

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

Tuesday, September 20, 2022 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, 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 August 25, 2022 Planning Commission Minutes.
 2. (*) Approval of the September 6, 2022 City Council Minutes.
 3. (*) Acknowledge receipt of the August 8, 2022 Tree Board Minutes.
6. (*) APPROVAL OF CLAIMS.
7. SPECIAL PRESENTATIONS:
 - a. Jewell of Bellevue - Dr. Don Fenster (Mayor Hike)
8. ORGANIZATIONAL MATTERS: NONE
9. APPROVED CITIZEN COMMUNICATION:
 - a. Concerning possible solutions for safety issues regarding street traffic in the Nob Hill neighborhood - Steve Spurgeon, 2006 Virginia Ave., Bellevue, 68005.
10. LIQUOR LICENSES:
 - a. Recommend approval to the Nebraska Liquor Control Commission (NLCC) the application for Jonathon E. Mileham as the new Manager for Kum & Go LLC dba "Kum & Go 373" at 13905 Williamsburg Drive. (City Clerk)
 - b. Recommend approval to the Nebraska Liquor Control Commission (NLCC) the application for Casey's Retail Company dba "Casey's 6133" for a Class "D" Liquor License to sell beer, wine, and distilled spirits, Off Sale Only, at 3003 Samson Way, Bellevue and for Krystal Carter as Manager. (City Clerk)
 - c. Recommend to the Nebraska Liquor Control Commission (NLCC) to approve the application for Elevated Aspect, LLC dba "Elevated Coffee Co & Taphouse" for a Class "C" Liquor License to sell, beer, wine, and distilled spirits, On and Off Sale, at 2851 Capehart Road (Bay F-G), Bellevue and Nickolas J. Soucek as Manager. (City Clerk)
11. ORDINANCES FOR ADOPTION (3rd reading): NONE
12. ORDINANCES FOR PUBLIC HEARING (2nd reading):
 - a. Ordinance No. 4107: Request to rezone the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest 1/4 of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest 1/4 of Section 14, except rights-of-way, all located in T13N, R13E, of the 6th P.M., Sarpy County, NE, from AG to ML for the purpose of industrial development. Applicant: HRC Development, LLC. Location: Fort Crook Road and Fairview Road. (Planning Manager) **(Item has been withdrawn by the applicant)**
 - b. Ordinance No. 4108: Request to amend Section 5.23, City of Bellevue Zoning Ordinance, regarding permitted uses in the BGM (Metropolitan General Business) zoning district regarding multi-family residential density. Applicant: Alex Perry. (Planning Manager)
 - c. Ordinance No. 4109: Request to rezone Lot 1, Roca De Salvacion Addition, being a replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of

Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with half of vacated 37th Street adjacent thereto, from BG and RS-72 to RS-72 for the purpose of a church. Applicant: Fortino Ramirez. General Location: 8806 S. 36th Street. (Planning Manager)

13. ORDINANCES FOR INTRODUCTION (1st reading): NONE

14. PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES:

a. Request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church. Applicant: Fortino Ramirez. General Location: 8806 S 36th Street. (Planning Manager)

b. Request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of auto sales. Applicant: Legion LED Trucks, LLC. Location: 1620 Wilshire Drive. (Planning Manager)

15. RESOLUTIONS:

a. +++ Resolution No. 2022-29: Authorizing Mayor and City Treasurer to open account(s) in the name of the City of Bellevue; to sign and endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the financial institution(s) and authorize the Mayor to sign. (Finance Director)

16. CURRENT BUSINESS:

a. Request approval of the list of applications for hunting waivers, as reviewed and approved by Capt. Kurt Stroehler or Sgt. Don Pleiss. (City Clerk)

b. Recommendation to approve a Special Fireworks Application for Midwest Fireworks to provide a special fireworks display for the Bellevue East High School Homecoming on September 30, 2022, 1401 High School Drive at approximately 10:00 p.m. (City Clerk)

c. Recommend approval of the agreement with Lockton, LLC for the administration of the employee wellness program for Fiscal Year 2023, at an annual cost of \$22,500. (Finance Director)

d. Recommend approval of the property/casualty insurance with Traveler's Midwest Casualty Employers and Chubb for the Fiscal Year 2023, with a total premium package of \$646,997.75. (Finance Director)

e. Approve and authorize Mayor to sign the Memorandum of Understanding (MOU) with Tregaron for the purpose of providing for the maintenance of the plantings in the public areas within City Right-of-Ways (ROW's) in the Tregaron Subdivision, formerly SID 171. (Public Work Director)

f. Recommend approval of the additional purchase costs to the original contract with Cornhusker International Trucks, Inc., in an amount not to exceed \$76,348.68. (Public Works Director)

g. +++ Approve and authorize the Mayor to sign the Dedication of Right-of-Way Deed at property located near 36th and Granada. (Legal)

h. +++ Approve and authorize the Mayor to sign the addendum to the original contract with Burrell Enterprises, LLC, increasing the original contract for the 2022 Concrete Project, in an amount not to exceed \$175,000.00. (Public Works Director)

17. ADMINISTRATION REPORTS: Comments must be limited to items on the current Reports **(Monthly Report is given at the first Council Meeting of each month - September report will be attached to the October 4th Council Packet.)**

a. Update from City Administrator on Sarpy County Museum. (City Administrator)

18. CLOSED SESSION:

19. ADJOURNMENT

MINUTE RECORD

Bellevue Planning Commission Meeting, August 25, 2022, Page 1

The Bellevue Planning Commission held a regular meeting on Thursday, August 25, 2022 at 6:00 p.m. in the Bellevue City Council Chambers. Upon roll call, present were Commissioners Compton, Hankins, Ritz, Aerni, Cutsforth, Ackley, Bennett, and Jacobson. Absent was Commissioner Perrin. Also present were Tammi Palm, Planning Department Manager, and Angela Curry, Assistant Planning Manager.

Notice of this meeting was given in advance thereof by publication in the Gretna Guide and News 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.

Cutsforth announced a copy of the Open Meetings Act was posted in the entry to the City Council Chambers.

Motion was made by Bennett, seconded by Ackley, to approve the minutes of the July 28, 2022, regular meeting as presented. Upon roll call, Compton, Hankins, Ritz, Aerni, Ackley, Bennett, and Jacobson voted yes. Cutsforth abstained. Motion carried.

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

Motion was made by Jacobson, seconded by Compton, 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.

Cutsforth explained the public hearing procedures.

PUBLIC HEARING was held on a request to rezone the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE, from AG to ML for the purpose of industrial development. Applicant: HRC Development, LLC. Location: Ft. Crook Rd. and Fairview Rd. Case #: Z-2207-09.

Cutsforth asked staff for updates. Palm stated there were no updates but provided a brief summary. Palm stated this property is located on the southeast corner of Fort Crook Road and Fairview Road. She said a prior owner had submitted a preliminary plat and light manufacturing zoning request approximately ten years ago which was approved. There was a similar zoning request two years ago that was withdrawn prior to a City Council vote. Palm stated the Future Land Use Map designates this area as light industrial therefore staff is supportive of the request. She stated the applicant will submit a preliminary plat in the near future. Palm stated the ML (Light Manufacturing) zoning is in conformance with the Comprehensive Plan and the city's overall vision for this area.

Doug Kellnar, 10836 Old Mill Rd., Omaha, NE was present on behalf of the applicant.

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

Ackley stated other than the name of the applicant this application is the same as a previous request. Palm stated the new owners are requesting the same zoning as the previous owner.

MOTION was made by Ackley, seconded by Aerni to recommend APPROVAL of a request to rezone the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE, from AG to ML for the purpose of industrial development. Applicant: HRC Development, LLC. Location: Ft. Crook Rd. and Fairview Rd. Case #: Z-2207-09. APPROVAL based upon conformance with the Zoning Ordinance and Comprehensive Plan, as well as a lack of perceived negative impact to the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 20, 2022.

PUBLIC HEARING was held on a request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of auto sales. Applicant: Legion LED Trucks, LLC. Location: 1620 Wilshire Dr., Ste. 300. Case #: CUP-2207-04.

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Bellevue Planning Commission Meeting, August 25, 2022, Page 2

Cutsforth asked staff for updates. Palm stated there were no updates but provided a brief summary. Palm stated Jerry Teeter owns LED Trucks, LLC and is requesting a conditional use permit to allow for the sale of the LED trucks at 1620 Wilshire Drive. She stated Teeter is proposing to use ten parking stalls at the northeast corner of the property for this specific use. Palm stated staff approves of the application as long as sales are limited to the LED Trucks. She said staff would make the Conditional Use Permit Agreement very specific to those ten stalls and the LED Truck sales only on this property.

Jerry Teeter, 11418 S 44th St., Bellevue, NE, advised the State of Nebraska is requiring LED Trucks, LLC to have a dealer's license to sell the LED trucks from this location. He stated the trucks are normally stored in a warehouse and most likely won't ever be stored on the Wilshire property but the State of Nebraska does not recognize different types of dealership licenses so the property must meet all the requirements of the State.

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

Hankins asked staff if there were issues or comments from the other tenants in the building. Palm stated Mr. Teeter owns the building, so she has not had conversations with the other tenants.

Jacobson asked for more detail on LED lighting and if there would be any negative impact on adjoining properties. Teeter stated if the trucks are on the property, they would not be lit. He mentioned the trucks are equipped with an automatic light sensor to read the environmental brightness and automatically adjust the screen accordingly.

Ritz asked staff if a line item should be added to the CUP (Conditional Use Permit) Agreement to state Mr. Teeter is only allowed to sell LED trucks at this location. Palm stated paragraph 3.d. of the CUP states no more than ten LED trucks shall be for sale at any one time, but indicated more detail could be added prior to the request moving to City Council.

Ritz asked the applicant if he would be opposed to adding such language. Teeter stated he does want the ability to sell a car on a one-to-one transaction. He stated a limitation as to what is parked on the property is acceptable. Palm stated a line could be added stating only LED trucks shall be for sale on the property. Ritz stated he would be in support of that. Discussion ensued regarding language to be added to prevent the property from becoming a used car lot.

Aerni stated for the record he is a property owner within 300 feet of the property but does not have a conflict of interest so he would be voting on the request.

MOTION was made by Jacobson, seconded by Ritz on a request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of auto sales. Applicant: Legion LED Trucks, LLC. Location: 1620 Wilshire Dr., Ste. 300. Case #: CUP-2207-04. APPROVAL based upon modifications made by Commissioner Ritz and compliance with the requirements of the Zoning Ordinance and lack of perceived negative impact to the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 20, 2022.

PUBLIC HEARING was held on a request to amend Section 5.23.02 (12), City of Bellevue Zoning Ordinance, regarding permitted uses in the BGM (Metropolitan General Business District) zoning district regarding multi-family residential density. Applicant: Alex Perry. Case #: 173.

Cutsforth asked staff for updates. Palm stated there were no updates but provided a brief summary. Palm stated this text amendment would apply only to the BGM district which is unique to the Olde Towne Bellevue area. She stated currently as a permitted use in the BGM zone, multi-family residential development is allowed as long as it is constructed to the density of the RG-8 (General Residential – 800 square feet per unit) district. Palm said the applicant is proposing that it be reduced to a minimum density of 600 square feet of lot area per unit outside of the first four units. She stated staff has researched adjoining jurisdictions and found this falls in line with what they allow. Palm said staff approves of the request as long as it states all necessary infrastructure is available as determined by city staff.

Jeff Gehring, 4222 Davenport St., Omaha, NE, stated the redevelopment plan for this property was recently approved by the Planning Commission. He stated the project is now being called Bridge Flats which goes before the City Council next month. Gehring stated the request is for a slight increase in

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Bellevue Planning Commission Meeting, August 25, 2022, Page 3

density to attract the type of retailers that everyone would like to see in this area. He said the area is called the Frontier District and it will attract other developments in the area.

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

Ackley asked staff if the previous proposal reviewed by the Planning Commission had 53 Units and if this proposal would allow for more units. Palm stated it does, and that is correct.

MOTION was made by Aerni, seconded by Jacobson to recommend APPROVAL of a request to amend Section 5.23.02 (12), City of Bellevue Zoning Ordinance, regarding permitted uses in the BGM (Metropolitan General Business District) zoning district regarding multi-family residential density. Applicant: Alex Perry. Case #: 173. APPROVAL of amendment as presented. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 20, 2022.

PUBLIC HEARING was held on a request to rezone Lot 1, Roca De Salvacion Addition, being replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with ½ of vacated 37th Street adjacent thereto, from BG and RS-72 to RS-72 for the purpose of a church; and small subdivision plat Lot 1, Roca De Salvacion Addition. Applicant: Fortino Ramirez. General location: 8806 S 36th Street. Case #'s: Z-2206-08, S-2206-16.

Cutsforth asked staff for updates. Palm stated there were no updates but provided a brief summary. Palm stated the request is two-fold; the first being the rezoning and small subdivision plat and the second being the conditional use permit to allow a church, which is the next agenda item. She stated from a platting and zoning prospective this property is a series of smaller lots abutting the recently vacated 37th Street. Palm said currently there are two separate zonings, RS-72 (Single-Family Residential – 7,200 Square Foot Zone) and BG (General Business). She said the BG zoning reverts back to when this property was in Sarpy County's jurisdiction and the property was likened to the Bellevue Berry Farm. Palm stated the applicant is requesting to replat the property into one lot and rezone to RS-72 to be consistent with the adjacent zoning.

Fortino Ramirez, 2858 Sprague St., Omaha, NE, stated he is the civil engineer helping the church group with this project. He stated the intent is to construct a new assembly hall which would require the small subdivision plat and rezoning request. Ramirez stated there is an existing barn and residence which will remain in place. He stated the barn will be used for church activities and the residence will be used for counseling and living quarters for the pastor.

David Nuss, 3707 Marie St., Bellevue, NE, stated he was not aware that 37th Street had been vacated and he has been using it for 4 years. Nuss stated the traffic is a concern and property taxes will increase. He stated the access to South 35th Street is a poor design because of the traffic. Nuss asked if there would be new sewer and water infrastructure and who will pay for that.

Pat Kochenderfer, 3509 Faulk Ave., Bellevue, NE, stated she has searched Sarpy County public records and found that the property was bought in 2018 and a sign was put on the property which read Roca De Salvacion which means rock of salvation and this property was now a church. She stated she is not sure if any church services were ever performed at the property. Kochenderfer stated a month ago Code Enforcement was called to the property for several violations of the Zoning Ordinance. She said she has Googled the owners name and it came back to a church at 4757 N. 24th St., Omaha, NE, which is now for sale. Kochenderfer stated she does not understand why the residence is listed in Sarpy County as religious related, tax-exempt property. She stated Mr. Ramirez wrote a letter to the Planning Commission on June 24th stating the existing usage of the lots and structures is minimal to none. She stated she is surprised there was no traffic data attached to the staff report, because a Bellevue police officer told her there were approximately 5,500 vehicles that travel north and south on 36th street daily. She said 36th street has become its own speedway which is another concern.

Dave Chase, 3510 Faulk Ave., Bellevue, NE, stated his concern is the driveway accessing 36th street which is not safe because of the large volume of traffic and visibility for oncoming traffic. He stated the city does not need more tax-free property.

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

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Bellevue Planning Commission Meeting, August 25, 2022, Page 4

Palm addressed some of the questions. She said with regards to 37th Street being vacated, she said 37th street is unimproved so technically no one should be driving on it. She stated the abutting property owners would have been notified of the application to vacate. Palm stated this property will be connected to the sanitary sewer system which will come from the north and extend south to this property. She stated the site plan shows a retention basin on the northeast corner of the property which is a dry basin. She said the basin is designed to capture the first half inch of runoff and release it slowly over time. Palm said the property owner cannot negatively impact the neighbors as far as drainage. Palm stated city staff (including the city engineers) review the grading, utilities, drainage plan, and the site plan as a whole so those documents have been reviewed and found to be acceptable. She stated the tax-exempt status is a question for the Sarpy County Assessor as the city does not appraise or grant property tax exemptions. Palm stated Tom Dargy with the Bellevue Police Department and the Public Works Department reviewed the application and had no comment with regards to traffic.

Fortino Ramirez stated there is no access to Lot 3B which is a private lot and has always been private. He stated a new sewer line will be brought from the north down on the east side of 36th Street to the property. Ramirez stated the new sewer will provide the opportunity for adjacent property owners to tie into the system. He stated they used national standards to set the driveway which are based on posted speeds in the area.

MOTION was made by Hankins, seconded by Ackley, to reopen the public hearing. Upon roll call, all present voted yes.

David Nuss stated the new driveway location on 36th Street is going to be a hazard. He stated they should use the existing driveway on Veys St. because it would be safer.

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

Hankins stated he was at the property today but doesn't recall what the posted speed limit on 36th Street is. Palm stated it is 35 MPH. Hankins asked if most of the activities would be on Sundays. Ramirez stated mass is on Sundays.

Ackley stated the topography is steep coming down 36th Street so is it their intent to cut into the hill with a slope going up and then flattening it out at the top. Ramirez said that is the intent. Discussion ensued regarding different access points and impact to the neighborhood.

Ritz questioned why they had requested to have one large lot and not split it into two lots with the residence on one lot and the church on the other lot. Palm stated she suggested that because the existing residence will be used as a parsonage and it is easier to control one lot under the Conditional Use Agreement.

Aerni asked staff if this would be an opportunity to ask the applicant to improve Veys Street. Palm stated that will be part of the CUP (Conditional Use Permit) and the applicant will have to make some improvements, but it will not have to be improved to full street standards. Discussion ensued regarding the use and tax exemption of the house on Lot 8 which is not part of this application. Aerni asked staff if sidewalks will have to be installed along 36th Street. Palm stated with any building permit sidewalks are required to be installed unless a waiver is granted by the Public Works Department or City Council.

MOTION was made by Jacobson, seconded by Bennett to recommend APPROVAL of a request to rezone Lot 1, Roca De Salvacion Addition, being replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with ½ of vacated 37th Street adjacent thereto, from BG and RS-72 to RS-72 for the purpose of a church; and small subdivision plat Lot 1, Roca De Salvacion Addition. Applicant: Fortino Ramirez. General location: 8806 S 36th Street. Case #'s: Z-2206-08, S-2206-16. APPROVAL based upon conformance with the Zoning Ordinance, and lack of perceived negative impact upon the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 20, 2022.

PUBLIC HEARING was held on a request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church. Applicant: Fortino Ramirez. General Location: 8806 S 36th Street. Case#: CUP-2206-03.

Cutsforth asked staff for updates. Palm stated there were no updates.

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Bellevue Planning Commission Meeting, August 25, 2022, Page 5

David Nuss questioned where the new sewer line would be installed. Palm displayed a site plan showing the direction of the new sewer line. Nuss stated the letter sent by the Planning Department said it was going to be a church with classrooms. Ramirez stated the classrooms are for Sunday School. Discussion ensued regarding outdoor lighting.

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

Aerni questioned who would be paying for the new sewer line. Ramirez stated the cost is based on whoever connects to the line but at this time it looks like it will be mostly, if not all, funded by the church.

Cutsforth asked staff if this area has ever been considered for a traffic study. Palm stated not to her knowledge.

Ackley asked staff if a septic system fails and they are required to tap into the new sewer line would they be required to pay a tap fee. Palm stated that is correct. She said she sees the new sewer line as an asset because there are homes in the area that are on older septic systems and if they fail and they don't have the required lot size to install a new septic system they will have the opportunity to tap into this new infrastructure. Discussion ensued regarding the location of the crest of the hill in relation to the new driveway.

Jacobson asked staff what was planned in this area for sidewalks, trails, and street improvements. Palm stated there was no immediate plans for widening 36th St., or sidewalks north of Cornhusker Road. She stated the city is in the process of updating the Master Park Plan and all those items are being reviewed.

Jacobson stated he has traveled this area many times and if there was a fire emergency or shift change at OPPD (Omaha Public Power District) the intersection at Veys St. becomes very busy. He stated it is not an ideal situation but agrees with the location of the new access point.

Ackley asked staff if there are other alternatives to reducing speed in the area other than traffic lights or speed bumps. Palm stated the Public Works Engineers reviewed this area very closely because it is a challenging location and ultimately, they were comfortable with what is being shown on the site plan.

MOTION was made by Jacobson, seconded by Ackley to recommend APPROVAL of a request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church. Applicant: Fortino Ramirez. General Location: 8806 S 36th Street. Case#: CUP-2206-03. APPROVAL based upon conformance with Section 6.06, Zoning Ordinance, as well as lack of perceived negative impact upon the surrounding area. Upon roll call, all present voted yes. MOTION carried unanimously.

This item will proceed to City Council for PUBLIC HEARING ON September 20, 2022.

Meeting adjourned at 7:18 p.m.



Dianna Van Horn
Planning Secretary

MINUTE RECORD

*5b2.
9/20/2022

Bellevue City Council Meeting, September 6, 2022, 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 6th of September 2022, at 6:00 p.m. Present were Council Members Rich Casey, Paul Cook, Jerry McCaw, Don Preister, and Thomas Burns. Absent was Kathy Welch.

Notice of this meeting was given in advance thereof by publication in the Gretna/Sarpy Guide and News and posted 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 Jay Dunston, Bellevue Christian Center, 1400 Harvell Drive, gave the invocation.

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 Cook, seconded by Burns, to approve the agenda.

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

APPROVAL OF THE CONSENT AGENDA:

Motion was made by Burns, seconded by Casey, to approve the consent agenda consisting of the following items: Acknowledge receipt of the June 14, 2022 Tree Board Minutes; Approval of August 16, 2022 City Council Minutes; Approval of Claims; Recommend the appointment of Greg Kimball to the Building Board of Review to serve a five-year term ending July 2027; Recommend the appointment of Garrett Sims to the Bellevue Planning Commission to serve the remaining term of Dave Compton, who recently resigned, until August 2024; and Request approval of the list of applications for hunting waivers, as reviewed and approved by Capt. Kurt Stroehler or Sgt. Don Pleiss.

Roll call vote to approve the consent agenda was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. Motion carried.

SPECIAL PRESENTATIONS:

Presentation on the 2022 2nd Quarter Report with Grow Sarpy. (Andrew Rainbolt)

Mr. Andrew Rainbolt, Grow Sarpy, provided a presentation on the 2022 2nd Quarter Report. Discussion followed.

ORGANIZATIONAL MATTERS: NONE

APPROVED CITIZEN COMMUNICATION: NONE

LIQUOR LICENSES: NONE

ORDINANCES FOR ADOPTION (Third Reading):

Ordinance No. 4106: An ordinance to adopt the Annual Appropriations Bill. (Finance Director)

Ordinance No. 4106: An ordinance to adopt the Budget Statement to be termed the Annual Appropriations Bill; to appropriate sums for necessary expenses and liabilities; to provide for an effective date was read for the third time.

Motion was made by Cook, seconded by Burns, to table Items 11a., 11a1., 11a2., and 11a3. to September 23, 2022 for a special meeting to be held at 4:30 p.m. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. Motion carried.

Resolution No. 2022-23: A resolution to set the 2022-2023 property tax request. (Finance Director)

Item tabled.

Approve an additional 1% in the base of restricted funds. (Finance Director)

Item tabled.

MINUTE RECORD

Bellevue City Council Meeting, September 6, 2022, Page 2

Approve Ordinance No. 4106 and adopt the 2022-2023 Fiscal Year Budget (Finance Director)

Item tabled.

ORDINANCES FOR PUBLIC HEARING (Second Reading): NONE

ORDINANCES FOR INTRODUCTION: (First Reading) NONE

Ordinance No. 4107: Request to rezone the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest 1/4 of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest 1/4 of Section 14, except rights-of-way, all located in T13N, R13E, of the 6th P.M., Sarpy County, NE, from AG to ML for the purpose of industrial development. Applicant: HRC Development, LLC. Location: Fort Crook Road and Fairview Road. (Planning Manager)

Ordinance No. 4107: An Ordinance to amend the official zoning ordinance map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 4104 by changing the zone classification of land located at or about Fort Crook Road and Fairview Road, more particularly described in Section 1 of the ordinance and to provide for an effective date was read for the first time.

Mayor Hike stated the second reading and public hearing of the ordinance will be heard at the Council meeting on September 20, 2022.

Ordinance No. 4108: Request to amend Section 5.23, City of Bellevue Zoning Ordinance, regarding permitted uses in the BGM (Metropolitan General Business) zoning district regarding multi-family residential density. Applicant: Alex Perry. (Planning Manager)

Ordinance No. 4108: An ordinance to amend Section 5.23, Ordinance No. 4104, Bellevue Zoning Ordinance, relating to allowable multi-family residential density in the BGM (Metropolitan General Business District) Zoning District; to repeal since such sections as heretofore existing; to provide an effective date of the ordinance was read for the first time.

Mayor Hike stated the second reading and public hearing of the ordinance will be heard at the Council meeting on September 20, 2022.

Ordinance No. 4109: Request to rezone Lot 1, Roca De Salvacion Addition, being a replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with half of vacated 37th Street adjacent thereto, from BG and RS-72 to RS72 for the purpose of a church. Applicant: Fortino Ramirez. General Location: 8806 S. 36th Street. (Planning Manager)

Ordinance No. 4109: An ordinance to amend the official zoning map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 4104 by changing the zone classification of land located at or about 8806 South 36th Street, more particularly described in Section 1 of the ordinance and to provide and effective date was read for the first time.

Mayor Hike stated the second reading and public hearing of the ordinance will be heard at the Council meeting on September 20, 2022.

PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES:

Recommend approval of Event Application for Greater Bellevue Area Chamber of Commerce/Bellevue Economic Enhancement Foundation for Nebraska's Official Veteran's Parade on Saturday, November 5, 2022, from 7:00 a.m. to 12:00 p.m., utilizing Mission Avenue to Franklin Street, ending at Washington Park. (City Clerk)

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.

Motion was made by Burns, seconded by Cook, to recommend approval of Event Application for Greater Bellevue Area Chamber of Commerce/Bellevue Economic Enhancement Foundation for Nebraska's Official Veteran's Parade on Saturday, November 5, 2022, from 7:00 a.m. to 12:00 p.m., utilizing Mission Avenue to Franklin Street, ending at Washington Park. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. Motion carried

Request to approve the 2023-2028 Capital Improvement Plan. Applicant: City of Bellevue. (Planning Manager)

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.

MINUTE RECORD

Bellevue City Council Meeting, September 6, 2022, Page 3

Motion was made by Cook, seconded by Burns, to table voting on this item until September 23, 2022 for the special meeting being held at 4:30 p.m.

Councilman Preister mentioned a new state statute went into effect creating additional meetings. He requested an update for the public.

Ms. Bree Robbins, City Attorney, explained LB644 was passed which added different requirements. There is joint public hearing with Sarpy County and other agencies scheduled for our tax request on September 22, 2022 at 6:05 p.m. at Papillion LaVista High School South. The property tax request cannot be passed until after the joint public hearing. In order to receive input from the public, at the special meeting, it is best to continue the budget, property request, and the Capital Improvement Plan until after that public hearing. Discussion followed.

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

Request to final plat Lots 1 through 9, Fontenelle Hills Estates, being a replat of Lot 1, Fontenelle Replat 8, Lots 12, 13, 16, 17, 19, 55A, 233 and 234, Fontenelle, and 1/2 of vacated Laurel Lane. Applicant: Hawkins & Strom Holdings, LLC. General Location: Martin Dr. and Ridgewood Dr/Martin Dr. and Ridgewood Ct. (Planning Manager)

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. Duane Safarik, 203 Bellevue Blvd. S., was present to speak on behalf of the applicants.

Councilman Cook commented the proposed use is the best use for the land. He thanked the owners for their transparency.

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.

Motion was made by Cook, seconded by McCaw, to approve a request to final plat Lots 1 through 9, Fontenelle Hills Estates, being a replat of Lot 1, Fontenelle Replat 8, Lots 12, 13, 16, 17, 19, 55A, 233 and 234, Fontenelle, and 1/2 of vacated Laurel Lane. Applicant: Hawkins & Strom Holdings, LLC. General Location: Martin Dr. and Ridgewood Dr/Martin Dr. and Ridgewood Ct. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. Motion carried.

RESOLUTIONS:

Resolution No. 2022-26: Request to declare as blighted and substandard Lot 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1, 2, and 3, Old Orchard Place III, Lots 4 and 5, High School View, and Tax Lot 8A, all located in the Southeast 1/4 of Section 22, T14N, R13E, Sarpy County, Nebraska. Applicant: Habitat for Humanity of Sarpy County, Inc. General Location: 10th Street and Kasper Street. (Planning Manager)

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. Mike Matejka, 10250 Regency Circle, Suite 525, Omaha, was present as the attorney on behalf of Habitat for Humanity. He mentioned Habitat sells the homes to the homeowners. The homes are not given to them. The homeowners obtain a 30-year, low interest mortgage. There is extensive training and screening to make sure the homeowners can maintain the home. Habitat is a non-profit organization; however, they do pay the taxes on the property until the lots are sold. He explained the development will be on Lot 21 and portion of Tax Lot 8A. There will be 67 affordable homes built. Mr. Matejka explained the criteria for blighted and substandard. One of the subjective and one of the objective factors needs to be met. He stated one of the factors is the existence of inadequate street layout or faulty lot layouts in relation to size, accessibility, usefulness, and obsolete platting. This area was platted in 1887. As a result, some of the lots do not have direct access to an improved public street. In addition, there are also streets being blocked, creating lack of access for emergency vehicles. He mentioned other impairments including the runoff in the area. Another criteria, for Blighted and Substandard, is the age of the homes in the area need to be at least 40 years. The average age of the residential homes in the area is 85.8 years.

Mayor Hike inquired what the low interest rate is.

Mr. Dan Brewer, 2706 N. 97th Avenue, Omaha, Habit for Humanity, mentioned generally it is below 5%. The current rate is 2.65.

Councilman Preister questioned if the area to the west on the map will be developed. Mr. Matejka stated it is included in the blighted and substandard area, as it fits the definition. However, Habitat for Humanity does not own the area. The area to be declared blighted and substandard can be larger than the area to be developed. Discussion followed.

MINUTE RECORD

Bellevue City Council Meeting, September 6, 2022, Page 4

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

Motion was made by Cook, seconded by McCaw, to approve Resolution No. 2022-26: Request to declare as blighted and substandard Lot 21A, Old Orchard Place, Lot 3, Old Orchard Place I, Lots 1 and 2, Old Orchard Place II, Lots 1, 2, and 3, Old Orchard Place III, Lots 4 and 5, High School View, and Tax Lot 8A, all located in the Southeast 1/4 of Section 22, T14N, R13E, Sarpy County, Nebraska. Applicant: Habitat for Humanity of Sarpy County, Inc. General Location: 10th Street and Kasper Street. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. Motion carried.

Resolution No. 2022-27: Request to approve the Redevelopment Plan for Lots 1 and 3, Civic Center Plaza Replat One. Applicant: Mercury Property Management, Inc. General Location: Washington Street and Mission Avenue. (Planning Manager) (Public Hearing Required)

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. Andrew Willis, 233 S. 13th Street, Suite 1900, Lincoln, was present as the attorney for Mercury Property Management. The redevelopment plan is for a mixed-use building. He explained it is a four-story building with approximately 20,000 square feet. The first floor will be commercial/retail/restaurant and the top three floors will be residential. There will be 53 units total, consisting of eight two bedroom and ten one bedroom on each floor. The project will be approximately \$12.3 million. The applicant is requesting TIF for the development. The plan fits into the comprehensive plan. There will be some streetscape improvements to be determined as designed by the city. Current assessed value of the site is just under \$100,000.00. Anticipated final valuation is approximately \$10.4 Million. Mr. Willis provided a list of TIF eligible items. He explained there will be 60 off street parking and addition on street parking as the overall development.

Councilman Preister questioned how this will be affordable housing. Will it be subsidized or standard rates? What is the square footage for the units? Mr. Willis commented the units will be market rate and not subsidized. The one-bedroom units are approximately 768 square feet. The two-bedroom units are approximately 1,000 square feet.

Mr. Jeff Gehring, 4222 Davenport Street, Omaha, Mercury Management, stated approximate rent for a one-bedroom is \$960.00 and for a two-bedroom \$1,200.00. There will be a CDBG application to assist with affordable housing.

Councilman Burns questioned if there is a specified date to start project. Mr. Gehring stated he is hoping for some time in October.

Councilman Burns requested clarification on the parking. Mr. Willis stated there will be 60 stalls behind the building and 30 diagonal stalls available on the south and west side of the building.

Councilman Cook thanked Mercury for coming to Bellevue.

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

Motion was made by Burns, seconded by Preister, to approve Resolution No. 2022-27: Request to approve the Redevelopment Plan for Lots 1 and 3, Civic Center Plaza Replat One. Applicant: Mercury Property Management, Inc. General Location: Washington Street and Mission Avenue.

Councilman Burns questioned what the next step in the process is. Mrs. Tammi Palm, Planning Manager, explained if the Redevelopment Plan is approved tonight, the next step is for the developer to finalize the TIF Agreement. The TIF Agreement would be placed on a future City Council agenda. If the TIF is approved the developer would be able to submit permit applications and go through the building permit process. She explained staff initially needs a minimum of a two-week review time, however that is subject to change depending on staff schedule.

Councilman Burns questioned if the current infrastructure would support the development. Mrs. Palm mentioned the City Council recently approved a contract with Alfred Benesch for streetscaping and construction design on Mission Ave. The work began in the last couple of weeks and will go out for bid most likely the end of April 2023. Come spring of 2023 there should be a better read of the streetscape and infrastructure needs and what needs to be done from the city standpoint. Discussion continued.

Councilman Burns requested clarification on the process. Mrs. Palm explained the BGM zoning allows for this type of development. The developer will need to submit for permits and the permits approved before development can begin. Regarding the streetscape, the city will review what is best for the entire Mission Corridor.

Councilman Burns questioned if the underground infrastructure of wastewater and sewer will support the development. Mrs. Palm advised Mrs. Ramos, Wastewater Superintendent, has looked at the infrastructure. The current zoning also allows for the 53 units. With older infrastructure there is always a little bit of unknown.

MINUTE RECORD

Bellevue City Council Meeting, September 6, 2022, Page 5

Mr. Doug Clark, Public Works Director, advised the infrastructure is old and in need of replacement. The city is working with the developers to get the infrastructure in condition to meet the future needs of Olde Towne. There will be a streetscape and storm water study.

Mayor Hike commented he has been working on this project for six to seven years. There has been a lot of work on this project from city departments. This is a big risk and a big risk the city is taking. This will be a catalyst for Bellevue.

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

Resolution No. 2022-28: A resolution approving and authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance for 2022. (City Clerk)

Motion was made by Cook, seconded by Casey, to approve Resolution No. 2022-28: A resolution approving and authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance for 2022. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. Motion carried.

CURRENT BUSINESS:

Approve the contract with Justin Thoms for Custom Farming approximately 40 acres at Highway 75 & Highway 34 in an amount not to exceed \$15,884.00. (Finance Director)

Motion was made by Preister, seconded by Burns, to approve the contract with Justin Thoms for Custom Farming approximately 40 acres at Highway 75 & Highway 34 in an amount not to exceed \$15,884.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. Motion carried.

Approve and authorize the Mayor to sign the Service Agreement with Leo Daly for the design work for the Bellevue Public Library required to renovate the Bellevue Professional Building located at 2206 Longo Drive in an amount not to exceed \$366,875.00 plus reimbursable expenses up to \$1,000.00. (Public Works Director)

Motion was made Cook, seconded by McCaw, to approve and authorize the Mayor to sign the Service Agreement with Leo Daly for the design work for the Bellevue Public Library required to renovate the Bellevue Professional Building located at 2206 Longo Drive in an amount not to exceed \$366,875.00 plus reimbursable expenses up to \$1,000.00. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. Motion carried.

ADMINISTRATION REPORTS: Comments must be limited to items on the current Reports (Monthly Report is given at the first Council Meeting of each month - August report will be attached to the September 6th Council Packet.)

Councilman Preister requested an update on the quarterly report on insurance. Mr. Ristow, City Administrator, advised there was a meeting with the provider. Nothing has changed within the plan. Conversation ensued.

Councilman Burns initiated conversation on the Sarpy County Museum. Mr. Ristow provided information and an update regarding the matter. Discussion followed.

CLOSED SESSION:

Litigation Update and Discussion regarding Petition (Legal)

Motion was made by Cook, seconded by McCaw, for the City Council to go into Closed Session at this time for prevention of needless injury to the reputation of individuals involved in this matter. The subject matter to be discussed in Closed Session are confidential litigation updates and discussion regarding a petition. The following individuals to be included during the Closed Session: Rich Casey, Paul Cook, Jerry McCaw, Don Preister, Thomas Burns, Mayor Rusty Hike, Jim Ristow, Bree Robbins, Annie Mathews, Mark Elbert, and Susan Kluthe.

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

Mayor Hike stated it was 7:27 p.m. and the Council will now go into Closed Session in the Council Chambers.

Motion was made by Cook, seconded by McCaw, to come out of Closed Session and to reconvene back into Open Session.

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

MINUTE RECORD

Bellevue City Council Meeting, September 6, 2022, Page 6

Mayor Hike stated it is now 8:13 p.m. and the City Council is reconvened back into Open Session.

ADJOURNMENT

There being no further business to come before the Council at this time, on motion by Preister, seconded by Burns, the meeting was adjourned at 8:14 p.m. Roll call vote on motion to adjourn was as follows: Casey, Cook, McCaw, Preister, and Burns voted yes; voting no: none; absent: Welch. 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 September 6, 2022; 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



City of Bellevue, Nebraska

August 9,2022 Tree Board minutes

Attendance: Joanne Langabee, Tom Mruz, Nancy Scott, and Deborah Woracek were attending in person while Don Preister and Scott Evans attended over Zoom. Craig Kimball and Jim Shada were excused.

Jo reminded all to turn their volunteered time and mileage to Deborah.

Approve Minutes of June 14th meeting: Jo asked if there were any corrections to the previous month's meeting minutes. Nancy then realized she had not sent her notes to Deborah to compare to tom's notes. Jo suggested we correct and approve the minutes over email after Deborah compares and edits the draft of the minutes.

Deborah will send in the FINAL minutes to the City of Bellevue for filing.

Parks Report: Jim reported to Jo that Parks staff are watering new and the replanted trees. They pruned and watered at the 911 site. Jo reported she has mulched, pruned, and watered in several parks including Two Springs, Stonecroft, and McCann. This will help us comply with our 5-year plan. The fencing was removed by city staff from some trees in American Hero's Park and they cut down a dead tree. Her Husband, Bob, helps with loading the mulch into her truck and helps to mulch the new trees. Jo said Willow Springs has 2 dead trees. She and others on the board have been pruning, and watering various parks on Friday mornings.

Zoo use of tree branches: Don reported that the parks staff are aware of the request from the zoo about any branches that are pruned. The zoo has a list of acceptable tree species. Don and Jo brought up that we do most of our pruning in the fall.

Fall planting: Jo had already applied for the 10-tree grant from the State-Wide Arboretum. She will let us know of the results when she receives them. Due to the drought conditions, she will not apply for any other grants to fund more trees at this

time. There is an Oak left from our Earth Day events. It has been planted in McCann Park. Jo and Don are monitoring and watering it.

Old Business

Bellevue 411: It was suggested that Scott write about the general benefits we receive from having trees in the city and in our yards. He said he is working on some about how to plant in the fall and how to maintain your trees during a drought. **Scott will reach out to Graham at the Forest Service as they may have some publications on these subjects.** Scott is also working on articles on climate change and how it will affect tree planting. Tom suggested one on the carbon tax relief available in Europe.

Grants applied for, or granted: (see Fall planting)

Tree inventory: Jo reported is basically complete and it only needs updating. She handed out the break down of the number of trees by quarter section of the city. (See *attachment*). Graham suggested she now add to track of the diameters of the trees. She will also have the capacity to insert a photograph of any injury or damage while using the Forest Service's software. We have been using this software at no cost. We may, in the future, need to help by cost-sharing with the Forest Service for this software. Don said the city, Green Bellevue, and others may help with this. **Jo will talk to Doug and Jim about this.** Tom suggested we use satellite photos like Google Earth to add Jewell Park for the city's tree cover.

Winter Projects ideas/ needs: Jo feels we could easily have a fall workday in American Hero's Park and that we need to mulch in Banner Park. Don said Green Bellevue may have volunteers available for one. Jo will check with Jim to decide where to place the mulch. Tom pointed out that we should also plant bushes or understory trees in the parks.

Potential Board members: Jo will contact the couple who helped us with the weeding in Everett as they were very interested in our work. **All other members are to continue searching for potential board members.**

New Business

Arrows to Aerospace Parade, 8-20-22, Saturday 10 am with Green Bellevue: Don will have our banner at the parade and will have it carried behind the Green Bellevue volunteers. He invited all board members to participate if possible.

Jo asked if there was any other new business. There being none, Tom made a motion and Deborah seconded it that the meeting be adjourned. Our next meeting will be September 12, 2022.

