALTA COLLINA**



**Alpha Land Surveying**  
 10001 SOUTH LOTS, NEBRASKA INDUSTRIAL PARK  
 OMAHA, NEBRASKA 68114  
 PHONE: 402-331-1311 FAX: 402-331-1312  
 WWW.ALPHALANDSURVEYING.COM  
 INFO@ALPHALANDSURVEYING.COM

SHEET 2 OF 2







14747 California Street, Ste. 2  
Omaha, NE 68154  
(402) 991-8919  
(402) 991-8191 fax

April 5, 2021

via email: Tammi.palm@bellevue.net

Ms. Tammi Palm  
Planning Manager, City of Bellevue  
1510 Wall Street  
Bellevue, NE 68005-3675

RE: Alta Collina Subdivision

Tammi:

I am sending this correspondence in support of the Application for the final plat of Alta Collina. The proposed subdivision is all single-family homes, which will be RS60 and RS72 lots. It is proposed that these homes will be affordable homes for the population and are compatible with the neighboring properties. It is anticipated that once completed, the total valuation for both phases would be \$102,040,000.00. The developer, Melvin Sudbeck, is experienced and has successfully developed a number of developments within Sarpy County and is currently developing the Spring Ridge subdivision where affordable houses that are in demand. It is our opinion that this project is good for Bellevue and Bellevue residents, as it will add significant tax base to the City and is a part of the orderly development adjacent to new subdivisions.

Respectfully submitted,

FOR THE FIRM

Robert F. Peterson

cc: Melvin Sudbeck

RFP/js

RECEIVED  
APR 05 2021  
PLANNING DEPT.

NA71800283

CITY OF BELLEVUE  
ADMINISTRATION REPORT

April 29th, 2021

**Administration**

- Weekly legislative meeting with Lobbyist and UCSC to review bills that impact Bellevue/Sarpy.
- Sidewalk Committee meeting to coordinate and plan for a specific segment in Bellevue.
- Weekly meetings with Sarpy County and Sarpy Cities for Wastewater Agency issues.
- Ft Crook Rd Redevelopment discussion.
- Bi-monthly Agenda meeting
- Met with Chamber Chairperson to discuss Economic Development.
- Meeting with City real estate representative regarding project development.
- Legal department meeting regarding ordinances.
- Private developer meeting for potential project on Hwy 34.
- Community event planning.
- Board of Health meeting.
- Linda Hanson retirement celebration at Library.
- Public Works facility planning.
- Meeting with Beardmore management to discuss Ft. Crook Rd..
- Staff planning discussion for vacating city owned property.
- Planning session regarding Sewer Agency and subsequent agreements along with agency boundary changes.
- Met with Senator Sanders to discuss opposition to LB408.
- Met with Boy Scouts of America for community engagement projects.
- Met with staff to review potential annexation additions.
- Meeting with Don Belino for community project.
- Sarpy County Housing task force
- BPOA negotiations.

**Community Development**

**Covid 19 Update**

The City EOC team is still monitoring and taking the necessary steps to combat the spread of the virus. However, it is no longer meeting on the issue as previously scheduled. The team will re-convene moving forward as needed.

**Planning**

- Attended a presentation with Northern Natural Gas to discuss pipeline safety and location
- Attended the Sidewalk Task Force April meetings
- Conducted three pre-application meetings pertaining to single family residential development
- Attended a meeting to discuss Olde Towne project
- Conducted a pre-application meeting to discuss a single family residential/multi family residential development and the necessary street improvements

CITY OF BELLEVUE  
ADMINISTRATION REPORT

**Permits and Inspections**

- Performed 775 Inspections
- Issued 10 new permits for single family dwellings

**Code Enforcement**

- Notices Issued -176
- Red Tags –17
- Clean ups – 0
- Calls – 1,083
- Towed Vehicles – 5
- Tree Removals – 0

**Communications**

- The Annual Review is published and being distributed (Great Job Phil!)
- Working with the Foundation on Bellevue Rocks the River