Respectfully submitted,

Deborah L. Woracek, Secretary

Bellevue Tree Board

Tentative agenda: Sept. 12, 2022

Attendance

Volunteer Hours

Approve Minutes of August 9, 2022 meeting

Park Report – Jim

Old Business

- Bellevue 411 – articles

- Summary of Tree City USA Celebration 2022

Winter Projects

- Workdays in parks

New Business

Candidates for Board members

Election of Officers

Tree plantings, when and where—Jim/Doug

Tree inventory updates

Monthly timeline with duties

City Inventory Years

Northwest – 12 941 trees

Aspen/Sun Valley	- 220
Banner	- 121
Copper Creek	- 1
Faulkland	- 169
Gilder	- 37
Glenmorie	- 5
Goldenrod	- 32
Southwoods	- 12
Sunrise	- 57
Swanson	- 57
Twin Ridge	- 48
Willow Springs	- 182

Northeast – 11 543 trees

American Hero	- 305
Casio Pool	- 8
College Height & Ball Diamond	- 27
Dowding Pool	- 5
Everett	- 76
Freeman	- 7
Heber	- 26
Mason	- 18
McCann	- 15
Sorenson	- 32
Washington	- 24

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City Facilities-14 - 537

25 th & Greenwald	- 7
Avery Fire	- 8
36 th Fire	- 1
Fire Training	- 62
Cemetery	- 214
City Administration	- 53
Goldenrod Maintenance	-54
Fleet Maintenance	- 55
Reed Center	- 28
Library Old	- 36
Library New	
Bank	- 3
Log Cabin	- 8
Church	- 2
Downtown Fire	- 6

Hwy 370

Jewell
Hwy 370

Southwest – 13 1127 Trees

Blackhawk	- 283
Daniel Crossing	- 30
Fox Ridge	- 32
Golden Hills	- 48
Heartland Hills	- 5
Lakewood Park & Trail	- 358
Leawood Oaks	-141
Looking Glass/Leanord Lawrence	- 76
Oakhurst	- 10
Pipers Glen	-?
Southern Oak/South Gate	- 36
Stonecroft	-45
Sun Dial	- 15
Two Springs	- 48

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Southeast – 4 - 68 Trees

Baldwin	- 10
Gemini/Sarpy County	- 24
Gilbert	- 14
Thompson	- 20

Haworth

- 2022 – NE & SE
- 2023 – NW & SW
- 2024 – City Facilities
- 2025 – NE & SE
- 2026 – NW & SW
- 2027 – City Facilities

MINUTE RECORD

*6.
9/20/2022

CLAIMS FOR SEPTEMBER 20, 2022

PAGE 1

MAYOR

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	46.36
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	12.98
		<u>\$ 59.34</u>

CITY ADMINISTRATOR

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	92.72
CAPITAL CITY CONCEPTS, INC	WAGE STUDY EXPENSE	475.00
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	25.12
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	4,641.90
METROPOLITAN UTILITIES DIST	2022/08/05-09/02 MONTHLY SERVICE	30.11
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	81.14
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	81.14
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	43.49
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	43.49
		<u>\$ 5,514.11</u>

LEGAL

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	92.72
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	25.54
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	2,362.64
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	49.04
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	49.04
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	30.77
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	30.77
THOMAS & THOMAS COURT REPORTER	COURT REPORTING	216.84
		<u>\$ 2,857.36</u>

CABLE ADVISORY

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	46.36
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	8.65
COX BUSINESS SERVICES	2022/08/19-09/18 MONTHLY SERVICE	9.04
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	3,857.20
METROPOLITAN UTILITIES DIST	2022/08/05-09/02 MONTHLY SERVICE	22.58
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	31.84
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	31.84
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	24.96
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	24.96
		<u>\$ 4,057.43</u>

CITY CLERK

CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	101.19
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	12.98
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	1,934.63
GRETNA GUIDE & NEWS	LEGAL AD	13.04
INFOSAFE SHREDDING	DOCUMENT SHREDDING SERVICE	30.00

MINUTE RECORD

CLAIMS FOR SEPTEMBER 20, 2022

PAGE 2

CITY CLERK (cont'd)

MARATHON VENTURES, INC	MARATHON TIF #868789 2022/8/31-INT/PRINC	18,840.32
METROPOLITAN UTILITIES DIST	2022/08/05-09/02 MONTHLY SERVICE	39.14
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	31.20
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	31.20
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	24.49
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	24.49
ROYCE CORNHUSKER, LLC	ROYCE #1 TIF 868793-2022/8/31-INT/PRINC	19,264.95
ROYCE CORNHUSKER, LLC	ROYCE #2 TIF 868798-2022/8/31-INT/PRINC	15345.33
ROYCE CORNHUSKER, LLC	ROYCE #3 TIF 868799-2022/8/31-INT/PRINC	13,012.79
SARPY CO REGISTER OF DEEDS	EASEMENT RECORDING FEE	80.00
SOUTHGATE APARTMENTS BELLEVUE, LP	SOUTHGATE APTS TIF 868790 2022/8/31-INT/PRINC	78,561.33
WH BELLEVUE, LLC	WOODHOUSE BELLEVUE TIF 8788-2021/08/20-INT/PRINC	71,566.59
		<hr/>
		\$ 218,913.67

FINANCE/RISK MANAGEMENT

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	92.72
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	62.90
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	4,973.23
HANEY SHOE STORE	SAFETY SHOES-M CHRISTENSEN	200.00
INDOFF	CALENDARS	67.73
INFOSAFE SHREDDING	DOCUMENT SHREDDING SERVICE	90.00
METROPOLITAN UTILITIES DIST	2022/08/05-09/02 MONTHLY SERVICE	33.13
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	123.64
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	123.64
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	81.64
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	81.64
		<hr/>
		\$ 5,930.27

LIBRARY

CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	172.51
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	43.27
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	139.61
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	6,448.46
INGRAM LIBRARY SERVICES	BOOKS	2,548.43
OMAHA PUBLIC POWER DISTRICT	2022/07/12-08/10 MONTHLY SERVICE	2,232.45
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	101.70
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	101.70
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	82.90
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	82.90
VERIZON WIRELESS	2022/07/17-08/16 MONTHLY SERVICE	400.10
		<hr/>
		\$ 12,354.03

MINUTE RECORD

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ADMINISTRATIVE SERVICES

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	139.08
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	60.47
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	10,960.37
INFOSAFE SHREDDING	DOCUMENT SHREDDING SERVICE	30.00
MATRIX BUSINESS SYSTEMS INC	COPIER EXPENSE	83.97
METROPOLITAN UTILITIES DIST	2022/08/05-09/02 MONTHLY SERVICE	25.59
ONE SOURCE	BACKGROUND CHECKS	125.50
PAULA HALL	REIMB FOR SHRM MEMBERSHIP	229.00
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	113.26
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	113.24
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	91.99
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	92.00
UKG INC	OPEN ENROLLMENT BILLING	2,000.00
		<u>2,000.00</u>
		\$ 14,064.47

CODE ENFORCEMENT

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	432.00
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	25.43
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	9,252.41
L-TRON CORP	SCANNER KITS	1,498.36
PAPILLION SANITATION	CODE DUMPSTER	528.20
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	84.85
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	84.85
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	68.77
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	68.77
		<u>68.77</u>
		\$ 12,043.64

PUBLIC WORKS

ALFRED BENESCH & COMPANY	BPW-210414 MS4 REPORTS 2022/7/4-7/31	3,345.13
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	345.60
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	51.92
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	6,720.47
FULL SOURCE, LLC	SAFETY UNIFORMS	433.32
GRETNA GUIDE & NEWS	LEGAL AD	48.39
LOGO LOGIX EMBROIDERY & SCREEN PRINTING	SCREENPRINT ON SAFETY T-SHIRTS	112.00
MATRIX BUSINESS SYSTEMS INC	COPIER EXPENSE	125.56
ONE CALL CONCEPTS	DIGGERS HOTLINE	906.26
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	113.24
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	113.26
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	77.09
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	77.09
SARPY CO REGISTER OF DEEDS	WAIVER	10.00
		<u>10.00</u>
		\$ 12,479.33

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PARKS

A-RELIEF SERVICES	PORTABLE RESTROOMS	356.00
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	103.27
CAPITAL CITY CONCEPTS, INC	WAGE STUDY EXPENSE	237.50
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	38.94
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	279.22
DAY ELECTRIC SERVICE, INC	NEW MOTOR AND PUMP FOR AHP	10,457.45
DOSTALS CONSTRUCTION CO	CHAIN LINK, SWING SEAT-THOMPSON PARK	600.00
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	8,842.49
HDR ENGINEERING, INC	BPW-211123 HAWORTH COLLECT 2022/7/31-2022/8/27	10,441.80
J & J SMALL ENGINE SERVICE	DIAMOND LINE	209.85
LAMP RYNEARSON & ASSOCIATES	BPW-210516 BELLEVUE PARKS MASTER PLAN THRU 2022/7/23	42,417.90
LAMP RYNEARSON & ASSOCIATES	BPW-210921 AQUATICS PARK STUDY THRU 2022/08/20	5,068.75
METROPOLITAN UTILITIES DIST	2022/08/05-09/02 MONTHLY SERVICE	2,447.37
OMAHA PUBLIC POWER DISTRICT	2022/06/29-07/29 MONTHLY SERVICE	5,840.54
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	112.80
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	112.80
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	97.18
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	97.18
SITEONE LANDSCAPE SUPPLY	LIQUID HERBICIDE, GRANULAR HERBICIDE	2,148.06
WESTLAKE ACE HARDWARE	BULK FASTENERS, STRAPS, GLOVES	16.80
		<u>\$ 89,925.90</u>

RECREATION

AQUA-CHEM	LOUNGE CHAISES (10)	2,580.00
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	92.72
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	25.61
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	54.67
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	114.91
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	2,109.96
LINDSEY APFEL	REIMB FOR YOUTH SOCCER	35.00
MENARDS	BOWL BRUSH	7.96
MIDWEST IMPRESSIONS	PARKS LOGO	144.00
OMAHA PUBLIC POWER DISTRICT	2022/07/21-08/19 MONTHLY SERVICE	431.54
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	36.45
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	36.45
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	27.16
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	27.16
		<u>\$ 5,723.59</u>

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BUILDING MAINTENANCE

AQUA-CHEM	CHEMICALS FOR POOL-CASCIO	576.10
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	139.08
CAPITAL CITY CONCEPTS, INC	WAGE STUDY EXPENSE	1,187.50
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	4.33
DAY ELECTRIC SERVICE, INC	REPAIR LIGHTS 1ST AND 2ND FLOOR-1500 WALL ST	291.00
DAY ELECTRIC SERVICE, INC	REPAIR LIGHTS FOR PICKLE BALL COURTS-THOMPSON PARK	5,862.88
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	11,368.40
FIRE PROTECTION SERVICES, LLC	ANNUAL FIRE INSPECTION-TRAINING SITE	1,308.75
HOSE & HANDLING, INC	COUPLER, PRESSURE HOSE	136.45
IDEAL PURE WATER COMPANY	BOTTLED WATER	30.00
INTERSTATE POWER SYSTEMS, INC	GENERATOR MAINTENANCE-POLICE	1,264.28
JACKSON SERVICES, INC	DOOR MAT SERVICE-CITY HALL	175.53
MENARDS	PAIL, GLOVES, BUTT SPLICE, TOOLS, SAND, PLUMBING SUPPLIES	202.10
METROPOLITAN UTILITIES DIST	2022/08/06-09/02 MONTHLY SERVICE	42.00
OMAHA PUBLIC POWER DISTRICT	2022/07/12-08/10 MONTHLY SERVICE	2,123.68
OVERHEAD DOOR COMPANY	CHANGED COIL CORD-DIST 3	262.50
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	93.45
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	93.45
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	81.80
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	81.80
RIEKES EQUIPMENT CO	PENDANT ENCLOSURE-FLEET	321.52
SHERWIN WILLIAMS CO	PAINT-BALDWIN FIELD	214.75
THE HOME DEPOT PRO	JANITORIAL SUPPLIES	1,315.80
TK ELEVATOR CORPORATION	ELEVATOR MAINTENANCE-WALL ST	512.06
UTILITY EQUIPMENT COMPANY	BUTTERFLY VALVE	225.00
WESTLAKE ACE HARDWARE	ANTI SEIZE LUBE, PAINT SUPPLIES, OIL, STRAPS	123.62
		\$ 28,037.83

CEMETERY

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	46.36
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	4.33
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	108.41
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	3,435.22
J & J SMALL ENGINE SERVICE	LAZER X SERIES MOWER WITH PUSH DUMP	15,273.00
OMAHA PUBLIC POWER DISTRICT	2022/07/21-08/19 MONTHLY SERVICE	134.16
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	32.17
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	32.17
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	27.48
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	27.48
		\$ 19,120.78

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STREETS

ALFRED BENESCH & COMPANY	BPW-220104 PROF SVC 2022/7/4-7/31	9,525.57
ALFRED BENESCH & COMPANY	BPW-210719 SCHILLING BRIDGE 2022/6/6-2022/7/31	428.25
ALFRED BENESCH & COMPANY	BPW-171101 GREGG RD 2022/7/4-7/31	14,444.26
ALFRED BENESCH & COMPANY	BPW-190815 CAPEHART RD 2022/8/1-2022/8/28	1,217.26
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	231.80
BURRELL ENTERPRISES, LLC	BPW-220104 CONCRETE PROJECTS THRU 2022/9/3	80,359.87
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	38.94
CHARLES VRANA & SONS CONSTRUCTION	BPW211224 FT CROOK BRIDGE TO 2022/8/27	188,250.30
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	356.43
COX COMMUNICATIONS	UNDERGROUND CABLE DAMAGED	1,162.35
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	31,492.39
MARTIN ASPHALT	BULK OIL	440.00
METROPOLITAN UTILITIES DIST	2022/08/05-09/02 MONTHLY SERVICE	164.18
MICHAEL TODD & COMPANY	STEEL BANDING, BUCKLE	1,765.00
MID-AMERICAN SIGNAL	STREET NAME SIGNS	7,962.02
MIDWEST RIGHT OF WAY SERVICES, INC	BPW-191118 ROW 2022/7/9-2022/8/19	8,445.00
NEBRASKA DEPARTMENT OF TRANSPORTATION	MAPA 5081 (1) STREET RESURFACING	214,464.30
NEBRASKA DEPARTMENT OF TRANSPORTATION	MAPA 5081 (2) STREET RESURFACING	3,299,398.50
OMAHA PUBLIC POWER DISTRICT	2022/07/28-08/29 MONTHLY SERVICE	81,711.46
OMAHA PUBLIC POWER DISTRICT	2022/08/25 MONTHLY SERVICE	13,006.05
OMNI	ASPHALT	525.00
READY MIXED CONCRETE COMPANY	CONCRETE	9,382.80
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	311.91
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	301.31
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	258.27
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	249.63
		\$ 3,965,892.85

FLEET MAINTENANCE

911 CUSTOM, LLC	REPLACE MOUNT KIT	212.40
A + UNITED RADIATOR REPAIR	CLEAN RADIATOR	950.00
ALLIED OIL & SUPPLY COMPANY	ANTI FREEZE	373.73
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	46.36
AUTO VALUE PARTS - SOUTH OMAHA	HI CAPACITY V-BELTS, DISC BRAKE PADS, ALTERNATOR	1097.56
AUTOMOTIVE WAREHOUSE DIST, INC	PARTS, SPRAY APPLICATOR, THREADLOCKER, SEALS	260.85
AUTOZONE, INC	CYLINDERS	899.97
BAXTER CHRYSLER DODGE JEEP RAM	CAMERA SENSOR	17.10
BAXTER FORD	GASKETS, SENSORS, HOSE ASSEMBLY	342.53
BEARDMORE CHEVROLET	HOSE, PIPE, CONNECTOR	74.18
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	30.29
CORNHUSKER INTERNATIONAL TRUCKS	TUBES, CARTRIDGES, HOSES, ADAPTERS	942.86

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FLEET MAINTENANCE (cont'd)

COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	139.61
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	20,705.86
FACTORY MOTOR PARTS CO	OXYGEN SENSOR	48.11
FORCE AMERICA, INC	CABLE PULL VALVE, SPRINGS	493.37
GRAHAM TIRE COMPANY	TIRES	1,288.45
HENDERSON PRODUCTS, INC	TAIL GATE SPRINGS, SPINNER FRAME FOR PLOWS	1,043.90
INTERSTATE BATTERIES	BATTERIES	1,510.15
J & J SMALL ENGINE SERVICE	SPACE IDLER, NUT FLANGE, PULLEY IDLER	231.30
JIM HAWK TRUCK TRAILERS	IP CARTRIDGE	147.60
JONES AUTOMOTIVE	UNIVERSAL VALVE	20.95
KRIHA FLUID POWER CO	SEALS, O-RINGS, FITTINGS, COUPLERS	285.40
LAURSEN ASPHALT REPAIR EQUIPMENT SALES LLC	HYDRAULIC CAP	29.13
LIONS AUTOMOTIVE, I NC	REPLACE BACKREST, CUSHION COVERS-ST46	575.00
MENARDS	CHAIN LUBE, 13W LED, HOLE PLUGS	108.76
MENARDS - RALSTON	CHAIN LUBE	95.92
METROPOLITAN UTILITIES DIST	2022/08/05-09/02 MONTHLY SERVICE	124.39
NAPA AUTO PARTS	OIL DRY, ALTERNATOR, CAP TETHER, FILTERS, PARTS	1,236.08
NEBRASKA IOWA INDUSTRIAL FASTENERS	DRILL BITS, PLOW BOLTS, FLANGE NUTS	1,736.10
OMAHA PUBLIC POWER DISTRICT	2022/07/21-08/22 MONTHLY SERVICE	1,198.80
P&M HARDWARE	FILTERS	12.29
RADIATOR DEPOT	AC COMPRESSOR-ST26	197.00
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	202.94
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	202.94
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	163.59
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	163.59
ROGER'S TOWING	TOW CHARGE	80.00
SCHAEFFER MANUFACTURING CO	DEGREASER	323.92
TOYNE, INC	SEAT BELT REPLACEMENT	448.11
WALKERS UNIFORM RENTAL	UNIFORM SERVICE, FENDER COVERS	117.69
WESTLAKE ACE HARDWARE	BOLT EYE	1.99
		<u>\$ 38,180.77</u>

SOLID WASTE

PAPILLION SANITATION	GLASS RECYCLING	348.43
PAPILLION SANITATION	TRASH HAULING FEES-AUG 2022	332,049.61
		<u>\$ 332,398.04</u>

PLANNING

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	46.36
BELLEVUE LEADER	RENEW WEDNESDAY SUBSCRIPTION	82.99
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	12.98
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	2,681.91
HANNA-KEELAN ASSOCIATES, PC	SERVICE FEE-NEB AFFORD HSG PLAN	9,500.00

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PLANNING (cont'd)

RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	45.34
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	45.34
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	35.64
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	35.64
		\$ 12,486.20

PERMITS & INSPECTIONS

AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	278.16
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	55.44
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	21.63
CHRISTENSEN EXCAVATING CO, INC	DEMOLITION-1302 MAIN ST	15,000.00
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	11,308.45
INTERNATIONAL ASSOCIATION OF PLUMBING & MECHANICAL OFFICERS	RENEW MEMBERSHIP-CHRISTENSEN	275.00
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	112.08
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	112.08
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	88.55
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	88.55
		\$ 27,339.94

POLICE

ANDERSON FORD	2022 FORD POLICE INTERCEPTERS (5)	188,715.00
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	4,197.22
ATHLETICO EXCEL NEBRASKA, LLC	POST OFFER SCREENING	135.00
AVERY L LOSCHEN	RENT FOR K9 BUILDING-OCT 2022	1,248.00
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	370.75
COUNCIL HITCH SERVICE	CLASS III HITCH, CONNECTOR	335.00
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	240.49
CRAIG HAVERTY	REIMB PER DIEM FOR TRAINING	206.50
CULLIGAN OF OMAHA	BOTTLED WATER	520.30
DON'S PIONEER UNIFORMS	UNIFORM ITEMS-MARS	216.45
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	140,589.85
FIRST RESPONDERS FOUNDATION	IN-HOUSE MENTAL HEALTH CLINICIAN-JUN, JUL, AUG	3,750.00
FORT CROOK ARMORY & SUPPLIES	ARMORER SUPPLIES	2,877.84
GABRIELLE ZALESKI	REIMB FOR SAFETY BOOTS	89.68
GALLO PROFESSIONAL POLYGRAPH SERVICES, LLC	POLYGRAPH SERVICE	400.00
GREAT PLAINS UNIFORMS	UNIFORM PANTS-DROZ	58.99
GRP & ASSOCIATES, IN	MEDICAL WASTE BOXES	52.00
HOTSY EQUIPMENT CO	CAR WASH REPAIR	63.35
INFOSAFE SHREDDING	DOCUMENT SHREDDING SERVICE	60.00
JACKSON SERVICES, INC	DOOR MAT SERVICE	87.91
LEFTA	ANNUAL IT SUPPORT/HOSTING	3,263.04
LP POLICE	MONTHLY LOCATE FEE-AUG 2022	201.22

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POLICE (cont'd)

MATRIX BUSINESS SYSTEMS INC	COPIER EXPENSE	424.19
MIKE BRAZDA	REIMB PER DIEM FOR TRAINING	310.50
MOTOROLA SOLUTIONS, INC	BLUETOOTH MICS, BODY CAMERA BATTERY	1,356.08
NEBRASKA LAW ENFORCEMENT TRAINING CENTER	RECIPROCITY TRAINING-TESTING FEE	525.00
NORTH AMERICAN RESCUE	MEDICAL SUPPLIES	295.75
OMAHA PUBLIC POWER DISTRICT	2022/07/12-08/10 MONTHLY SERVICE	36.59
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	2,071.48
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	2,098.05
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	993.50
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	1,009.82
SHARP IMAGE INC	WINDOWS TINTING	225.00
TARGETS ONLINE	RANGE TARGETS	360.00
TIGER TOUGH	SEAT COVERS	377.00
U.S. CELLULAR	2022/08/09-09/08 MONTHLY SERVICE	88.56
ULTIMATE TRUCK ACCESSORIES	K9 EQUIPMENT-TRUCK BED DRAWERS	3,679.84
UPS STORE	SHIPPING CHARGE	18.36
V & V MANUFACTURING	POLICE BADGE	124.95
VERIZON WIRELESS-VSAT	SUBPEONA FOR INVESTIGATIONS	50.00
		\$ 361,723.26

FIRE & RESCUE

AIRGAS USA, LLC	MEDICAL SUPPLIES	547.01
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	1,873.40
BODY BASICS FITNESS EQUIPMENT	FITNESS EQUIPMENT MAINTENANCE	174.00
BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	35,619.07
CENTURY LINK	2022/08/22-09/21 MONTHLY SERVICE	110.29
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	2,856.72
DANKO EMERGENCY EQUIPMENT	JAWS FOR ENG 15 REPLACEMENT, RAM TOOL, RUBBISH HOOKS, AXES	9,328.25
DR. VINYL OF OMAHA-COUNCIL BLUFFS	EQUIPMENT REPAIR	460.00
ED M FELD EQUIPMENT CO	RUBBISH HOOKS, INDIAN PUMP, FIRE HOSE, GAUGES FOR COMPRESSOR	16,649.20
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	88,032.63
GREAT PLAINS UNIFORMS	UNIFORM ITEMS	5,209.41
HORWATH LAUNDRY EQUIPMENT	WASHER REPAIR-DIST 3	689.30
INTERSTATE POWER SYSTEMS, INC	GENERATOR MAINTENANCE-DIST 2,3,4 AND TRNG SITE	2,308.86
KFT FIRE TRAINER, LLC	SMOKE FLUID	1,787.93
MARCO TECHNOLOGIES, LLC	COPIER EXPENSE	319.46
MENARDS	TOTES, SUPPLIES, SMOKE ALARMS, CO ALARMS, HOSE	3,567.94
METROPOLITAN UTILITIES DIST	2022/08/05-09/01 MONTHLY SERVICE	43.97
MONAGHAN CORPORATION	EXTRACTOR SOAP	3,834.45
NEBRASKA TOTAL CARE	REFUND FOR SERVICE	3,361.87
OMAHA PUBLIC POWER DISTRICT	2022/06/29-07/29 MONTHLY SERVICE	8,162.75

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FIRE & RESCUE (cont'd)

PCS MOBILE	TABLETS FOR EMS (2), WRRANTY	5,643.40
PGBA, LLC	REFUND FOR SERVICE	545.60
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	1,281.19
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	1,281.19
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	759.72
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	759.72
SANDRY FIRE SUPPLY, LLC	FIRE BOOTS, NOMEX HOODS	8,388.00
SECURITY EQUIPMENT	SERVER AGREEMENT- ALL CAMERAS-ALL DIST	25,690.00
TANYA LIOTTA	REFUND FOR SERVICE	782.40
TELEFLEX FUNDING, LLC	MEDICAL SUPPLIES	3,000.00
THE RAWLINGS COMPANY, LLC	REFUND FOR SERVICE	398.75
TRAVELERS	LIABILITY CLAIMS-PROPERTY	500.00
WESTLAKE ACE HARDWARE	SPRAY PAINT, ACETONE	22.97
		<u>\$ 233,989.45</u>

NON-DEPARTMENTAL/CONTRACTS

CENTURY LINK	2022/07/20-08/19 MONTHLY SERVICE	299.42
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	946.89
CROP RISK SERVICES-MPCI PREMIUMS	CROP INSURANCE 2022	3,273.00
LEAGUE OF NEBRASKA MUNICIPALITIES	LEAGUE OF NEB MUNICIPALITIES 2022/9/1-2023/8/31	52,871.00
ONE CALL CONCEPTS	DIGGERS HOTLINE-SID 242	0.80
SARPY COUNTY COURT HOUSE	ANIMAL CONTROL-OCT 2022	17,060.00
		<u>\$ 74,451.11</u>

INFORMATION TECHNOLOGY

AMAZON WEB SERVICES, INC	WEB SERVICE FOR POLICE	420.97
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	(915.00)
GRAYBAR ELECTRIC	D-LINK SYSTEMS	210.43
MOTOROLA SOLUTIONS, INC	REMOTE SPEAKER MICROPHONE	568.12
ONE CALL CONCEPTS	LOCATES	24.70
TESSCO	COMMUNICATION PARTS, BATTERIES	1,049.31
TJ CABLE	LOCATES-AUG 2022	300.00
		<u>\$ 1,658.53</u>

2206 LONGO DR - NEW LIBRARY

CENTURY LINK	TELEPHONE	120.56
COX BUSINESS SERVICES	INTERNET	115.30
GENERAL FIRE & SAFETY	MAINTENANCE	828.47
JF AHERN CO	MAINTENANCE	352.00
JIFFY SUPPLY	CLEANING SUPPLIES	413.93
METROPOLITAN UTILITIES DIST	WATER	1,237.68
MIKE STEIGLEDER SERVICES	MAINTENANCE	2,247.00
MMC MECHANICAL CONTRACTORS	MAINTENANCE	16,998.16
OMAHA PUBLIC POWER DISTRICT	ELECTRICITY	8,458.52
PAPILLION SANITATION	TRASH HAULING	297.73
PRESTO X	MAINTENANCE	107.00
REGAL FACILITY MANAGEMENT	CLEANING SUPPLIES	4,205.10
SELDIN	CONTRACTUAL SERVICES	1,789.19
STERICYCLE	CLEANING SUPPLIES	328.08
WATERLINK	WATER	431.63
		<u>\$ 37,930.35</u>

MINUTE RECORD

CLAIMS FOR SEPTEMBER 20, 2022

WASTEWATER

AEROTEK, INC	HIRING FEE-MURRAY-3 PERIODS	3,854.88
AT&T MOBILITY	2022/07/22-08/21 MONTHLY SERVICE	769.30
BURTON PLUMBING SERVICES	DIG UP SEWER, REPLACE PIPE-41ST ST	6,375.44
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	43.53
CENTURY LINK	2022/08/13-09/12 MONTHLY SERVICE	563.96
CITY OF OMAHA	SEWER FEES-JUNE 2022	566,516.64
COX BUSINESS SERVICES	2022/07/23 - 08/31 MONTHLY SERVICE	108.41
ELLIOTT EQUIPMENT CO	LOANER FREIGHT	265.53
EMPLOYEE BENEFITS SYSTEMS	HEALTH INSURANCE-AUG 2022	17,897.35
GRAINGER	CONCRETE SAW, BLADES, FULL TRANSFER DUMP	2,031.34
HDR ENGINEERING, INC	BPW-2022MISC MISSION RD 2022/6/26- 2022/8/27	1,360.61
JUDDS BROS CONSTRUCTION CO	BPW-201109 NEW SO LIFT STATION THRU 2022/7/31	227,933.76
JUDDS BROS CONSTRUCTION CO	BPW-201109 NEW SO LIFT STATION THRU 2022/8/31	279,451.30
MENARDS	BATTERIES, GAS CAN, GREASE GUN, FILTERS, SUPPLIES	347.89
METROPOLITAN UTILITIES DIST	2022/08/06-09/02 MONTHLY SERVICE	207.47
NAPA AUTO PARTS	CARTRIDGES, GREASE, LED LIGHTS	123.21
OMAHA PUBLIC POWER DISTRICT	2022/07/12-08/10 MONTHLY SERVICE	4,358.75
RELIANCE INSURANCE	LTD INSURANCE-AUG 2022	147.94
RELIANCE INSURANCE	LTD INSURANCE-SEP 2022	170.07
RELIANCE INSURANCE	LIFE INSURANCE-AUG 2022	122.62
RELIANCE INSURANCE	LIFE INSURANCE-SEP 2022	140.36
UTILITY EQUIPMENT COMPANY	SPECIAL HYDRANT AND ACCESSORIES	3,459.83
		\$ 1,116,250.19

COMMUNITY BETTERMENT

OMAHA PUBLIC POWER DISTRICT	2022/08/25 MONTHLY SERVICE	100.44
		\$ 100.44

G.O. BONDS

UMB BANK - TRUST OPERATIONS	GO REFUNDING BOND SERIES 2018	70,000.00
UMB BANK - TRUST OPERATIONS	UMB PAYING AGENT FEE	62.50
UMB BANK - TRUST OPERATIONS	GO REFUNDING BOND SERIES 2018	12,227.50
UMB BANK - TRUST OPERATIONS	GO REFUNDING SERIES 2017	125,000.00
UMB BANK - TRUST OPERATIONS	GO REFUNDING SERIES 2017	1,343.75
UMB BANK - TRUST OPERATIONS	GO REFUNDING S 2019	65,000.00
UMB BANK - TRUST OPERATIONS	GO REFUNDING S 2019	19,861.25
		\$ 293,495.00

TOTAL CLAIMS FOR SEPTEMBER 20, 2022	\$ 6,926,977.88
TOTAL PAYROLL FOR SEPTEMBER 2, 2022	\$ 1,453,878.12



City of Bellevue

Office of the City Administrator

TOPIC FOR CONSIDERATION FOR CITY COUNCIL AGENDA

If you have a specific topic that you would like the City Council to consider at a future meeting, please list your name and contact information and the topic. The matter will be reviewed and forwarded to city staff for appropriate action or scheduled for a future meeting of the City Council, as may be necessary. You will be notified of any staff recommendation or action taken on your request or when the matter will be presented to the City Council for consideration.

Name: Steve Spurgeon

Address: 2006 Virginia Ave Bellevue NE 68005

Telephone number: 402 208 0171

Email address: stevespurgeonsr@gmail.com

Date of Request: September 20, 2022

Description of Requested Topic: (Please be as specific as possible)

I would like to address the Bellevue City Council concerning possible solutions for the safety issues concerning street traffic in the Nob Hill neighborhood, East of Fort Crook Road, up Virginia Ave, and behind "The Car Wash." I have lived in the neighborhood for 45 years and the street traffic has always been an issue of concern. From my observation the issue is worse now than ever. There have been too many children hit by vehicles and 2 of them have lost their lives. In my time here as a resident and homeowner, I have never seen as many elementary school aged children in the neighborhood as there are today. We see the problem getting worse as the traffic from Fort Crook Road increasingly passes through the neighborhood and business grows at "The Car Wash." Therefore we need to be proactive and take preventative measures to prevent what we know is likely to happen again.

The time is now for a permanent solution to the problem.

Thank you for your consideration and I look forward to your response.

Steve Spurgeon

**CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET**

**10a.
9/20/2022**

COUNCIL MEETING DATE: 09/20/2022		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 Kum & Go LLC dba "Kum & Go 373" at 13905 Williamsburg Drive, Bellevue.

SYNOPSIS/BACKGROUND:

Application for new manager for Kum & Go LLC dba "Kum & Go 373" at 13905 Williamsburg Drive, 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?: <input type="text" value="NO"/>	COUNTER-PARTY: <input type="text"/>	INTERLOCAL AGREEMENT: <input type="text" value="NO"/>
CONTRACT DESCRIPTION: <input type="text"/>		
CONTRACT EFFECTIVE DATE: <input type="text"/>	CONTRACT TERM: <input type="text"/>	CONTRACT END DATE: <input type="text"/>
PROJECT NAME: <input type="text"/>		
START DATE: <input type="text"/>	END DATE: <input type="text"/>	PAYMENT DATE: <input type="text"/>
INSURANCE REQUIRED: <input type="text" value="NO"/>		
CIP PROJECT NAME: <input type="text"/>	CIP PROJECT NUMBER: <input type="text"/>	
STREET DISTRICT NAME (S): <input type="text"/>	STREET DISTRICT NUMBER (S): <input type="text"/>	
ACCOUNTING DISTRIBUTION CODE: <input type="text"/>	ACCOUNT NUMBER: <input type="text"/>	

RECOMMENDATION:

Recommend approval the Nebraska Liquor Control Commission (NLCC) the application for Jonathon E. Mileham as the new Manager for Kum & Go LLC dba "Kum & Go 373" at 13905 Williamsburg Drive, 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:

Amie Mather

[Signature]

[Signature]

**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: *No Spouse*

- NA • ~~X~~ 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.**
- ~~X~~ Need not answer question #1 of the application

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

- MA • ~~X~~ 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



0400

**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



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: Kum and Go LC

Premise information

Liquor License Number: See attached License list Class Type _____ (if new application leave blank)

Premise Trade Name/DBA: See attached Kum and Go Locations

Premise Street Address: _____

City: _____ County: _____ Zip Code: _____

Premise Phone Number: 515-457-6249

Premise Email address: Licenses @ Kum and go . Com

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 black ink, appearing to be "J. M. G.", written over a horizontal line.

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Bellevue

Store Number	Address	City	State	Zip	Liquor License #
0250	3808 Dakota AVE	South Sioux City	Nebraska	68776	105594
0330	17925 Burt St	Omaha	Nebraska	68118	124358
0348	12011 Blondo St	Omaha	Nebraska	68164	055839
0352	1010 S 154th St	Omaha	Nebraska	68154	055818
0360	10025 South 168th Ave	Omaha	Nebraska	68136	073590
0361	1010 S 189th St	Omaha	Nebraska	68022	074838
0363	1819 N 72nd St	Omaha	Nebraska	68114	040924
0364	8990 Boyd St	Omaha	Nebraska	68134	097932
0366	4443 S 84th St	Omaha	Nebraska	68127	097931
0367	18908 Q Street	Omaha	Nebraska	68135	070184
0368	4041 N 168th St	Omaha	Nebraska	68116	081772
0369	11111 Emmet St	Omaha	Nebraska	68164	083819
0370	11205 Wickersham Blvd	Gretna	Nebraska	68028	073591
0371	13149 Fort St	Omaha	Nebraska	68164	078081
0373	13905 Williamsburg Dr	Bellevue	Nebraska	68123	074839
0374	10764 Virginia Plz	Papillion	Nebraska	68046	081894
0376	2627 S HWS Cleveland Blvd	Omaha	Nebraska	68130	079586
0378	14353 Q Street	Omaha	Nebraska	68137	098723
1372	7152 Pacific Street	Omaha	Nebraska	68106-1022	047280
2340	11333 Cumberland Dr	Papillion	Nebraska	68046	124359
7703	1180 Capitol Ave	Omaha	Nebraska	68102	123774

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Mileham First Name: Jonathon MI: E
 Home Address: 6819 Giles Rd. Apt 308
 City: Papillion County: Sarpy Zip Code: 68133 2184
 Home Phone Number: 515-571-4061

* Driver's License Number & State: [REDACTED]
 Social Security Number: [REDACTED]
 Date Of Birth: [REDACTED] Place Of Birth: Iowa
 Email address: Licenses@kumandgo.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: NA First Name: NA MI: NA
 Social Security Number: _____
 Driver's License Number & State: _____
 Date Of Birth: _____ Place Of Birth: _____

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
<u>See attachment.</u>					

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
9/20/2011	Present	Kumand Go LC	Christie Sullivan	515-457-6000
2006	2011	Ampride	Bill Bunker	515-573-7512

1. 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: NA Name on Certificate: NA

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

*For list of NLCC Certified Training Programs see training

Experience: General Manager / District Supervisor

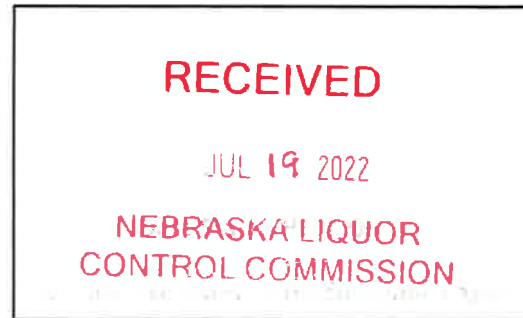
Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Jonathon Mikeham	2011	Kum and Go LC
GM	to	① 1459 Grand Ave
District Supervisor	Current	Des Moines, IA 50309

5. Have you enclosed form 147 regarding fingerprints?

YES NO

**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



**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
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
4600 Innovation Drive
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 Kum # GOLC

Name of Person Being Fingerprinted: Jonathon Mileham

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

Date fingerprints were taken: 4/1/2022

Location where fingerprints were taken: Nebraska State Patrol- CID 4600
Innovation Drive, Lincoln, NE 68521

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

[Signature]
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

10b.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022		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 Casey's Retail Company dba "Casey's 6133" for Class "D" Liquor License at 3003 Samson Way, Bellevue to sell beer, wine, and distilled spirits and Steven Krystal Carter as Manager.

SYNOPSIS/BACKGROUND:

Casey's Retail Company dba "Casey's 6133" needs name change on their Class "D" Liquor License to sell beer, wine, and distilled spirits, Off Sale at 3003 Samson Way, Bellevue and for Krystal Carter as Manager. 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 publishes a hearing notice and the application is reviewed by the Police, Planning and Clerk 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: \$615.00/year 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 to the Nebraska Liquor Control Commission (NLCC) the application for Casey's Retail Company dba "Casey's 6133" for a Class "D" Liquor License to sell beer, wine, and distilled spirits, Off Sale Only, at 3003 Samson Way, Bellevue and for Krystal Carter as Manager.

ATTACHMENTS:

1. Application	2. Clerk's Report	3. Planning Report
4. Police Report	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

A. Byler Robbins

FINANCE APPROVAL AS TO FORM:

[Signature]

ADMINISTRATOR APPROVAL AS TO FORM:

[Signature]

APPLICATION FOR LIQUOR LICENSE
AND CORPORATE MANAGER

POLICE REPORT

Date of City Council Meeting: September 20, 2022 Due to City Clerk: September 9, 2022

Applicant: Casey's Retail Company "Casey's 6133"

Location/Address: 3003 Samson Way, Bellevue 68123

Requested Action:

Recommendation to approve application for a Class "D" Liquor License to sell, beer, wine, and distilled spirits, Off Sale Only, and change in name on License to Casey's Retail Company dba "Casey's 6133" at 3003 Samson Way, Bellevue, NE 68123 and Krystal M. Carter as Manager.

Individuals to be Checked:

	<u>Name & Address</u>	<u>DOB</u>
1.	<u>Krystal M. Carter, 1616 NW 54th Court, Lincoln, NE 68528</u>	<u></u>
2.	<u></u>	<u></u>

Comments:

Approved. KAS

Signature of Reviewer: *Cpt. K. Strocher #171*

Date: *9-1-22*

APPLICATION FOR LIQUOR LICENSE CHECKLIST RETAIL

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

License
Class: D

License Number:
125174



Office Use Only
NEW / REPLACING 124655 TOP Yes / No
Hot List Yes / No Initial: HY

PLEASE READ CAREFULLY

See directions on the next page. Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

APPLICANT NAME CASEY'S RETAIL COMPANY
TRADE (DBA) NAME CASEY'S #6133
PREVIOUS TRADE (DBA) NAME _____
CONTACT NAME AND PHONE NUMBER MORGAN WIERSCHKE - LEGAL, LICENSING SPECIALIST, PHONE: 515-446-6035
CONTACT EMAIL ADDRESS MORGAN.WIERSCHKE@CASEYS.COM

No fee submitted

Office use only	
PAYMENT TYPE <u>PayPort</u>	
AMOUNT <u>\$400</u> RCPI	
RECEIVED: <u>8-8-22</u>	
DATE DEPOSITED	



2200008676

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

RETAIL LICENSE(S) Application Fee \$400 (nonrefundable)
CLASS C LICENSE TERM IS FROM NOVEMBER 1 – OCTOBER 31
ALL OTHER CLASSES TERM IS MAY 1 – APRIL 30

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY**
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE**
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(4) YES NO
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY**
- F BOTTLE CLUB,
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(5) YES NO
- J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- Class K Catering endorsement (Submit Form 106) – Catering license (K) expires same as underlying retail license
- Class G Growler endorsement (Submit Form 165) – Class C licenses only

**Class B, Class C, Class D license do you intend to allow drive through services under Neb Rev. Statute 53-178.01(2) YES NO

ADDITIONAL FEES WILL BE ASSESSED AT THE CITY/VILLAGE OR COUNTY LEVEL WHEN THE LICENSE IS ISSUED

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert FORM 104)
- Partnership License (requires insert FORM 105)
- Corporate License (requires FORM 101 & FORM 103)
- Limited Liability Company (LLC) (requires FORM 102 & FORM 103)

NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)

Name _____ Phone Number _____

Firm Name _____

Email address _____

Should we contact you with any questions on the application? YES NO

PREMISES INFORMATION

Trade Name (doing business as) CASEY'S #6133

Street Address 3003 SAMSON WAY

City BELLEVUE County SARPY - 59 Zip Code 68123 - 3189

Premises Telephone number 402-293-6748

Business e-mail address MORGAN.WIERSCHKE@CASEYS.COM

Is this location inside the city/village corporate limits YES X NO

MAILING ADDRESS (where you want to receive mail from the Commission)

Check if same as premises

Name CASEY'S RETAIL COMPANY, ATTN: MORGAN WIERSCHKE

Street Address ONE SE CONVENIENCE BLVD, P.O. BOX 3001

City ANKENY State IA Zip Code 50021 - 9672

DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED

IN THE SPACE PROVIDED BELOW OR ATTACH A DRAWING OF THE AREA TO BE LICENSED.
DO NOT SEND BLUEPRINTS, ARCHITECT OR CONSTRUCTION DRAWINGS
PROVIDE LENGTH X WIDTH IN FEET (NOT SQUARE FOOTAGE)
INDICATE THE DIRECTION OF NORTH

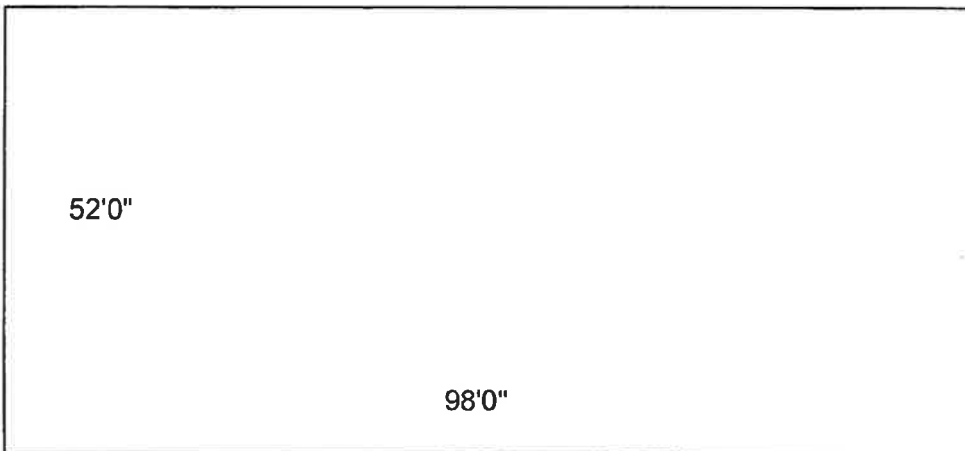
Building length 52'0" x width 98'0" in feet

Is there a basement? Yes No X If yes, length x width in feet

Is there an outdoor area? Yes No X If yes, length x width in feet

Number of floors of the building 1

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET



APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)

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. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

Include traffic violations. 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
PLEASE SEE ATTACHED SPREADSHEET				

2. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, provide business name and license number D-124055

3. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number BUCKS, LLC DBA CASEY'S #6133, D-124055

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES NO

If yes

a) Attach temporary operating permit (TOP) (Form 125)

a) Submit a copy of the business purchase agreement _____

b) Include a list of alcohol being purchased, list the name brand, container size and how many _____

c) Submit a list of the furniture, fixtures and equipment _____

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) N/A

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO

If yes, explain. (all involved persons must be disclosed on application)

N/A

No silent partners 019.01E Silent Partners; Profit Sharing: No licensee or partner, principal, agent or employee of any Retail Liquor License shall permit any other person not licensed or included as a partner, principal, or stockholder of any Retail Liquor License to participate in the sharing of profits or liabilities arising from any Retail Liquor License. (53-1,100)

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

If yes, list such item(s) and the owner. N/A

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for indigent persons or for veterans, their wives, and children; or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Nebraska Revised Statute 53-177(1) **AND PROVIDE FORM 134 – CHURCH OR FORM 135 – CAMPUS AND LETTER OF SUPPORT FROM CHURCH OR CAMPUS**

N/A

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties. (Nebraska Revised Statute 53-125(15))

YES NO

N/A

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.

a) List the individual(s) who are authorized to write checks and/or withdrawals on accounts at this institution.

UMB BANK- P.O. BOX 419226, KANSAS CITY, MO 64141 - CASEY'S CORPORATE ACCOUNTING DEPARTMENT

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

CASEY'S RETAIL COMPANY HOLDS ALCOHOL LICENSES IN THE STATE OF: AR, IA, IL, IN, KS, KY, MI, MN, MO, ND, NE, OH, OK, SD, TN, TX, WI.

PLEASE SEE ATTACHED LIST.

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
KRYSTAL CARTER	06/22/2024	RESPONSIBLE HOSPITALITY COUNCIL

Experience

Applicant Name/Job Title	Date of Employment	Name & Location of Business
KRYSTAL CARTER, REGION DIRECTOR FOR CASEY'S RETAIL COMPANY	09/10/2001-PRESENT	CASEY'S GENERAL STORES, INC, ONE SE CONVENIENCE BLVD, ANKENY, IA 50021

13. If the property is owned, submit a copy of the deed or proof of ownership. If leased, submit a copy of the lease covering the entire license year.

Documents must be in the name of applicant as owner or lessee

Lease expiration date _____
 Deed
 Purchase Agreement

14. When do you intend to open for business? 09/01/2022

15. What will be the main nature of business? CONVENIENCE STORE WITH CARRY OUT FOOD AND BEVERAGE

16. What are the anticipated hours of operation? 24 HOURS

17. List the principal residence(s) for the past 10 years for **ALL** persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS					
APPLICANT CITY & STATE	YEAR		SPOUSE CITY & STATE	YEAR	
	FROM	TO		FROM	TO
PLEASE SEE THE ATTACHED LIST					

If necessary, attach a separate sheet

**PERSONAL OATH AND CONSENT OF INVESTIGATION
SIGNATURE PAGE –
PLEASE READ CAREFULLY**

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. 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.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

***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.*

**Must be signed by all applicant(s) and spouse(s) owning more than 25% in the presence of a notary public
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)**

[Handwritten Signature]

Signature of **APPLICANT**

(Do not sign until in the presence of the Notary Public)

FOR CASEY'S RETAIL COMPANY, BY STEPHEN P. BRAMLAGE JR., PRESIDENT

Printed Name of **APPLICANT**

State of Iowa, County of Polk

The foregoing instrument was acknowledged before me this
08/03/2022

(Date)

By **STEPHEN P. BRAMLAGE JR.**

Name of person(s) signing document in front of Notary

Jamie Dietrich
Notary Public Signature



JAMIE DIETRICH
Commission Number 820699
My Commission Exp. 10/15/2022

Signature of **SPOUSE**

(Do not sign until in the presence of the Notary Public)

N/A

Printed Name of **SPOUSE**

State of Nebraska, County of _____

The foregoing instrument was acknowledged before me this

(Date)

By _____
Name of person(s) signing document in front of Notary

Notary Public Signature



Nebraska Liquor Control Commission-
Application for Liquor License Checklist-
Retail, Applicant Information Question #1

Name of Applicant	Date of Conviction	Where Convicted	Description of Charge	Disposition
KRYSTAL MARIE CARTER	Jan-21	LINCOLN, NE	SPD 11-15 MPH	PAID CITATION
KRYSTAL MARIE CARTER	UNKNOWN	LINCOLN, NE	FAILURE TO REGISTER VEHICLE	UNKNOWN
KRYSTAL MARIE CARTER	2002-2003	LINCOLN, NE	MINOR IN POSSESSION	UNKNOWN
KRYSTAL MARIE CARTER	2002-2003	LINCOLN, NE	FAILURE TO APPEAR	UNKNOWN
KRYSTAL MARIE CARTER	Jun-21	LINCOLN, NE	OPERATING BOAT WITHOUT LIFE JACKET	PAID CITATION
ERIC MATTHEW LARSEN	Oct-93	CEDAR FALLS, IA	SPEEDING 6-10 OVER	FINED
ERIC MATTHEW LARSEN	Jun-95	JASPER COUNTY, IA	SPEEDING 55 OR UNDER ZONE (6-10 OVER)	FINED
ERIC MATTHEW LARSEN	Feb-16	POLK COUNTY, IA	SPEEDING OVER 55 ZONE (6-10 OVER)	FINED
ERIC MATTHEW LARSEN	Aug-19	WEST DES MOINES, IA	PUBLIC INTOXICATION	FINED
ANGELA DAWN LARSEN	Nov-04	MARION, IA	AUTO SPEEDING 55 OR < (6-10 OVER)	FINED
SCOTT ALLEN FABER	Jun-98	OKOBOJI, IA	SPEED - 6 THRU 10 OVER	FINED
SCOTT ALLEN FABER	Feb-99	WINNEBAGO COUNTY, IA	SPEEDING 55 OR UNDER ZONE (6-10 OVER)	FINED
SCOTT ALLEN FABER	Sep-00	IOWA CITY, IA	DNU DISORDERLY HOUSE	FINED
SCOTT ALLEN FABER	May-01	PALO ALTO COUNTY, IA	SPEEDING 55 OR UNDER ZONE (6-10 OVER)	FINED
SCOTT ALLEN FABER	Mar-03	JOHNSTON, IA	GENERAL SPEED RESTRICTIONS	FINED
KORY ROBERT ROSS	Feb-06	BREMER COUNTY, IA	SPEEDING OVER 55 ZONE (11-15 OVER)	FINED
KORY ROBERT ROSS	Dec-06	HANCOCK COUNTY, IA	SPEEDING 55 OR UNDER ZONE (6-10 OVER)	FINED
KORY ROBERT ROSS	Mar-09	GRUNDY COUNTY, IA	SPEEDING 55 OR UNDER ZONE (16-20 OVER)	FINED
KORY ROBERT ROSS	Oct-19	POLK COUNTY, IA	SPEEDING OVER 55 ZONE (6-10 OVER)	FINED
KORY ROBERT ROSS	May-21	POLK COUNTY, IA	SPEEDING OVER 55 ZONE (6-10 OVER)	FINED
KERI ANN ROSS	Feb-20	DALLAS COUNTY, IA	REGISTRATION VIOLATION	FINED
DOUGLAS MARSHALL BEECH	Apr-94	POLK COUNTY, IA	SPEEDING IN A 25MPH ZONE	DISMISSED
JANETTE JOELL BEECH	Dec-94	POLK COUNTY, IA	OPERATION W/O REGISTRATION	FINED
JANETTE JOELL BEECH	Nov-99	ANKENY, IA	SPEEDING EXCESS/45 IN A 35	FINED
JANETTE JOELL BEECH	Sep-03	POLK COUNTY, IA	SPEEDING 55 OR UNDER ZONE (6-10 OVER)	FINED
JANETTE JOELL BEECH	Jan-06	POLK COUNTY, IA	SPEEDING OVER 55 ZONE (11-15 OVER)	FINED
JANETTE JOELL BEECH	Aug-07	ANKENY, IA	SPEEDING IN A 25MPH ZONE	FINED
JANETTE JOELL BEECH	May-09	ANKENY, IA	SPEED(6-10 OVER) 55 ZONE OR LESS	FINED

**APPLICATION FOR LIQUOR LICENSE
CORPORATION
INSERT - FORM 3a**

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



Officers, directors and stockholders holding over 25% shares of stock, including spouses, are required to adhere to the following requirements:

- 1) All officers, directors and stockholders must be listed
- 2) President/CEO and stockholders holding over 25% and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Officers, directors and stockholders holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License Form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Incorporation

Name of Registered Agent: CT CORPORATION

Name of Corporation that will hold license as listed on the Articles
CASEY'S RETAIL COMPANY

Corporation Address: ONE SE CONVENIENCE BLVD, P.O. Box 3001

City: ANKENY State: IA Zip Code: 50021

Corporation Phone Number: 515-446-6035 Fax Number: 515-446-6303

Total Number of Corporation Shares Issued: NONE

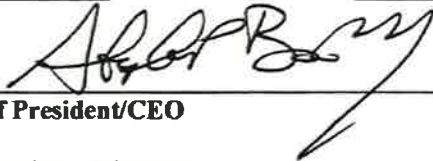
Name and notarized signature of President/CEO (Information of president must be listed on following page)

Last Name: BRAMLAGE First Name: STEPHEN MI: P

Home Address: 1613 NW SEASONS DRIVE City: ANKENY

State: IA Zip Code: 50023 Home Phone Number: 515-381-5705

FOR CASEY'S RETAIL COMPANY
BY STEPHEN P. BRAMLAGE, PRESIDENT



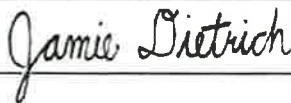
Signature of President/CEO

ACKNOWLEDGEMENT

State of Iowa
County of Polk

AUGUST 3, 2022

Date



The foregoing instrument was acknowledged before me this
by STEPHEN P. BRAMLAGE, PRESIDENT

name of person acknowledge



List names of all officers, directors and stockholders including spouses (even if a spousal affidavit has been submitted)

Last Name: **BRAMLAGE** First Name: **STEPHEN** MI: **P**
Social Security Number: [REDACTED] Date of Birth: [REDACTED]
Title: **PRESIDENT** Number of Shares **0**
Spouse Full Name (indicate N/A if single): **MEGHAN ALLISON BRAMLAGE, NON PARTICIPATING SPOUSE**
Spouse Social Security Number: [REDACTED] Date of Birth: [REDACTED]

Last Name: **ROSS** First Name: **KORY** MI: **R**
Social Security Number: [REDACTED] Date of Birth: [REDACTED]
Title: **VICE PRESIDENT** Number of Shares **0**
Spouse Full Name (indicate N/A if single): **KERI ANN ROSS, NON PARTICIPATING SPOUSE**
Spouse Social Security Number: [REDACTED] Date of Birth: [REDACTED]

Last Name: **FABER** First Name: **SCOTT** MI: **A**
Social Security Number: [REDACTED] Date of Birth: [REDACTED]
Title: **SECRETARY** Number of Shares **0**
Spouse Full Name (indicate N/A if single): **KARI ANN FABER, NON PARTICIPATING SPOUSE**
Spouse Social Security Number: [REDACTED] Date of Birth: [REDACTED]

Last Name: **BEECH** First Name: **DOUGLAS** MI: **M**
Social Security Number: [REDACTED] Date of Birth: [REDACTED]
Title: **ASSISTANT SECRETARY** Number of Shares **0**
Spouse Full Name (indicate N/A if single): **JANETTE JOELL BEECH, NON PARTICIPATING SPOUSE**
Spouse Social Security Number: [REDACTED] Date of Birth: [REDACTED]

List names of all officers, directors and stockholders including spouses (Even if a spousal affidavit has been submitted)

Last Name: LARSEN First Name: ERIC MI: M
Social Security Number: [REDACTED] Date of Birth: [REDACTED]
Title: TREASURER Number of Shares 0
Spouse Full Name (indicate N/A if single): ANGELA DAWN LARSEN, NON PARTICIPATING SPOUSE
Spouse Social Security Number: [REDACTED] Date of Birth: [REDACTED]

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Title: _____ Number of Shares _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Title: _____ Number of Shares _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Title: _____ Number of Shares _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____

Is the applying corporation controlled by another corporation/company?

YES

NO

If yes, complete controlling corporation insert form 185

Indicate the Corporation's tax year with the IRS (Example January through December)

Starting Date: MAY 1 Ending Date: APRIL 30

Is this a Non-Profit Corporation?

YES

NO

If yes, provide the Federal ID # _____

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

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



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.

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.

Meghan Bramlage
Signature of **NON-PARTICIPATING SPOUSE**
MEGHAN A. BRAMLAGE

Stephen P. Bramlage Jr.
Signature of **APPLICANT**
STEPHEN P. BRAMLAGE JR.

Print Name

Print Name

State of IOWA , County of POLK

State of IOWA , County of POLK

The foregoing instrument was acknowledged before me
this 07/05/2022 (date)

The foregoing instrument was acknowledged before me
this 07/05/2022 (date)

by MEGHAN A. BRAMLAGE

by STEPHEN P. BRAMLAGE JR.

Name of person acknowledged
(Individual signing document)

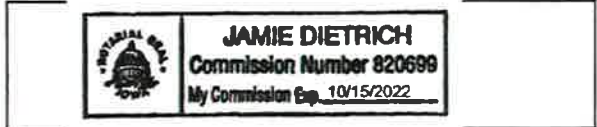
Name of person acknowledged
(Individual signing document)

Jamie Dietrich

Jamie Dietrich

Notary Public Signature

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

**CONTROLLING CORPORATION
INSERT**

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

Office Use	RECEIVED
	AUG 08 2022
	NEBRASKA LIQUOR CONTROL COMMISSION

Attach copy of Articles as filed with the Nebraska Secretary of State - §53-126

Name and address of the controlling corporation of the applying corporation

Controlling Corporation Name: CASEY'S GENERAL STORES, INC.
Controlling Corporation Address: ONE SE CONVENIENCE BLVD, P.O. BOX 3001
City: ANKENY State: IA Zip Code: 50021

Provide the names of the top four officer/members of the controlling corporation

1. Full Name: DARREN M. REBELEZ
Job Title: PRESIDENT & CEO
2. Full Name: DOUGLAS M. BEECH
Job Title: ASSISTANT SECRETARY, CASEY'S RETAIL COMPANY
3. Full Name: STEPHEN P. BRAMLAGE
Job Title: CHIEF FINANCIAL OFFICER & PRESIDENT FOR CASEY'S RETAIL COMPANY
4. Full Name: KORY R. ROSS
Job Title: VICE PRESIDENT FOR CASEY'S RETAIL COMPANY

**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

Office Use

RECEIVED

AUG 08 2022

NEBRASKA LIQUOR
CONTROL COMMISSION

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

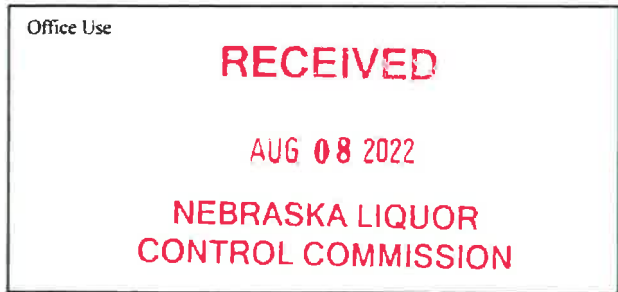
Spouse who **will** participate in the business, the **spouse must:**

- 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



**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



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: CASEY'S RETAIL COMPANY

Premise information

Liquor License Number: _____ Class Type _____ (if new application leave blank)

Premise Trade Name/DBA: CASEY'S #6133

Premise Street Address: 3003 SAMSON WAY

City: BELLEVUE County: SARPY Zip Code: 68123

Premise Phone Number: 402-293-6748

Premise Email address: MORGAN.WIERSCHKE@CASEYS.COM

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](#).

Douglas M. Beech

FOR CASEY'S RETAIL COMPANY, BY DOUGLAS M. BEECH, ASSISTANT SECRETARY

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: CARTER First Name: KRYSTAL MI: M

Home Address: 1616 NW 54TH CT

City: LINCOLN County: LANCASTER Zip Code: 68528

Home Phone Number: 515-782-2301

Driver's License Number & State: [REDACTED]

Social Security Number: [REDACTED]

Date Of Birth: [REDACTED] Place Of Birth: LINCOLN, NE

Email address: KRYSTAL.CARTER@CASEYS.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: _____ First Name: _____ MI: _____

Social Security Number: _____

Driver's License Number & State: _____

Date Of Birth: _____ Place Of Birth: _____

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
LINCOLN, NE	2018	2022			
PALMYRA, NE	2017	2018			
BENNET, NE	2011	2017			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2009	2022	CASEY'S GENERAL STORES	DAVE JOHNSON	605-370-4654
2008	2009	PICTURE ME PORTRAITS	NO LONGER IN BUSINESS	N/A

1. 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
KRYSTAL CARTER	01/2021	LINCOLN, NE	SPD 11-15 MPH	PAID CITATION
KRYSTAL CARTER	UNKNOWN	LINCOLN, NE	FAILURE TO REGISTER VEHICLE	UNKNOWN
KRYSTAL CARTER	2002-2003	LINCOLN, NE	MINOR IN POSSESSION	UNKNOWN
KRYSTAL CARTER	2002-2003	LINCOLN, NE	FAILURE TO APPEAR	UNKNOWN
KRYSTAL CARTER	06/2021	LINCOLN, NE	OPERATING BOAT WITHOUT LIFE JACKET	PAID CITATION

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):

CASEY'S - MULTIPLE NEBRASKA STORES - PLEASE SEE ATTACHED LIST

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: 06/22/2021 Name on Certificate: KRYSTAL MARIE CARTER

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
KRYSTAL MARIE CARTER	6/22/2021	RBST

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
KRYSTAL CARTER, REGION DIRECTOR	August 2009	CASEY'S GENERAL STORES, NEBRASKA STORES

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.

Kris Carter

Signature of Manager Applicant

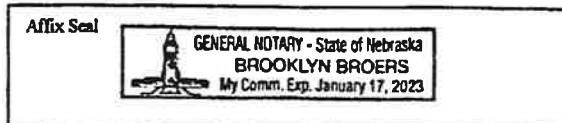
Signature of Spouse

ACKNOWLEDGEMENT

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

24th day of June, 2021 by Krystal M. Carter
date NAME OF PERSON BEING ACKNOWLEDGED

[Signature]
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.

**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



**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/nsppayport
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
4600 Innovation Drive
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 CASEY'S RETAIL COMPANY

Name of Person Being Fingerprinted: KRYSTAL CARTER

Date of Birth: Last 4 SSN

Date fingerprints were taken: 6/21/2021

Location where fingerprints were taken: NEBRASKA STATE PATROL 3800 NW 12TH LINCOLN NE.

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

Kris Carter

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

CERTIFICATE OF COMPLETION
RESPONSIBLE HOSPITALITY COUNCIL
MANAGEMENT TRAINING

This certificate is awarded to

Krystal Carter

For completing the Hospitality Insider Training and Lincoln Server/Seller Permit
Training Date September 9th, 2021, Expires September 9th, 2024

RESPONSIBLE HOSPITALITY COUNCIL

Tom Lorenz *September 9, 2021*

Conan Shafer *September 9, 2021*

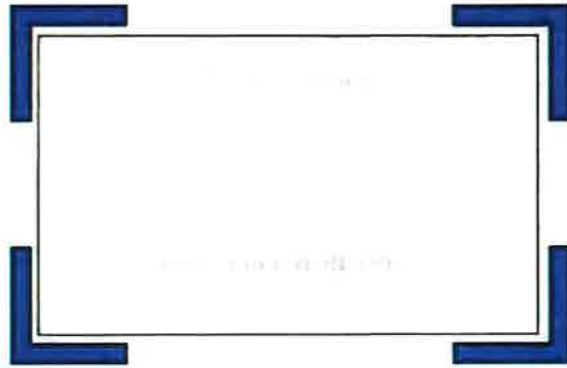


RESPONSIBLE HOSPITALITY COUNCIL

**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
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- 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
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 12th 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 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.*

Trade Name: CASEY'S RETAIL COMPANY

Name of Person Bring Fingerprinted: STEPHEN P. BRAMLAGE JR.

Date of Birth: Last 4 SSN: Date fingerprints were taken:

Location where fingerprints were taken: FINGERPRINTS ON FILE WITH NLCC

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

FOR CASEY'S RETAIL COMPANY,
BY STEPHEN P. BRAMLAGE JR., PRESIDENT

SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

10c.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022		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 Elevated Aspect, LLC dba "Elevated Coffee Co & Taphouse" for a Class "C" Liquor License to sell beer, wine, and distilled spirits, On & Off Sale, at 2851 Capehart Road (Bay F-G), Bellevue and Nickolas J. Soucek as Manager.

SYNOPSIS/BACKGROUND:

Elevated Aspect, LLC dba "Elevated Coffee Co & Taphouse" for a Class "C" Liquor License to sell, beer, wine, and distilled spirits, On & Off Sale, at 2851 Capehart Road (Bay F-G), Bellevue and Nickolas J. Soucek as Manager. 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 publishes a hearing notice and the application is reviewed by the Police, Planning and Clerk 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: \$915.00/year 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 to the Nebraska Liquor Control Commission (NLCC) to approve the application for Elevated Aspect, LLC dba "Elevated Coffee Co & Taphouse" for a Class "C" Liquor License to sell, beer, wine, and distilled spirits, On and Off Sale, at 2851 Capehart Road (Bay F-G), Bellevue and Nickolas J. Soucek as Manager.

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: _____

A. Bruce Roblin

[Signature]

[Signature]

**LIQUOR LICENSE APPLICATION REPORT
CITY OF BELLEVUE
PLANNING DEPARTMENT**

DATE OF CITY COUNCIL PUBLIC HEARING: September 20, 2022

DATE REPORT DUE TO CITY CLERK: September 9, 2022

APPLICANT: Elevated Aspect, LLC dba "Elevated Coffee Co & Taphouse"

ADDRESS: 2851 Capehart Rd. - Bay F-G, Bellevue 68123

REQUESTED ACTION: Recommendation to approve application for a Class "C" Liquor License to sell, beer, wine, and distilled spirits, On and Off Sale, for Elevated Aspect, LLC dba "Elevated Coffee Co & Taphouse" at 2851 Capehart Rd. - Bay F-G, Bellevue, NE 68123 and for Nicholas J. Soucek as Manager.

BACKGROUND: New Application for Class "C" Liquor License

IS THIS LOCATION WITHIN THE CITY LIMITS OF BELLEVUE? Yes

IS THIS LOCATION WITHIN THE CITY'S TWO-MILE ZONING JURISDICTION? Yes

EXISTING ZONING: BG

WILL ZONING ALLOW A LIQUOR LICENSE? Yes

EXISTING LAND USE: Commercial – Coffee House/Taphouse

IS THE CURRENT USE NON-CONFORMING? No **EXPLANATION:** _____

ADJACENT LAND USE AND ZONING:

NORTH: Rising View (Offutt Air Force Base Housing -across Capehart Road) - FGZ

SOUTH: Multi-family Housing / Southdale Schilling Square Apartments – RG-28

EAST: Commercial / Speedy Gas Station - BG

WEST: Commercial Strip Mall (Sports Nutrition, Beauty Salon, Little Gems Childcare, The Upstart, Edward Jones Investments, Maxi-Walker) - BG

DISTANCE FROM SCHOOL (if applicable): _____ N/A _____

DISTANCE FROM COLLEGE (if applicable): _____ N/A _____

DISTANCE FROM CHURCH (if applicable): _____ N/A _____

IMMEDIATE NEIGHBORHOOD/AREA LAND USES: Southdale Schilling Square Apartments, Speedy Gas Station, Sports Nutrition, Beauty Salon, Little Gems Childcare, The Upstart, Edward Jones Investment, Maxi-Walker, Sorties Tavern, Rising View Military Housing to the North across Capehart Road. South 25th Street is to the East.

NUMBER OF PARKING SPACES REQUIRED: _____ N/A _____ **PROVIDED:** _____

ANALYSIS OF NEIGHBORHOOD EFFECTS: _____

TRAFFIC: There is no traffic impact expected.

STREET/ACCESS: There is no street/access impact expected.

PEDESTRIAN: There is no pedestrian impact expected.

NOISE: There is no noise impact expected.

LIGHTING: There is no lighting impact expected.

GENERAL COMMENTS: This is a commercial area that would accommodate on sale liquor sales.

LIQUOR LICENSE APPLICATION REPORT

City Clerk

APPLICANT: Elevated Aspect, LLC dba "Elevated Coffee Co & Taphouse"

LOCATION/ADDRESS: 2851 Capehart Rd. - Bay F-G, Bellevue 68123

REQUESTED ACTION: Recommendation to approve application for a Class "C" Liquor License to sell, beer, wine, and distilled spirits, On and Off Sale, for Elevated Aspect, LLC dba "Elevated Coffee Co & Taphouse" at 2851 Capehart Rd. - Bay F-G, Bellevue, NE 68123 and for Nicholas J. Soucek as Manager.

DATE APPLICATION RECEIVED: 09/01/2022

FINAL DATE HEARING CAN BE HELD (45 days from receipt): 10/17/2022

DATE ADVERTISED (not less than 7 nor more than 14 days): 09/07/2022

CURRENT NUMBER OF LICENSES:

Class A (Beer on sale only): 2

Class B (Beer off sale only): 0

Class C (Alcoholic liquor, on and off sale): 22

Class D (Alcoholic liquor, off sale only): 27

Class I (Alcoholic liquor on sale only): 28

Class K (Catering License with Class B, C or D license): 5

Class X (Wholesale Liquor) 1

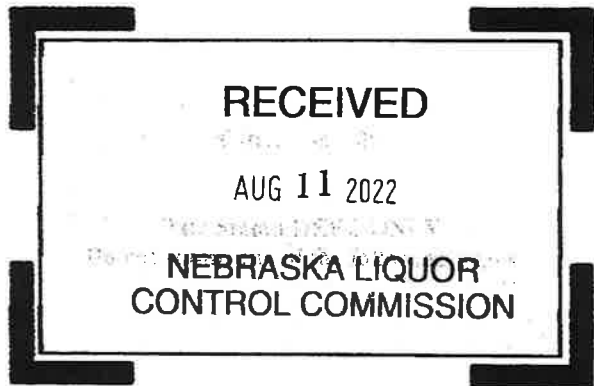
TOTAL 85

APPLICATION FOR LIQUOR LICENSE CHECKLIST RETAIL

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

License
Class: C

License Number:
125182



Office Use Only

NEW / REPLACING TOP Yes / No

Hot List Yes / No Initial: KF

PLEASE READ CAREFULLY

See directions on the next page. Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the Nebraska Liquor Control Commission.

APPLICANT NAME Nicholas Soucek - Elevated Aspect LLC

TRADE (DBA) NAME Elevated Coffee Co. & Tap House

PREVIOUS TRADE (DBA) NAME _____

CONTACT NAME AND PHONE NUMBER Nicholas Soucek 402-690-6427

CONTACT EMAIL ADDRESS info@elevatedcoldbrew.com

CTG

- ① 1-31-2027
- ② 9-30-2029

2 tabs
2 Buys
Pag 103

~~No fee submitted~~

Office use only

PAYMENT TYPE Pay Post

AMOUNT 400 - RCPT

RECEIVED: 8-12-22

DATE DEPOSITED _____



**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED CLASS**

RETAIL LICENSE(S) Application Fee \$400 (nonrefundable)
CLASS C LICENSE TERM IS FROM NOVEMBER 1 – OCTOBER 31
ALL OTHER CLASSES TERM IS MAY 1 – APRIL 30

- A BEER, ON SALE ONLY
 - B BEER, OFF SALE ONLY**
 - C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE**
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(4) YES NO
 - D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY**
 - F BOTTLE CLUB,
 - I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
Do you intend to sale cocktails to go as allowed under Neb Rev. Statute 53-123.04(5) YES NO
 - J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
 - AB BEER, ON AND OFF SALE
 - AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
 - IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
 - Class K Catering endorsement (Submit Form 106) – Catering license (K) expires same as underlying retail license
 - Class G Growler endorsement (Submit Form 165) – Class C licenses only
- **Class B, Class C, Class D license do you intend to allow drive through services under Neb Rev. Statute 53-178.01(2) YES NO

ADDITIONAL FEES WILL BE ASSESSED AT THE CITY/VILLAGE OR COUNTY LEVEL WHEN THE LICENSE IS ISSUED

CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING

- Individual License (requires insert FORM 104)
- Partnership License (requires insert FORM 105)
- Corporate License (requires FORM 101 & FORM 103)
- Limited Liability Company (LLC) (requires FORM 102 & FORM 103)

NAME OF ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)

Name _____ Phone Number _____

Firm Name _____

Email address _____

Should we contact you with any questions on the application? YES _____ NO _____

PREMISES INFORMATION

Trade Name (doing business as) Elevated Coffee Co. & TapHouse

Street Address 2851 Capehart Rd, Bay F-G

City Bellevue County Sarpy 59 Zip Code 68123
+1770

Premises Telephone number 402-690-6427

Business e-mail address info@elevatedcoldbrew.com

Is this location inside the city/village corporate limits YES NO

MAILING ADDRESS (where you want to receive mail from the Commission)

Check if same as premises

Name

Street Address _____

City _____ State _____ Zip Code _____

DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED

IN THE SPACE PROVIDED BELOW OR ATTACH A DRAWING OF THE AREA TO BE LICENSED.
DO NOT SEND BLUEPRINTS, ARCHITECT OR CONSTRUCTION DRAWINGS
PROVIDE LENGTH X WIDTH IN FEET (NOT SQUARE FOOTAGE)
INDICATE THE DIRECTION OF NORTH

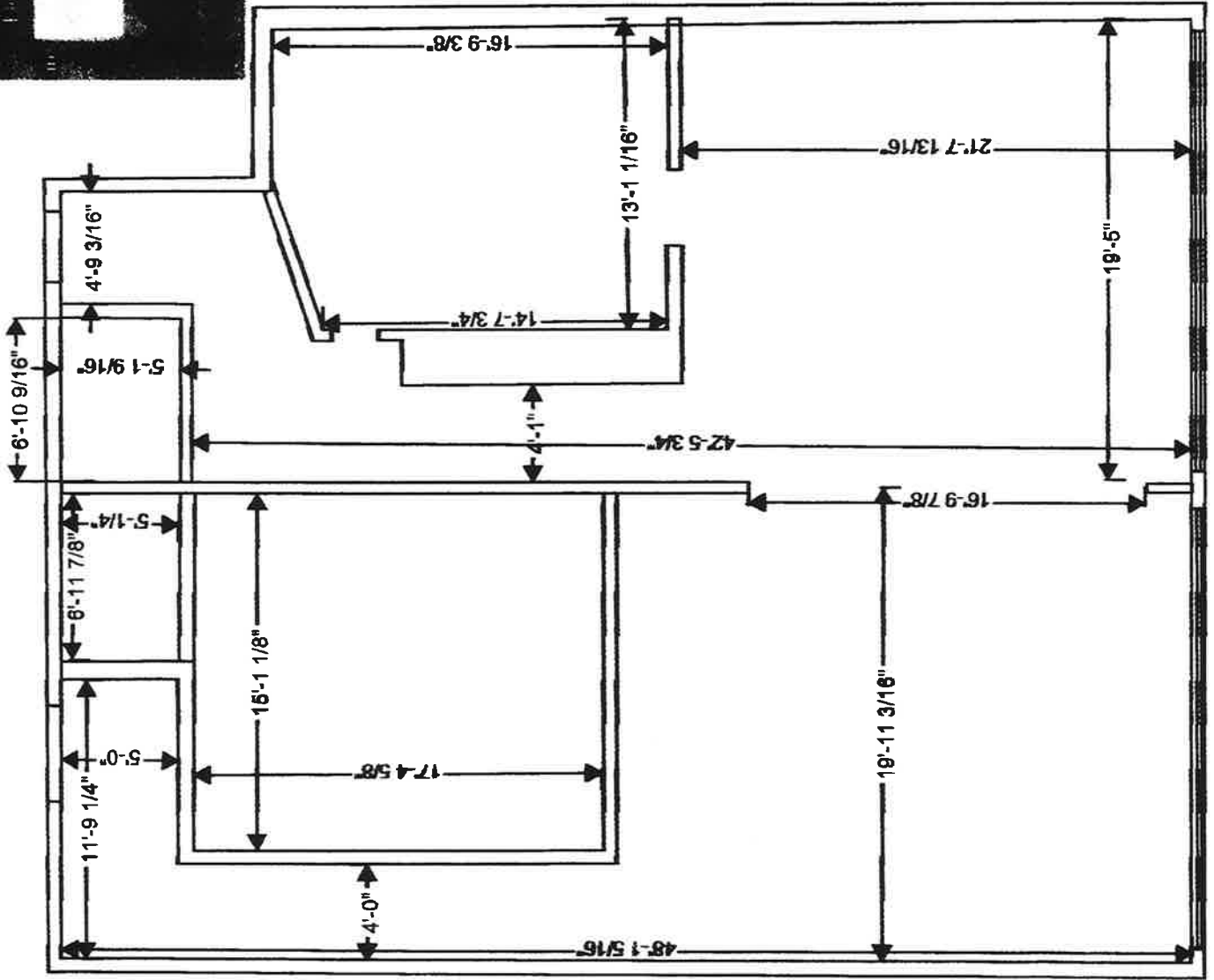
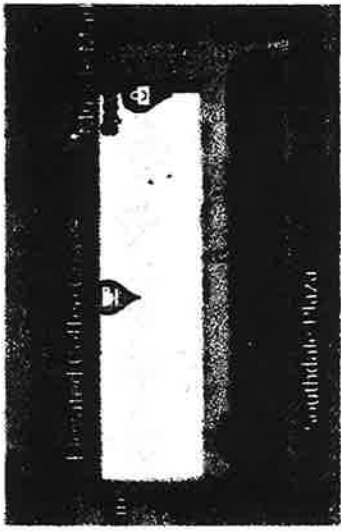
Building length 48 x width 38.61 in feet

Is there a basement? Yes _____ No If yes, length _____ x width _____ in feet

Is there an outdoor area? Yes _____ No If yes, length _____ x width _____ in feet

Number of floors of the building 1

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET



ated Coffee & Tap
se

ilding L 216' x
30' 9"

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)

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. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

Include traffic violations. 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. Was this premise licensed as liquor licensed business within the last two (2) years?

 YES ✓ NO

If yes, provide business name and license number _____

3. Are you buying the business of a current retail liquor license?

 YES ✓ NO

If yes, give name of business and liquor license number _____

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

 YES ✓ NO

If yes

- a) Attach temporary operating permit (TOP) (Form 125)
 - a) Submit a copy of the business purchase agreement _____
 - b) Include a list of alcohol being purchased, list the name brand, container size and how many _____
 - c) Submit a list of the furniture, fixtures and equipment _____

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) _____

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO

If yes, explain. (all involved persons must be disclosed on application)

No silent partners 019.01E Silent Partners; Profit Sharing: No licensee or partner, principal, agent or employee of any Retail Liquor License shall permit any other person not licensed or included as a partner, principal, or stockholder of any Retail Liquor License to participate in the sharing of profits or liabilities arising from any Retail Liquor License. (53-1,100)

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

If yes, list such item(s) and the owner. _____

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for indigent persons or for veterans, their wives, and children; or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Nebraska Revised Statute 53-177(1) **AND PROVIDE FORM 134 – CHURCH OR FORM 135 – CAMPUS AND LETTER OF SUPPORT FROM CHURCH OR CAMPUS**)

9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the person's exact duties. (Nebraska Revised Statute 53-125(15))

YES NO

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.

a) List the individual(s) who are authorized to write checks and/or withdrawals on accounts at this institution.

Sutton Bank Nicholas Soucek

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Nicholas Soucek	08/2022	NE Alcohol server/Seller certification
Leona Soucek	07/2022	NE Alcohol server/Seller certification

Experience

Applicant Name/Job Title	Date of Employment	Name & Location of Business

13. If the property is owned, submit a copy of the deed or proof of ownership. If leased, submit a copy of the lease covering the entire license year.

Documents must be in the name of applicant as owner or lessee

Lease expiration date 9/30/2029, 1-31-2027
 Deed
 Purchase Agreement

14. When do you intend to open for business? 1/11/2022

15. What will be the main nature of business? coffee shop and Taphouse

16. What are the anticipated hours of operation? 7am 8pm

17. List the principal residence(s) for the past 10 years for **ALL** persons required to sign, including spouses.

RESIDENCES FOR THE PAST 10 YEARS					
APPLICANT CITY & STATE	YEAR		SPOUSE CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Belleveur, NE	2018	2022	Belleveur, NE	2018	2022
Sterling Heights, MI	2018	2018	Sterling Heights, MI	2018	2018
Berkley, MI	2017	2018	Berkley, MI	2017	2018
Duck Key, FL	2016	2016	Bavory, GE	1990	2017
Yellowstone, MT	2015	2015			

If necessary, attach a separate sheet

PERSONAL OATH AND CONSENT OF INVESTIGATION

**SIGNATURE PAGE –
PLEASE READ CAREFULLY**

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. 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.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

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.

Must be signed by all applicant(s) and spouse(s) owning more than 25% in the presence of a notary public (YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)

[Handwritten Signature]

Signature of **APPLICANT**

(Do not sign until in the presence of the Notary Public)

Nicholas Soucek

Printed Name of **APPLICANT**

State of Nebraska, County of Sarpy

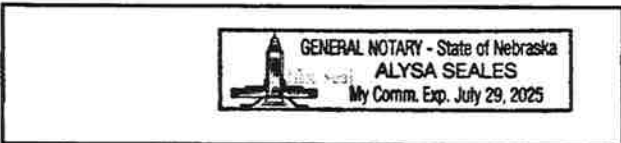
The foregoing instrument was acknowledged before me this

08/08/2022

(Date)

By Nicholas Soucek
Name of person(s) signing document in front of Notary

[Handwritten Signature]
Notary Public Signature



[Handwritten Signature]

Signature of **SPOUSE**

(Do not sign until in the presence of the Notary Public)

LEONIA SOUCEK

Printed Name of **SPOUSE**

State of Nebraska, County of Sarpy

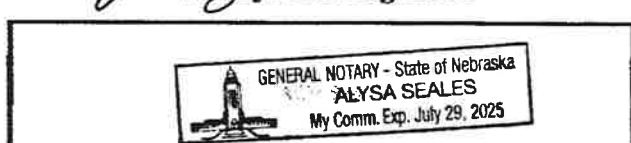
The foregoing instrument was acknowledged before me this

08/08/2022

(Date)

By Leona Soucek
Name of person(s) signing document in front of Notary

[Handwritten Signature]
Notary Public Signature



RECEIVED

APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 93046
LINCOLN, NE 68309-3046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use
RECEIVED
AUG 11 2022
NEBRASKA LIQUOR
CONTROL COMMISSION

AUG 23 2022

NEBRASKA LIQUOR
CONTROL COMMISSION

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: _____

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Elevated Aspect LLC

LLC Address: 3117 Comstock Ave #19

City: Bellevue State: NE Zip Code: 68123 +3110

LLC Phone Number: 402-690-6427 LLC Fax Number: _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Soucek First Name: Nicholas MI: J

Home Address: 3117 Comstock ave #19 City: Bellevue

State: NE Zip Code: 68123 Home Phone Number: 402-690-6427

[Handwritten Signature]

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

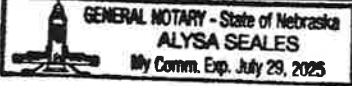
State of Nebraska
County of SARASOTA

The foregoing instrument was acknowledged before me this

08/19/2022

by Nicholas Soucek
name of person acknowledging

[Handwritten Signature]

Affix Seal


List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Soucek First Name: Nicholas MI: J

Social Security Number: [REDACTED] Date of Birth: [REDACTED]

Spouse Full Name (indicate N/A if single): Leona Soucek

Spouse Social Security Number: [REDACTED] Date of Birth: [REDACTED]

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January Ending Date: December

Is this a Non Profit Corporation?

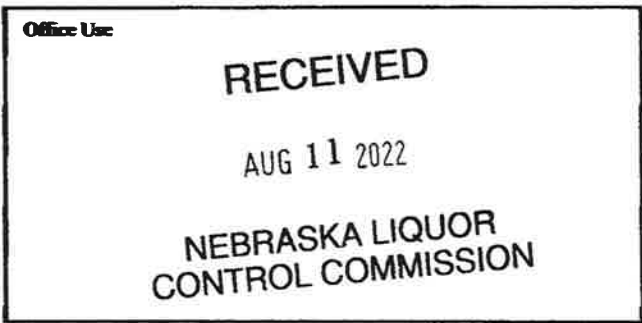
YES

NO

If yes, provide the Federal ID #. _____

**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:

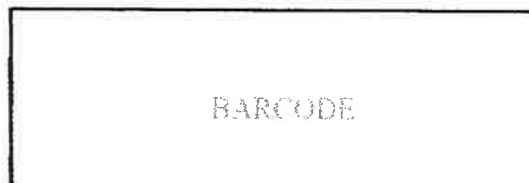
- Complete all sections of the application. Be sure it is signed by a **member or corporate officer**, corporate officer or member must be an individual on file with the Liquor Control Commission
- Fingerprints are required. See form 147 for further information, read form carefully to avoid delays in 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:**

- 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



**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

Office Use	RECEIVED
	AUG 11 2022
	NEBRASKA LIQUOR CONTROL COMMISSION

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: Elevated Aspect LLC

Premise information

Liquor License Number: _____ Class Type _____ (if new application leave blank)

Premise Trade Name/DBA: Elevated Coffee Co & Tap House

Premise Street Address: 2851 Capelhart Rd, Ste F G

City: Belleur County: Sarpy Zip Code: 68123
+1770

Premise Phone Number: 402-690-6427

Premise Email address: info@elevatedcoldbrew.com

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.