**Finance**

**(See Attached)**

**City Clerk**

- Citizen Communication – Topic for Consideration Forms received by Clerk’s Office (Month of April - No Forms for Consideration were received).
- Working on the reorganization on Clerk’s tab on City Website.
- Worked to modify and simplify Fireworks License process – Final read 5/4/2021
- Codification Project Update – Ordinances have been sent to American Publishing for updating of Code Book. As soon as update is online, I will inform you. As soon as updated pages are received, we will update hard copies of the City Code.
- Non-Class “C” Liquor Licenses picked up & paid for - Deadline was April 30th
- Firework Applications are being reviewed – Deadline for applications was April 30th
- Board of Health Hearings were held on March 31<sup>st</sup> & April 16<sup>th</sup>
- Board of Equalization Meeting was held on April 20<sup>th</sup> – Liens have been filed at Sarpy County

**Public Works**

**Engineering**

**Reviewing Priority Project for the City of Bellevue**

- a. Established Benesch as the Engineering firm Address NDEE MS 4 Filing Template (Storm Water Reporting Procedures)
- b. Managing Street Improvement Projects as the start in 2021
- c. Interviewed Architects for the Public Works Campus
- d. Reviewed Fencing Project for American Heroes Park (Kramer Wall)

**Facilities**

- a. Participated in Library Design Meeting
- b. Repaired Roof on Breezeway Between 1510 and BAE
- c. Starting Road Work at Cemetery
- d. Starting KEOSK Project Cemetery
- e. Prepping City Pools for Opening

**Fleet Services**

- a. Prepping Police Cruisers for Duty
- b. Reviewing Staffing Needs for Future Growth of Bellevue Police & Fire
- c. Completing Annual Equipment Assessments

**Parks**

- a. Preparing for Mowing Season
- b. Working with Offutt Air Force Base Volunteers at American Heroes Park Fountain
- c. Addressing Identified Safety Issues at Bellevue City Parks

**Streets**

- a. City Wide Street Repair (Continues)
- b. Provided No Parking Signs at Premier Sports Village
- c. Review No Engine Braking Sign Place Throughout the City

CITY OF BELLEVUE  
ADMINISTRATION REPORT

**Waste Water**

- a. Reviewing Interlocal Agreement with Sarpy County Waste Water Agency (Continues)
- b. Reviewing Waste Water System within Boundaries of Sarpy County Waste Water Agency (Continues)
- c. Working with HDR regarding Bellevue Waste Water Capabilities South of the Ridgeline (Continues)

**Police**

- 04/02 – Food Bank of the Heartland Tour
- 04/06 – Mtg with Scott Kracl – US Marshal
  - City Council Meeting
- 04/07 – Thanksgiving Church – Lighthouse mtg
- 04/08 – Mtg with Gene Kowel – FBI
- 04/12 – SERC Meeting
  - Mtg with Jenny Shirk – Woodmen’s Foundation
- 04/14 – NSP Capt. Sutter lunch
- 04/16 – Iowa State Patrol funeral – Jim Smith
- 04/19 – Mtg with Lt. Col. Cheatham
  - Civil Service Mtg
  - Mtg with Dan Kilby – Boy Scouts
- 04/20 – VIPER Luncheon
  - City Council Meeting
- 04/22 – Mtg with Thanksgiving Church – Video for Lighthouse
- 04/26 – Sonic Memorial
- 04/28 – BPOA Negotiations
- 04/29 – SDLEA presentation

**Library**

- The library hosted a modified open house for retiring library secretary Linda Hanson on Friday, April 2. A special presentation by Mayor Rusty Hike honored Hanson for her nearly 35 years of service to the library, the City of Bellevue, and to the community.