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

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: SOUCEK First Name: NICHOLAS MI: J

Home Address: 3117 Comstock ave #19 Apt 1a

City: Bellevue County: Sarpy Zip Code: 68123

Home Phone Number: 402-690-6427 +3109

Driver's License Number & State: [REDACTED] NE

Social Security Number: [REDACTED]

Date Of Birth: [REDACTED] Place Of Birth: Mt. Clemens, MI

Email address: info@elevatedcoldbrew.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: SOUCEK First Name: LEONA MI:

Social Security Number: [REDACTED]

Driver's License Number & State: [REDACTED] NE

Date Of Birth: [REDACTED] Place Of Birth: VALTICE / Czech Republic

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	2018	present	Bellevue, NE	2018	present
Sterling Heights, MI	2017	2018	Sterling Heights, MI	2017	2018
Berkley, MI	2017	2017	Berkley, MI	2017	2017
Duck Key, FL	2016	2016	Bavaria, CZE	1990	2017

MANAGER: LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2019	2020	Beardmore Chevrolet	Brian Kucks	402-734-2525
2017	2019	Pizza Partners LLC	Miky Barstow	402-547-6803

1. 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: 8/2022 Name on Certificate: Nicholas Soucey

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Nicholas Soucey	08/2022	NE Alcohol server/Seller certification
Leona Soucey	07/2022	NE Alcohol server/Seller certification

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:

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.



Signature of Manager Applicant



Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Saspy

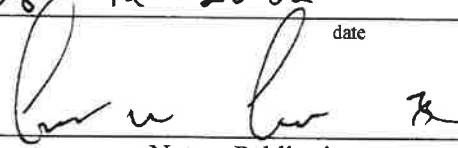
The foregoing instrument was acknowledged before me this

08/12-26-22

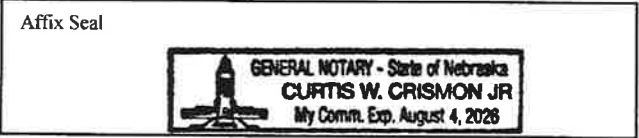
date

by Nicholas Soucek, Leona Soucek

NAME OF PERSON BEING ACKNOWLEDGED



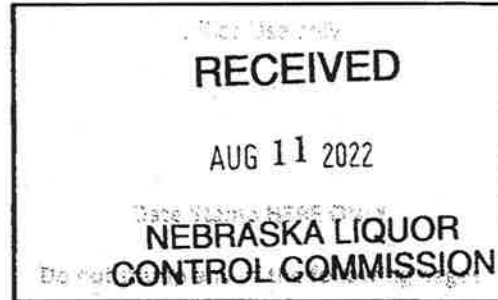
Notary Public signature



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.

**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



**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/nsps
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
4600 Innovation Drive
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 Elevated Coffe Co & TapHouse

Name of Person Being Fingerprinted: Nicholas James Soucek

Date of Birth: [REDACTED] Last 4 SSN: 1228

Date fingerprints were taken: 7/25/2022

Location where fingerprints were taken: 4911 S 108th, Omaha

How was payment made to NSP?

NSP PAYPORT CASH CHECK SENT TO NSP CK # _____

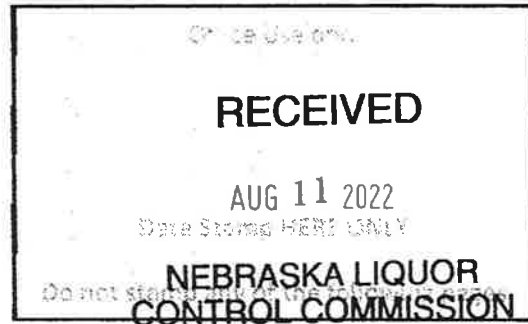
My fingerprints are already on file with the commission – fingerprints completed for a previous application less than 2 years ago? YES



SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

**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
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- **FAILURE TO FILE FINGERPRINT CARDS AND PAY THE REQUIRED FEE TO THE NEBRASKA STATE PATROL WILL DELAY THE ISSUANCE OF YOUR LIQUOR LICENSE**
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*****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
4600 Innovation Drive
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.
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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 Elevated Coffer Co. & TapHouse

Name of Person Being Fingerprinted: Leona Soucek

Date of Birth: [REDACTED] Last 4 SSN: ~~###~~ 7925

Date fingerprints were taken: 7/21/2022

Location where fingerprints were taken: Omaha 4411 S 108th St

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

[Signature]
SIGNATURE REQUIRED OF PERSON BEING FINGERPRINTED

Elevated Coffee Co. & Taphouse
Business plan

Elevated Coffee Co. & Taphouse will be located in Bellevue, NE. We were able to secure a seven-year lease right next to our already established coffee shop.

We can confidently say that Elevated Coffee Co. & Taphouse will serve as a great socializing spot for Bellevue and surrounding residents as there is no other local coffee shop or craft beer place around us.

The Elevated Coffee Co. & Taphouse will have the capacity to accommodate multiple inside and outside seating. It also has enough space to accommodate our back-office operations, storage room and kitchen.

We will work towards ensuring that our establishment meets the expected standard required by the authorities and in such a way that it will be relaxing and conducive spot for networking and socializing.

Beside selling locally brewed beer, ciders, wine, liquor, coffee, bakery items, pizza and other local goods we will create an environment where customers can network with each other in a relaxed environment while enjoying their drink in our establishment. We will also continue to support other local business by inviting them for pop ups and carrying their goods.

Our Products and Services

Elevated Coffee Co & Taphouse is going to operate a Coffee Shop and Taphouse that will provide the following products:

- **Locally Crafted Beers**
- **Wines**
- **Liquor**
- **Coffee drinks**
- **Kombucha**
- **Pizza**
- **Paninis**
- **Baked goods**
- **Local business goods**

Our Mission and Vision Statement

- **Our vision is to build a business that will be the melting pot for local craft beer and coffee lovers**
- **We want to become the talk of town when it comes to tap house and socializing spots**
- **We want to provide business opportunities for small local business and help them thrive**

We have the goal of assembling a team of dedicated workforce who will always give our customers excellent customer service, a team that will ensure that we will continue to have repeated customers and a team that will indeed make us the melting pot.

Job Roles and Responsibilities

Tap Room Manager/owners:

- Creating, communicating, and implementing the organization's vision, mission, and overall direction – i.e. leading the development and implementation of the overall organization's strategy.
- Responsible for fixing prices and signing business deals
- Responsible for providing direction for the business
- Responsible for preparing financial reports, budgets, and financial statements for the organization
- Ensuring compliance with taxation legislation
- Handles all financial transactions for the company

- Responsible for managing the daily activities in the tap room
- Ensure that the facility is in tip top shape and conducive enough to welcome customers
- Interfaces with vendors

Bartender/Baristas:

- Interact with customers, take orders for drinks and snacks.
- Plan and present tap room menu.
- Check identification of the guest to make sure they meet age requirements for purchase of alcohol and tobacco products.
- Mix ingredients to prepare cocktails and other drinks.
- Prepare alcohol or non-alcohol beverages.
- Assess customers' needs and preferences and make recommendations
- Make lists of supplies in conjunction with the bar manager / management
- Prepare inventory or purchase requisitions as needed to replenish supplies.

SWOT Analysis

- **Strength:**

Our strength as Elevated Coffee Co. & Taphouse are our customer service, an already established business within the Bellevue community.

- **Weakness:**

New taphouse business in a highly competitive metro Omaha.

- **Opportunities:**

No other craft beer taphouse in Bellevue, availability of a wide range of assorted drinks, food and other local products.

- **Threat:**

Starting a business in a period of economic decline

Our Target Market

Elevated Coffee Co. & Taphouse will offer a wide range of services and products hence we are well trained and equipped to service a wide range of clientele base. The target market for our tap room cuts across people of different classes.

We are aware of the competition that exists in the industry in Omaha Metro, but the truth is that even though the level of competition in the tap room business is pretty high, we know how to drive people to our business.

SALES AND MARKETING STRATEGY

- **Sources of Income**

Elevated Coffee Co. & Taphouse is established with the aim of maximizing profits in the industry and we are going to do all it takes to attract clients on a regular basis. We will generate income by offering the following products and services for sale in the shop as well as online.

- Sales of Locally Crafted Beers
- Sales of Assorted local Wines
- Sales of Distilled spirits
- Sales of Liquor
- Packaged Cold Brew Coffee Sales
- Prepared Coffee Drinks
- Roasted Coffee Beans
- Baked goods
- Pizza and panini
- Local goods

Sales forecast

When it comes to taphouse business, if your establishment is welcoming and well stocked and centrally positioned, you will always attract customers cum sales.

We are well positioned to take on the available market in Bellevue and we are quite optimistic that we will meet our set target of generating enough income/profits from the first six months of operations and grow the business and our clientele base.

We have been able to examine the tap room market, we have analyzed our chances in the industry and we have been able to come up with the following sales forecast. Below are the sales projections:

- **First Fiscal Year (FY1): \$150,00**
- **Second Fiscal Year (FY2): \$170,000**
- **Third Fiscal Year (FY3): \$190,00**

This projection was done based on what is obtainable in the industry and with the assumption that there won't be any major economic meltdown and any major competitor offering same products as

we do within same location. Please note that the above projection might be lower and at the same time it might be higher.

- **Marketing Strategy and Sales Strategy**
- Top of the list on our marketing and sale strategy is generating a buzz for our establishment via word-of-mouth and social media. We intend running a standard tap room that can favorably compete with other Taphouses in the area.

Part of the marketing and sales strategies that we will adopt are;

- Open our tap room with a party so as to capture the attention of residents who are our first targets
- Engage in direct marketing and sales
- Encourage the use of Word of mouth marketing (referrals)

Publicity and Advertising Strategy

Although Elevated Coffee Co. & Taphouse is well located in Bellevue, we will still go ahead to intensify publicity for the business. We will ensure that we create the buzz that will make people in and around Bellevue know about us and what we do.

We are quite aware that one of the effective ways of promoting our taphouse is to create special promotions. Here are the platforms we intend leveraging on to promote and advertise:

- Place adverts on electronic media platforms
- Sponsor relevant community programs
- Leverage on the internet and social media platforms like; Instagram, Facebook, Tik Tok, et al to promote our brand
- Run Social media contests and drawings.
- Run specials

Our Pricing Strategy

The prices of our beers, beverages, and food will be what is obtainable in the market. In fact, we will try as much as we can to sell below the industry's average so as to attract loads of customers. We also have plans in place to discount our products and services once in a while and also to reward our loyal customers.

- **Payment Options**

Here are the payment options that Elevated Coffee Co. & Taphouse will make available to clients;

- Payment with cash
- Payment via credit cards

Startup Expenditure (Budget)

- Insurance (general liability, workers' compensation and property casualty) coverage at a total premium – \$1500.
- The cost for tap room facility remodeling – \$5000
- Kitchen remodeling and appliances: \$5000

- Operational cost for the first 3 months (salaries of employees, payments of bills et al) – \$7,000
- The cost for start-up inventory (assorted beers and alcoholic drinks and non-alcoholic drinks) – \$3,000
- The cost for the purchase of furniture, store equipment and serving area– \$3500
- Miscellaneous: \$2500

Generating Funds/Startup Capital for Elevated Coffee Co.& Taphouse

Elevated Coffee Co.& Taphouse is owned by Nick and Leona Soucek and we intend to finance the business alone.

Sustainability

Top on the list of the plans we have to sustain Elevated Coffee Co. & Taphouse is to ensure that we continue to make available a wide range of beers and other alcoholic/non-alcoholic drinks, deliver quality services and engage more local business.

We are aware that our customers are key component to the growth and survival of our business hence we are going to continuously engage them to give us ideas on how to serve them better and the products they want to see in our store.

Check List/Milestone

- Business Name Availability Check: **Completed**
- Business Registration: **Completed**
- Opening of Corporate Bank Accounts: **Completed**
- Securing Point of Sales (POS) Machines: **Completed**
- Opening Mobile Money Accounts: **Completed**
- Opening Online Payment Platforms: **Completed**
- Application and Obtaining Tax Payer's ID: **Completed**
- Application for business license and permit: **Completed**
- Purchase of Insurance for the Business: **Completed**
- Renting of facility and remodeling the facility: **In Progress**
- Writing of Business Plan: **Completed**
- Design of The Company's Logo: **Completed**
- Printing of Promotional Materials: **In Progress**
- Recruitment of employees: **Completed**
- Purchase of the needed furniture, electronic appliances, office appliances and bar accessories: **In progress**
- Creating Official Website for the Company: **In progress**
- Creating Awareness for the business both online and in the neighborhood: **In Progress**
- Health and Safety and Fire Safety Arrangement: **In progress**
- Establishing business relationship with vendors – suppliers of all our needed beer, wine, alcoholic and non – alcoholic drinks: **In Progress**

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

12a.
9/20/2022

COUNCIL MEETING DATE: 09/06/2022	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:

Request to rezone the irregular Westerly 724.67' of Tax Lot 11, located in the the Northwest 1/4 of Section 14, and the irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest 1/4 of Section 14, except rights-of-way, all located in T13N, R13E, of the 6th P.M., Sarpy County, Nebraska from AG ML for the purpose of light industrial development. Applicant: HRC Development, LLC. General Location: Fort Crook Road and Fairveiw Road.

SYNOPSIS/BACKGROUND:

Brian Moffett on behalf of HRC Development, LLC, is requesting to rezone a tract of land described as the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest 1/4 of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest 1/4 of Section 14, except rights-of-way, from AG to ML. The applicant is requesting a zoning change to ML in order to facilitate light industrial development; no platting is being requested at this time. This property abuts the intersection of Fort Crook Road South and Fairview Road.

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 DISTRUBUTION 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 No. 4107
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 Rollins
[Signature]
[Signature]

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: HRC Development, LLC

CASE #: Z-2207-09

CITY COUNCIL HEARING DATE: September 20, 2022

REQUEST: to rezone the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE, from AG to ML for the purpose of industrial development.

On August 25, 2022, the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained:

APPROVAL based upon conformance with the Zoning Ordinance, and Comprehensive Plan, as well as lack of perceived negative impact upon the surrounding area.

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Compton						Perrin
	Hankins						
	Ritz						
	Aerni						
	Cutsforth						
	Ackley						
	Bennett						
	Jacobson						

Planning Commission Hearing (s) was held on: August 25, 2022

**CITY OF BELLEVUE
PLANNING DEPARTMENT**

RECOMMENDATION REPORT # 2

CASE NUMBERS: Z-2207-09

FOR HEARING OF:

REPORT #1: August 25, 2022

REPORT #2: September 20, 2022

I. GENERAL INFORMATION

A. APPLICANT:

HRC Development, LLC
9719 Giles Rd.
LaVista, NE 68128

B. PROPERTY OWNER:

JKKC Properties, LLC
3211 S. 57th Circle
Omaha, NE 68105

C. GENERAL LOCATION:

Fort Crook Road and Fairview Road

D. LEGAL DESCRIPTION:

The Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE.

E. REQUESTED ACTIONS:

1. Rezone the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE, from AG to ML.

F. EXISTING ZONING AND LAND USE:

AG/Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a change of zone to enable light industrial development.

H. SIZE OF SITE:

The site is approximately 55 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently being used agriculturally.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Light Manufacturing/Vacant (across Fairview Rd), ML
- 2. **East:** Agriculture/Vacant, AG
- 3. **South:** Agriculture/Vacant, AG
- 4. **West:** State Right-of-Way

C. REVELANT CASE HISTORY:

1. On September 26, 2013, the Planning Commission recommended approval for a request to rezone Lots 1 through 6, Kennedy Business Park, being a platting of part of Tax Lots 11 and 12, located in Section 14, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to ML for the purpose of light industrial uses; and preliminary plat Lots 1 through 6, Kennedy Business Park. The City Council approved the aforementioned request on November 12, 2013.

2. On July 23, 2020, the Planning Commission recommended approval for a request to rezone the Irregular Westerly 724.67' of Tax Lot 11, Except right-of-way in the NW ¼, located in the NW ¼ of Section 14, T13N, R13E; and the Irregular Tract in the NW corner of Tax Lot 12, Except right-of-way in the SW ¼, located in the SW ¼ of Section 14, T13N, R13E of the 6th P.M., Sarpy County, NE from AG to ML for the purpose of light industrial development. After a number of continuances, the applicant withdrew the request on March 2, 2021, prior to a City Council vote.

3. On August 25, 2022, the Planning Commission recommended approval for a request to rezone the Irregular Westerly 724.67' of Tax Lot 11, located in the

Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way all located in T13N, R13E of the 6th P.M., Sarpy County, NE from AG to ML for the purpose of light industrial development.

D. APPLICABLE REGULATIONS:

1. Section 5.27, Zoning Ordinance, regarding Light Manufacturing.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as light manufacturing.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.
2. This property has access from Fairview Road. In addition, the property also has access from Fort Crook Road South.

D. UTILITIES:

All utilities are available or will be constructed to serve this development.

E. ANALYSIS:

1. Brian Moffett, on behalf of HRC Development, LLC, has submitted a request to rezone a tract of land described as the Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, NE, from AG to ML.
2. This property is presently zoned AG. The applicant is requesting a zoning change to ML in order to facilitate light industrial development. No platting is being requested at this time.
3. This property abuts the intersection of Fort Crook Road South and Fairview Road. This portion of Fort Crook Road South is state right-of-way. Future access

points along Fort Crook Road South will need to be coordinated with the Nebraska Department of Transportation.

4. This application was sent out to the following departments/individuals for review: 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 also stated if the requested department did not have comments pertaining to the application, no response was needed.

Krista Hoffart, Offutt AFB Community Planner, stated the site is not located within Offutt's Accident Potential Zones or noise contours. She further stated, "Due to the location of the parcel, there will be noise associated with flying aircraft, but not considered to be at dangerous levels."

No other comments were received on this case.

5. The intent of the ML district is to provide for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance.

6. The Future Land Use Map of the Comprehensive Plan designates this area as light industrial.

7. In 2013, a preliminary plat and ML rezoning was approved for this property for the purpose of a light industrial park. Mr. Frank Krejci was the applicant at that time. A final plat was never submitted; therefore, a plat was not filed, and the approved ML zoning never went into effect.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance and Comprehensive Plan, as well as lack of perceived negative impact upon the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, and Comprehensive Plan, as well as lack of perceived negative impact upon the surrounding area.

VI. ATTACHMENTS TO REPORT

1. Vicinity map/Zoning Map
2. GIS aerial photo of the property
3. Letter received from Andrew Koster on July 22, 2022

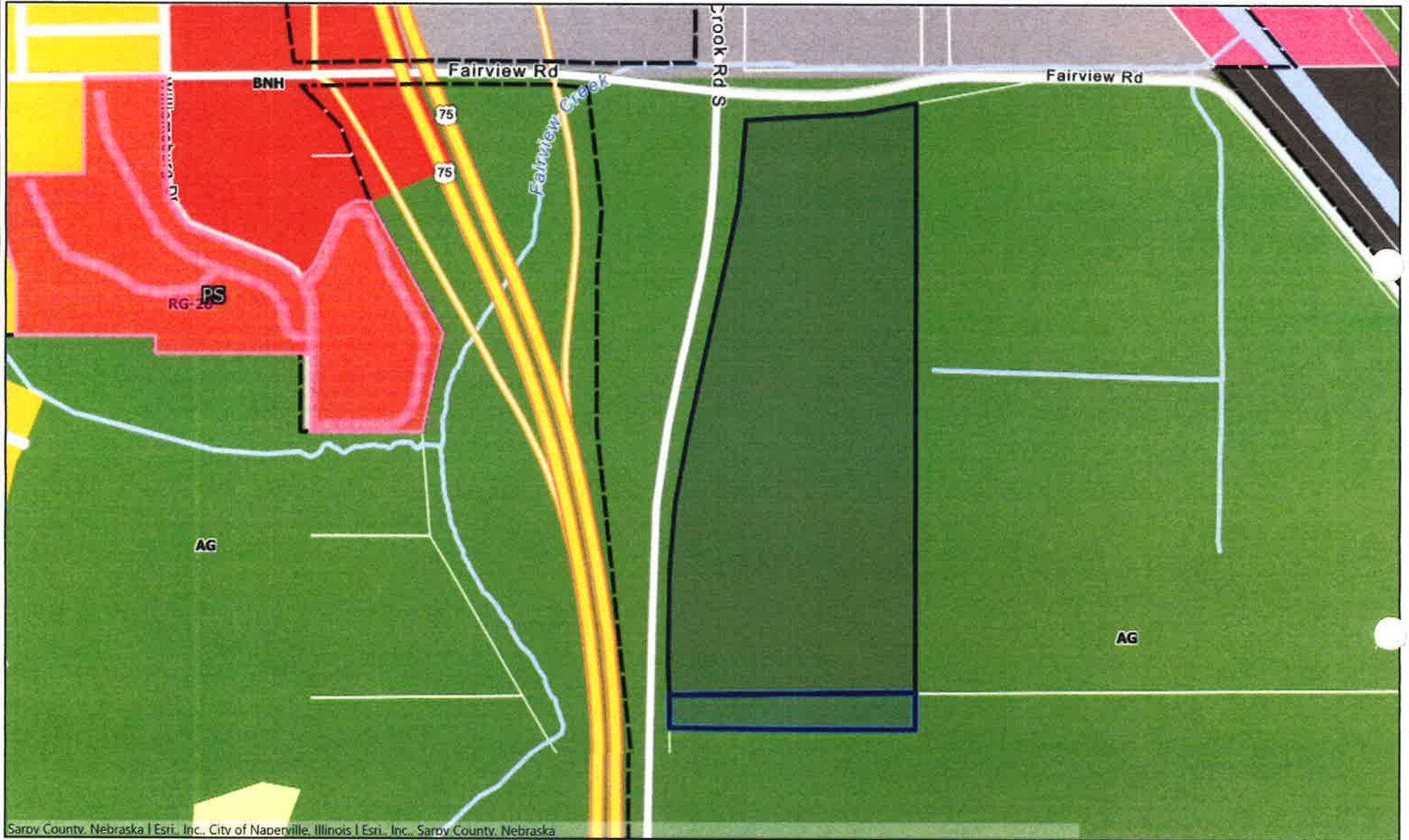
VII. COPIES OF REPORT TO:

1. HRC Development, LLC
2. TD2
3. Public Upon Request

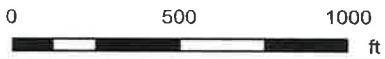

Assistant Planning Manager


Planning Manager

08/29/22
Date of Report

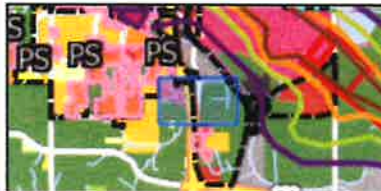


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Map Scale 1: 9028

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Notes



Fort Creek Road and Fairview Road



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Map Scale 1: 9028

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Notes



July 22, 2022

Ms. Tammi Palm
Planning Department
City of Bellevue
210 West Mission Avenue
Bellevue, NE 68005

RE: Southeast Corner Fort Crook Rd and Fairview Rd
Rezoning Application
TD2 File No. 2253-108.1

Ms. Palm:

We are submitting to you herewith on behalf of HRC Development, LLC a rezoning application for the property located on the southeast corner of Fort Crook Rd and Fairview Rd (Parcel ID #s 011592519 and 011592518) containing the following items:

1. Executed Rezoning Application form
2. A check for the filing fee of \$525.00 for a property larger than 5 acres. This development is approximately 55 acres.
3. Two (2) full-size copies of the proposed building site plan and layout.

Rezoning is being requested for a change from AG to ML to allow development of this property for light industrial manufacturing buildings and accompanying infrastructure.

This document and attachments have also been submitted electronically via email (tpalm@bellevue.net).

Submitted by:

THOMPSON, DREESSEN & DORNER, INC.



Andrew A. Koster, P.E.

Enclosures

RECEIVED

JUL 22 2022

PLANNING DEPT.

ORDINANCE NO. 4107

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF BELLEVUE, NEBRASKA, AS PROVIDED FOR BY ARTICLE 3 OF ORDINANCE NO. 4104 BY CHANGING THE ZONE CLASSIFICATION OF LAND LOCATED AT OR ABOUT FORT CROOK ROAD AND FAIRVIEW ROAD, 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 5, of Ordinance No. 4104 is hereby amended to change the zone classification of the following described parcel of land:

The Irregular Westerly 724.67' of Tax Lot 11, located in the Northwest ¼ of Section 14, and the Irregular Tract in the Northwest Corner of Tax Lot 12, located in the Southwest ¼ of Section 14, except rights-of-way, all located in T13N, R13E of the 6th P.M., Sarpy County, Nebraska.

From AG (Agricultural District) to ML (Light Manufacturing District).

(HRC Development, LLC)

Section 2. Except as amended herein, the official zoning map and the classification shown therein shall remain as heretofore existing.

Section 3. 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 _____, 2022.

APPROVED AS TO FORM:

City Attorney

ATTEST

City Clerk

Mayor

First Reading: _____
Second Reading: _____
Third Reading: _____

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

12b.
9/20/2022

COUNCIL MEETING DATE: 09/06/2022	SUBMITTED BY: Tammi Palm	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:

Request to amend Section 5.23.02 (12), City of Bellevue Zoning Ordinance, regarding permitted uses in the BGM (Metropolitan General Business) zoning district regarding multi-family residential density. Applicant: Alex Perry.

SYNOPSIS/BACKGROUND:

Alex Perry has submitted a request to amend the BGM zoning district to allow for multi-family residential development to be constructed at a density of 600 square feet of lot area per unit rather than the 800 square feet of lot area per unit currently allowed.

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:

Both the Planning Department and Planning Commission are requesting approval of this request.

ATTACHMENTS:

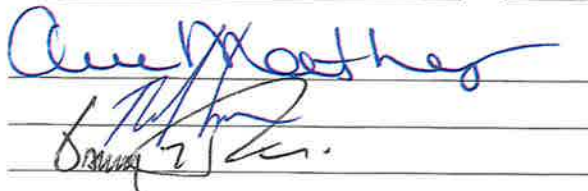
1. PC Recommendation	2. Staff Memo	3. Ordinance No. 4108
4. <input type="text"/>	5. <input type="text"/>	6. <input type="text"/>

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:



City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: Alex Perry

CASE #: 173

CITY COUNCIL HEARING DATE: September 20, 2022

REQUEST: to amend Section 5.23.02 (12), City of Bellevue Zoning Ordinance, regarding permitted uses in the BGM (Metropolitan General Business District) zoning district regarding multi-family residential density.

On August 25, 2022, the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained:

APPROVAL of amendment as presented.

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Compton						Perrin
	Hankins						
	Ritz						
	Aerni						
	Cutsforth						
	Ackley						
	Bennett						
	Jacobson						

Planning Commission Hearing (s) was held on: August 25, 2022



We Influence The World!

City of Bellevue

1500 Wall St • Bellevue, Nebraska • 68005 • 402-293-3000

MEMORANDUM

TO: City Council
Mayor Rusty Hike
City Administrator Jim Ristow

FROM: Tammi Palm, Planning Manager

DATE: August 29, 2022

RE: Text Amendment to BGM Zoning District

Alex Perry has requested an amendment to Section 5.23.02 (12), City of Bellevue Zoning Ordinance, regarding the allowable multifamily residential density.

The applicant states the purpose of the request is “to allow for a minimal increase in multifamily density in the BGM/Olde Towne corridor,” which will help facilitate redevelopment of the city’s core area.

The ordinance currently allows residential uses such as “apartment houses, apartment hotels and mixed business and apartment buildings constructed to the standards of the RG 8 zone.” The RG 8 zoning district allows a multifamily dwelling density of 2,500 square feet of lot area per unit for the first four units, after which the minimum lot area may be 800 square feet per unit. The applicant is requesting this be amended to allow a density of 600 square feet of lot area per unit outside of the first four units.

The Planning Department researched allowed multifamily density in surrounding cities and jurisdictions:

- The City of Papillion has a R-4 multifamily zoning district which is defined as 3 or more units. The first four units require 3,000 square feet of lot area per unit, with 1,500 square feet of lot area required after that. The minimum required lot area is 10,000 square feet.
- LaVista has a R-3 zoning district which is defined as allowing high density residential in areas providing all public facilities and supporting facilities to maintain a sound environment for inhabitants. This zoning district requires 3,000 square feet of lot area for the first 4 units, and 1,500 square feet of lot area for each additional unit. The maximum building coverage in this zoning district is 40%.
- Sarpy County utilizes an RG-15 zoning district which allows for multifamily residential buildings at a density of 1,500 square feet of lot area per unit, with a minimum lot area of 10,000 square feet.
- The City of Omaha has several multifamily zoning districts, to include R-WRN (Walkable Residential Neighborhood District), R-6, R-7, and R-8. The R-7 zoning district allows 40 units

per acre and has a minimum lot size of 1,000 square feet. The R-8 zoning district is a high-density multifamily district “most appropriate in centrally located areas near supporting urban services” and near major institutional, employment, and community centers. This district requires a minimum of 500 square feet of lot area per unit, with a 5,000 square foot minimum lot area.

The BGM zoning district is unique to the Olde Towne area, and generally encompasses the Mission Avenue corridor from Lincoln Road to Main Street, and generally one block to the north and south. The BGM zoning is also carried along Franklin Street from Mission Avenue to West 19th Avenue. The intent of this zoning district is to “provide a general business zone which will take into account the special characteristics of the Central Commercial Area.” A text amendment would only apply to this area of the city.

Olde Towne represents Bellevue’s original core and has a variety of uses on smaller lots. A text amendment to allow higher density would be beneficial to assist in the redevelopment of the corridor. Staff would only be supportive of the decrease in density if it were contingent upon the availability of necessary infrastructure. With any high-density development situation, it is important for the city to make sure infrastructure needs will be met.

As such, staff is recommending the following amendment to Sections 5.23.02 (12):

Section 5.23 BGM Metropolitan General Business District

5.23.01 Intent. This zone is designed to provide a general business zone which will take into account the special characteristics of the Central Commercial Area.

5.23.02 Permitted Uses:

1. Retail and service stores and offices of the following types ranging from small stores to small box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
 - A. Animal hospital.
 - B. Animal specialty services.
 - C. Antique Store.
 - D. Apparel store, tailor shops, dressmaker.
 - E. Art gallery.
 - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
 - G. Automobile parts and supply store.
 - H. Automobile rental store.
 - I. Automotive (light) repair services.
 - J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
 - J. Bank, Savings and Loan Association.
 - K. Barber, beauty shops.
 - L. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
 - M. Book store.
 - N. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
 - O. Candy, ice cream store including manufacture, if all production is sold at retail

on the premises or as retail custom orders for delivery.

- P. Car wash.
- Q. Childcare center.
- R. Commercial parking lots.
- S. Community Center (*Ord. 3802, March 9, 2015*)
- T. Convenient store with limited fuel sales.
- U. Dairy products sales.
- V. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
- W. Dental clinic.
- X. Drug or drug-variety store.
- Y. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loudspeaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
- Z. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two-delivery vehicle outside operation.
- AA. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
- BB. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
- CC. Dry goods store.
- DD. Exercise, Fitness, and Tanning Spa. (*Ord. No. 3911, September 10, 2018*)
- EE. Feed and seed store.
- FF. Florist shop.
- GG. Frame shop.
- HH. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking, or smoking on the premises.
- II. Furniture and antique homes and stores including used furniture store.
- JJ. Furniture (specialty) shops.
- KK. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.
- LL. Garden supply, commercial greenhouses, nursery stock sales yards.
- MM. Gasoline stations.
- NN. General office uses. (*Ord. No. 3984, December 3, 2019*)
- OO. Gift and card shop.
- PP. Grocery, supermarket.
- QQ. Gunsmith.
- RR. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
- SS. Hobby and craft store.
- TT. Interior design firm.
- UU. Jewelry store.
- VV. Laundry (self-service automatic) of not more than 30 washing units.
- WW. Laundry (self-service automatic) of not more than 50 washing units, provided two loading and unloading spaces are provided. (*Ord. No. 3899, February 12,*

2018)

- XX. Liquor stores.
 - YY. Loan office.
 - ZZ. Locksmith.
 - AAA. Machine sales and service (stationery and office)
 - BBB. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
 - CCC. Meat market, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises.
 - DDD. Medical clinics.
 - EEE. Microbreweries and brew pubs.
 - FFF. Music store, music studio.
 - GGG. News and tobacco store.
 - HHH. Outlet retail store.
 - III. Paint, wallpaper, drapery, and floor covering store.
 - JJJ. Pawn shops.
 - KKK. Pet shop, provided that all facilities are fully enclosed.
 - LLL. Photographer, artist, photo finishing, and camera store.
 - MMM. Printing job, when mechanical operation is not visible from a street and employing not over 4 persons.
 - NNN. Real estate sales office.
 - OOO. Restaurant (Drive-in or fast food).
 - PPP. Restaurant (Entertainment).
 - QQQ. Restaurant (General).
 - RRR. Restaurant (Limited).
 - SSS. Secondhand stores.
 - TTT. Shoe repair shop.
 - UUU. Shoe store.
 - VVV. Social club and fraternal organizations, not including uses defined under sexually oriented business.
 - WWW. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
 - XXX. Telephone answering service.
 - YYY. Telephone exchange.
 - ZZZ. Television, radio and small appliance repair.
 - AAAA. Toy and sporting goods store.
 - BBBB. Upholstery shops.
 - CCCC. Variety store.
2. Call center.
 3. Educational Institutions, Business, and Commercial Schools (post-secondary) provided they meet the following conditions:
 - A. Lot Standards: All space limits as specified in the BG zone shall be met.
 - B. Site Plan: Each application shall provide a detailed site plan as required by the Planning Manager.
 4. Governmental Services – administrative Facilities.
 5. Logistical center.
 6. Mortuaries, funeral homes, and funeral chapels.
 7. Motel, Hotel.
 8. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.

9. Radio and television stations, except transmission towers over 35 feet high.
10. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities.
11. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
12. Residential - Apartment houses, apartment hotels and mixed business and apartment buildings constructed to ~~standards of the RG 8 Zone~~ **the minimum density of 600 square feet of lot area per unit outside of the first four units, provided all necessary infrastructure is available as determined by city staff. All other standards of the RG 8 zoning district shall apply.**
13. Residential - Single family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RG 50 Zone.
14. Theater other than drive-in.
(Ord. No. 3716, April 22, 2013)

5.23.03 Conditional Uses:

1. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
2. Communication Towers meeting the requirements as set forth in Section 8.05.

5.23.04 Permitted Accessory Uses:

1. Accessory uses for residential development shall include those listed under the RG 8 or RG 50 Zone depending upon principle use and shall be established and conducted in accordance with the regulations of that zone.
2. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
3. Residential and small wind energy systems, subject to Section 8.10.

5.23.05 Space Limits:

1. Minimum lot area for business: None.
2. Minimum width of lot: None.
3. Maximum height of building: No restriction except by gross floor area ratio.
4. Minimum front yard: None.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: None.
8. Maximum gross floor area ratio: 12.0
9. Maximum ground coverage: 100 percent.

5.23.06 Miscellaneous Provisions:

1. Off-street loading shall be provided for all new buildings. Off-street parking may be provided by governmental or group action. It is not desired that each building supply parking space to meet its full demands on or adjacent to its site in that such an arrangement would tend to spread the BGM district over too large an area to make pedestrian communication and interchange convenient.
2. All signage shall be in conformance with Article 7.
3. All buildings shall conform to building design regulations in Section 8.12.
4. All landscaping shall conform with Article 9.
5. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

PLANNING DEPARTMENT RECOMMENDATION:

APPROVAL of the amendment as presented.

PLANNING COMMISSION RECOMMENDATION:

APPROVAL of the amendment as presented.

ATTACHMENTS:

Letter from Alex Perry received July 29, 2022



July 22, 2022

Attn: City of Bellevue – Planning Department
1510 Wall Street
Bellevue, Nebraska 68005

Re: Text Amendment to 5.23.02 (12) (Permitted Uses in the BGM District)

This letter is to provide additional written justification for the attached Text Amendment Application. The requested amendment will allow for greater flexibility for the redevelopment of the BGM/Old Towne Corridor. Bellevue's original core will benefit from this amendment in a variety of ways.

Most importantly, this amendment will increase the allowable density in a responsible manner, that allows for slightly greater density, while not stressing existing or planned parking or infrastructure. The redevelopment of the Old Towne Corridor will mostly occur on smaller sized lots. This slight increase to allowable density will provide potential developers with a higher chance of making redevelopment projects feasible.

This small increase to allowable density helps create a redevelopment where more people can live, work, and play within short distance of their home. These additional residents are then able to more frequently visit businesses within the walkable corridor area. This helps the retail, food and beverage establishments, and local service businesses be even more successful. Thus, creating a snowball effect, leading to additional redevelopment and investment into Bellevue's original corridor.

Lastly, this amendment allows for additional density to help provide additional workforce housing for Offutt, and other surrounding businesses. Part of the redevelopment of the Old Towne Corridor should be focused on helping local businesses to continue to attract and retain quality employees.

Sincerely,

Alex Perry
Perry Reid Properties

RECEIVED
JUL 29 2022
PLANNING DEPT.

ORDINANCE NO. 4108

AN ORDINANCE TO AMEND SECTION 5.23, ORDINANCE NO. 4104, BELLEVUE ZONING ORDINANCE, RELATING TO ALLOWABLE MULTI-FAMILY RESIDENTIAL DENSITY IN THE BGM (METROPOLITAN GENERAL BUSINESS DISTRICT) ZONING DISTRICT; TO REPEAL SUCH SECTIONS AS HERETOFORE EXISTING; TO PROVIDE AN EFFECTIVE DATE OF THE ORDINANCE.

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

Section 1. That Section 5.23 of Ordinance No. 4104 is hereby amended to read as follows:

Section 5.23 BGM Metropolitan General Business District

5.23.01 Intent. This zone is designed to provide a general business zone which will take into account the special characteristics of the Central Commercial Area.

5.23.02 Permitted Uses:

1. Retail and service stores and offices of the following types ranging from small stores to small box retail, provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open and further provided that all waste material be kept within a sight obscuring enclosure:
 - A. Animal hospital.
 - B. Animal specialty services.
 - C. Antique Store.
 - D. Apparel store, tailor shops, dressmaker.
 - E. Art gallery.
 - F. Automatic vending structures when located on that portion of a lot on which a principal building is permitted.
 - G. Automobile parts and supply store.
 - H. Automobile rental store.
 - I. Automotive (light) repair services.
 - J. Bakery, custom, selling all production at retail on the premises or as retail custom orders for delivery.
 - J. Bank, Savings and Loan Association.
 - K. Barber, beauty shops.
 - L. Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles.
 - M. Book store.
 - N. Bowling alley, trampoline or rebound equipment center miniature golf, pool hall, dance hall, kiddy parks, skating rinks.
 - O. Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery.
 - P. Car wash.
 - Q. Childcare center.
 - R. Commercial parking lots.
 - S. Community Center (*Ord. 3802, March 9, 2015*)
 - T. Convenient store with limited fuel sales.
 - U. Dairy products sales.
 - V. Dancing studios and schools including group instruction, not including those classified under sexually oriented business.
 - W. Dental clinic.
 - X. Drug or drug-variety store.

- Y. Drive-in uses for permitted businesses shall be allowed, provided that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close woven or solid fence on all but the front side; that no music or loudspeaker system shall be installed that may be heard at neighboring residential properties and that no lighting shall shine on neighboring properties used for residential purposes.
- Z. Dry cleaning and laundry establishments using only non-flammable solvents and not over 1,200 square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two-delivery vehicle outside operation.
- AA. Dry cleaning (self-service automatic) establishments of not more than 10 cleaning units.
- BB. Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein.
- CC. Dry goods store.
- DD. Exercise, Fitness, and Tanning Spa. (*Ord. No. 3911, September 10, 2018*)
- EE. Feed and seed store.
- FF. Florist shop.
- GG. Frame shop.
- HH. Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking, or smoking on the premises.
- II. Furniture and antique homes and stores including used furniture store.
- JJ. Furniture (specialty) shops.
- KK. Garages for the storage of automobiles, but not including major repair, body and fender work or painting.
- LL. Garden supply, commercial greenhouses, nursery stock sales yards.
- MM. Gasoline stations.
- NN. General office uses. (*Ord. No. 3984, December 3, 2019*)
- OO. Gift and card shop.
- PP. Grocery, supermarket.
- QQ. Gunsmith.
- RR. Hardware and appliance store and small tool rental when incidental to a hardware or other business.
- SS. Hobby and craft store.
- TT. Interior design firm.
- UU. Jewelry store.
- VV. Laundry (self-service automatic) of not more than 30 washing units.
- WW. Laundry (self-service automatic) of not more than 50 washing units, provided two loading and unloading spaces are provided. (*Ord. No. 3899, February 12, 2018*)
- XX. Liquor stores.
- YY. Loan office.
- ZZ. Locksmith.
- AAA. Machine sales and service (stationery and office)
- BBB. Manufacturing and repair (extremely light, professional type) of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture.
- CCC. Meat market, retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises.
- DDD. Medical clinics.
- EEE. Microbreweries and brew pubs.
- FFF. Music store, music studio.
- GGG. News and tobacco store.
- HHH. Outlet retail store.
- III. Paint, wallpaper, drapery, and floor covering store.
- JJJ. Pawn shops.
- KKK. Pet shop, provided that all facilities are fully enclosed.
- LLL. Photographer, artist, photo finishing, and camera store.
- MMM. Printing job, when mechanical operation is not visible from a street and employing not over 4 persons.
- NNN. Real estate sales office.
- OOO. Restaurant (Drive-in or fast food).

- PPP. Restaurant (Entertainment).
- QQQ. Restaurant (General).
- RRR. Restaurant (Limited).
- SSS. Secondhand stores.
- TTT. Shoe repair shop.
- UUU. Shoe store.
- VVV. Social club and fraternal organizations, not including uses defined under sexually oriented business.
- WWW. Tavern, cocktail lounge, club operated as a tavern or cocktail lounge.
- XXX. Telephone answering service.
- YYY. Telephone exchange.
- ZZZ. Television, radio, and small appliance repair.
- AAAA. Toy and sporting goods store.
- BBBB. Upholstery shops.
- CCCC. Variety store.
- 2. Call center.
- 3. Educational Institutions, Business, and Commercial Schools (post-secondary) provided they meet the following conditions:
 - A. Lot Standards: All space limits as specified in the BG zone shall be met.
 - B. Site Plan: Each application shall provide a detailed site plan as required by the Planning Manager.
- 4. Governmental Services – administrative Facilities.
- 5. Logistical center.
- 6. Mortuaries, funeral homes, and funeral chapels.
- 7. Motel, Hotel.
- 8. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
- 9. Radio and television stations, except transmission towers over 35 feet high.
- 10. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities.
- 11. Recreational Facilities (Indoor and Outdoor), with the exception of golf courses.
- 12. Residential - Apartment houses, apartment hotels and mixed business and apartment buildings constructed to the minimum density of 600 square feet of lot area per unit outside of the first four units, provided all necessary infrastructure is available as determined by city staff. All other standards of the RG-8 zoning district shall apply.
- 13. Residential - Single family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RG 50 Zone.
- 14. Theater other than drive-in.
(Ord. No. 3716, April 22, 2013)

5.23.03 Conditional Uses:

- 1. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a business building or on the same lot as a business building.
- 2. Communication Towers meeting the requirements as set forth in Section 8.05.

5.23.04 Permitted Accessory Uses:

- 1. Accessory uses for residential development shall include those listed under the RG 8 or RG 50 Zone depending upon principle use and shall be established and conducted in accordance with the regulations of that zone.
- 2. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
- 3. Residential and small wind energy systems, subject to Section 8.10.

5.23.05 Space Limits:

- 1. Minimum lot area for business: None.
- 2. Minimum width of lot: None.

3. Maximum height of building: No restriction except by gross floor area ratio.
4. Minimum front yard: None.
5. Minimum rear yard: None.
6. Minimum side yard: None.
7. Minimum side yard on street side of corner: None.
8. Maximum gross floor area ratio: 12.0
9. Maximum ground coverage: 100 percent.

5.23.06 Miscellaneous Provisions:

1. Off-street loading shall be provided for all new buildings. Off-street parking may be provided by governmental or group action. It is not desired that each building supply parking space to meet its full demands on or adjacent to its site in that such an arrangement would tend to spread the BGM district over too large an area to make pedestrian communication and interchange convenient.
2. All signage shall be in conformance with Article 7.
3. All buildings shall conform to building design regulations in Section 8.12.
4. All landscaping shall conform with Article 9.
5. Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

Section 2. That Sections 5.23 of Ordinance No. 4104, Bellevue Zoning Ordinance, as heretofore existing are hereby repealed.

Section 3. That this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

ADOPTED by the Mayor and City Council this ___ day of _____, 2022.

APPROVED AS TO FORM:

City Attorney

ATTEST

City Clerk

Mayor

First Reading: _____

Second Reading: _____

Third Reading: _____

**CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET**

**12c.
9/20/2022**

COUNCIL MEETING DATE: 09/06/2022	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:

Request to rezone Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with 1/2 of vacated 37th Street adjacent thereto, all located in the Northeast 1/4 of Section 20, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska from BG and RS-72 to RS-72 for the construction of a church; and small subdivision plat Lot 1, Roca De Salvacion Addition. Applicant: Fortino Ramirez. General Location: 8806 South 36th Street.

SYNOPSIS/BACKGROUND:

Fortino Ramirez, on behalf of Salvacion/Iglesia, is requesting approval of a change of zone and small subdivision plat for Lot 1, Roca De Salvacion Addition, from BG and RS-72 to RS-72. Lot 3, Block 1, Vey's Hill Haven Addition, is a non-conforming BG zoned lot developed with a single family residence and outbuildings. The applicant is requesting the RS-72 zoning to remain consistent with the adjacent neighborhood and to facilitate a conditional use permit for the construction of a church.

FISCAL IMPACT:	BUDGETED FUNDS?: NO	GRANT/MATCHING FUNDS?: NO
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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. Rezoning Ordinance No. 4109
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

A. Bree Robbins

Tammi Palm

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: Fortino Ramirez
CASE #'s: Z-2206-08 and S-2206-16
CITY COUNCIL HEARING DATE: September 20, 2022

REQUEST: to rezone Lot 1, Roca De Salvacion Addition, being replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with 1/2 of vacated 37th Street adjacent thereto, from BG and RS-72 to RS-72 for the purpose of a church; and small subdivision plat Lot 1, Roca De Salvacion Addition.

On August 25, 2022, the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained:

APPROVAL based upon conformance with the Zoning Ordinance, and lack of perceived negative impact upon the surround area.

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Compton						Perrin
	Hankins						
	Ritz						
	Aerni						
	Cutsforth						
	Ackley						
	Bennett						
	Jacobson						

Planning Commission Hearing (s) was held on: August 25, 2022



CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 2

CASE NUMBERS: Z-2206-08
S-2206-16

FOR HEARING OF:
REPORT #1: August 25, 2022
REPORT #2: September 20, 2022

I. GENERAL INFORMATION

A. APPLICANT:

Fortino Ramirez
2858 Sprague Street
Omaha, NE 68108

B. PROPERTY OWNERS:

Salvacion/Iglesia
8806 S. 36th Street
Bellevue, NE 68147

C. GENERAL LOCATION:

8806 S 36th Street

D. LEGAL DESCRIPTION:

Lot 1, Roca De Salvacion Addition, being a replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with ½ of vacated 37th Street adjacent thereto, all located in the Northeast ¼ of Section 20, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lot 1, Roca De Salvacion Addition, from BG and RS-72 to RS-72.
2. Small subdivision plat Lot 1, Roca De Salvacion Addition

F. EXISTING ZONING AND LAND USE:

BG and RS-72, Single-Family Residential/Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a change of zone and small subdivision plat approval to facilitate a conditional use permit request to allow for the construction of a church.

H. SIZE OF SITE:

The site is approximately 4.88 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

Lot 3, Block 1, Vey's Hill Haven Addition, is developed with a single family residence and outbuildings. The remainder of the property is vacant and covered in vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Single Family Residential/RS-72 (across Marie Street)
2. **East:** Single Family Residential/ RS-72 (across S. 36th Street)
3. **South:** OPPD Substation/RS-72
4. **West:** Vacant (OPPD property)/RS-72

C. REVELANT CASE HISTORY:

On August 25, 2022, the Planning Commission recommended approval of a request to rezone Lot 1, Roca De Salvacion Addition, being a replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and the South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with ½ of vacated 37th Street adjacent thereto, all located in the Northeast ¼ of Section 20, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, from BG and RS-72 to RS-72, and small subdivision plat Lot 1, Roca De Salvacion Addition.

D. APPLICABLE REGULATIONS:

1. Section 5.10, Zoning Ordinance, regarding RS-72 uses and requirements.
2. Chapter 5, Subdivision Regulations, regarding Small Subdivisions.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as medium density residential and commercial.

B. OTHER PLANS:

If the applicant's zoning and platting is approved, he is requesting a conditional use permit for the purpose of a church on the property.

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.
2. The property currently has access from a private driveway off South 36th Street.

D. UTILITIES:

All utilities are available or will be constructed to serve this development.

E. ANALYSIS:

1. Fortino Ramirez, on behalf of Salvacion/Iglesia is requesting approval of a rezoning and small subdivision plat for Lot 1, Roca De Salvacion Addition, from BG and RS-72 to RS-72. The applicant is requesting the RS-72 zoning to remain consistent with the adjacent neighborhood and to facilitate a conditional use permit for the construction of a church. Section 5.10.03 allows churches as a conditional use permit in the RS-72 zoning district.
2. Lots 3, Block 1, Vey's Hill Haven Addition, is a non-conforming BG (General Business) zoned lot developed with a single family residence and outbuildings. The remainder of the property is currently vacant.
3. The applicant is requesting a change of zone from BG and RS-72 to RS-72. This zoning is consistent with the adjacent single family residential neighborhood as well as Omaha Public Power District's (OPPD) property.
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, Sarpy County Public Works Department, Sarpy County Administrator, and the Omaha 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.

Public Works Engineer Matt Knight requested technical revisions to the small subdivision plat. The applicant's surveyor has since satisfied these comments.

No other comments were received in this case.

5. The Future Land Use Map of the Comprehensive Plan shows these properties as commercial and medium density residential based on its current zoning.
6. Staff believes this zoning request is compatible with the surrounding neighborhoods.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, and lack of perceived negative impact upon the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, and lack of perceived negative impact upon the surrounding area.


VI. ATTACHMENTS TO REPORT


1. Vicinity map/Zoning Map
2. 2020 GIS aerial photo of the property
3. Justification letter received June 24, 2022
4. Small Subdivision Plat received August 5, 2022

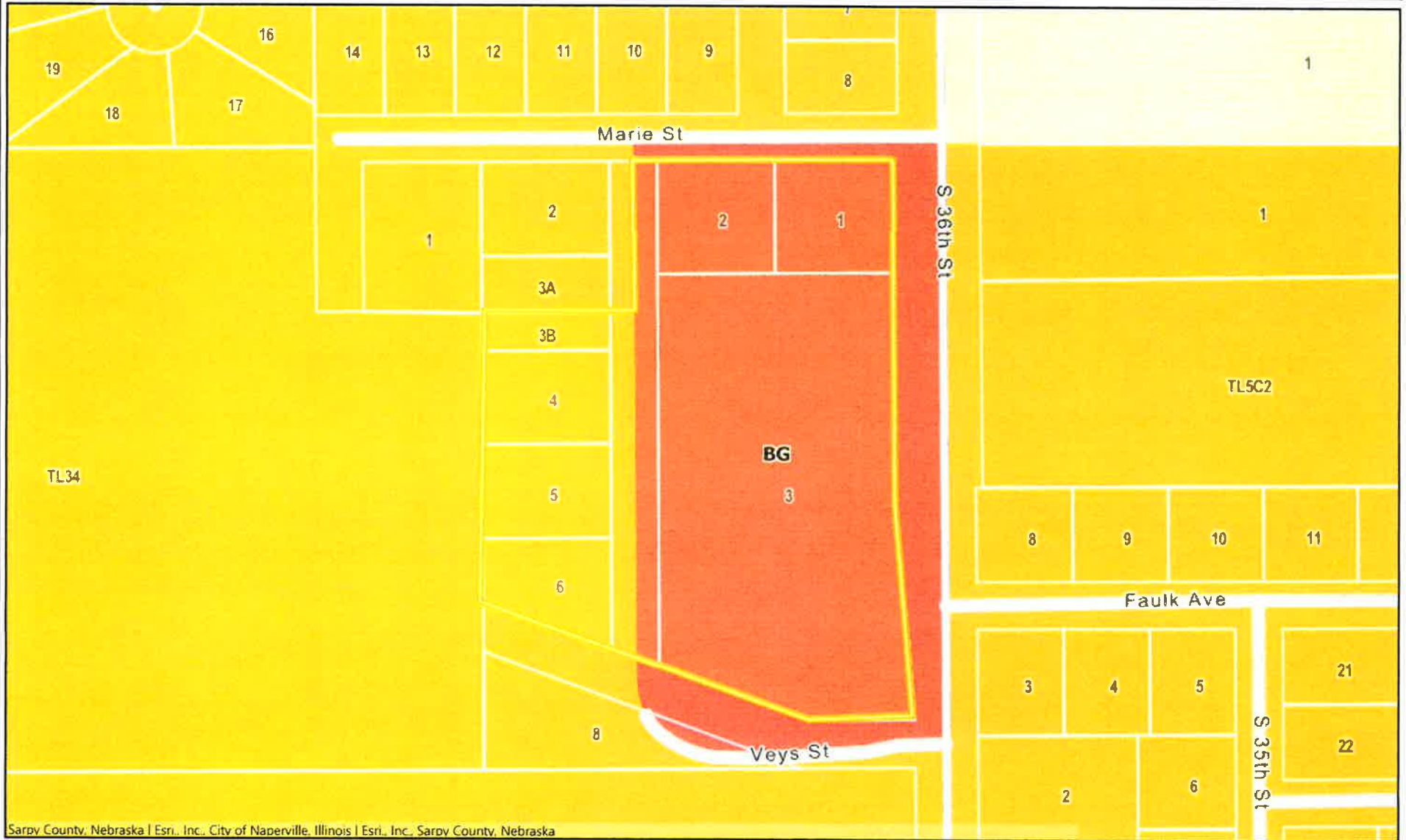
VII. COPIES OF REPORT TO:

1. Fortino Ramirez
2. Salvacion/Iglesia – Otoniel Garcia
3. Dennis Whitfield
4. Public Upon Request

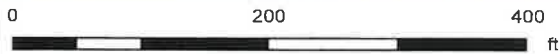

Assistant Planning Manager


Planning Manager


Date of Report

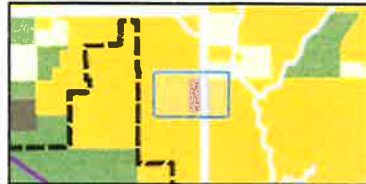


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



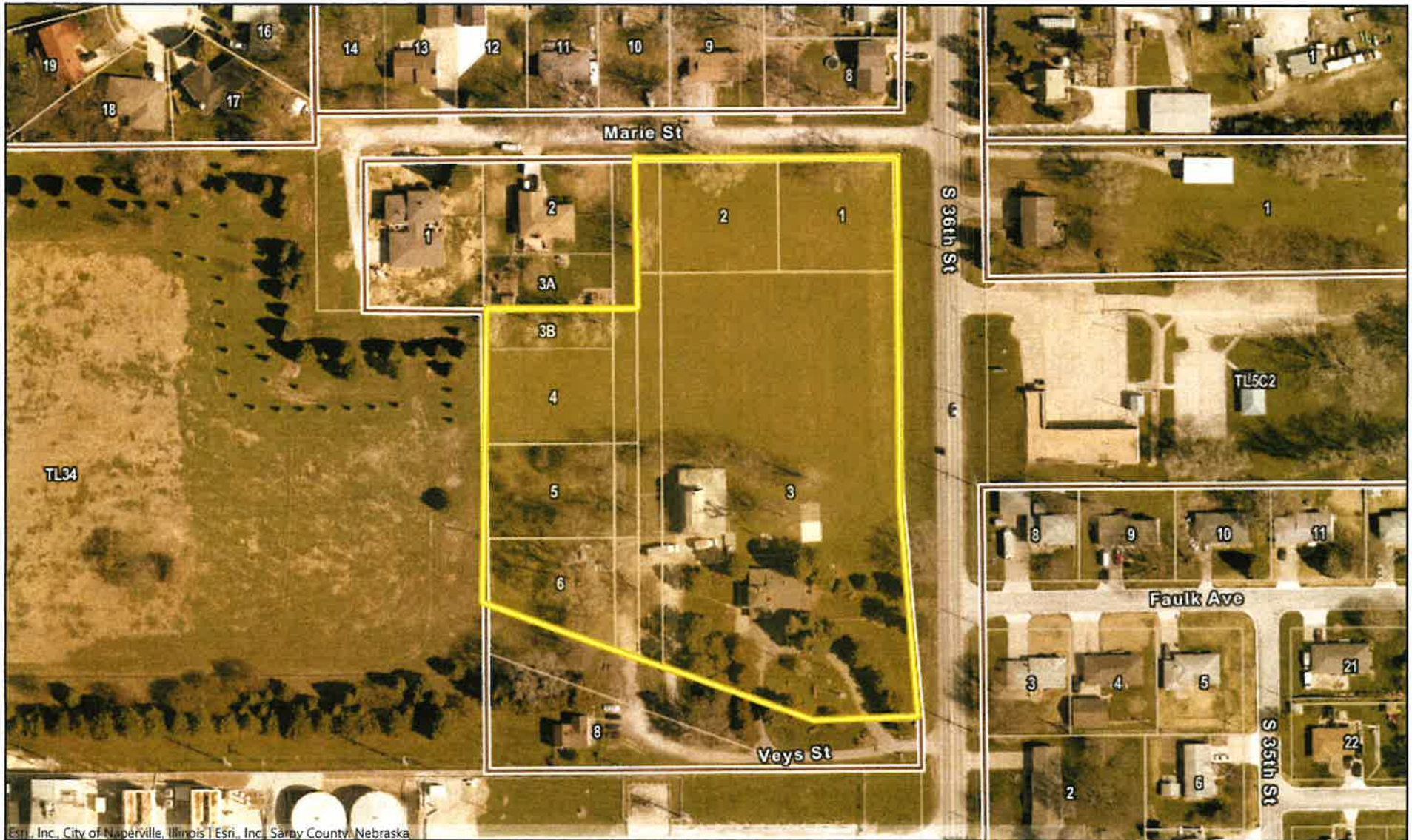
Map Scale 1: 2257

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.

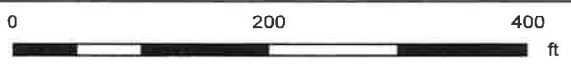


Notes





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Map Scale 1: 2257

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





June 24, 2022

City of Bellevue
Planning Department
1510 Wall Street
Bellevue, NE, 68005

Re: Lots 1, 2 & 3 of Block 1 Vey's Hill Haven Addition, City of Bellevue, NE – Request for Rezone Justification Letter

To whom it may concern:

This letter is in support of the application to rezone Lots 1, 2 and 3 of Block 1 within Vey's Hill Haven Addition from the existing zoning BG, General Business District to RS-72, Single-Family Residential.

Located at the southwest corner of the 36th and Marie Street intersection, the currently zoned BG lots are surrounded by RS-72 and RE (Residential Estates) zoning. As currently permitted under the RS-72 district provided a conditional use permit; the current owner, Iglesia Pentecostes Roca de Salvacion, a local Christian religious group, intends to rezone to complement adjacent lots and request a conditional use permit to construct a new building that will be used together with (2) existing structures (1 barn, 1 residential home) for church related activities.

It is also the intent of the owner to combine in a replat the currently zoned BG lots with adjacent RS-72 lots, 3B, 4, 5 and 6 of Block 2, Vey's Hills Addition, into one single lot zoned RS-72. The combination of lots and rezoning is required to provide sufficient space to construct the proposed building together with supporting driveways, parking lots, landscaping, utilities, and stormwater mitigation.

For this reason, in addition to a submitted rezoning application that is consistent with Zoning Ordinance No. 3619 of the City of Bellevue, we respectfully request the rezoning is approved as submitted.

Should you need additional information, please do not hesitate to contact me by e-mail at framirez@trekkdesigngroup.com or by phone (402) 216-7716.

Sincerely,
TREKK Design Group, LLC

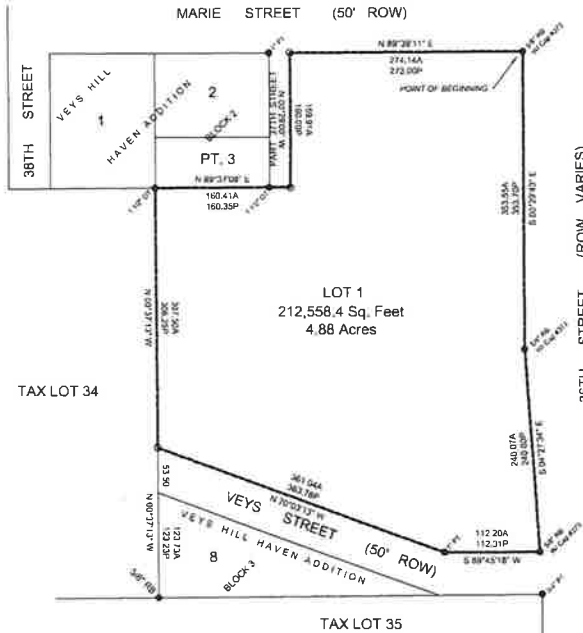
A handwritten signature in black ink that reads "Fortino Ramirez". The signature is written in a cursive style with a large, stylized "F" and "R".

Fortino Ramirez, PE
Project Manager

ROCA DE SALVACION ADDITION

LOT 1

Being a replat of all of Lots 1, 2 and 3, Block 1, the South 40.0 feet of Lot 3 and all of Lots 4, 5 and 6, Block 2, all in VEYS HILL HAVEN ADDITION as surveyed, platted and recorded in the Northeast 1/4 of Section 20, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, together with 1/2 Vacated 37th Street adjacent thereto.



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 ROCA DE SALVACION ADDITION, being a replat of all of Lots 1, 2 and 3, Block 1, the South 40.0 feet of Lot 3 and all of Lots 4, 5 and 6, Block 2, all in VEYS HILL HAVEN ADDITION as surveyed, platted and recorded in the Northeast 1/4 of Section 20, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, together with 1/2 Vacated 37th Street adjacent thereto, more particularly described as follows:
 Beginning at the Northeast corner of said Lot 1, Block 1, thence S 00° 29' 43" E, (assumed bearing) along the West Right-of-Way line of 36th Street a distance of 353.55 feet; thence continuing along said West Right-of-Way line S 04° 27' 34" East a distance of 240.07 feet to the Southeast corner of said Lot 3, Block 1; thence South 89° 45' 18" West along the North Right-of-Way line of Veys Street a distance of 112.20 feet; thence continuing along said Right-of-Way North 00° 03' 13" West a distance of 361.04 feet to the Southwest corner of said Lot 6, Block 2; thence North 00° 37' 13" West along the West line of said Lots 6, 5, 4 and part of 3, Block 2, a distance of 307.50 feet; thence North 89° 37' 08" East along a line 40.0 feet North of and parallel to the South line of Lot 3, Block 2, a distance of 160.41 feet to a point on the Centerline of 37th Street; thence North 00° 29' 00" West along said Centerline a distance of 159.91 feet to a point on the South Right-of-Way line of Marie Street; thence North 89° 38' 11" East along said Right-of-Way a distance of 274.14 feet to point of beginning and containing 4.88 acres more or less.

Dennis L. Whitfield, P.E., L.S., L.S. 449

Date: 6-22-22

RECEIVED

AUG 05 2022

PLANNING DEPT.

DEDICATION

Know all men by these presents that I, Otoniel Garcia, President of Iglesia Pentecostes Roca De Salvacion, a Nebraska non-profit corporation, being the owner 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 "ROCA DE SALVACION ADDITION", and I do hereby ratify and approve of the deposition of the property as shown on this plat, and I do hereby dedicate to the public for public use, the street and we do 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 subdivider 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 cut-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 rights herein granted.

In witness whereof, I do set my name this ____ day of _____, 2022.

Otoniel Garcia, President
Iglesia Pentecostes Roca De Salvacion

ACKNOWLEDGEMENT OF NOTARY

State of Nebraska)
) SS
 County of _____)
 On this ____ day of _____, 20____, before me, a Notary Public duly commissioned and qualified in and for said County, appeared Otoniel Garcia, President of Iglesia Pentecostes Roca De Salvacion, a Nebraska non-profit corporation, known by me to be the identical person whose name is affixed to the Dedication on this Plat, and did acknowledge the execution inherent to be his 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

BELLEVUE CITY COUNCIL APPROVAL

This Plat of "ROCA DE SALVACION ADDITION" was approved by the City Council of Bellevue on this ____ Day of _____, 20____. Approval of this final Plat shall become null and void Ninety (90) days from the date of City Council approval if this Plat is not filed with the Register of Deeds as provided in Section 4-10 of the City of Bellevue Subdivision Regulations.

Mayor

Attest

APPROVAL OF CITY OF BELLEVUE PLANNING COMMISSION

This Plat of "ROCA DE SALVACION ADDITION" was approved by the City of Bellevue Planning Commission.

Chairman of City Planning Commission Date

REVIEWED BY SARPY COUNTY PUBLIC WORKS

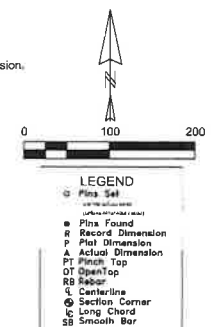
This Plat of "ROCA DE SALVACION ADDITION" was reviewed by the Sarpy County Surveyor's Office.

Sarpy County Engineer / Surveyor Date

Reserved for Sarpy County Deeds Office

ROCA DE SALVACION ADDITION
City of Bellevue - Small Subdivision

D_WS Land Surveying
2915 Sheridan Road, Bellevue, NE 68123



Date: 6-22-22
 Project: 126-13 FINAL
 Sheet: 1 of 1

ORDINANCE NO. 4109

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF BELLEVUE, NEBRASKA, AS PROVIDED FOR BY ARTICLE 3 OF ORDINANCE NO. 4104 BY CHANGING THE ZONE CLASSIFICATION OF LAND LOCATED AT OR ABOUT 8806 SOUTH 36TH 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 5, of Ordinance No. 4104 is hereby amended to change the zone classification of the following described parcel of land:

Lot 1, Roca De Salvacion Addition, being replat of Lots 1, 2, and 3, Block 1, Vey's Hill Haven Addition and South 40' of Lot 3, and all of Lots 4, 5, and 6, Block 2, Vey's Hill Haven Addition, together with 1/2 of vacated 37th Street adjacent thereto, all located in the Northeast 1/4 of Section 20, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

From BG (General Business District) and RS-72 (Single Family Residential - 7,200 Square Foot Zone) to RS-72 (Single-Family Residential – 7,200 Square Foot Zone)

(Fortino Ramirez)

Section 2. This ordinance shall not take effect until such time as the small subdivision plat of Roca De Salvacion Addition, 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 _____, 2022.

APPROVED AS TO FORM:

City Attorney

ATTEST

City Clerk

Mayor

First Reading: _____

Second Reading: _____

Third Reading: _____

Building opposition:

12c. and 14a.

Sept. 19, 2022

SIR, Ma'am,

I Am Herminia Parker
at 3616 Marie St, that my property
is 300 Ft. to the so called planned
to build a church.

that I am opposing
Case # Z-2206-08

CUP-2206-03

Location 8806 S. 36th Street

Applicant Fortino Ramirez

Purpose A Church.

ATT: SUSAN BLUTHE

Herminia L. Parker

RECEIVED

SEP 19 2022

CITY CLERK

Susan Kluthe

From: Dan Riha <Driha@mdwstelectrical.com>
Sent: Monday, September 19, 2022 3:29 PM
To: Tammi Palm; Susan Kluthe
Subject: [EXT] Case # Z-2206-08, CUP-2206-03 Fortino Ramirez/Church on 36th St.

RECEIVED

SEP 19 2022

CITY CLERK

Hi Susan & Tammi,

My name is Daniel Riha. Unfortunately I will not be able to make it to the meeting tomorrow night at 6 PM. I just tested positive for Covid, and would really like to be at the meeting but don't want to get anyone sick. I was going to see if I could bring up a couple of my concerns regarding the church that is set to go up on 36th St. Case # Z-2206-08, CUP-2206-03 Applicant : Fortino Ramirez.

I live at 3703 Marie St. Bellevue, NE 68147 (The adjoining property to the church)

I guess ultimately my biggest concern, is the landscape buffer that Fortino and I had a meeting about. We met and discussed what we would like to happen and he said that he felt we were not asking too much of the church. what was proposed was a "shelter belt" around my property on the east side of my property as well as the southside. Fortino talked about possibly building a berm that was raised 2 to 3 ft. in the middle, with fat Albert evergreen trees on either side of it and shrubs planted through the middle basically surrounding my whole property basically a double layer shelter belt around my property, which I was all right with because I believe that would give us good privacy. One of the main concerns that I brought up is, if you look on Google maps it shows a bunch of trees to the south of my property, and those have since been cut down by the church. (Fortino was unaware of this in our meeting) So I am wanting to make sure they are going to plant that shelter belt of fat Albert trees or something very similar all the way down my east and south property line. I am just hoping to have the best landscape buffer possible to prevent sound and light from cars and buildings from coming onto my property. They talked about a 20 foot landscape buffer around my property which ultimately I don't think is very much but I guess if it meets the city codes there's not much I can do about it.

I just hope the board looks into this, as someone who bought a house surrounded by fields and wildlife is now going to have pavement, noise, and lights surrounding his house as well as an active church. I am just hoping to have the absolute most amount of privacy possible.

I spoke with Tammi Palm On Feb. 3rd and she assured me that the City Of Bellevue really likes it's landscape buffers and planting trees and shrubs and protecting existing residences privacy from new construction going up. (I really hope this is taken into consideration) She also told me that one of her suggestions she was going to propose to Fortino was to move the church building closer to 36th St. to help keep noise and light levels down to those currently living on Marie Street. (My thought behind this is, they are proposing a 57 1/2 foot setback from 36th St., but only a 20 foot setback from the existing residences, why can't we move the church building closer to 36th St.)

In conclusion I just really hope everyone takes into consideration the people currently residing on Marie Street and the amount of noise, light, and traffic that is all going to come with this new church project. For years we have been used to having fields with deer and turkeys walking through our backyards. And now that is all going to change. It was like we almost lived outside of city limits. Now our backyard is going to be all pavement. My wife and I bought this as our first house approximately three years ago when I was 23 years old and she was 24 and we were hoping for a quiet secluded street with minimal noise and lights. Sitting on our back deck or around our fire pit in our backyard in the evening has been one of our favorite hobbies/relaxation times after a long day's work. It was actually the whole reason we chose and bought the house we did. Privacy.

In the letter I got from the City Of Bellevue, it states that copies will be made and given to each of the city Council members and I really hope that they can take this letter and read it, and stop and think for a minute if they lived in my house what they would want done with this drastic change that is about to come. (I'm guessing everyone would want the best landscape buffer possible)

I really hope everyone can take all of this into consideration when it comes time to deciding on the landscaping surrounding my property. If anyone would like to talk, My phone number is 402-669-2771

Thank you and have a great day,

Dan & Melissa Riha

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 09/20/2022		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 for a Conditional Use Permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church. Applicant: Fortino Ramirez. Location: 8806 South 36th Street.

SYNOPSIS/BACKGROUND:

Fortino Ramirez, on behalf of Salvacion/Iglesia is requesting approval of a Conditional Use Permit (CUP) for Lot 1, Roca De Salvacion Addition, for the purpose of a church. The applicant has submitted a site plan showing the proposed location for the church facility. The site plan shows a church building consisting of a main assembly area, fellowship hall, classrooms/library, and a club/organizational hall. The existing single family residence will be used as a parsonage and the barn will be used for church related activities. A landscape plan was submitted as part of the site plan, which meets the minimum zoning requirements.

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 request.

ATTACHMENTS:

1. Planning Commission Recommendation Sheet	2. Staff Report	3. Conditional Use Permit Agreement
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. Bruce Rollins
[Signature]
[Signature]

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: Fortino Ramirez
CASE #: CUP-2206-03
CITY COUNCIL HEARING DATE: September 20, 2022

REQUEST: for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church.

On August 25, 2022, the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained:

APPROVAL based upon conformance with Section 6.06, Zoning Ordinance, as well as lack of perceived negative impact upon the surrounding area.

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Compton						Perrin
	Hankins						
	Ritz						
	Aerni						
	Cutsforth						
	Ackley						
	Bennett						
	Jacobson						

Planning Commission Hearing (s) was held on: August 25, 2022

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 2

CASE NUMBER: CUP-2206-03

FOR HEARING OF:

REPORT #1: August 25, 2022

REPORT #2: September 20, 2022

I. GENERAL INFORMATION

A. APPLICANT:

Fortino Ramirez
2858 Sprague Street
Omaha, NE 68111

B. PROPERTY OWNERS:

Salvacion/Iglesia
Attn: Otoniel Garcia
8806 South 36th Street
Bellevue, NE 68147

C. GENERAL LOCATION:

8806 South 36th Street

D. LEGAL DESCRIPTION:

Lot 1, Roca De Salvacion Addition, located in the Northeast ¼ of Section 20, T14N, R13E of the 6th P.M., Sarpy County Nebraska.

E. REQUESTED ACTIONS:

Request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church.

F. EXISTING ZONING AND LAND USE:

BG and RS-72, Single-Family Residential/Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval of a conditional use permit to allow for the construction of a church.

H. SIZE OF SITE:

The site is approximately 4.88 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

A single-family residence and outbuildings are presently developed on the site.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single Family Residential/RS-72 (across Marie Street)
- 2. **East:** Single Family Residential, RS-72 (across S. 36th Street)
- 3. **South:** OPPD Substation/RS-72
- 4. **West:** Vacant (OPPD Property), RS-72

C. REVELANT CASE HISTORY:

On August 25, 2022, the Planning Commission recommended approval of a request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church.

D. APPLICABLE REGULATIONS:

- 1. Section 5.10, Zoning Ordinance, regarding RS-72 uses and requirements.
- 2. Article 6, Zoning Ordinance regarding Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this property as medium density residential and commercial.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information for this area.
2. The property has access from a private driveway off South 36th Street.

D. UTILITIES:

All utilities are available or will be constructed to serve this property.

E. ANALYSIS:

1. Fortino Ramirez, on behalf of Salvacion/Iglesia, has submitted a request for a conditional use permit for Lot 1, Roca De Salvacion Addition, for the purpose of a church.
2. The applicant has also submitted a rezoning request from BG and RS-72 to RS-72. The RS-72 zoning district lists “religious institutions such as churches, synagogues, chapels, and similar places of religious worship and instruction when located in a substantial structure and on a site of at least two acres” as a conditional use.
3. The applicant has submitted a site plan showing the proposed location for the church facility. The main assembly hall will seat 324 people. Based on this projected seating, 81 parking stalls are required. The site plan shows 95 stalls.
4. The site plan shows a church building consisting of a main assembly church area, fellowship hall, classrooms/library, and a club/organizational hall. The existing single family residence will be used as a parsonage and the barn will be used for church related activities.

The classrooms/library and club/organizational hall are shown as a future addition.

A copy of the applicant’s letter detailing his request is attached to this report for reference.

5. A landscape plan was submitted as part of the site plan. The proposed landscape plan meets the minimum zoning requirements.
6. The applicant will have to meet the minimum requirements of Section 8.12, Zoning Ordinance, for design standards as part of the building permit process.
7. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Administrator, Sarpy County Public Works, and the Omaha 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.

Public Works Engineer Matt Knight had comments pertaining to technical revisions to the site plan, sanitary sewer plan, and the preliminary grading and utilities plan. The applicant's engineer has since satisfied these comments.

8. The property will maintain its current access to South 36th Street along the southern boundary. An additional access is also proposed to South 36th Street near the middle of the property. There will be no access to Marie Street into the existing single family residential neighborhood. The Public Works Department has reviewed these access points and have found them to be acceptable.

9. The area west of South 36th Street is not currently served by sanitary sewer. As part of this development, the applicant plans to extend an 8-inch sanitary sewer line from the north (near 36th and Barretts Drive) to this property. This will provide additional opportunities for future connections in this area.

10. The applicant has provided a drainage plan for this development. The Public Works Department has found this proposed plan to be acceptable. Further review will occur at time of permitting.

11. Per Section 6.06, the Zoning Ordinance requires no conditional use permit shall be granted unless the Planning Commission or City Council has found:

6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.

6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

The Planning Department believes this application meets the criteria for approval of the Conditional Use Permit.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with Section 6.06, Zoning Ordinance, as well as lack of perceived negative impact upon the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

APPROVAL based upon conformance with Section 6.06, Zoning Ordinance, as well as 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. Letter from the applicant received June 24, 2022
4. Site plan received September 12, 2022
5. Landscape plan received September 12, 2022
6. Sanitary Sewer plan received September 12, 2022
7. Conditional Use Permit Agreement

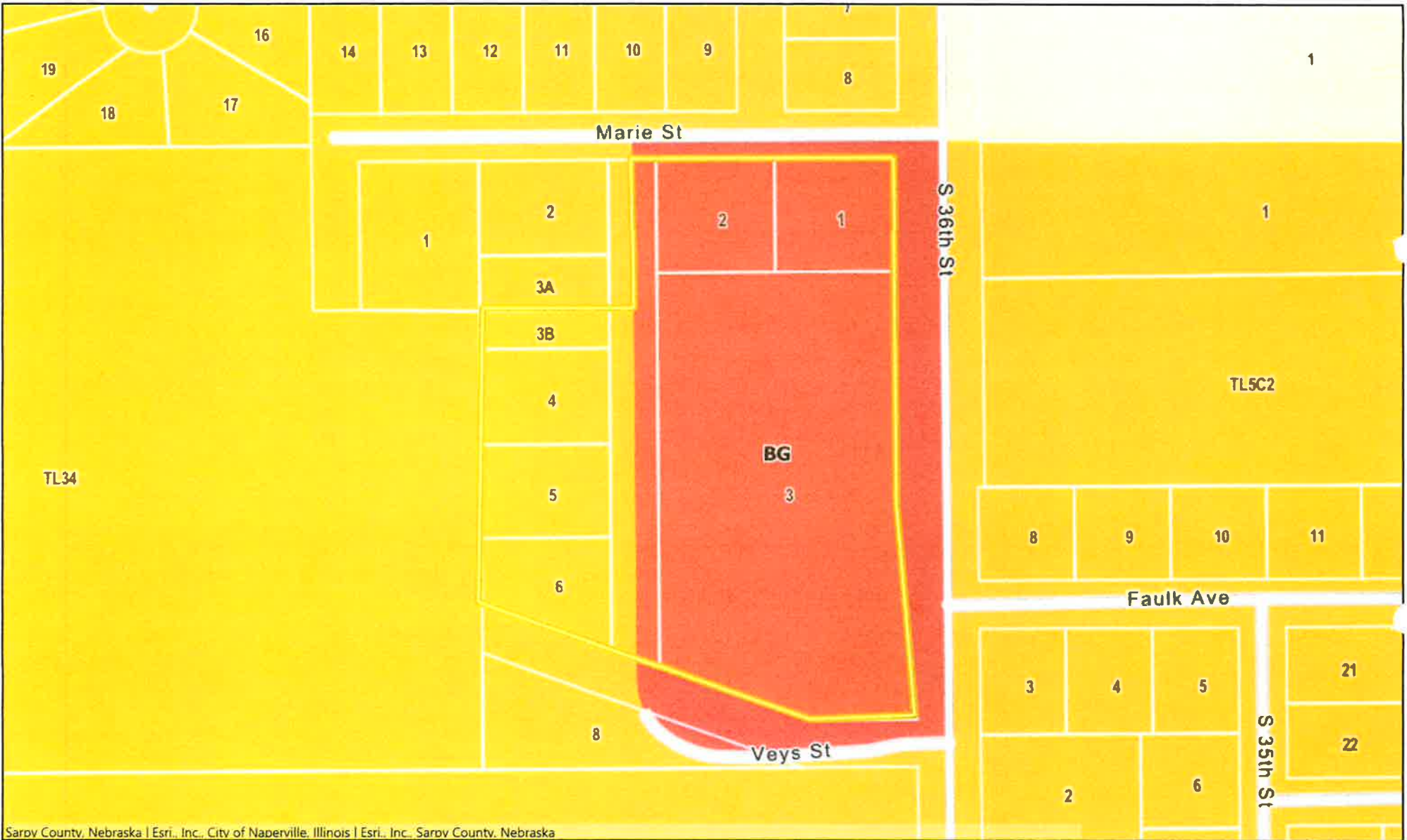
VII. COPIES OF REPORT TO:

1. Fortino Ramirez
2. Salvacion/Iglesia, Otoniel Garcia
3. Dennis Whitfield
4. Public Upon Request

Samoni R. Palm 09/13/22

Prepared By:
Planning Manager

Date of Report



Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



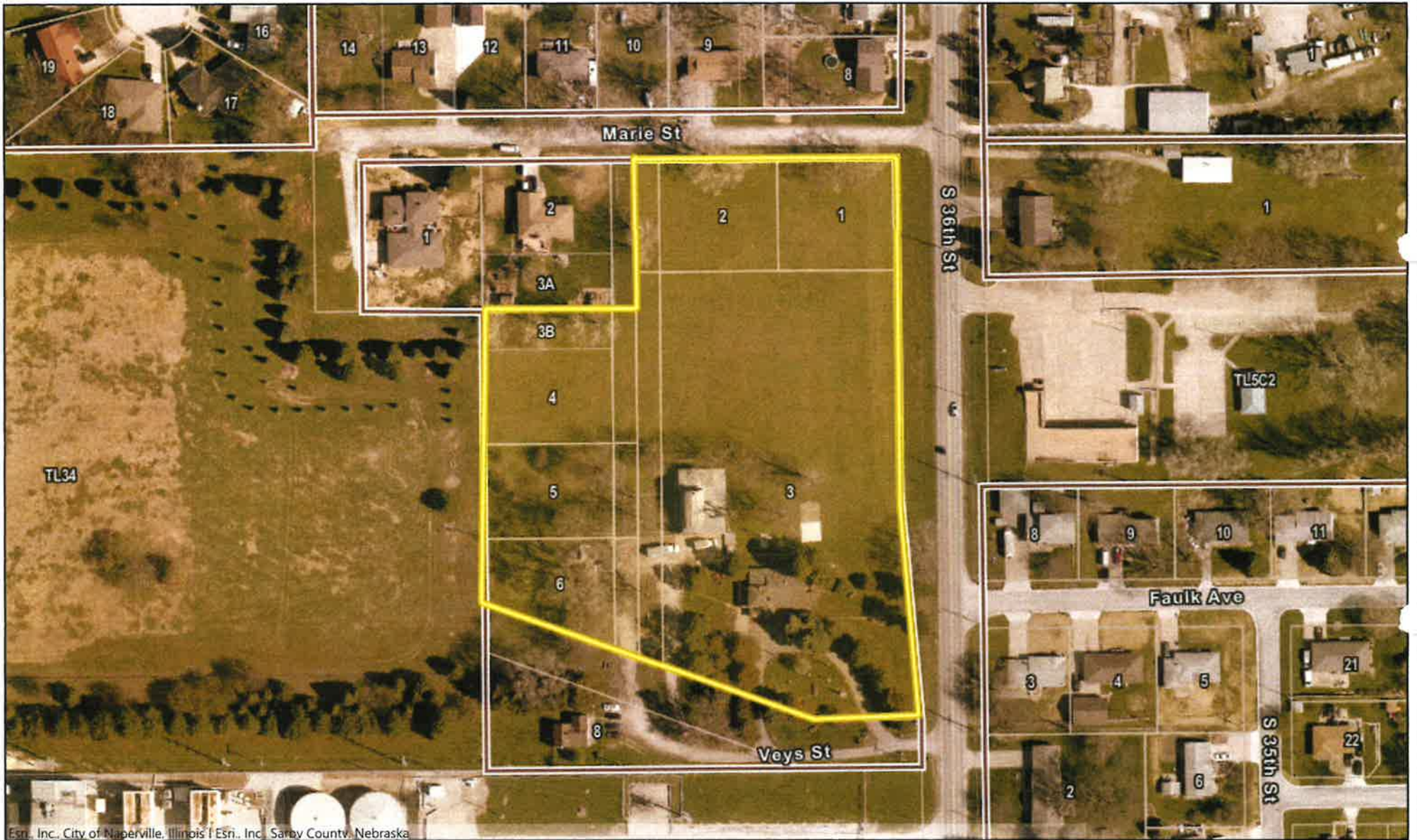
Map Scale 1: 2257

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.