CITY OF BELLEVUE  
ADMINISTRATION REPORT

- The Bellevue Public Library cooperated with the Bellevue Christian Center for the BCC's Easter Scramble drive-by scavenger hunt this year. The library allowed BCC to place an egg-shaped posterboard with a scannable QR code along the backside of its parking lot on Saturday, April 3. About 100 families took part in the Scramble.
- The library celebrated National Library Week, April 4-10, this year by promoting its activities for all age levels and handing out special bookmarks and pens to patrons. This year's theme was "Welcome to Your Library." The Friends of the Bellevue Public Library recognized staff members' service by providing them special treats throughout the week.
- The 2021 Adult Library Program (ALP) is in its fourth week and will conclude on May 16<sup>th</sup>. Over 30 weekly winners have already been picked, with 30 more and 5 grand prize winners still to be chosen. The Adult Services Department has planned a wide variety of virtual programs and craft kits during the ALP, as well as the online reading challenge through the BeanStack app.
- Bellevue Public Library staff met with a team from Leo A Daly to talk about the renovation/addition project on April 5 and 26. The Leo A Daly team reviewed ideas for programming library spaces on the 5<sup>th</sup>, and on the 26<sup>th</sup> presented three possible scenarios for a floor plan. Also attending on the 26<sup>th</sup> were Doug Clark (Public Works Director), virtually, and Tracy Niemier, Building Maintenance supervisor, as well as Library Board President Deb Stortvedt. In addition, walk-throughs of the library and the temporary Bellevue University location have been held in regards to moving the library and Internet/data and phone services.
- The Bellevue Public Library Advisory Board met on Wednesday, April 21, for their regular, monthly meeting. Among discussion items included hotspot checkouts, an update on the renovation project, and review and approval of policies and a use agreement for the Library Innovation Studio project.
- The Library Information Studio maker machines were installed by the Nebraska Library Commission and Nebraska Extension staff April 12. Library staff were then trained on the machines during that week. The library proposes to open up training to the public on these maker devices beginning the week of May 3.

**Fire (See Attached)**

1. Month-end/Year-end financials

April 2021 YTD numbers reflecting favorable results. Full year is expected to track budget, maybe better.

**City-Wide Financials - Year-To-Date April 2021 (Estimated)**

	YTD April 2021 (Estimated)				Full Year 2021 Forecast		
	Actual + Apr 2021 Est	Budget	Variance	Prior Year Actual	Actual	Budget	Variance
<b>Revenues</b>							
Property Taxes	2,481,519	2,481,519	-	7,863,165	28,715,639	28,715,639	-
Sales Taxes	1,028,018	1,062,608	(34,590)	926,309	12,751,300	12,751,300	-
Occupation/Business Taxes	89,510	364,319	(274,809)	323,959	2,221,283	2,221,283	-
Other Revenues	3,366,571	2,035,028	1,331,543	(2,522,306)	55,624,196	55,624,196	-
<b>Total Revenues</b>	<b>6,965,618</b>	<b>5,943,474</b>	<b>1,022,144</b>	<b>6,591,127</b>	<b>99,312,418</b>	<b>99,312,418</b>	<b>-</b>
<b>Expenditures</b>							
Personnel	2,407,382	2,422,658	15,276	2,382,930	32,805,878	32,805,878	-
Department Expenditures	2,418,516	1,866,399	(552,117)	1,514,822	22,820,155	22,820,155	-
Capital Expenditures	1,313,323	44,806	(1,268,517)	233,749	25,998,506	25,998,506	-
Other Expenditures	187,321	37,136	(150,185)	172,724	15,687,879	15,687,879	-
<b>Total Expenditures</b>	<b>6,326,542</b>	<b>4,370,999</b>	<b>(1,955,543)</b>	<b>4,304,225</b>	<b>97,312,418</b>	<b>97,312,418</b>	<b>-</b>
<b>Net Revenues</b>	<b>639,076</b>	<b>1,572,475</b>	<b>(933,399)</b>	<b>2,286,902</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>-</b>
<b>Cash Balance</b>	<b>27,624,481</b>			<b>18,883,326</b>			

2. Debt (No Change To Budget)

Debt increased with annexations, as planned. Manageable.