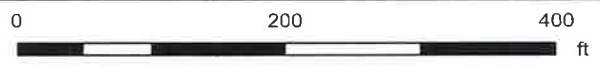


Notes





Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 2257

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





June 24, 2022

City of Bellevue
Planning Department
1510 Wall Street
Bellevue, NE, 68005

Re: All inclusive, Lots 1 through 3 of Block 1 and Lots 3B, plus 4 through 6 of Block 2 of Vey's Hill Haven Addition, City of Bellevue, NE – Explanation of Request for Conditional Use Permit (CUP)

To whom it may concern,

This letter is in support of the submitted conditional use permit application to allow the subject mentioned lots to be used for religious worship and instruction as accepted under Section 5.10.03, Conditional Uses for RS-72 Single Family Residential Zoning District.

Located at the southwest corner of the 36th and Marie Street intersection, the subject mentioned lots currently have a mix of BG, General Business and RS-72 zoned lots. Rezoning and small subdivision plat applications have been submitted concurrently with this request to rezone and combine all lots into one comprehensive lot zoned RS-72. We believe this zoning is more comprehensive to the surrounding single-family residential neighborhood and would provide a less intensive zone compared to the permitted usages under the current BG zoning.

The current owner, Iglesia Pentecostes Roca de Salvacion, a local Christian religious group, intends to construct a new church building with a main assembly hall designed to seat approximately 300 members. The intent is to use the new building together with (2) existing structures (1 barn, 1 residential home) for church related activities. Currently the existing usage of the lots and structures is minimal to none. The lots are currently grass covered and lay vacant. While the structures are used for miscellaneous activities that cannot be performed at their current location of 4757 N 24th St Omaha, NE 68110.

To provide the neighborhood an orderly addition of a new church the project plans to incorporate the following:

- Construction of a new private driveway and sufficient parking to keep vehicles away from Marie Street. We believe it is important to not disturb the existing neighbors.
- Coordinate and install buffer landscapes to provide privacy and screening for the adjacent properties. We have spoken to Dan Riha located at 3703 Marie Street, who has requested a "windbreaker" type of screening using evergreen trees. We have also added ornamental trees to beautify the frontage of the property against 36th Street. Please reference our submitted landscaping plan for details.
- Construction of stormwater mitigation appurtenances. As required, we plan to provide appurtenances to improve the quality of stormwater runoff and not increase runoff volumes.

- Extension of an 8-inch sanitary sewer line from approximately Barrett Dr. and 36th Street to 36th Street and Marie Street. This will provide the adjacent owners the opportunity to tie-into public sanitary sewer who are otherwise currently on septic systems.
- Usage and conservation of existing buildings and structures. The Church plans to keep existing buildings and incorporate them into what is intended to be a campus of facilities used for church activities.

For this reason, in addition to a submitted CUP application that is consistent with Zoning Ordinance No. 3619 of the City of Bellevue, we respectfully request the CUP is approved as submitted.

Should you need additional information, please do not hesitate to contact me by e-mail at framirez@trekkdesigngroup.com or by phone (402) 216-7716.

Sincerely,
TREKK Design Group, LLC

A handwritten signature in black ink that reads "Fortino Ramirez". The signature is written in a cursive, slightly slanted style.

Fortino Ramirez, PE
Project Manager

RECEIVED

SEP 12 2022

PLANNING DEPT



1441 E 104th St, Suite 105
Kansas City, MO 64131
Tel (816) 874-4665
Fax (816) 874-4675

NOTES
ADDRESS: 36TH & MARIE ST BELLEVUE, NE
CURRENT ZONING: BG, GENERAL BUSINESS DISTRICT
PROPOSED ZONING: RS-72, SINGLE-FAMILY RESIDENTIAL
PROPOSED USAGE: CHURCH, PLACE OF RELIGIOUS WORSHIP
NOTE THIS IS A CONDITIONAL USE UNDER THE CURRENT & PROPOSED ZONING

SETBACK REQUIREMENTS (CONDITIONAL USES):
MIN LOT AREA = 7,200 SQ FT
MIN WIDTH OF LOT = 65 FT
MAX HEIGHT OF BLDG = 35FT MIN
FRONT YARD: 25 FT
MIN REAR YARD: 10 FT
MIN SIDE YARD: 7 FT
MIN SIDE YARD ON STREET SIDE: 20 FT
MAX GROSS FLOOR AREA RATIO: 0.30
MAX GRADING COVERAGE: 30 PERCENT

PARKING CALCULATIONS
1. MAIN ASSEMBLY CHURCH BLDG
MAIN ASSEMBLY BLDG: 304 SEATS IN MAIN ASSEMBLY AREA
20 SEATS IN PULPIT FOR CHOIR
324 SEATS TOTAL
CHURCH ASSEMBLY PARKING REQ = 1 PARKING SPACE / 4 SEATS
MAIN ASSEMBLY PARKING REQUIRED: 81 PARKING SPACES

2. CLASSROOMS + LIBRARY
25% LIBRARY: 5,904 SF X 0.25 = 1,476 SF
75% CLASSROOMS: 5,904 X 0.75 = 4,428 SF
LIBRARY PARKING REQ = 1 PARKING SPACE / 400 SQ FT
CLASSROOMS REQ = 1 PARKING SPACE / 100 SQ FT
LIBRARY = 1,476 SF / 400 SF = 3.69 PARKING SPACES
CLASSROOMS = 4,428 SF / 100 SF = 44.28 PARKING SPACES
CLASSROOM + LIBRARY PARKING REQUIRED: 48 PARKING SPACES

3. CLUB / ORG. HALL
CLUB / ORG. HALL: 50FT X 72FT = 3,600 SQ FT
CLUB / ORG. HALL PARKING REQ = 1 PARKING SPACE / 100 SQ. FT
CLUB / ORG. HALL PARKING REQUIRED: 36 PARKING SPACES
TOTAL PARKING REQUIRED
SELECTED HIGHEST REQUIREMENT
MAIN ASSEMBLY: 81 PARKING SPACES

ADA PARKING REQUIREMENTS
ACCESSIBLE PARKING: 4 STALLS WITH 1 BEING VAN ACCESSIBLE
TOTAL REQ. (BLDG + ADA) = 85
CURRENTLY SHOWN ON PLAN = 97 SPACES

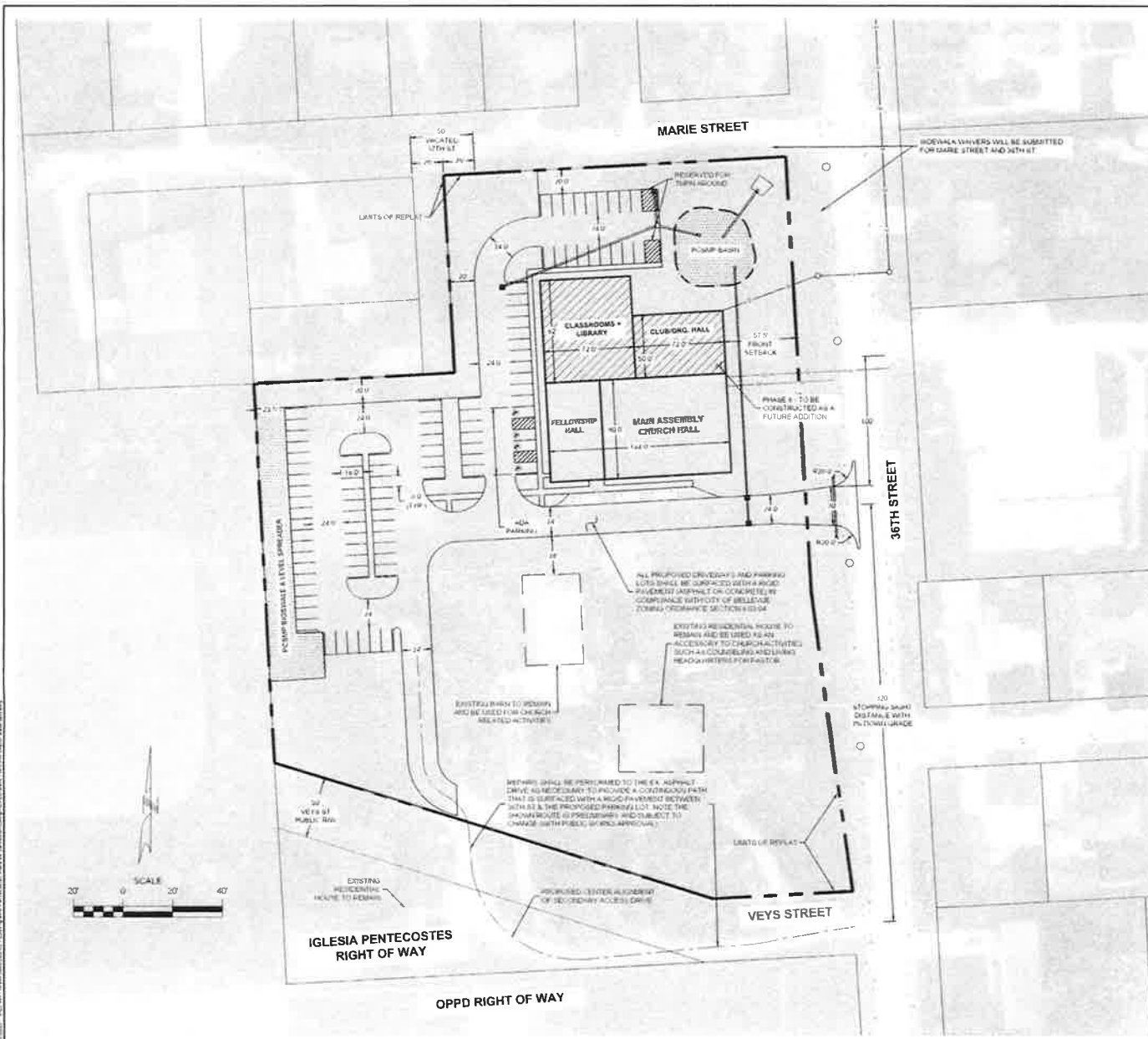
LEGEND
[Symbol] AREA RESERVED FOR POST CONSTRUCTION STORMWATER MANAGEMENT PLAN (PCCSMP)
[Symbol] TO BE CONSTRUCTED AS A FUTURE ADDITION
[Symbol] PROPOSED REPLAT LIMITS
[Symbol] EXISTING STREET LIGHT

PROFESSIONAL ENGINEER
[Signature]
NOT APPROVED FOR CONSTRUCTION

IGLESIA PENTECOSTES
ROCA DE SALVACION
36TH ST & MARIE ST
BELLEVUE, NE
SARPY COUNTY

REVISIONS	DATE	DESCRIPTION

DISTAL ID
PROJECT
SCALE
DATE
DRAWN BY
CHECKED BY
SHEET TITLE
SITE PLAN
SHEET NO
01 of 01



DATE: 08/11/2022 1:40:44 PM USER: JLD/STP/2022/08/11/2022 1:40:44 PM PROJECT: 220818 - Iglesia Pentecostes Roca de Salvacion - 36th St & Marie St - Bellevue, NE - Sarpy County - 10/11/2022

Record & Return To:
City of Bellevue Planning Department
1510 Wall Street
Bellevue, NE 68005

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 1, ROCA DE SALVACION ADDITION, LOCATED IN THE NORTHEAST ¼ OF
SECTION 20, T13N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA

Conditional Use Permit for Salvacion/Iglesia

This Conditional Use Permit issued this 4th day of October, 2022 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to Salvacion/Iglesia, (“Applicant”), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Salvacion/Iglesia is the legal owner of Lot 1, Roca De Salvacion Addition, located in the Northeast ¼ of Section 20, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 4.88 acres, more or less (“Property”). Applicant desires to use the Property for the purpose of a church; and

WHEREAS, Applicant has applied for a conditional use permit for the purpose of using the Property as described above; and

WHEREAS, the Mayor and City Council of the City of Bellevue are agreeable to the issuance of a conditional use permit to the Applicant for such purpose, subject to certain conditions and agreements as hereinafter provided (the “Permit”).

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Applicant to use the Property for the purpose described above, said use hereinafter being referred to interchangeably as a “Permitted Use” or “Use”.

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Use:
 - a. A site plan showing the Property’s boundaries, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit “A.”

- b. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A") and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.
 - c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant's Use of the Property.
3. The Applicant's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:
- a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and opportunity to cure in the time and manner described below.
 - b. A building permit for the construction of Phase I of the church authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void.
 - c. The applicant may operate a church facility on the Property.
 - d. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant's expense within twelve (12) months of cessation of the Use of the Property.
 - e. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
 - f. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant's expense.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Applicant's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.
 - c. Applicant's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the same to be removed at Applicant's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall reimburse the City the costs incurred to remove the same. Applicant hereby irrevocably grants the City, its

agents and employees, the rights, provided notice is furnished to the Applicant along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards, nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

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

7. The conditions and terms of this Permit shall be binding upon Applicant, its successors and assigns.

a. Delay of City to terminate this Permit on account of breach of Applicant of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

b. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Applicant shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Applicant of any breach of this Permit. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section b and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

c. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.

d. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

Salvacion/Iglesia
c/o Otoniel Garcia
8806 S. 36th Street
Bellevue, NE 68147

e. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.

Effective Date:

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

The City of Bellevue

By: _____
Rusty Hike, Mayor

ATTEST:

Susan Kluthe, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

The undersigned, a notary public qualified in and for said county, does hereby certify that Rusty Hike and Susan Kluthe, whose names as Mayor and City Clerk respectively, of the City of Bellevue, Nebraska, a municipal corporation, are signed to the foregoing instrument and who are each known to me and known to be such officers, acknowledged before me on this day and they, in their respective capacities as Mayor and City Clerk, executed and delivered said instrument as their voluntary act and deed and voluntary act and deed of such corporation.

Witness my hand and notarial seal this ____ day of _____, 2022.

Notary Public

Otoniel Garcia for Salvacion/Iglesia

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Otoniel Garcia signed the foregoing instrument, acknowledged before me on this day and she executed and delivered said instrument as her voluntary act and deed.

Witness my hand and notarial seal this ____ day of _____, 2022.

Notary Public

Maria Garcia for Salvacion/Iglesia

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

The undersigned, a notary public qualified in and for said county, does hereby certify that Maria Garcia signed the foregoing instrument, acknowledged before me on this day and she executed and delivered said instrument as her voluntary act and deed.

Witness my hand and notarial seal this ____ day of _____, 2022.

Notary Public

RECEIVED

SEP 19 2022

PLANNING DEPT.

TREKK
DESIGN GROUP, LLC
1641 E. 104th St, Suite 105
Kansas City, MO 64131
Tel: (816) 874-4565
Fax: (816) 874-4675
MO St. Cert. of Authority: 2009103000

ZONING ORDINANCE 8.12.06 LANDSCAPING CRITERIA

- 1 195F OF LANDSCAPING PER PARKING STALL
- 2 1 SHADE TREE FOR EVERY 300SF OF REQ. LANDSCAPED AREA
- 3 MINIMUM SIZE FOR ALL SHADE TREES SHALL BE 2 INCH CALIPER AS MEASURED 12 INCHES ABOVE GROUND SURFACE
- 4 MINIMUM SIZE FOR ALL EVERGREEN TREES SHALL BE 4FT HIGH
- 5 MINIMUM SIZE FOR ALL SHRUBS SHALL BE TWO GALLON SIZE CONTAINER
- 6 PROVIDE 15FT OF LANDSCAPED YARD ADJACENT TO ANY PUBLIC STREET RUNNING THE ENTIRE LENGTH
 - 6.1 PLANT MATERIALS SHALL INCLUDE AT LEAST ONE DECIDUOUS SHADE OR ONE ORNAMENTAL TREE AND THREE SHRUBS FOR EVERY 40FT OF STREET FRONTAGE
 - 6.2 LANDSCAPED EARTH BERM 6FT HIGH MAY BE USED IN COMBINATION WITH PLANT MATERIALS

REQUIRED LANDSCAPING CALCULATIONS

PROVIDED PARKING STALLS = 97 SPACES
 REQ. LANDSCAPING = 195F X 97 SPACES = 1,843 SF
 REQ. SHADE TREES = 1,843 SF / 300 SF = 6.14 TREES
 PROVIDED LANDSCAPING = 5,880 SF
 PROVIDED SHADE TREES = 6 TREES

LANDSCAPE SCHEDULE

QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE AT TIME OF PLANTING	PLANTING METHOD	SPACING	MATURE SPREAD	MATURE HEIGHT
LARGE EVERGREEN TREE OPTIONS							
17	PIER PUNGENS VAR. SERRATA	COLORADO BLUE SPRUCE VARIETIES (WOODS' OR 'TULLI FOXSAU)	4FT TALL	BAR	10' O.C.	20'	<15'
DECIDUOUS TREE OPTIONS							
8	GLEDISIA TRIACANTHOS VAR. BIERVENS	THORNLESS HONEYLOCUST	2" CALIPER	BAR	PER PLAN	55'	<15'
	GYMNOCADUS OBOVATUS	KENTUCKY COBBER TREE	2" CALIPER	BAR	PER PLAN	55'	<15'
ORNAMENTAL TREE OPTIONS							
12	POPULUS TREMULOIDES	PAIRIE GOLDEN ASPEN	4" CALIPER	BAR	PER PLAN	20'	<10'
	PYRUS CALLERYANA	CLEVELAND SELECT PEAR	2" CALIPER	BAR	PER PLAN	15'	<10'
DECIDUOUS SHRUBS							
14	RAVENSCHER ALNIFOLIA REGENT	REGENT SERVICE BERRY	2 GAL	CONT.	18' O.C.	5'	5'
13	SPINARIA BELTIFOLIA TOR	BIRCHLEAF SPINER	2 GAL	CONT.	18' O.C.	5'	5'

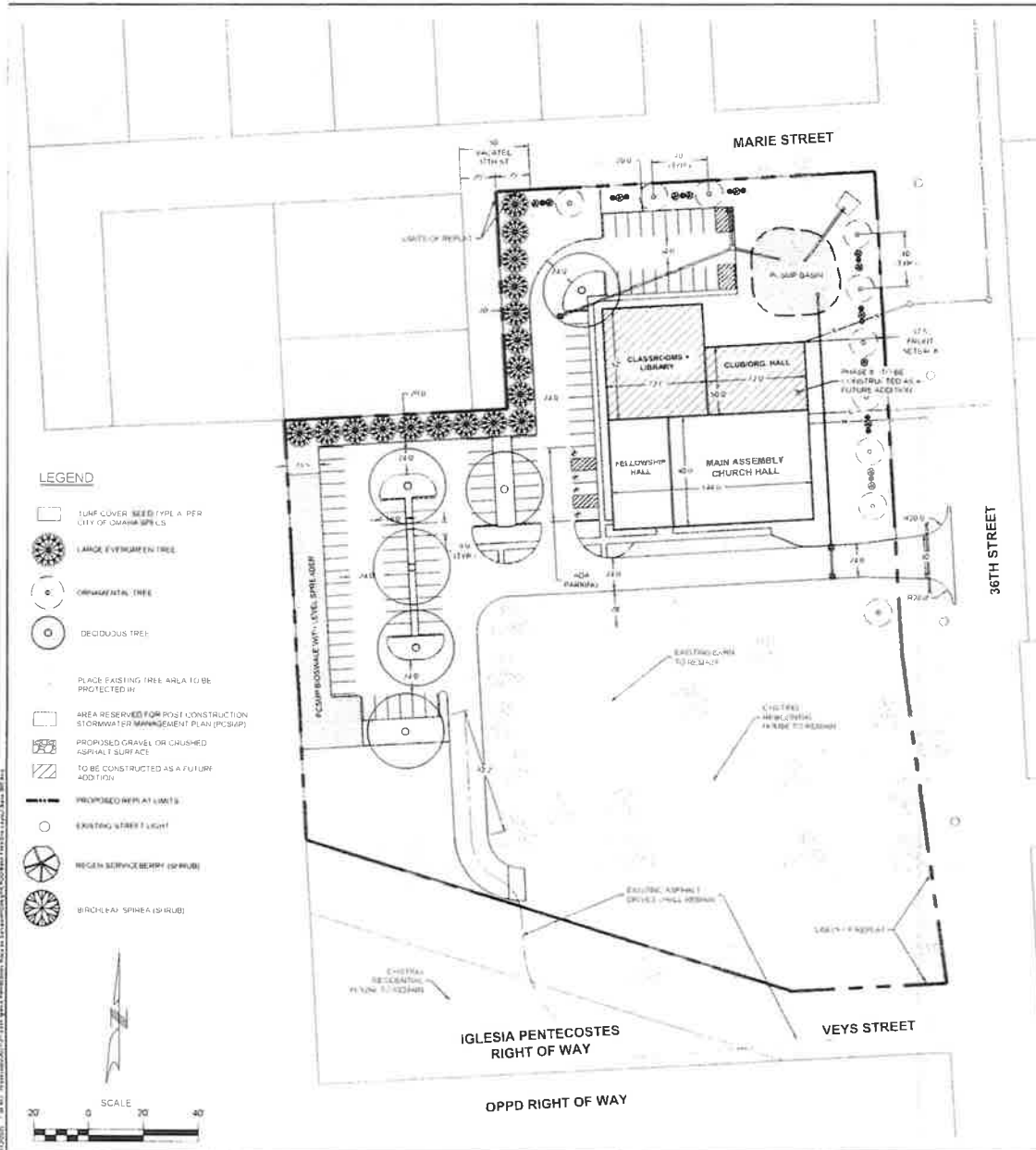
PROFESSIONAL ENGINEER

PREPARED BY: [Signature]
NOT APPROVED FOR CONSTRUCTION

IGLESIA PENTECOSTES
 ROCA DE SALVACION
 36TH ST & MARIE ST
 BELLEVUE, NE
 SARY COUNTY

tabbles®
EXHIBIT B

SCALE	DATE
DRAWN BY	CHECKED BY
SHEET TITLE	
LANDSCAPING PLAN	
SHEET NO.	
SHEET 01 OF 01	



TREE PLANTING DETAIL, (TYP.)

Building opposition:

12c. and 14a.

Sept. 19, 2022

SIR, MA'AM,

I Am Herminia Parker
at 3616 Marie St, that my property
is 300 Ft. to the so called planned
to build a church.

that I am opposing
Case # Z-2206-08
CUP-2206-03
Location 8806 S. 36th Street
Applicant FORTINO RAMIREZ
purpose A CHURCH.

ATT: SUSAN BLUTHE

Herminia L. Parker

RECEIVED
SEP 19 2022
CITY CLERK

Susan Kluthe

From: Dan Riha <Driha@mdwstelectrical.com>
Sent: Monday, September 19, 2022 3:29 PM
To: Tammi Palm; Susan Kluthe
Subject: [EXT] Case # Z-2206-08, CUP-2206-03 Fortino Ramirez/Church on 36th St.

RECEIVED

SEP 19 2022

CITY CLERK

Hi Susan & Tammi,

My name is Daniel Riha. Unfortunately I will not be able to make it to the meeting tomorrow night at 6 PM. I just tested positive for Covid, and would really like to be at the meeting but don't want to get anyone sick. I was going to see if I could bring up a couple of my concerns regarding the church that is set to go up on 36th St. Case # Z-2206-08, CUP-2206-03 Applicant : Fortino Ramirez.

I live at 3703 Marie St. Bellevue, NE 68147 (The adjoining property to the church)

I guess ultimately my biggest concern, is the landscape buffer that Fortino and I had a meeting about. We met and discussed what we would like to happen and he said that he felt we were not asking too much of the church. what was proposed was a "shelter belt" around my property on the east side of my property as well as the southside. Fortino talked about possibly building a berm that was raised 2 to 3 ft. in the middle, with fat Albert evergreen trees on either side of it and shrubs planted through the middle basically surrounding my whole property basically a double layer shelter belt around my property, which I was all right with because I believe that would give us good privacy. One of the main concerns that I brought up is, if you look on Google maps it shows a bunch of trees to the south of my property, and those have since been cut down by the church. (Fortino was unaware of this in our meeting) So I am wanting to make sure they are going to plant that shelter belt of fat Albert trees or something very similar all the way down my east and south property line. I am just hoping to have the best landscape buffer possible to prevent sound and light from cars and buildings from coming onto my property. They talked about a 20 foot landscape buffer around my property which ultimately I don't think is very much but I guess if it meets the city codes there's not much I can do about it.

I just hope the board looks into this, as someone who bought a house surrounded by fields and wildlife is now going to have pavement, noise, and lights surrounding his house as well as an active church. I am just hoping to have the absolute most amount of privacy possible.

I spoke with Tammi Palm On Feb. 3rd and she assured me that the City Of Bellevue really likes it's landscape buffers and planting trees and shrubs and protecting existing residences privacy from new construction going up. (I really hope this is taken into consideration) She also told me that one of her suggestions she was going to propose to Fortino was to move the church building closer to 36th St. to help keep noise and light levels down to those currently living on Marie Street. (My thought behind this is, they are proposing a 57 1/2 foot setback from 36th St., but only a 20 foot setback from the existing residences, why can't we move the church building closer to 36th St.)

In conclusion I just really hope everyone takes into consideration the people currently residing on Marie Street and the amount of noise, light, and traffic that is all going to come with this new church project. For years we have been used to having fields with deer and turkeys walking through our backyards. And now that is all going to change. It was like we almost lived outside of city limits. Now our backyard is going to be all pavement. My wife and I bought this as our first house approximately three years ago when I was 23 years old and she was 24 and we were hoping for a quiet secluded street with minimal noise and lights. Sitting on our back deck or around our fire pit in our backyard in the evening has been one of our favorite hobbies/relaxation times after a long day's work. It was actually the whole reason we chose and bought the house we did. Privacy.

In the letter I got from the City Of Bellevue, it states that copies will be made and given to each of the city Council members and I really hope that they can take this letter and read it, and stop and think for a minute if they lived in my house what they would want done with this drastic change that is about to come. (I'm guessing everyone would want the best landscape buffer possible)

I really hope everyone can take all of this into consideration when it comes time to deciding on the landscaping surrounding my property. If anyone would like to talk, My phone number is 402-669-2771

Thank you and have a great day,

Dan & Melissa Riha

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

14b.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022	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 for a Conditional Use Permit for Lot 1, Tiller's 5th Addition, for the purpose of auto sales. Applicant: Legion LED Trucks, LLC/Jerry Teeter. Location: 1620 Wilshire Drive.

SYNOPSIS/BACKGROUND:

Jerry Teeter, on behalf of Legion LED Trucks, LLC, is requesting approval of a Conditional Use Permit (CUP) for Lot 1, Tiller's 5th Addition, for the purpose of auto sales. The applicant manufactures LED advertising trucks for the LED Trucks franchise system. He desires to sell only these trucks and states he will not operate a traditional car dealership. Per the Conditional Use Permit Agreement, only 10 parking stalls will be used for sales, and these vehicles will be displayed only in the specified area of the parking lot per the site plan.

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 recommend approval.

ATTACHMENTS:

1. Planning Commission Recommendation Sheet 2. Staff Report 3. Conditional Use Permit Agreement
4. 5. 6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

A. Brett Rollins
[Signature]

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: Legion LED Trucks, LLC

CASE #: CUP-2207-04

CITY COUNCIL HEARING DATE: September 20, 2022

REQUEST: for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of auto sales.

On August 25, 2022, the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained:

APPROVAL based upon compliance with the requirements of the Zoning Ordinance, and lack of perceived negative impact upon the surrounding area.

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Compton						Perrin
	Hankins						
	Ritz						
	Aerni						
	Cutsforth						
	Ackley						
	Bennett						
	Jacobson						

Planning Commission Hearing (s) was held on: August 25, 2022

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 2

CASE NUMBERS: CUP-2207-04

FOR HEARING OF:

REPORT #1: August 25, 2022

REPORT #2: September 20, 2022

I. GENERAL INFORMATION

A. APPLICANT:

Legion LED Trucks, LLC
Jerry Teeter
1620 Wilshire Drive, Ste. 300
Bellevue, NE 68005

B. PROPERTY OWNERS:

Wilshire Properties, LLC
11418 S 44th Street
Bellevue, NE 68123

C. GENERAL LOCATION:

1620 Wilshire Drive

D. LEGAL DESCRIPTION:

Lot 1, Tiller's 5th Addition, located in the Northeast ¼ of Section 35, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of auto sales.

F. EXISTING ZONING AND LAND USE:

BG/Commercial

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a Conditional Use Permit to enable auto sales for Legion LED trucks on the property.

H. SIZE OF SITE:

The site is approximately 2 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently developed with an office building constructed in 1988.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Multifamily Residential/ RG-8-PS
2. **East:** City Hall Campus/BG
3. **South:** Family Fare Grocery Store/BG
4. **West:** Multifamily Residential/ RG-8-PS

C. REVELANT CASE HISTORY:

On August 25, 2022, the Planning Commission recommended approval of the applicant's request for a conditional use permit for Lot 1, Tiller's 5th Addition, to allow for auto sales.

D. APPLICABLE REGULATIONS:

1. Section 5.22, Zoning Ordinance, regarding BG uses and requirements.
2. Article 6, Zoning Ordinance, regarding Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as commercial.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data information available for this area.
2. The property has access from Wilshire Drive as well as Wall Street.

D. UTILITIES:

All utilities are available to this property.

E. ANALYSIS:

1. Jerry Teeter, on behalf of Legion LED Trucks, LLC, has submitted a request for a conditional use permit for Lot 1, Tiller's 5th Addition, for the purpose of automobile sales.

Mr. Teeter owns Legion LED Trucks, which manufactures LED advertising trucks for their franchise system. The applicant states he also helps other operators sell their used LED trucks on consignment on occasion.

Mr. Teeter indicates he will not be operating a traditional car dealership at this location. He states all his sales will be "one-to-one" transactions and his units will be stored in an indoor warehouse at another location. Based on Nebraska licensing, Mr. Teeter must meet the same requirements as any other auto dealership.

Please refer to the applicant's attached letter. A photo of a LED advertising truck is also attached for reference.

2. The property is zoned BG (General Business). Section 5.22.03, Zoning Ordinance, allows auto sales as a conditional use in this zoning district.
3. The property is developed with a commercial office building and parking lot. Mr. Teeter would like to designate ten parking stalls for use of sales.
4. The applicant has submitted a site plan showing his proposed location for staging of the trucks, which meets the Zoning Ordinance requirements. Per the proposed conditional use permit agreement, these vehicles will be displayed in the specified area only. The proposed parking stalls to be utilized for auto sales do not occupy parking required for the commercial building.
5. This application was sent out to the following departments for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Engineer, Sarpy County Administrator and the Bellevue Public 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.

No comments were received on this case.

6. Per Section 6.06, the Zoning Ordinance requires no conditional use permit shall be granted unless the Planning Commission or City Council has found:

6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.

6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.

6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.

6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.

6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.

6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.

6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.

6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.

6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

6.06.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

The Planning Department believes this application meets the criteria for approval of the Conditional Use Permit.

7. The proposed conditional use permit agreement is specific to allow for the sales of the LED advertising trucks **only** on the property.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon compliance with the requirements of the zoning ordinance and lack of perceived negative impact to the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

APPROVAL based upon compliance with the requirements of the Zoning Ordinance, and lack of perceived negative impact upon the surrounding area.

VI. ATTACHMENTS TO REPORT

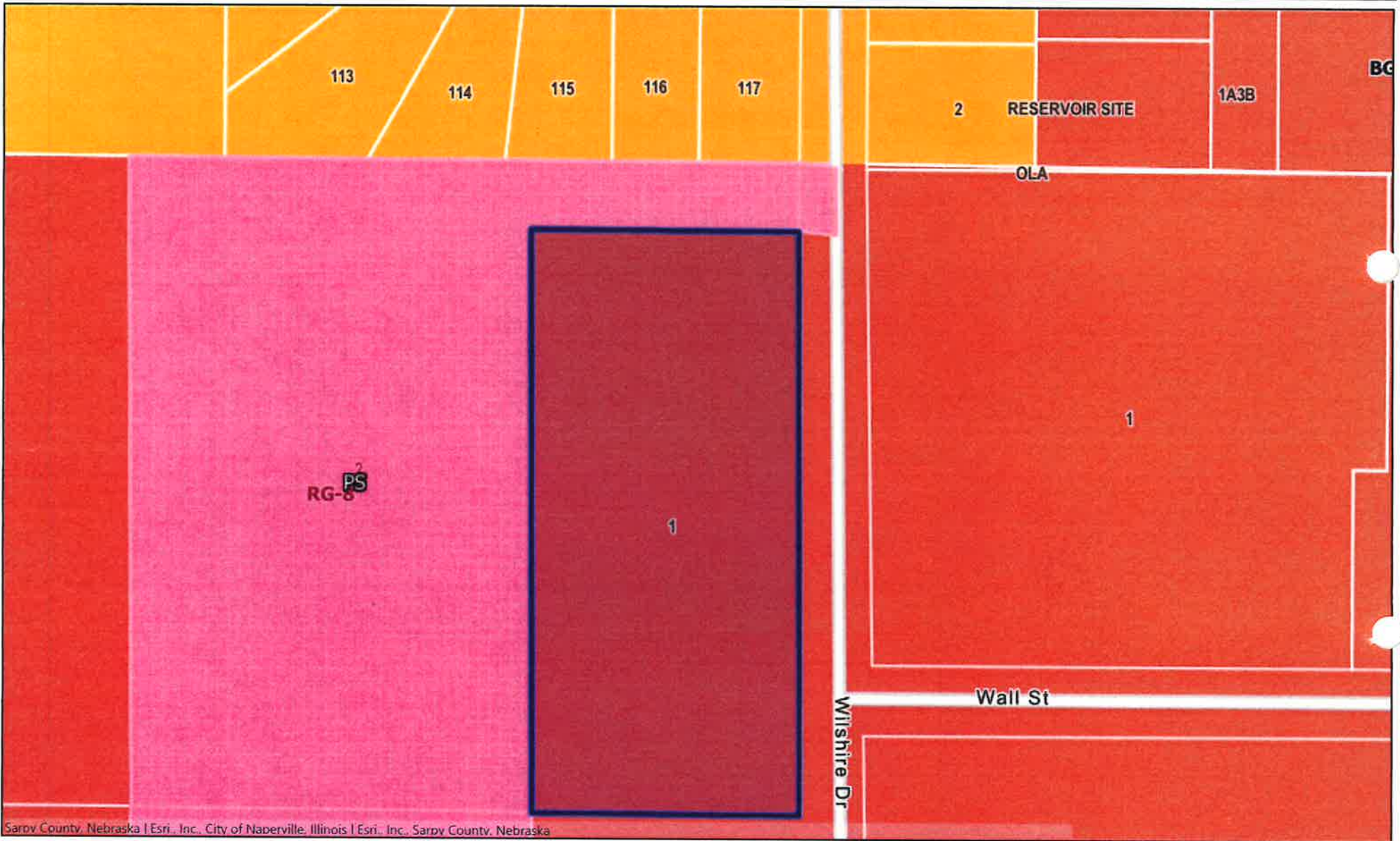
1. Vicinity map/Zoning Map
2. 2020 GIS aerial photo of the property
3. Letter received from Jerry Teeter on July 26, 2022
4. Site plan showing proposed stalls for auto sales received July 22, 2022
5. Photo of a LED advertising truck received August 18, 2022
6. Conditional Use Permit Agreement

VII. COPIES OF REPORT TO:

1. Jerry Teeter
2. Public Upon Request


Assistant Planning Manager

 09/13/22
Planning Manager Date of Report

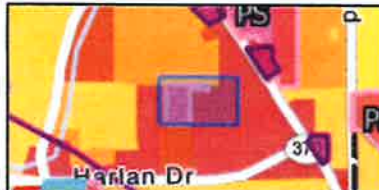


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska



Map Scale 1: 1592

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

0 100 200 ft

Map Scale 1: 1592

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



Conditional Permit Request for Auto Sales

1620 Wilshire Dr., Bellevue, NE 68005

Zoning: BG

July 22, 2022

City of Bellevue Planning Department

Attn: Tammi Palm

1500 Wall St

Bellevue, NE 68005

Ms. Palm-

Per our conversation, I am requesting a Conditional Use Permit for Auto Sales for the above mentioned address. My company, Legion LED Trucks, manufactures LED advertising trucks for our franchise system and I also help other operators around the country sell their used LED trucks on consignment from time to time. I am quickly approaching the threshold of volume that the State of Nebraska requires we obtain a Auto Dealers License.

I want to be upfront and state that we will NOT be operating a normal car dealership with inventory and the traditional streamers and gimmicks of some car dealers. Our sales are one-to-one transactions and our units are stored in an indoor secure warehouse on another property. Because the Nebraska statutes do not have different "types" of dealers, they require we meet all of the same requirements of any other auto dealer.

I have been a Bellevue based business owner since 2014, employing multiple people and contributing to the growth of this city. We have also owned 3 different commercial properties in that time, drastically improving the esthetic look of each one. I feel like we have proven ourselves to be good, honest business owners who will not abuse the ability to use this property to have a auto dealers license.

Your expedited approval of this Conditional Use Permit will help me continue growing my businesses, which will bring positive economic impact to the City of Bellevue through sales taxes and payroll taxes.

Thank you for your consideration. If you have any questions, please call me at 402-880-4101 or email me at jerry@legiondigital.com

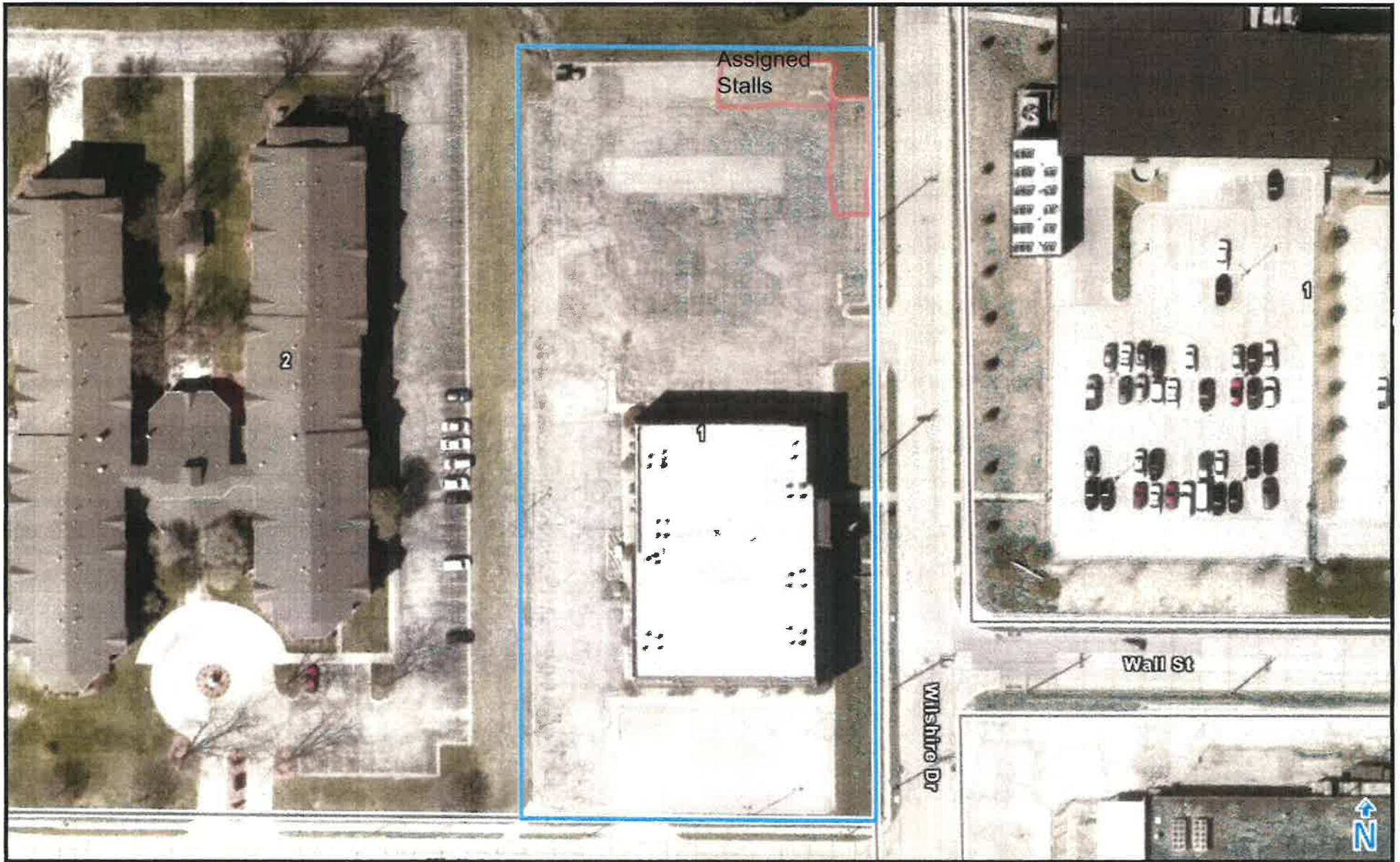
Sincerely,



Jerry Teeter, CEO

Legion LED Trucks / Lead Innovations

RECEIVED
JUL 26 2022
PLANNING DEPT.



PIN: 011137061
 Approximate Acreage: 2.01 ac.
 Tax District: 10002
 Land Value: \$263,316
 Total Taxable Value: \$1,400,000

Property Address: 1620 WILSHIRE DR, STE 300 BELLEVUE NE
 68005
 Legal Description: LOT 1 TILLER'S 5TH ADDITION

Owner Info: WILSHIRE PROPERTIES LLC
 11418 S 44TH ST
 BELLEVUE, NE 68123

RECEIVED
JUL 22 2022
PLANNING DEPT.



RECEIVED

AUG 18 2022

PLANNING DEPT.

Record & Return To:
City of Bellevue Planning Department
1510 Wall Street
Bellevue, NE 68005

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 1, TILLER'S 5TH ADDITION,
LOCATED IN THE NORTHEAST ¼ OF SECTION 35, T14N, R13E OF THE 6TH P.M., SARPY
COUNTY, NEBRASKA

Conditional Use Permit for 1620 Wilshire Drive

This Conditional Use Permit issued this 20th day of September, 2022 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska ("City") to Legion LED Trucks, LLC, ("Applicant"), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Wilshire Properties, LLC, is the legal owner of Lot 1, Tiller's 5th Addition, located in the Northeast ¼ of Section 35, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 2 acres, more or less ("Property"). Applicant desires to use the Property for the purpose of auto sales of LED advertising trucks; and

WHEREAS, Applicant has applied for a conditional use permit for the purpose of using the Property as described above; and

WHEREAS, the Mayor and City Council of the City of Bellevue are agreeable to the issuance of a conditional use permit to the Applicant for such purpose, subject to certain conditions and agreements as hereinafter provided (the "Permit").

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this Permit is issued to the Applicant to use the Property for the purpose described above, said use hereinafter being referred to interchangeably as a "Permitted Use" or "Use".

Conditions of Permit

The conditions to which the granting of this Permit is subject are as follows:

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.
2. In respect to the proposed Use:
 - a. A site plan showing the Property's boundaries, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "A."

- b. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A") and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.
 - c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant's Use of the Property.
3. The Applicant's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:
- a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and opportunity to cure in the time and manner described below.
 - b. The Use authorized by this Permit must be initiated within 12 months after the date of the approval of this Permit otherwise such Permit shall become void.
 - c. The Use shall be in compliance with all State of Nebraska regulations regarding the sale of automobiles. A copy of required license shall be provided to the Planning Department.
 - d. No more than ten LED advertising trucks shall be for sale on the property at any one time.
 - e. Only LED advertising trucks may be parked for sale on the property. No other automobiles (new or used) may be parked for sale at this location.
 - f. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant's expense within twelve (12) months of cessation of the Use of the Property.
 - g. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.
 - h. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant's expense.
4. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a Permitted Use hereunder upon the first of the following to occur:
- a. Applicant's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.
 - c. Applicant's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.
5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the

same to be removed at Applicant's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall reimburse the City the costs incurred to remove the same. Applicant hereby irrevocably grants the City, its agents and employees, the rights, provided notice is furnished to the Applicant along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards, nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

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

7. The conditions and terms of this Permit shall be binding upon Applicant, its successors and assigns.

a. Delay of City to terminate this Permit on account of breach of Applicant of any terms hereof in accordance with the terms hereof shall not constitute a waiver of City's right to terminate this Permit, unless the City has expressly waived said breach. A waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

b. Cure Rights. Notwithstanding any other provision of this Permit to the contrary, Applicant shall be entitled to notice and opportunity to cure a breach of this Permit as follows. City will notify the Applicant of any breach of this Permit. Cure shall be commenced and completed as soon as possible and in all cases within thirty (30) days after City provides notice of breach; provided, however, in any case that cure cannot be completed within 30 days, additional time will be allowed, so long as cure is commenced within the time required in this Section b and diligently pursued and completed as soon as possible, and allowing additional time does not present or increase risk of harm to persons or property. City shall have the right to terminate this Permit if a breach is not timely cured.

c. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this Permit.

d. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed as follows:

Legion LED Trucks, LLC
Jerry Teeter
1620 Wilshire Drive, Suite 300
Bellevue, NE 68005

e. All recitals at the beginning of this document and exhibits or other documents referenced in this Permit shall be incorporated herein by reference.

Effective Date:

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

The City of Bellevue

By: _____
Rusty Hike, Mayor

ATTEST:

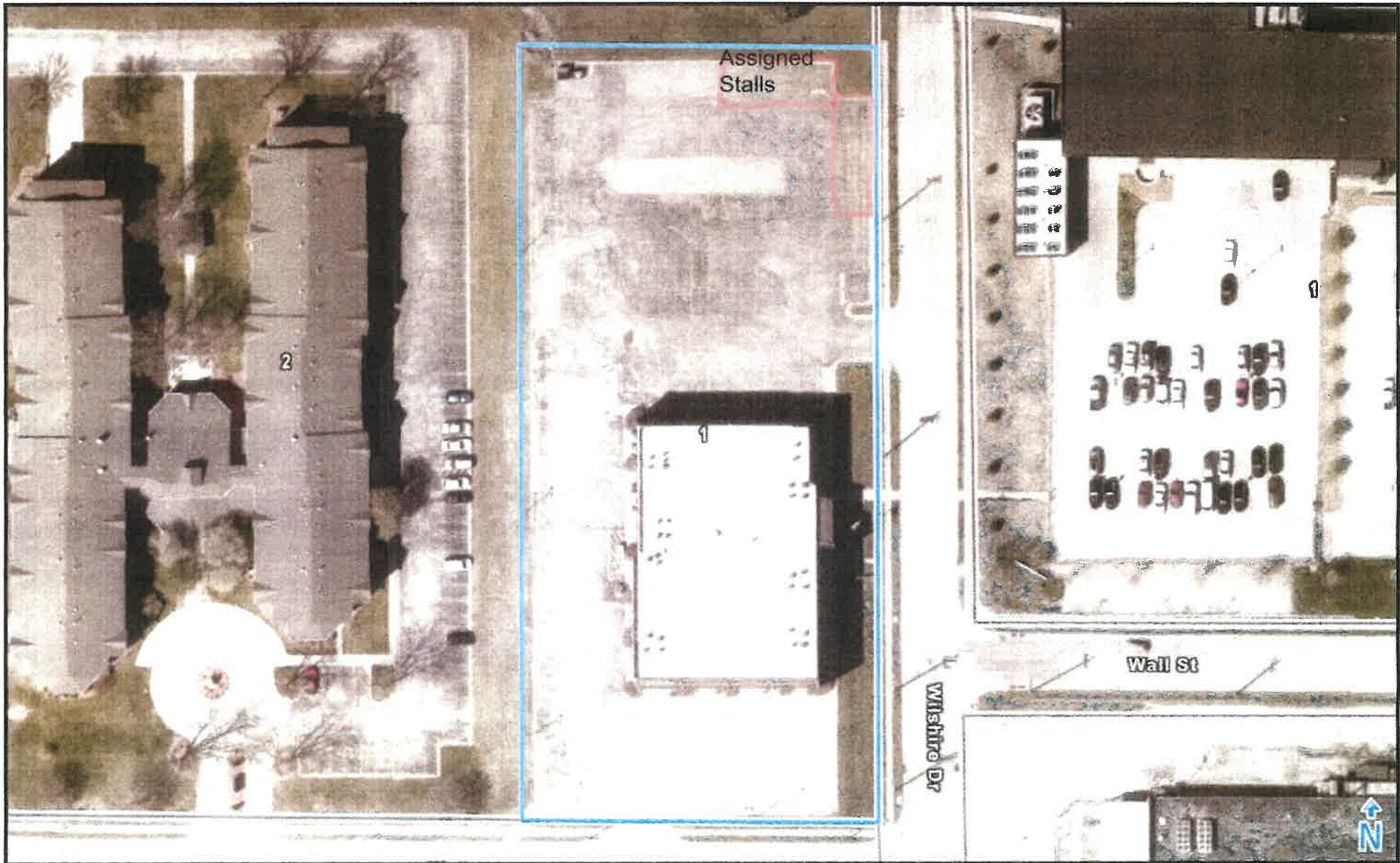
Susan Kluthe, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

The undersigned, a notary public qualified in and for said county, does hereby certify that Rusty Hike and Susan Kluthe, whose names as Mayor and City Clerk respectively, of the City of Bellevue, Nebraska, a municipal corporation, are signed to the foregoing instrument and who are each known to me and known to be such officers, acknowledged before me on this day and they, in their respective capacities as Mayor and Deputy City Clerk, executed and delivered said instrument as their voluntary act and deed and voluntary act and deed of such corporation.

Witness my hand and notarial seal this ____ day of _____, 2022.

Notary Public

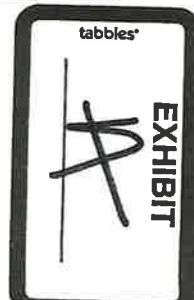


PIN: 011137061
 Approximate Acreage: 2.01 ac.
 Tax District: 10002
 Land Value: \$263,316
 Total Taxable Value: \$1,400,000

Property Address: 1620 WILSHIRE DR, STE 300 BELLEVUE NE
 68005
 Legal Description: LOT 1 TILLER'S 5TH ADDITION

Owner Info: WILSHIRE PROPERTIES LLC
 11418 S 44TH ST
 BELLEVUE, NE 68123

RECEIVED
JUL 22 2022
PLANNING DEPT.



CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

*15a.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022		SUBMITTED BY: Finance Director		
AGENDA ITEM:		CONSENT AGENDA <input checked="" type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input type="checkbox"/>		ORDINANCE <input type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>	
RESOLUTION <input checked="" type="checkbox"/>		CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Update Investment Account Authorization List

SYNOPSIS/BACKGROUND:

The City has relationships with multiple banks for business purposes. This resolution updates the list of financial institutions to include the Nebraska Public Agency Investment Trust (NPAIT). NPAIT provides competitive interest rates and is used by several Nebraska governmental entities. Approving this resolution will authorize the Treasurer and the Mayor to be the authorized signers and complete and sign documents in the regular course of business including, but not limited to, opening accounts at the financial institutions listed.

FISCAL IMPACT: n/a BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: YES	COUNTER-PARTY: Financial Institution	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:

Approve Resolution 2022-29 authorizing the Mayor and City Treasurer to open account(s) in the name of the City of Bellevue; to sign and endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the financial institution(s).

ATTACHMENTS:

1. Resolution 2022-29	2. Brief Description of NPAIT	3.
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

[Handwritten signatures]

RESOLUTION No. 2022-29

WHEREAS, the financial institutions listed below are designated as depositories for the funds of the City of Bellevue and to provide other financial accommodations for the City,

Access Bank

American National Bank

Bank of Oklahoma

Two Rivers Bank

Wells Fargo Bank

West Gate Bank

Westside State Bank

Nebraska Public Agency Investment Trust (NPAIT)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Bellevue, Nebraska, that the following officers of the City of Bellevue are hereby authorized to sell, assign and endorse for transfer, certificates representing stocks, bonds or other securities now registered or hereafter registered in the name of the City of Bellevue; to open any deposit or account(s) in the name of the City of Bellevue; to sign and endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with the financial institution.

Rusty Hike, Mayor

Rich Severson, Treasurer & Finance Director

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to certify to each financial institution that such authority has been designated.

Passed and approved this 20th Day of September, 2022

Mayor

ATTEST:

City Clerk

About the Nebraska Public Agency Investment Trust

Over 20 years ago, a number of public officials approached their statewide associations, concerning the creation of a statewide cash management system, which would provide an investment alternative for short-term funds.

This led to the development and adoption of an Interlocal Agreement and Declaration of Trust by the initial participants and settlers to maximize interest on public agencies short and long term funds.

From this adoption, the Nebraska Association of County Officials (NACO) and the Nebraska Rural Electric Association (NREA) brought together members of their respective associations, with the assistance of service providers, to create the Nebraska Public Agency Investment Trust (NPAIT).

Since that time, the trust has been endorsed not only by NACO and the NREA, but also by the following associations: Nebraska Community College Association (NCCA), the Northeast Nebraska Economic Development District (NENEDD), the Nebraska State Irrigation Association (NSIA), the Metropolitan Area Planning Agency (MAPA), the Nebraska State Volunteer Firefighters Association (NSVFA), the Panhandle Area Development District (PADD), and the Nebraska Association of Resources Districts (NARD).

NPAIT has participants from a variety of public agencies throughout Nebraska. The NPAIT Board of Trustees is comprised of thirteen members, representing the different public agencies and the sponsoring associations. Thanks to the participating agencies of NPAIT, the program is working. [Learn more about our Board Members here.](#)

Questions regarding the legality of the program were addressed in the Attorney General Opinion #96087 dated December 18, 1996. The Attorney General opinioned, "We believe that the Investment Trust (NPAIT) can legally perform its intended purposes and functions for exercise of governmental subdivisions' authority to invest their funds."

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

*16b.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022		SUBMITTED BY: City Clerk		
AGENDA ITEM:		CONSENT AGENDA <input checked="" type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input 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:

Recommendation to approve Special Fireworks Display

SYNOPSIS/BACKGROUND:

Application was received for a Special Fireworks Application for Midwest Fireworks to provide a special fireworks display for the Bellevue East High School Homecoming on September 30, 2022, 1401 High School Drive at 10:00 p.m.

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

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: <input type="text" value="NO"/>	COUNTER-PARTY: <input type="text"/>	INTERLOCAL AGREEMENT: <input type="text" value="NO"/>
CONTRACT DESCRIPTION: <input type="text" value="N/A"/>		
CONTRACT EFFECTIVE DATE: <input type="text"/>	CONTRACT TERM: <input type="text" value="N/A"/>	CONTRACT END DATE: <input type="text"/>
PROJECT NAME: <input type="text" value="N/A"/>		
START DATE: <input type="text"/>	END DATE: <input type="text"/>	PAYMENT DATE: <input type="text"/>
		INSURANCE REQUIRED: <input type="text" value="YES"/>
CIP PROJECT NAME: <input type="text" value="N/A"/>	CIP PROJECT NUMBER: <input type="text" value="N/A"/>	
STREET DISTRICT NAME (S): <input type="text" value="N/A"/>	STREET DISTRICT NUMBER (S): <input type="text" value="N/A"/>	
ACCOUNTING DISTRIBUTION CODE: <input type="text" value="N/A"/>	ACCOUNT NUMBER: <input type="text" value="N/A"/>	

RECOMMENDATION:

Recommendation to approve a Special Fireworks Application for Midwest Fireworks to provide a special fireworks display for the Bellevue East High School Homecoming on September 30, 2022, 1401 High School Drive at 10:00 p.m.

ATTACHMENTS:

1. <input type="text" value="Application"/>	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: _____

Ann Heather
[Signature]
[Signature]



City of Bellevue
Office of the City Clerk
1500 Wall Street • Bellevue,
Nebraska 68005
(402) 293-3007

SPECIAL FIREWORKS EVENT APPLICATION

Event Name: Bellevue East Homecoming

Date of Event: 9/30/2022

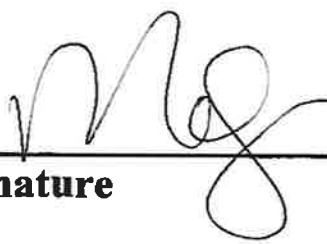
Time and Duration of Fireworks Display: following football game
Approx. 10pm 8-10mins

Contact Person: Martha Zimmerman

Contact Phone: 4024294018 **Email:** fireworks@mwfireworks.com

Distributor License: **Yes** **No**

If yes, name of Distributor: Midwest fireworks whole salers
LLC

 9-10-22
Signature **Date**

§ 12-63 PERMIT FOR SPECIAL FIREWORKS.

No person shall conduct a public exhibition or display of fireworks without first procuring a display permit from the Nebraska State Fire Marshal and the city clerk. All applicants for a City of Bellevue permit shall make application to the city clerk and present the city clerk with a copy of their permit issued by the Nebraska State Fire Marshal. The city clerk shall present the application for city council approval and if approved the city clerk shall issue the permit.

(Ord. 4050, § 1, passed 9-21-2021)

NEBRASKA STATE FIRE MARSHAL
Public Firework Display

Permit # 2022-DP-52012091-352

Receipt # 52012091

Date Received September 14, 2022 12:54 PM

Sponsoring Organization/Individual

Name 1 Bellevue East High School

Name 2 Nick Zimmerman

Address 14445 SW 29th St

City Martell

Daytime Phone 402-429-4018

State NE

Zip Code 68404

Email fireworks@mwfireworks.com

Public Display Operator

License # 21-02/010

Name NIELSEN, CHARLES DEAN

Address 1 1750 PARK ST

Address 2

City BLAIR

Daytime Phone

State NE

Zip Code 68008

Email

Location/Dates

Display Location 1401 High School Dr

Display City Bellevue

Display County Sarpy

Display Date September 30, 2022

Rain Date October 01, 2022

Display Time 10:00 PM

Rain Time 10:00 PM

Public Display Yes

Storage Information

How Stored Approved ATF/NSP Bunker

Distributor(s) Midwest Fireworks Wholesalers LLC (2022-RP-67726992-14)

Mortar/Distances (in feet)/Ground Display

Largest Mortar (Inches) 4.0

Residential 450

Health Care Facilities N/A

Penal Facilities N/A

Power Lines N/A

Phone Lines N/A

Ground Display No **Parking** -

Electronically Fired? Yes

Spectators 280

Parking 280

Hwys/Streets/Alleys 280

Hazardous Materials 2000

Trees 150

Spectators --

Approval

Approved By Christopher Cantrell, SFM

Date Approved/Issued September 14, 2022

Fire Chief Signature

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

16c.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022		SUBMITTED BY: RICH SEVERSON		FINANCE DIRECTOR	
AGENDA ITEM:		CONSENT AGENDA	<input type="checkbox"/>	SPECIAL PRESENTATION	<input type="checkbox"/>
LIQUOR LICENSE	<input type="checkbox"/>	ORDINANCE	<input type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>
RESOLUTION	<input type="checkbox"/>	CURRENT BUSINESS	<input checked="" type="checkbox"/>	OTHER	<input type="checkbox"/>

SUBJECT:

EMPLOYEE WELLNESS PROGRAM AGREEMENT

SYNOPSIS/BACKGROUND:

The City partners with Lockton to provide an employee wellness program for employees and spouses who are enrolled in the City's health insurance program. Seeking renewal of the agreement for FY23.

FISCAL IMPACT: 22,500 BUDGETED FUNDS?: YES 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 the agreement between Lockton, LLC and the City of Bellevue for the administration of the employee wellness program for FY23 at an annual cost to the City of \$22,500.

ATTACHMENTS:

1. Lockton Agreement	2. _____	3. _____
4. _____	5. _____	6. _____

SIGNATURES:

LEGAL APPROVAL AS TO FORM: _____

FINANCE APPROVAL AS TO FORM: _____

ADMINISTRATOR APPROVAL AS TO FORM: _____

A. Boyd Rubin
[Signature]
[Signature]



Consulting Services Agreement

This Consulting Services Agreement (the "Agreement") made and entered into effective as of September 1, 2022 ("Effective Date"), by and between CITY OF BELLEVUE ("Client") and the Kansas City Series of Lockton Companies, LLC ("Lockton"). In consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **TERM.** This Agreement will be in effect from the Effective Date to August 31, 2023 unless earlier terminated in accordance with the provisions of Section 4 of this Agreement. This Agreement may be extended by mutual written agreement of the parties pursuant to Section 6.3 of this Agreement.

2. COMPENSATION, DISCLOSURE AND PAYMENT TERMS

2.1 **Compensation.** All consulting and/or insurance services provided by Lockton as set forth in Addendum A will be performed for the following compensation in 2.2.

2.2 **Payment Schedule.** Client shall pay the fee set forth above on the following payment schedule:

<u>Due Date</u>	<u>Amount Due</u>
Annual	\$22,500

Client will provide full payment to Lockton for all fee invoices submitted within 30 days of Client's receipt of each invoice. Client grants Lockton a right to setoff any amounts Lockton owes to Client against any unpaid fees Client owes to Lockton.

3. SERVICES

3.1 **Scope of Services.** It is hereby understood and agreed that in consideration of the compensation set forth above, Lockton will provide the consulting services outlined in Addendum A, which is attached to and made part of this Agreement. In the event Client: 1) requests that Lockton provide other services beyond those set forth in Addendum A; or 2) makes an acquisition or otherwise experiences growth such that the level and/or scope of services needed by Client shall significantly exceed the level of services as contemplated at the inception of this Agreement, Client and Lockton agree to review in good faith the additional services required and increase the fee set forth herein or agree to other compensation (such as commissions on additional placements) in addition to the fee. Such additional compensation shall be set forth in a written and signed addendum pursuant to Section 6.3 of this Agreement.

3.2 **Use of Intermediaries.** When in Lockton's professional judgment it is necessary or appropriate, Lockton may utilize the services of intermediaries or other appropriate outside vendors to assist in the servicing and marketing of Client's employee benefit programs. However, this may only be done after consultation with and prior approval by Client. Such intermediaries may or may not be affiliates of Lockton. Lockton will advise Client whether any such intermediary is an affiliate of Lockton. Under all circumstances, any

and all compensation earned by any intermediary or outside vendor shall be in addition to the compensation paid to Lockton as described herein.

3.3 **Modeling and Analytics Services.** Lockton provides various modeling and/or data analytics services to its clients ("Modeling and Analytics Services") and may provide such services to Client. Client authorizes Lockton 1) to disclose information it receives from Client, its insurers and/or third-party administrators to Lockton's affiliates, parents, employees, and/or to third parties as necessary to perform such Modeling and Analytics Services, and 2) to contribute such information to benchmarking databases created by or for Lockton to facilitate the creation of analytic reports for its clients, provided that such reports shall not include any information that personally identifies Client or its employees.

Modeling and Analytics Services will be based upon a number of assumptions, conditions and factors, as well as information provided by third parties. If any such information provided to or utilized by Lockton is inaccurate, incomplete or should change, the Modeling and Analytics Services provided by Lockton could be materially affected. As Modeling and Analytics Services are subject to inherent uncertainty and involve variables beyond Lockton's control, actual results may differ materially from Lockton's projections. The parties agree that Lockton shall have no liability to Client if 1) Lockton is provided inaccurate or incomplete information, or 2) actual results differ from Lockton's projections. Modeling and Analytics Services do not constitute, and are not intended to be a substitute for, independent actuarial, accounting or tax advice.

4. TERMINATION OF SERVICES

4.1 **Termination for Convenience.** Client or Lockton may terminate this Agreement at any time with thirty (30) days' written notice to the other party.

4.2 Fee Due at Termination.

In the event that Client terminates this Agreement, either by BOR or by thirty (30) days written notice, all services will be discontinued on the effective date of termination. In such event, Lockton shall invoice Client for the services provided up to the effective date of termination on a pro rata basis in accordance with the compensation terms of this Agreement.

5. CONFIDENTIALITY

5.1 **Confidential Information.** Lockton and Client acknowledge that the nature of Lockton's services provided to Client may result in either party (the "Disclosing Party") disclosing to the other party



(the "Receiving Party") certain of Disclosing Party's information ("Information"), some of which may be of a confidential or proprietary nature. For purposes of this Agreement, Information shall mean any and all nonpublic information provided to the Receiving Party, which may include the Disclosing Party's product, marketing, pricing or financial strategies; customer information; employee information; proprietary business processes or technologies; financial information and/or trade secrets.

5.2 Exclusions. Information shall not include any information that: 1) is or becomes publicly known and generally available in the public domain through no wrongful action or disclosure by the Receiving Party; 2) becomes known by the Receiving Party without any obligation to hold such information in confidence; 3) is received from a third party without similar restrictions known to the Receiving Party; 4) is independently developed by the Receiving Party without use of or reference to the Disclosing Party's Information; or 5) The Receiving Party is required by law, regulation, summons, subpoena or similar judicial, regulatory or administrative order or proceeding to disclose, but only to the extent and for the purpose of such required disclosure, provided the Receiving Party, unless prohibited by law, gives the Disclosing Party prompt written notice of such required disclosure to enable the Disclosing Party to pursue protective measures.

5.3 Receiving Party's Confidentiality Duties. In consideration of the Disclosing Party's disclosure of Information to the Receiving Party, the Receiving Party hereby agrees as follows:

A. The Receiving Party shall take all reasonable steps to protect the confidentiality of the Information, and shall not use the Information for any purpose other than the advancement of the services contemplated herein.

B. The Receiving Party shall not, without the prior written approval of the Disclosing Party, publish or disclose to others any of the Information, except that Client expressly authorizes Lockton to disclose Client's Information to underwriters, insurers, insurance-related intermediaries and/or other third parties as necessary for the purpose of providing the services contemplated herein.

C. The Parties acknowledge that any unauthorized disclosure or use of the Information in violation of this Agreement by a Receiving Party may cause the Disclosing Party irreparable harm, and that money damages alone, the amount of which might be difficult to ascertain, might be an inadequate remedy and, therefore, agree that the Disclosing Party shall have the right to seek injunctive relief in addition to any other remedies otherwise available to the Disclosing Party at law or in equity.

D. At the Disclosing Party's written request, the Receiving Party shall return to the Disclosing Party any and all records or documents constituting the Information, except that the Receiving Party shall be permitted to retain an archival copy of the Information pursuant to its record retention and regulatory and legal compliance requirements. If return of the Information is not feasible, the Receiving Party shall maintain the Information pursuant to the terms and conditions of this Agreement.

5.4 Data Protection

A. For the purposes of this section 5.4:

1. **Controller** means a person which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data;

2. **Data Protection Laws** means all laws and regulations relating to the Processing of Personal Data as the same may be in force from time to time;

Personal Data means any information relating to an identified or identifiable living individual;

3. **Processing** means any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, and **Process, Processes** and **Processed** shall be construed accordingly;

4. **Processor** means a person which Processes Personal Data on behalf of a Controller;

5. **Relevant Individual** means any individual whose Personal Data is disclosed to Lockton for Processing by Lockton or on Lockton's behalf in connection with our engagement or any services Lockton provides to Client, including (by way of example) any individual who is an insured person, or a third-party claimant, under or in respect of an insurance policy; and

6. **Relevant Person** means Client and any other person who collects Personal Data relating to a Relevant Individual.

B. Client and Lockton acknowledge and agree that, in relation to our engagement and any services Lockton provides to Client:

1. Lockton is a Controller in respect of the Personal Data Lockton Processes;

2. Client is a Controller in respect of the Personal Data Client Processes;

3. Lockton and Client are not joint Controllers; and

4. neither Client nor Lockton Processes any Personal Data on behalf of the other as a Processor.

C. In respect of the Personal Data that Lockton or Client Process in relation to our engagement and any services Lockton provides to Client:

1. Client and Lockton shall comply at all times with our respective obligations under the Data Protection Laws; and

2. Client and Lockton shall notify each other without undue delay after, and in any event within 24 hours of, becoming aware of any breach of security or other circumstance leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, the Personal Data.

D. In relation to Lockton's engagement and any services Lockton provides to Client, Client shall only provide to Lockton the Personal Data requested by Lockton from time to time, and Client shall ensure that no other Personal Data is provided by Client (or anyone else acting on Client's behalf) to Lockton.

E. Client shall ensure that the information notice set out in the GDPR privacy notice provided by Lockton, or any replacement information notice that Lockton provides to Client from time to

time, is provided to each Relevant Individual. Client shall ensure that the notice is provided to the Relevant Individual at the time when its Personal Data is first collected by the Relevant Person.

F. Client shall ensure that such steps are taken to obtain the consent of each Relevant Individual to the Processing of its Personal Data in connection with Lockton's engagement and any services Lockton provides as may be required from time to time by Lockton.

G. Client shall ensure that Lockton is promptly notified of any contact a Relevant Person receives from a Relevant Individual regarding the Processing of its Personal Data in relation to our engagement or any services Lockton provides to Client. Client shall ensure that each Relevant Person provides Lockton with reasonable cooperation and assistance in relation to each such contact to enable Lockton to respond to such contact fully and promptly and in accordance with any deadlines set by the Data Protection Laws to which Lockton is subject.

H. In addition, Client and Lockton agree to work together to ensure that Lockton is able to Process the Personal Data that Lockton Processes in relation to Lockton's engagement and any services Lockton provides to Client for the purposes contemplated by such engagement lawfully, fairly and in a transparent manner and in compliance with the Data Protection Laws to which Lockton is subject. This shall include Client cooperating and assisting Lockton with Lockton's dealings with regulatory authorities responsible for maintaining and enforcing the application of the Data Protection Laws to which Lockton is subject.

I. Client and Lockton agree to enter into such other written agreements as may be required from time to time to enable Client to comply with the Data Protection Laws to which Client is subject and/or to enable Lockton to comply with the Data Protection Laws to which Lockton is subject.

J. This Section 5.4 shall survive the termination or expiration of this Agreement.

6. GENERAL CONDITIONS

6.1 Cooperation. Client shall provide Lockton with reasonable cooperation and assistance necessary for Lockton to fulfill its responsibilities to Client pursuant to the terms of this Agreement, including, without limitations, copies of all documents reasonably requested by Lockton and the cooperation of and access to certain of Client's personnel.

6.2 Assignment. Neither party shall assign any rights or duties herein set forth without the prior written consent of the other party.

6.3 Entire Agreement. The terms and conditions of this Agreement constitute the entire Agreement between the parties with respect to the subject matter hereof. Subject to the provisions of Section 3.1, this Agreement shall not be amended except by a written amendment signed by both parties, and no promises, agreement, or representations not herein set forth shall be of any force or effect between them. This Agreement shall serve to terminate and supersede all agreements and undertakings heretofore entered into between the parties on subjects covered by this Agreement.

6.4 Indemnification. Lockton and Client shall indemnify, defend, and hold one another, their directors, officers, employees, agents, and representatives harmless from and against any and all claims, damages, losses, or expenses (including such parties' reasonable attorney, accountant, and expert witness fees and costs) incurred by one party as the result of (i) a material breach by the other party of any of its obligations under this Agreement or (ii) any willful or negligent conduct of the other party.

6.5 Dispute Resolution. Any and all disputes between the parties arising out of or relating to this Agreement or the services provided pursuant to this Agreement shall be adjudicated and resolved exclusively through binding arbitration administered by the American Arbitration Association under its Commercial Arbitration Rules in effect at the time such arbitration is initiated. Any arbitration hereunder shall be conducted in Kansas City, Missouri, and the decision of the arbitrator shall be final and binding upon all parties. An arbitrator's decision may be recorded and registered as a judgment in any jurisdiction in which the party against whom the arbitration award is rendered has assets in order for the prevailing party to collect any amounts due hereunder. Each party shall be responsible to pay its own arbitration filing fees, arbitrator fees, attorney fees, and other related administrative costs and expenses incurred in the course of prosecuting or defending a claim in arbitration.

6.6 Limitation of Liability. IN NO EVENT SHALL A PARTY BE LIABLE TO THE OTHER FOR ANY INDIRECT, CONSEQUENTIAL, INCIDENTAL, EXEMPLARY, SPECIAL OR PUNITIVE DAMAGES (INCLUDING, WITHOUT LIMITATION, LOST PROFITS AND LOST BUSINESS), ARISING OUT OF OR RELATED TO THESE TERMS OF BUSINESS, EVEN IF IT HAS BEEN ADVISED OR IS AWARE OF THE POSSIBILITY OF SUCH DAMAGES, AND REGARDLESS OF WHETHER ARISING IN TORT (INCLUDING NEGLIGENCE), CONTRACT, OR OTHER LEGAL THEORY. IN ANY EVENT, THE LIABILITY OF ONE PARTY TO THE OTHER FOR ANY REASON AND UPON ANY CAUSE OF ACTION SHALL BE LIMITED TO TEN MILLION DOLLARS (\$10,000,000.00). THIS LIMITATION APPLIES TO ALL CAUSES OF ACTION IN THE AGGREGATE. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, THE EXCLUSIONS AND LIMITATIONS OF LIABILITY CONTAINED HEREIN SHALL NOT APPLY TO: 1) ANY DAMAGES AWARDED IN CONJUNCTION WITH A FINAL JUDICIAL DETERMINATION OF FRAUD OR GROSS NEGLIGENCE OR 2) PERSONAL INJURY, INCLUDING DEATH, OR DAMAGE TO TANGIBLE PERSONAL PROPERTY CAUSED BY THE NEGLIGENT, WILLFUL OR INTENTIONAL ACTS OF A PARTY OR ITS EMPLOYEES, AGENTS OR SUBCONTRACTORS. REFERENCES TO A PARTY HEREIN INCLUDE SUCH PARTY'S DIRECTORS, OFFICERS, EMPLOYEES, MEMBERS, AGENTS AND DOMESTIC AND INTERNATIONAL AFFILIATED ENTITIES.

6.7 Accuracy and Completeness of Information. Client shall be solely responsible for the accuracy and completeness of all information furnished to Lockton and/or to underwriters, insurers, insurance-related intermediaries and/or other third parties as necessary for the services contemplated herein. Lockton shall not be responsible for independently verifying the accuracy or completeness of any information that Client provides, and Lockton shall be entitled to rely on such information. Lockton shall have no liability for any errors or omissions in any services provided to Client, including the placement of insurance on Client's behalf, that

are the result of, arise from, or are based on inaccurate or incomplete information provided to Lockton. Client understands that the failure to provide accurate and complete information to an insurer, whether intentional or by error, could result in the denial of claims or rescission of coverage altogether. Client will review all policy documents provided to Client by Lockton and shall inform Lockton of any inaccuracies, deficiencies or discrepancies contained therein.

6.8 No Reliance. Any reports or advice provided by Lockton should not be relied upon as accounting, legal, actuarial or tax advice. In all instances, Lockton recommends that Client seek independent advice on such matters from professional accounting, legal, actuarial and tax advisors.

6.9 Relationship between the Parties. Client acknowledges and agrees that in no event shall Lockton owe any enhanced or special duties to Client, express or implied, in fact or by law, whether referred to as a special relationship or fiduciary relationship or otherwise, except to the extent required by applicable law.

6.10 Notices. Any communication or notice required or which may be given hereunder shall be addressed to Client and to Lockton at their respective addresses as follows:

CLIENT

CITY OF BELLEVUE
1500 Wall Street
Bellevue, NE 68005
Attn: Rusty Hike
Title: City of Bellevue Mayor

LOCKTON

KANSAS CITY SERIES OF LOCKTON COMPANIES, LLC
444 W. 47th Street Suite 900
Kansas City, MO 64112
Attn: Timothy Meacham
Title: Chief Operating Officer

6.11 Governing Law. This Agreement shall be governed for all purposes by the laws of the state of Missouri.

<The rest of this page is intentionally left blank. Signature page to follow.>



In witness whereof, the parties hereto have executed the Agreement in duplicate intending each copy to serve as an original as of the day and year first written above.

KANSAS CITY SERIES OF LOCKTON COMPANIES, LLC

CITY OF BELLEVUE

BY:

Timothy Meacham
Chief Operating Officer

BY:

Rusty Hike
City of Bellevue Mayor

DATE: 9/1/2022

DATE: 8/30/2022

Addendum A—Lockton Nurse Advocacy

Standard Lockton Nurse Advocacy (INA) Services	Typical Frequency	Cost
❖ Health Risk Assessment (HRA) – Administer the delivery of an online survey of individual medical history and lifestyle choices behaviors.	Annually	Included in Fee
❖ Collection of Physician Preventive Biometric Screening and Laboratory Results Form – The collection / measurement of height, weight, waist circumference, blood pressure, as well as laboratory screening.	Annually	Included in Fee
❖ Wellness Portal access – All members can register on the Wellness Portal and have access to their individualized reporting, incentive criteria and other health resources that may be available.	Annually	Included in Fee
❖ Health Coaching – One -to-one meetings with a professional nurse for those that did not meet certain benchmarks. The nurse will work with the member to educate, set health goals and to offer motivation and support to the individuals for reaching their health goals.	Quarterly	Included in Fee
❖ Employer Aggregate Report – A comprehensive aggregate report of the Client’s biometric and lifestyle results stratified by risk category, and executive review of findings.	Annually	Included in Fee
❖ Educational Presentations – Presentations developed and presented by a nurse.	As needed	Additional fees may apply
❖ Incentive Tracking and Reporting – A report will be provided with the names of participants and their incentive qualification status.	Annually	Included in Fee
❖ Lunch – N – Leans – Presentation developed and presented by a nurse.	As needed	2 are included; there will be a cost for additional presentations
❖ Wellness Newsletter	Monthly	Electronic version Included

Our Mission

To be the worldwide value and service leader in insurance brokerage,
risk management, employee benefits, and retirement services

Our Goal

To be the best place to do business and to work



LOCKTON

RISK MANAGEMENT | EMPLOYEE BENEFITS | RETIREMENT SERVICES

www.lockton.com

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

16d.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022		SUBMITTED BY: Rich Severson		Finance Director	
AGENDA ITEM:		CONSENT AGENDA	<input type="checkbox"/>	SPECIAL PRESENTATION	<input type="checkbox"/>
LIQUOR LICENSE	<input type="checkbox"/>	ORDINANCE	<input type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>
RESOLUTION	<input type="checkbox"/>	CURRENT BUSINESS	<input checked="" type="checkbox"/>	OTHER	<input type="checkbox"/>

SUBJECT:

PROPERTY/CASUALTY INSURANCE RENEWAL

SYNOPSIS/BACKGROUND:

Property/Casualty Insurance expires 9/30/22. Seeking authorization to renew insurance through FNIC Brokers for FY23.

FISCAL IMPACT: BUDGETED FUNDS?: YES NO GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:	<input type="text" value="NO"/>	COUNTER-PARTY:	<input type="text"/>	INTERLOCAL AGREEMENT:	<input type="text" value="NO"/>
CONTRACT DESCRIPTION: <input type="text"/>					
CONTRACT EFFECTIVE DATE:	<input type="text"/>	CONTRACT TERM:	<input type="text"/>	CONTRACT END DATE:	<input type="text"/>
PROJECT NAME: <input type="text"/>					
START DATE:	<input type="text"/>	END DATE:	<input type="text"/>	PAYMENT DATE:	<input type="text"/>
				INSURANCE REQUIRED:	<input type="text" value="NO"/>
CIP PROJECT NAME:	<input type="text"/>	CIP PROJECT NUMBER:	<input type="text"/>		
STREET DISTRICT NAME (S):	<input type="text"/>	STREET DISTRICT NUMBER (S):	<input type="text"/>		
ACCOUNTING DISTRIBUTION CODE:	<input type="text"/>	ACCOUNT NUMBER:	<input type="text"/>		

RECOMMENDATION:

Recommend approval of the property/casualty insurance for the City of Bellevue's FY23 with Travelers, Midwest Casualty Employers, and Chubb with a total premium package of \$646,997.75.

ATTACHMENTS:

- | | | |
|--|---|-------------------------|
| 1. <input type="text" value="Summary Renewal Letter"/> | 2. <input type="text" value="Premium Summary"/> | 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. Blue Rollin

[Signature]

[Signature]



September 9, 2022

Jani Jennings, ARM
Risk Manager, City of Bellevue
1500 Wall St.
Bellevue, NE 68005

RE: City of Bellevue 2022-23 Property & Casualty Insurance Renewal

Jani,

On behalf of the team, I would like to thank you for placing your trust and confidence in FNIC as your insurance and risk management consultant. It is our pleasure to deliver the following document highlighting this year's renewal terms and conditions for the City of Bellevue.

Overall, terms and conditions along with total cost did not change much year over year with a less than two percent increase in pricing. Some individual lines fluctuated higher or lower as noted on the premium summary. However, the final cost did not vary much from the expiring year's program and we are recommending renewing all coverage with the current carriers.

Below is a brief recap of some of the more significant changes by line:

Property – Travelers has increased the total value of the blanket schedule by 9% to account for the inflationary trends in reconstruction costs. In a somewhat surprising outcome, we did not see Travelers increase their wind hail deductible structure similar to what we have seen on some other public entity property renewals

Excess WC – Midwest Employers increased the retention level to \$700,000 for claims related to police and fire WC codes. They had originally indicated a \$750,000 retention but we were able to get some relief down to \$700,000. Upon learning of the retention change, we did send submissions to other excess carrier for alternative terms. The marketing did validate that MWECC was still the best option at this time.

Cyber – This line of coverage saw the most significant pricing change on a percentage basis but represents a very small portion of the overall premium spend. The cyber market continues to experience very turbulent times and very large increases in premiums. We might be reaching a point where underwriters have a better handle on the risks they are taking which could lead to more price stability in the future.

The marketplace for municipalities in Bellevue's peer group contracted a little more in 2022 when One Beacon/Intact insurance announced they were exiting the municipal marketplace all together. Their departure serves to remind all who work in the public entity insurance space to always value a good relationship with your incumbent and not always chase the next best deal offered. The ongoing relationship the city has with Travelers is one we recommend continuing and look forward to working on your behalf with Travelers along with the other carriers providing coverage to the City of Bellevue.

Sincerely,

Mark Frantz
First Vice President

Jeff Scanlan
Senior Vice President

The City of Bellevue
Premium Summary



COVERAGE	CARRIER	A.M. Best Rating	Annualized Expiring	RENEWAL	
			2021-2022		Difference
PROPERTY/IM/EQB	Travelers	A ++ XV	\$122,270.00	\$123,213.00	0.8%
GENERAL LIABILITY / EMPLOYEE BENEFIT LIABILITY	Travelers	A ++ XV	\$30,479.00	\$31,221.00	2.4%
LAW ENFORCEMENT LIABILITY	Travelers	A ++ XV	\$61,847.00	\$67,625.00	9.3%
PUBLIC ENTITY MANAGEMENT LIABILITY	Travelers	A ++ XV	\$9,466.00	\$10,090.00	6.6%
EMPLOYMENT PRACTICES LIABILITY	Travelers	A ++ XV	\$21,811.00	\$23,224.00	6.5%
CRIME	Chubb	A++ XV	\$3,053.00	\$3,808.00	24.7%
FIDUCIARY	Chubb	A++ XV	\$10,826.00	\$10,826.00	0.0%
AUTOMOBILE	Travelers	A ++ XV	\$136,796.00	\$128,204.00	-6.3%
UMBRELLA EXCESS LIABILITY & E&O	Travelers	A ++ XV	\$41,243.00	\$39,761.00	-3.6%
WORKERS' COMPENSATION BOND	MWECC	A+ XV	\$28,875.00	\$24,573.75	-14.9%
WORKERS' COMPENSATION EXCESS	MWECC	A+ XV	\$98,847.00	\$104,996.00	6.2%
CYBER	Chubb	A++ XV	\$17,300.00	\$30,058.00	73.7%
PREMISES POLLUTION LIABILITY(3 YR)	Chubb	A++ XV	\$49,638.00	\$0.00	
DRONE	GLOBAL AEROSPACE INC.		\$898.00	\$898.00	0.0%
CLAIMS FEE			\$5,000.00	NA	
CONSULTING FEE			NA	\$48,500.00	
ANNUAL PREMIUM			\$638,349.00	\$646,997.75	1.4%

Coverage/Limits Changes to Note:

Property

*Blanket property Values increased 9% to accommodate for YOY inflationary increases in construction costs resulting in higher replacement cost values.