**City of Bellevue  
2020-21 Annual Budget  
Bonded Indebtedness**

	Total Debt	Total Debt to Valuation	Highway Allocation Bonds	Wastewater Bonds	Net GO Debt	G.O. Debt to Valuation
Beginning Bonded Indebtedness at 10-01-19	\$ 53,370,000	1.57%	\$ 7,505,000	\$ 2,415,000	\$43,450,000	1.28%
Principal Payments During Year	(4,955,000)		\$ (410,000)	\$ (240,000)	\$ (4,305,000)	
New Debt Issued (Includes Annexation Debt Acquired)	30,490,000		\$ -	\$ -	\$30,490,000	
Ending Bonded Indebtedness at 09-30-20	<u>78,905,000</u>	1.80%	\$ 7,095,000	\$ 2,175,000	\$69,635,000	1.59%
Principal Payments During Year	(5,390,000)		\$ (435,000)	\$ (250,000)	\$ (4,705,000)	
New Debt To Be Issued	<u>13,640,000</u>		\$ 5,340,000	\$ 1,700,000	\$ 6,600,000	
Ending Bonded Indebtedness at 09-30-21	<u>\$ 87,155,000</u>	1.99%	\$ 12,000,000	\$ 3,625,000	\$71,530,000	1.63%

Valuation: \$4,379,801,232

(Valuation "re-certified" by Assessor to \$4,375,426,659 on 9/18/2020)

3. Budget Summary (No Change)

**City of Bellevue  
Cash Roll-Forward  
2020-21 Annual Budget**

	<u>Total</u>
<b>Forecasted Fund Balance (Cash) at 09-30-20</b>	<b>\$ 21,230,661.63</b>
<b>Budgeted Revenues</b>	<b>\$ 99,312,417.54</b>
<b>Budgeted Expenditures</b>	<b>\$ 97,312,417.54</b>
<b>Budgeted Net Increase</b>	<b>\$ 2,000,000.00</b>
<b>Budgeted Fund Balance (Cash) at 09-30-21</b>	<b>\$ 23,230,661.63</b>

4. Finance Activities (other than regular A/R, A/P and accounting)

- a. Started 2021-2022 budget process.



# City of Bellevue

## Fire Department

211 West 22<sup>nd</sup> • Bellevue, Nebraska 68005 • (402) 293-3153

### Bellevue Fire Department Council Report

Report Date 4/28/2021

#### A. General Items:

- QA/QI
- Working on Medi-Bike team items as we resume planning and training
- ALS probation meeting with one paramedic this week
- Coordinating part time hiring group set to start June 2<sup>nd</sup>
- Working on updating equipment database as we prepare for budget planning
- Station alerting now operational for Bellevue and Papillion
- Will be reinstating our Fire Alarm installation program and our Building pre-plan program. Both programs were stopped due to the pandemic

#### B. Training:

- First 2 week recruit class completed
- Training burn at old baseball village
- Medication administration training
- IV drip set and pit crew CPR training
- Rope and knot in station skills training
- Helicopter landing zone refresher.

#### C. Inspections:

- Remodel plan review Roma's 605 Fort crook Rd. N
- Remodel plan review Walmart 2109 Towne Center Dr.
- Plan review Chick-Fil-A canopies 2016 Cornhusker Rd.
- Plan review remodel 4102 Twin Creek Dr Suite 108 install a smoothy shop.
- Plan review fire suppression range hood 4741 Giles Rd.
- Plan review remodel Tea House 2903 Samson Way Suite 103.
- Plan review remodel Green Bean Coffee Co. 3512 Samson Way Suite 216-220.
- State license inspection Heritage Ridge 1502 Fort Crook Rd. S.



## City of Bellevue

Fire Department

211 West 22<sup>nd</sup> • Bellevue, Nebraska 68005 • (402) 293-3153

- Plan review remodel St. Mary's School 903 W Mission Ave.
- Plan review remodel CVS 1701 Galvin Rd S.
- Resubmittal plan review Navy Federal Credit 3604 Twin Creek Dr. 106

### **D. Calls: April 14<sup>th</sup> through April 28<sup>th</sup>**

Fire – 70

Rescue - 189

### **E. Ambulance Billing**

March 1-31, 2021

\$213,668.00 has been billed out to insurance companies (271 insurance claims)  
<\$96,150.60> approximate amount we will have to write off due to mandatory  
adjustments/write-offs  
(45% of \$213,668.00)

=====

**\$ 117,517.40** is the anticipated, approximate net revenue from these insurance billings

### **Deposited into Bank:**

**\$ 95,514.49** deposited into the bank March 1-31, 2021

7,036.11 additional revenue in Credit/Debit card payments were received March 1-31, 2021.