*Equipment Floater policy is no longer on reporting basis. Changes will be submitted during the year and endorsed to the policy

Auto

*The UM/UIM SIR is now at \$100,000 to Match the Liability SIR amount

WC

*SIR amount for Police and Fire WC codes has been increased to \$700K

Marketing Summary/ Feedback:

wing markets were approached for quotes on excess Comments:

Arch Insurance	Require \$750 SIR on Fire and Police with similar pricing
Chubb	Min Premium 200K
Liberty Mutual	Not a Market for Municipality
Safety National	Requires higher SIR amount
Sentry	Will not write above outside TPA provider

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

16e.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022	SUBMITTED BY: Doug Clark	Public Works Director
AGENDA ITEM:	CONSENT AGENDA <input checked="" type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input checked="" type="checkbox"/>	OTHER <input type="checkbox"/>

SUBJECT:

Maintenance of the plantings in the public areas within the city right-of ways within the Tregaron subdivison.

SYNOPSIS/BACKGROUND:

The Tregaron subdivison, formerly SID 171, was annexed by the City and residents of the subdivison, are desirous of continuing the beautification efforts undertaken prior to annexation. The residents are willing to provide free of charge the necessary labor for the continuation of the maintenance of the plantings. Tregaron subdivison is requesting up to \$3,000.00 yearly for purchasing of plants, material, services upon approval. It is in the best interest of Tregaron to continue to maintain or improve the plantings in the public ROW's.

FISCAL IMPACT: 3,000.00 BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

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

CONTRACT DESCRIPTION: MOU- Tregaron Subdivision City ROW Maintenance

CONTRACT EFFECTIVE DATE: 01/01/2022 CONTRACT TERM: 5 years CONTRACT END DATE: 12/31/2026

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 DISTRUBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

The Mayor and City Council to approve the MOU/Agreement with Tregaron for the purpose of providing for the maintenance of the plantings in the public areas within the City ROW's with the Tregaron subdivison, formerly SID 171.

ATTACHMENTS:

1. MOU/Agreement Tregaron 2. 3. 4. 5. 6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

A. Bressler
[Signature]
[Signature]

MEMORANDUM OF UNDERSTANDING AND AGREEMENT

This Memorandum of Understanding and Agreement (MOU/A) is executed by the City of Bellevue, Nebraska, a municipal corporation of the State of Nebraska, hereinafter referred to as "CITY", and the Tregaron Homeowners Association, a Nebraska nonprofit corporation, hereinafter referred to as "THA", for the purpose of providing for the maintenance of the plantings and landscaping in the public areas within city rights-of way within the Tregaron Subdivision.

WHEREAS, the Tregaron Subdivision, formerly Sanitary and Improvement District (SID) 171, was annexed by CITY and the residents of the subdivision are desirous of continuing the beautification efforts undertaken prior to annexation; and,

WHEREAS, CITY and THA wish to enter into this agreement to allow for the continued maintenance that was previously provided to the subdivision by SID 171, and the residents are willing to provide the necessary labor or payment for labor for continuation of the maintenance of the plantings; and,

WHEREAS, it is in the best interests of all concerned that THA continue to maintain or improve the plantings in the public rights-of-way as described below.

NOW, THEREFORE, IT IS UNDERSTOOD BETWEEN THE PARTIES AS FOLLOWS:

Section 1. Duties of THA.

THA, being a private members organization of residents of the Tregaron Subdivision, shall be responsible to provide labor or payment for labor for the maintenance and/or improvement of the plantings and landscaping within the public rights-of-way, including:

Three entrances to the subdivision as follows: one island at Tregaron Drive and Fairview Road (Attachment 1), one island at Glengarry Circle and Fairview Road (Attachment 2), and one island at Greenwald Street and 25th Street (Attachment 3).

Garden area located north of the Bellevue Fire District 4 Station between 25th Street and Greenwald Street (Attachment 4).

Maintenance of the plantings and landscaping within these areas shall include placement of mulch, planting, and watering of plants, treating of the areas for weeds, disease and harmful insects, and routine trimming of trees and bushes, not requiring the services of a certified tree professional.

Section 2. Duties of CITY.

CITY shall provide routine grass mowing of the designated public rights-of-way in its normal course of maintenance along Fairview Road, 25th Street, Greenwald Street, S. 24th Street, and the park surrounding the garden area.

Within thirty (30) days of the signing of this MOU/A, the CITY shall provide initial funding of \$3,000.00 to the THA for the purposes of allowing the THA the ability to purchase plants, materials, and services for the maintenance and duties of the THA as outlined in Section 1.

Beginning January 1, 2023, and for each year thereafter for the term of this agreement, the THA will be paid \$3,000.00. Beginning January 15, 2024, the THA shall present invoices or bills that were acquired for the purchase of plants, materials, and services for the maintenance and duties of the THA

as outlined in Section 1 for the proceeding calendar year. The invoices and/or bills shall be presented to the Public Works Director no later than January 15th of each year beginning in 2024 and continuing during the term of this agreement. Should the invoices and/or bills be less than \$3,000.00 for the proceeding calendar year, the amount paid by the CITY the next calendar year shall be reduced by said amount.

CITY shall provide advisory access to city staff to address questions and provide direction regarding landscaping, tree services, only in public rights-of-way issues.

Section 3. Term.

The term of this MOU/A shall be five calendar years beginning January 1, 2022, and concluding December 31, 2026. The MOU/A may be extended by mutual agreement of the parties and as approved in writing. Any extension or adjustments shall be in the form of an Addendum to this agreement and signed by all parties.

This MOU/A shall automatically expire should the THA dissolve or cease to exist.

Executed by the City of Bellevue, Nebraska, this _____ day of _____, 2022

BY:

Attest:

MAYOR

City Clerk

Executed by the Tregaron Homeowners Association, this 1ST day of September, 2022.

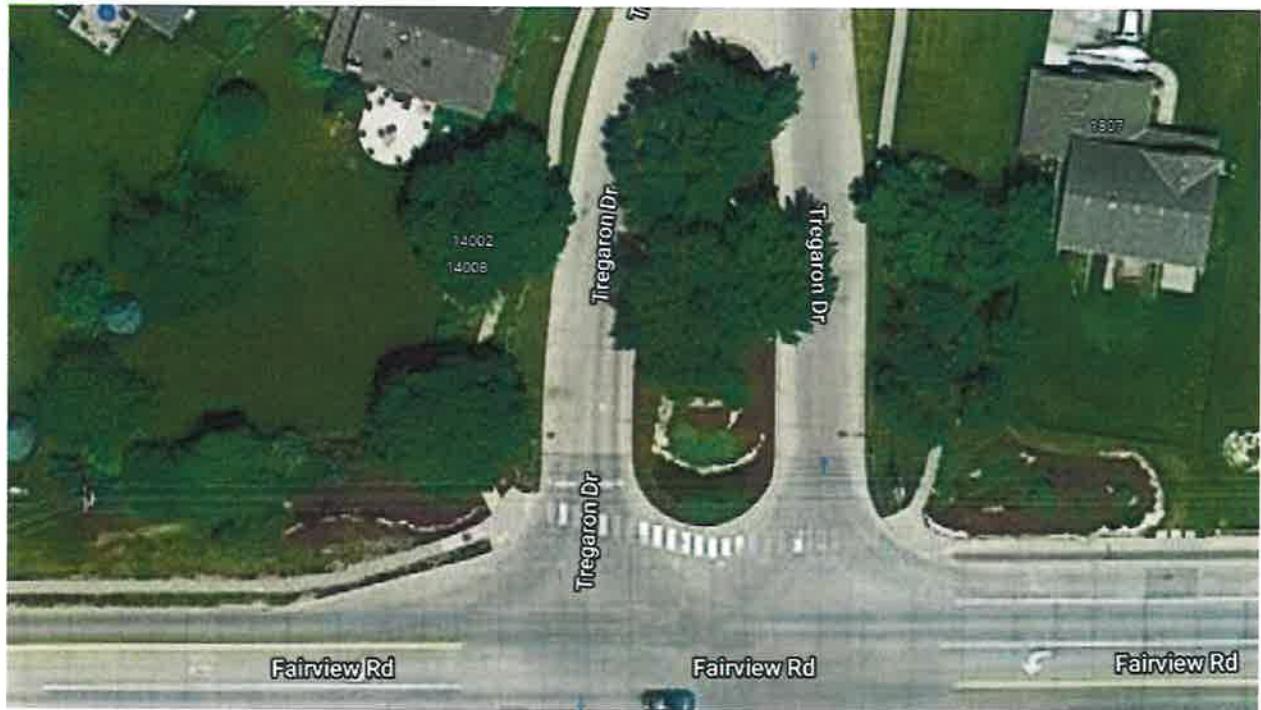
BY:

Witness:

Andrew J. Cutinella
Andrew J. Cutinella
President, THA Board

Ralph P. Hanson
Ralph P. Hanson
Treasurer, THA Board

Attachment 1



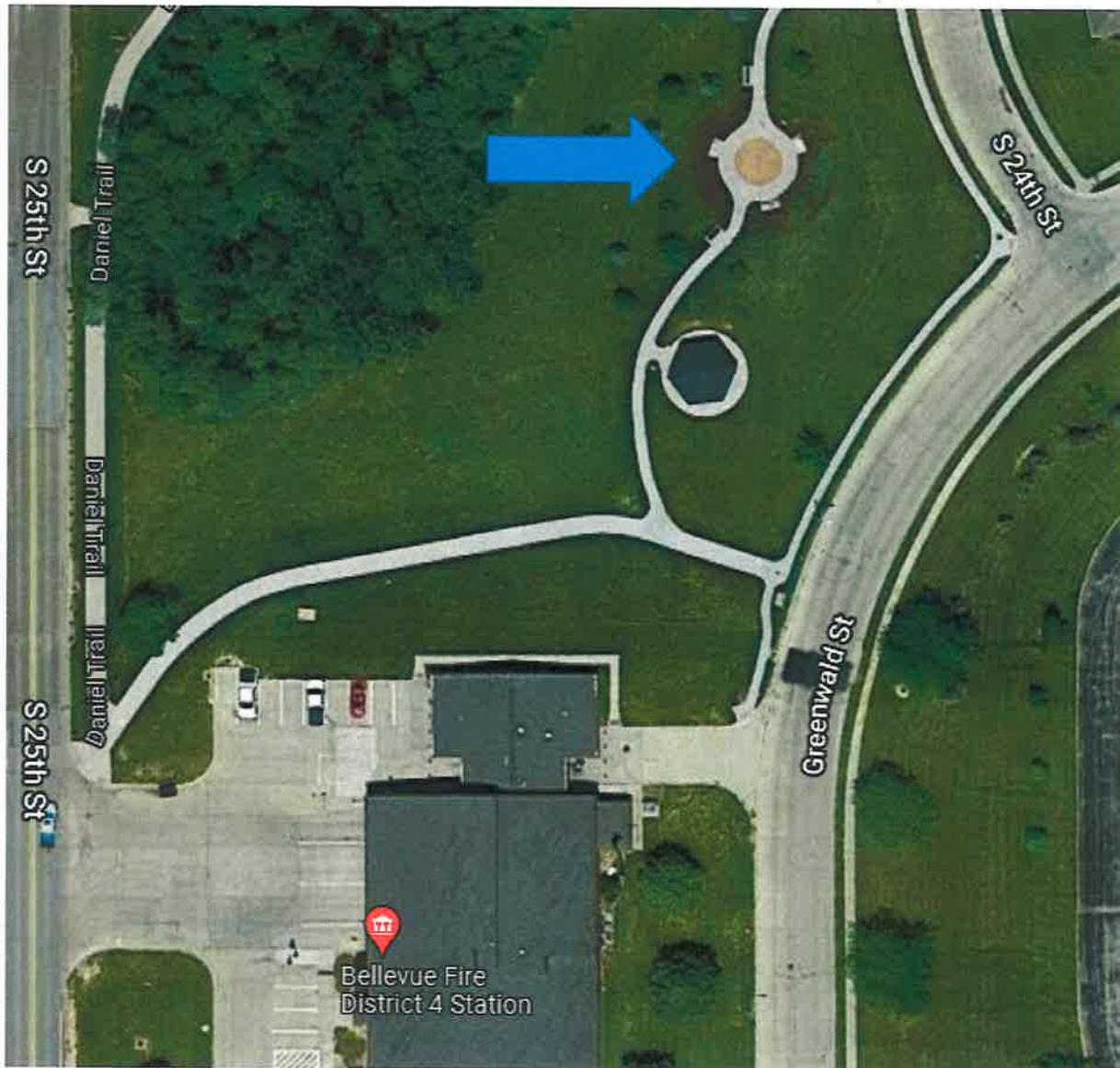
Attachment 2



Attachment 3



Attachment 4



CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

16f.
9/20/2022

COUNCIL MEETING DATE: 09/20/2022		SUBMITTED BY: Doug Clark		Public Works	
AGENDA ITEM:		CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>		
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input type="checkbox"/>		PUBLIC HEARING <input type="checkbox"/>		
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input checked="" type="checkbox"/>		OTHER <input type="checkbox"/>		

SUBJECT:

Overage Charges for the purchase of Snow Plows and related equipment.

SYNOPSIS/BACKGROUND:

The \$76,348.68 is costs related to the current supply chain and materials issues that plague the manufacturing and delivery businesses. The charges were added to our order after the order was made due to that additional costs being charged our suppliers due to low supply and high demand.

FISCAL IMPACT: BUDGETED FUNDS?: YES 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 Public Works Department recommends the approval of the contract to purchase these with the additional cost of \$76,348.68. All vehicles are in short supply and in many cases vehicles and equipment orders are being cancelled. To confirm the delivery of these vehicles and cap any additional costs associated with the purchase protects the city from additional price spikes. These vehicles and equipment have been on order since 2021.

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 Bowen
[Signature]
[Signature]

CORNHUSKER INTERNATIONAL TRUCKS, INC.
P.O BOX 45203
4502 S 110TH STREET
OMAHA, NE 68137
P 402-331-8801 F 402-331-8802



SOLD TO:

CITY OF BELLEVUE 210 WEST MISSION AVE. BELLEVUE NE 68005	INVOICE / DEAL NUMBER	90722
	INVOICE DATE:	9/6/2022
	SALES PERSON:	ROB ROANE
	CUSTOMER PO:	

QUANTITY	DESCRIPTION	AMOUNT
	MATERIAL & COMMODITY SURCHARGES	
1	2023 INTERNATIONAL HV507 VIN 3HAEDTAR3PL497322	\$1,500.00
1	2023 INTERNATIONAL HV507 VIN 3HAEDTAR5PL497323	\$1,500.00
1	2023 INTERNATIONAL HV507 VIN 3HAEDTAR7PL497324	\$1,500.00
1	2023 INTERNATIONAL HV507 VIN 3HAEDTAR9PL497325	\$1,500.00
1	2023 INTERNATIONAL HV513 VIN 3HAEMTZT4PL499435	\$2,000.00
1	2023 INTERNATIONAL HV513 VIN 3HAEMTZT6PL499436	\$2,000.00
1	2023 INTERNATIONAL HV513 VIN 3HAEMTZT8PL499437	\$2,000.00

EQUIPMENT:

QUANTITY	DESCRIPTION	AMOUNT
	SURCHARGES	
1	HENDERSON SINGLE AXLE STANDARD DUMP	\$10,397.24
1	HENDERSON SINGLE AXLE STANDARD DUMP	\$10,397.24
1	HENDERSON SINGLE AXLE MUNI DUMP	\$7,992.60
1	HENDERSON SINGLE AXLE MUNI DUMP	\$7,992.60
1	HENDERSON TANDEM AXLE FSH W/ STAND	\$10,393.88
1	HENDERSON TANDEM AXLE FSH W/ STAND	\$10,393.88
1	HENDERSON TANDEM AXLE TASK FORCE	\$6,781.24

EQUIPMENT DELIVERED TO:

	TOTAL CASH PRICE	\$76,348.68
	TOTAL SURCHARGES	\$76,348.68

Robert Roane

SELLER: _____ ROBERT ROANE

BUYER: *Ralph R. Chik*

City of Bellevue Serial Number Spread Sheet

Cornhusker PO Number :	320396	
Vin Number : 3HAEMTzt4PL499435	Commodity & Material Surcharges	\$2,000
MKE- 789726-1 Dump Body Tandem Axle	Material surcharges	\$10,393.88
WSH- 789726-1 Spreader		
PWS- 789726-1 Prewet		
RSP- 789726-1 Plow		
HCH- 789726-1 Hitch		
HSS- 789726-1 Stand		
Cornhusker PO Number :	320396	
VIN 3HAEMTzt6PL499436		\$2,000
MKE- 789727-1 Dump Body Tandem Axle		\$10,393.88
WSH- 789727-1 Spreader		
PWS- 789727-1 Prewet		
RSP- 789727-1 Plow		
HCH- 789727-1 Hitch		
HSS - 789727-1 Stand		
Cornhusker PO Number :	320396	
VIN 3HAEMTzt8PL499437		\$2,000
MKE- 790162-1 Dump Body Tandem Axle		\$6,781.24
WSH- 790162-1 Spreader Taskforce		
PWS- 790162-1 Prewet		
HCH- 790162-1 Hitch		
RSP- 790162-1 Plow		
Cornhusker PO Number :	320396	
VIN 3HAEDTAR3PL497322		\$1,500
MKE- 789719-1 Dump Body Single Axle		\$10,397.24
WSH- 789719-1 Spreader		
PWS- 789719-1 Prewet		
RSP- 789719-1 Plow		
HCH- 789719-1 Hitch		
Cornhusker PO Number :	320396	
VIN 3HAEDTAR7PL497324		\$1,500
MB2- 789729-1 MUNI Body Single Axle		\$7,992.60
PWS- 789729-1 Prewet		
RSP- 789729-1 Plow		

HCH- 789729-1 Hitch

Cornhusker PO Number :
VIN 3HAEDTAR5PL4977323

320396

\$1,500

MKE- 789720-1 Dump Body Single Axle
WSH- 789720-1 Spreader
PWS- 789720-1 Prewet
RSP- 789720-1 Plow
HCH- 789720-1 Hitch

\$10,397.24

Cornhusker PO Number :
VIN 3HAEDTAR9PL497325

320396

\$1,500

MB2- 789728-1 MUNI Body Single Axle
PWS- 789728-1 Prewet
RSP- 789728-1 Plow
HCH- 789728-1 Hitch

\$7,992.60

EXTRAS \$76,348.68

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

***16g**
9/20/2022 !

COUNCIL MEETING DATE: 09/20/2022	SUBMITTED BY: Legal		
AGENDA ITEM:	CONSENT AGENDA <input checked="" type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>	
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input checked="" type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Dedication of Right-of-Way at property located near 36th and Granada.

SYNOPSIS/BACKGROUND:

The City is currently working with Redwood USA LLC for them to purchase property located at Parcel 011592933 and 011592932 consisting of approximately 24.85 acres (PSA previously approved by Council). In the process of working through title commitment and surveying it was discovered that a correction was necessary to the survey to account for land not previously included. After discussion it was determined that said land was best used for a dedication of right-of-way. The City desires to have the land dedicated as right-of-way and said dedication will additionally correct any errors in the prior surveying.

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 and authorize the Mayor to sign the Dedication Deed.

ATTACHMENTS:

1. Dedication Deed	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. Breyer
[Signature]
[Signature]

**DEDICATION DEED
FOR CITY RIGHT-OF-WAY PURPOSES**

The Grantor, **CITY OF BELLEVUE, NEBRASKA**, a municipal corporation, the sole owner of a parcel of land described in the attached Exhibit "A", hereby dedicates to the City of Bellevue, a perpetual right-of-way for street and city road purposes for the real property located in Bellevue, Sarpy County, Nebraska, and legally described in the attached Exhibit "A".

IN WITNESS WHEREOF the GRANTOR has executed this Dedication Deed as of this _____ day of September 2022.

GRANTOR:
City of Bellevue, Nebraska

BY: _____
Mayor, Rusty Hike

Attest:

City Clerk

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

The foregoing instrument was acknowledged before me on the _____ day of September, 2022 by Mayor Rusty Hike.

WITNESS my hand and notarial seal on this _____ day of September, 2022.

Notary Public

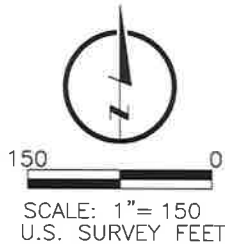
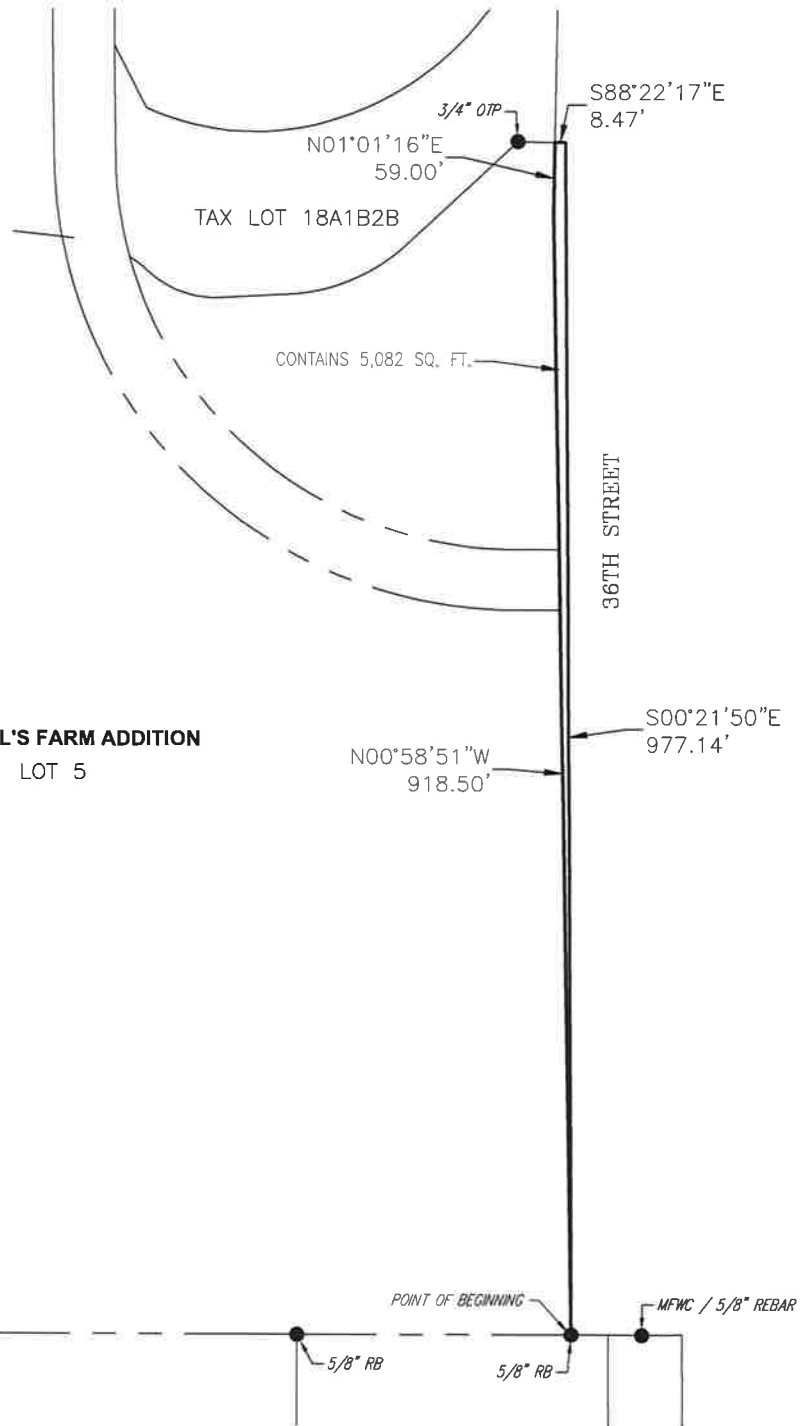
Record and Return to:
City Attorney's Office
City of Bellevue
1500 Wall Street
Bellevue, NE 68005

EXHIBIT A





LEGAL DESCRIPTION

A TRACT OF LAND OVER PART OF LOT 5, DANIELL'S FARM ADDITION, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" REBAR AT THE SOUTHEAST CORNER OF SAID LOT 5;
 THENCE NORTH 00°58'51" WEST (BEARINGS REFERENCED TO SARPY COUNTY LOW DISTORTION) FOR 918.50 FEET ON THE WEST RIGHT OF WAY LINE OF 36TH STREET PER WARRANTY DEED RECORDED IN BOOK 136, AT PAGE 189 AND QUIT CLAM DEED RECORDED IN BOOK 140, AT PAGE 553, ALL BEING RECORDED AT THE SARPY COUNTY REGISTER OF DEEDS;
 THENCE NORTH 01°01'16" EAST FOR 59.00 FEET CONTINUING ON SAID WEST RIGHT OF WAY LINE TO THE NORTH LINE OF SAID LOT 5;
 THENCE SOUTH 88°22'17" EAST FOR 8.47 FEET TO THE NORTHEAST CORNER OF SAID LOT 5;
 THENCE SOUTH 00°21'50" EAST FOR 977.14 FEET TO THE POINT OF BEGINNING.
 CONTAINS 5,082 SQUARE FEET.



LEGEND

-  BOUNDARY LINE
-  LOT LINE
-  SECTION LINE
-  MONUMENT FOUND

DANIELL'S FARM ADDITION
 LOT 5

**LAMP
 RYNEARSON**

LAMPRYNEARSON.COM

OMAHA, NEBRASKA
 14710 W. DODGE RD. STE. 100 (402)496 2496
 FORT COLLINS, COLORADO
 4715 INNOVATION DR. STE. 102 (970)228 0342
 KANSAS CITY, MISSOURI
 9001 STATE LINE RD. STE. 200 (816)361 0440

DESIGNER / DRAFTER
 RER

REVIEWER
 CHRIS SCHULTE

PROJECT NUMBER
 0122059.01

DATE
 9/6/2022

SURFACE LOCATION

BOOK AND PAGE

EXHIBIT

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 09/20/2022		SUBMITTED BY: Doug Clark		Public Works Director	
AGENDA ITEM:		CONSENT AGENDA	<input type="checkbox"/>	SPECIAL PRESENTATION	<input type="checkbox"/>
LIQUOR LICENSE	<input type="checkbox"/>	ORDINANCE	<input type="checkbox"/>	PUBLIC HEARING	<input type="checkbox"/>
RESOLUTION	<input type="checkbox"/>	CURRENT BUSINESS	<input checked="" type="checkbox"/>	OTHER	<input type="checkbox"/>

SUBJECT:

2022 Concrete Projects Contract Addendum

SYNOPSIS/BACKGROUND:

On March 1, 2022 the City Council approved and authorized the Mayor to sign a contract with Burrell Enterprises, LLC, the low, responsible bidder for the 2022 Concrete Projects not to exceed \$783,818.70 plus 10% contingency (\$78,381.87), totaling \$862,200.57. In order to address pedestrian access issues along Nebraska Drive, replace a deteriorated pipe under Chandler Road, and replace undermined pavement on Avery Road, it became necessary to add work to the contract in the current fiscal year. The required funding is available due to the Schilling Drive Bridge Removal Project [ST 22(6); M146 (301B)], which was programmed for \$250,000, being delayed to Fiscal Year 2023. Therefore, Public Works requests approval of an addendum to the original contract increasing the contract by \$175,000.00.

FISCAL IMPACT: \$175,000.00 BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:	YES	COUNTER-PARTY:		INTERLOCAL AGREEMENT:	NO
CONTRACT DESCRIPTION:	2022 Concrete Projects				
CONTRACT EFFECTIVE DATE:		CONTRACT TERM:		CONTRACT END DATE:	
PROJECT NAME:					
START DATE:		END DATE:		PAYMENT DATE:	
				INSURANCE REQUIRED:	NO
CIP PROJECT NAME:	2022 Concrete Projects	CIP PROJECT NUMBER:	ST 22(2)		
STREET DISTRICT NAME (S):		STREET DISTRICT NUMBER (S):			
ACCOUNTING DISTRIBUTION CODE:	7010	ACCOUNT NUMBER:	10-15		

RECOMMENDATION:

Approve and authorize the Mayor to sign the addendum to the original contract with BURRELL ENTERPRISES, LLC, increasing the original contract for the 2022 Concrete Projects by \$175,000.00.

ATTACHMENTS:

- Addendum (Work Change Directive)
- Original Contract approved March 1, 2022
-
-
-
-

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

A. Bree Reber
[Signature]
[Signature]

WORK CHANGE DIRECTIVE

No. 1

DATE OF ISSUANCE 09/20/2022

EFFECTIVE DATE 09/21/2022

OWNER	City of Bellevue
CONTRACTOR	Burrell Enterprises LLC
Contract:	March 1, 2022
Project:	2022 Concrete Projects
OWNER'S Contract No.	N/A
ENGINEER's Project No.	BPW-220104

You are directed to proceed promptly with the following change(s):

Description: **Change Order #1 includes three changes to the scope of this contract. See attached Page 2 for descriptions of the work changes.**

Purpose of Work Change Directive: **See attached Page 2**

Attachments: (List documents supporting change) **See attached Page 2**

If OWNER or CONTRACTOR believe that the above change has affected Contract Price any Claim for a Change Order based thereon will involve one or more of the following methods as defined in the Contract Documents.

Method of determining change in Contract Price:

- Unit Prices
- Lump Sum
- Cost of the Work _____

Estimated increase (decrease) in Contract Price: **\$175,000.00**
If the change involves an increase, the estimated amount is not to be exceeded without further authorization.

Estimated increase (decrease) in Contract Times:
Substantial Completion: 8 days;
Ready for final payment: days.

ISSUED TO:
Burrell Enterprises, LLC
CONTRACTOR

RECOMMENDED AND AUTHORIZED:
City of Bellevue
OWNER

By:

By:

First Change

Description: Remove existing asphalt parking lot along east side of Nebraska Drive in Southwoods Park. Construct curb & gutter across former parking lot entrance. Construct sidewalk from south property line of Southwoods Park to playground entrance (see attached site plan).

Purpose: The City of Bellevue committed to Omaha Public Schools that, upon construction of the new Forest Station Elementary School, sidewalk would be constructed from the school’s north property line through the limits of Southwoods Park in order to serve residents in the Southgate apartment complex to the north. The parking lot to be removed has been out of service for some time and is in an advanced state of disrepair.

Attachments: Burrell Enterprises Estimate dated 05/04/2022; Site Plan sketch dated 05/06/2022

Estimated Increase in Contract Price: \$49,140.00

Second Change

Description: Remove and replace existing 15” culvert pipe under Chandler Road at Bellevue Blvd N.

Purpose: During concrete pavement repair at this location, it was discovered that the existing metal culvert pipe was substantially deteriorated. The contractor was directed to replace the deteriorated pipe with reinforced concrete pipe in order to maintain drainage and support the new pavement.

Attachments: Burrell Enterprises Invoice dated 08/15/2022; Site Plan

Estimated Increase in Contract Price: \$11,280.00

Third Change

Description: Complete concrete pavement repair on Avery Road between Galvin Road and Augusta Avenue.

Purpose: As this street segment was milled in preparation for an asphalt overlay it was discovered that portions of the existing concrete pavement had been undermined during a water main break that had taken place in the Fall of 2021. Repairs were urgently needed to create a stable base of concrete pavement underneath the planned asphalt overlay. The City reached an agreement with MUD to share the cost of the concrete pavement repairs.

Attachments: Burrell Enterprises Estimate dated 08/18/2022 (adjusted for field-measured quantities). Site Plan showing areas of repair and measured quantities.

Estimated Increase in Contract Price: \$113,581.84

First Change	\$49,140.00
Second Change	\$11,280.00
Third Change	\$113,581.84
Total Increase in Contract Price	\$174,001.84
Tot. Increase in Contract Price (Rounded)	\$175,000.00
Total Increase as % of Original Bid Amount	22.3%

Burrell Enterprises LLC
 1433 O ST
 OMAHA, NE 68107 US
 4026122576
 burrellcompany@cox.net

Estimate



ADDRESS
City of Bellevue- Nebraska Dr.

ESTIMATE #	DATE	EXPIRATION DATE
mis91	05/04/2022	05/04/2022

SALES REP

Nate

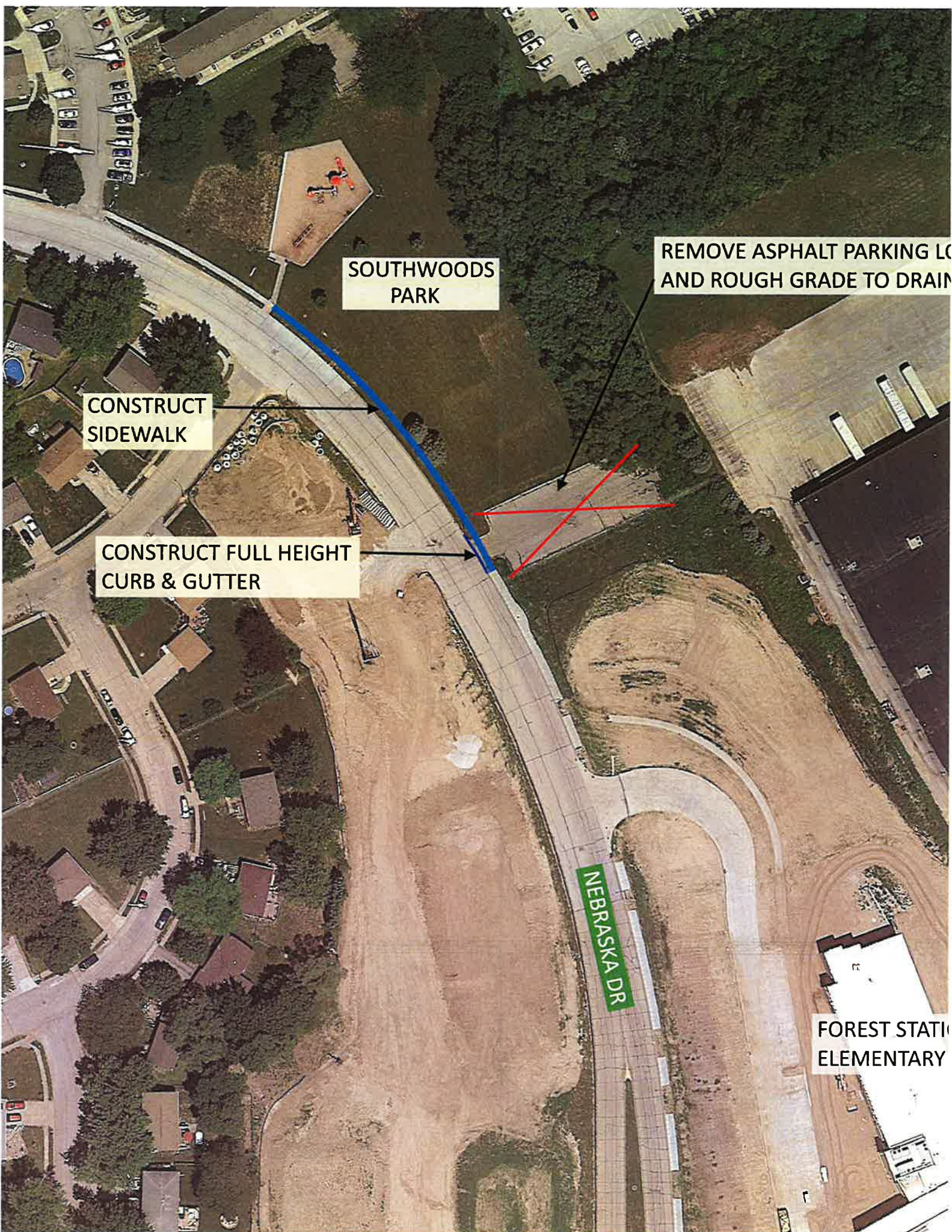
DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	02 Site Work	Site Work- Remove asphalt lot. Place applicable fill and provide rough grade.	1,191	30.00	35,730.00
	04 Concrete	Concrete- place 6" sidewalk per plan	2,100	6.00	12,600.00
	04 Concrete	Concrete- 2' curb and gutter	45	18.00	810.00

TOTAL

\$49,140.00

Accepted By

Accepted Date



SOUTHWOODS PARK

REMOVE ASPHALT PARKING LOT AND ROUGH GRADE TO DRAIN

CONSTRUCT SIDEWALK

CONSTRUCT FULL HEIGHT CURB & GUTTER

NEBRASKA DR

FOREST STATE ELEMENTARY

Burrell Enterprises LLC
 1433 O ST
 OMAHA, NE 68107 US
 4026122576
 burrellcompany@cox.net

Invoice



BILL TO
City of Bellevue - C/O #2

INVOICE #	DATE	TOTAL DUE	DUE DATE	ENCLOSED
603	08/15/2022	\$11,280.00	08/15/2022	

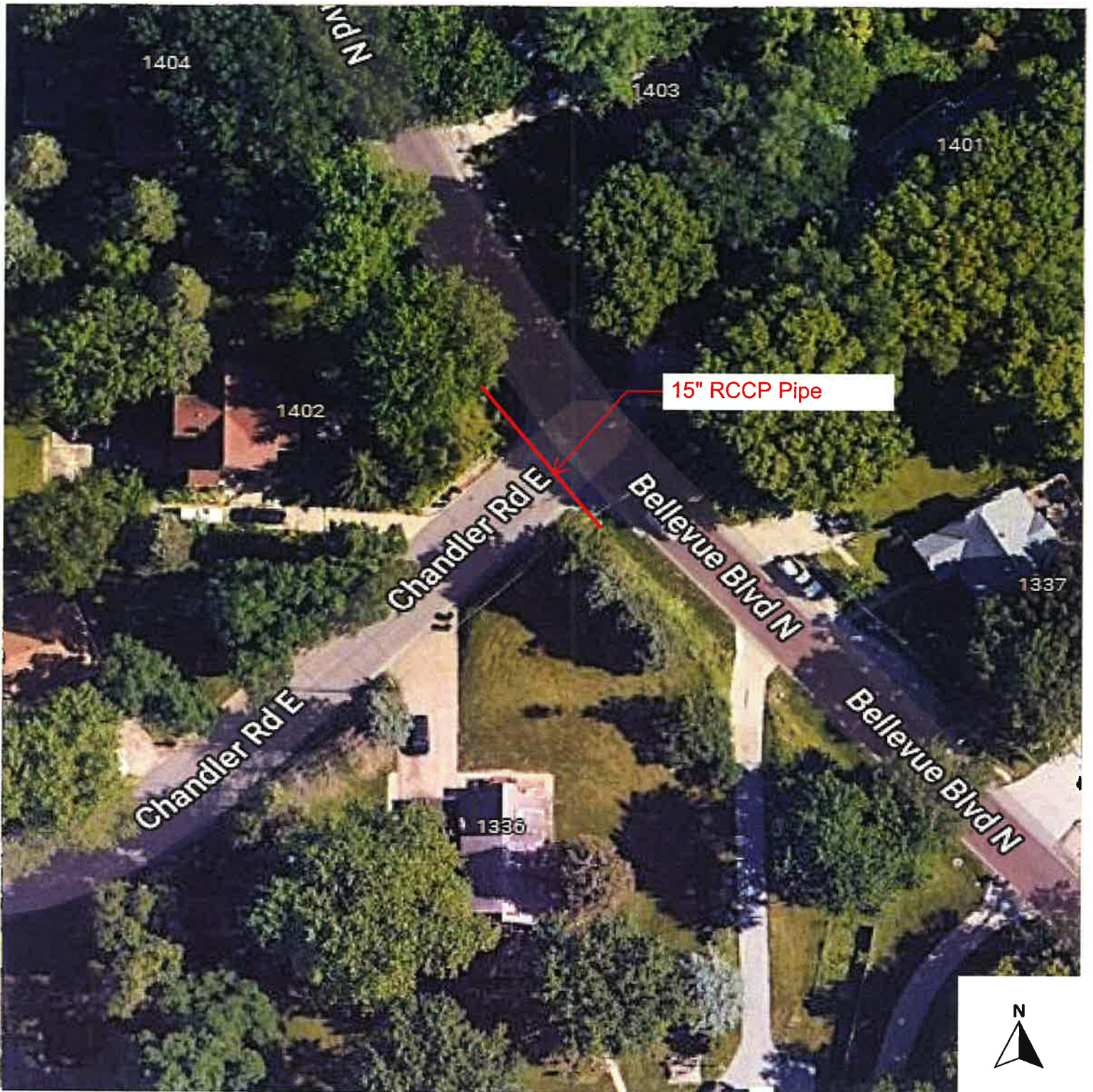
SALES REP

Nate

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	02 Site Work	Site Work- Remove deteriorated culvert and replace w/ 15" RCP. Supplied and installed. No soil retention requested at each opening. Installed @ Bellevue Blvd. and Chandler Rd. East	94	120.00	11,280.00

BALANCE DUE

\$11,280.00



SITE PLAN 08/15/2022
CHANGE ORDER #02
2022 CONCRETE PROJECTS
BPW-220104

Burrell Enterprises LLC
 1433 O ST
 OMAHA, NE 68107 US
 4026122576
 burrellcompany@cox.net

Estimate



ADDRESS
City of Bellevue/MUD - Avery

ESTIMATE #	DATE	EXPIRATION DATE
mis103	08/18/2022	08/18/2022

SALES REP
 Nate

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	04 Concrete	Concrete - 7" pavement repair (L-85, high priority)	756.61 1,205	144.00	108951.84 173,520.00
	mobilization		2	1,600.00	3,200.00
	Hourly Hauling		10	160.00	1,600.00
	Hired Equipment	Rented or hired equipment	10	115.00	1,150.00
	Traffic Control	Based on 2 weeks	1	1,000.00	1,000.00

TOTAL

\$180,470.00

\$113,151.84

Accepted By

Accepted Date

CITY OF BELLEVUE
ADMINISTRATION REPORT

August 31, 2022

Administration

Discussion at the prior City Council meeting revolved around the condition of the train depot and what led to action taken by the City. We wanted the Council to see what the issues were and have included pictures to eliminate any innuendo or misrepresentation.





