**\$ 102,550.60 TOTAL** March 1-31, 2021 rescue fee revenue

### **Statement Billing:**

251 statements were mailed to patients for unpaid account balances – from old billing system  
These statements totaled \$ 157,774.18

376 statements were mailed to patients for unpaid account balances-from NEW billing  
system\

These statements totaled \$ 192,915.74

This is money owed the City from patients who have balances on their accounts after their  
insurance has paid **OR** patients who are self-pay.

We will continue to run statements from the original server-based system through the month of  
May, 2021.





# City of Bellevue

## Fire Department

211 West 22<sup>nd</sup> • Bellevue, Nebraska 68005 • (402) 293-3153

### F. Manpower Report Staffing

#### Staffing Report from 3/29/2021 through 4/4/2021

Monday	AM	Full	
Monday	PM	Full	
Tuesday	AM	T21	3-Person
Tuesday	PM	Full	
Wednesday	AM	Full	
Wednesday	PM	Full	
Thursday	AM	T21	3-Person
Thursday	PM	Full	
Friday	AM	E1, T21, E31 & E41	3 Person
Friday	PM	T21 & E41	3-Person
Saturday	AM	T21	3-Person
Saturday	PM	T21	3-Person
Sunday	AM	T21, E31	3 person
Sunday	PM	Full	

#### Staffing Report from 4/5/2021 through 4/11/2021

Monday	AM	E1, E31 & E41	3 Person
Monday	PM	Full	
Tuesday	AM	T21, E31	3 person
Tuesday	PM	Full	
Wednesday	AM	T21	3-Person
Wednesday	PM	Full	
Thursday	AM	E1, E41	3 person
Thursday	PM	Full	
Friday	AM	Full	
Friday	PM	Full	



# City of Bellevue

## Fire Department

211 West 22<sup>nd</sup> • Bellevue, Nebraska 68005 • (402) 293-3153

Saturday	AM	T21, E31	3 person	
Saturday	PM	E1, T21, E31	3 person	
Sunday	AM	E1, T21, E31 & E41	3 Person	
Sunday	PM	T21, E31 & E41	3 Person	

### Staffing Report from 4/12/2021 through 4/18/2021

Monday	AM	E1, T21, E31 & E41	3 Person	
Monday	PM	E1,E31	3 Person	
Tuesday	AM	E1, T21, E31 & E41	3 Person	
Tuesday	PM	Full		
Wednesday	AM	E1, T21, E31 & E41	3 Person	
Wednesday	PM	Full		
Thursday	AM	E31	3-Person	
Thursday	PM	Full		
Friday	AM	E1, T21 & E41	3 Person	
Friday	PM	E1, T21 & E41	3 Person	
Saturday	AM	E1,T21, E31	3-Person	
Saturday	PM	E1, T21, E31 & E41	3 Person	
Sunday	AM	E1, T21, E31 & E41	3 Person	
Sunday	PM	T21, E31	3 Person	

### Staffing Report from 4/19/2021 through 4/25/2021

Monday	AM	T21, E41	3-Person	
Monday	PM	Full		
Tuesday	AM	T21 2-Person E31 3-Person		
Tuesday	PM	Full		
Wednesday	AM	T21, E31	3 Person	
Wednesday	PM	Full		
Thursday	AM	E1, E41	3 person	
Thursday	PM	E1	3 person	
Friday	AM	E1, T21, E31 & E41	3 Person	
Friday	PM	E1, T21	3 person	
Saturday	AM	E1, T21, E31 & E41	3 Person	
Saturday	PM	E1, T21, E31 & E41	3 Person	
Sunday	AM	T21, E31 3-Person, No EMS Sup		
Sunday	PM	E31	3-Person	