

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

Tuesday, October 3, 2023 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 on the Rear Wall of 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. (*) Approval of the September 19, 2023 City Council Minutes
 2. (*) Approval of the September 26, 2023 Special City Council Minutes.
6. (*) APPROVAL OF CLAIMS:
7. SPECIAL PRESENTATIONS: NONE
8. ORGANIZATIONAL MATTERS: NONE
9. APPROVED CITIZEN COMMUNICATION: NONE RECEIVED
10. LIQUOR LICENSES:
 - a. Recommend approval of an application for a Class "C" Liquor License to sell, beer, wine, and distilled spirits, On and Off Sale, for 2 Bracht Holdings, LLC dba as "Knockouts" located at 848 Cornhusker Road Suite 104, Bellevue, NE 68123 and Kihlisha Richard as Manager. (City Clerk)
 - b. Recommend approval of an application for a Class "D" Liquor License to sell, beer, wine, and distilled spirits, Off Sale Only, for Kum & Go LLC dba "Kum & Go 373" located at 13905 Williamsburg, Bellevue, NE 68123 and Jonathon Mileham as Manager. (City Clerk)
 - c. Recommend approval to the Nebraska Liquor Control Commission (NLCC) the application for Kevin M. Ames as the new Manager for Grandmother's Inc. dba "Don & Millie's" at 2208 Pratt Avenue, Bellevue, NE 68123. (City Clerk)
11. ORDINANCES FOR ADOPTION (3rd reading):
 - a. Ordinance No. 4130: Amending sections of Chapter 19 of Bellevue Municipal Code regarding notice procedures for nuisance violations and authorizing the Mayor to sign. (Code Enforcement)
 - b. Ordinance No. 4131: Amending sections of Chapter 29.5 Bellevue Municipal Code regarding notice procedures for nuisance violations. (Code Enforcement)
 - c. Ordinance No. 4132: Request to rezone Lot 144, Nob Hill, from BG to RS-84, for the purpose of an existing single-family residence. Applicants: David and Debra Rospieski. Location: 610 Nob Hill Terrace. (Planning Director)
 - d. Ordinance No. 4133: Request to rezone Lot 1 College Apartments Addition, from RG-8 to RG-8-PS, with site plan approval, for the purpose of multi-family development. Applicant: Elevate Lofts, LLC. General Location: 400 West 19th Avenue. (Planning Director)
12. ORDINANCES FOR PUBLIC HEARING (2nd reading): NONE
13. ORDINANCES FOR INTRODUCTION (1st reading): NONE
14. PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES: NONE
15. RESOLUTIONS: NONE
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. Approve final payment application, substantial completion of project and the final project quantities for closing of project for the Galvin and Birchcrest Intersection Improvements, in an amount not to exceed \$26,975.82, making the total project cost \$539,516.30. (Public Works Director)

c. Approve final payment application, substantial completion of project and final project quantities for the closing of the project for the Harlan Drive and Fort Crook Road Bridge Approach Replacement, in an amount not to exceed \$88,613.33, making the total project cost of \$1,696,117.90. (Public Works Director)

d. Approve final work change order, substantial completion of project, and final project quantities for the closing of the project for CDBG Valley View Sidewalk Improvements, in an amount not to exceed \$22,302.52, making the total project cost \$155,896.27. (Public Works Director)

e. Approve final payment application, substantial completion of project and final project quantities for closing of project on the Pedestrian Bridge Demolition at Galvin Road and Hansen Avenue, in an amount not to exceed \$24,099.60, making the total project cost of \$183,351.00. (Public Works Director)

f. Approve and authorize the Mayor to sign Amendment # 3 to the Professional Services Agreement with Leo A. Daly for the Bellevue Professional Building located at 2206 Longo Drive, in an amount not to exceed \$3,450.00. (Public Works Director)

g. Approve and authorize MUD to accept the bid and estimated project cost for the MUD Southeast Water Main Extension Project, in an amount not to exceed \$17,450,360.00. (Public Works Director)

h. Approve and authorize the Mayor to sign the proposal with Burrell Enterprises LLC for the emergency storm water repair and paving at 33rd Avenue and Chandler Road, in an amount not to exceed \$55,640.00. (Public Works Director)

i. Approve the Acquisitions, Permanent and Temporary Easements for the 36th Street Improvement Project, in an amount not to exceed \$17,500.00. (Public Works Director)

j. Approve purchase of a 2023 Ford Bronco Sport 4x4 for the Public Works Department, in an amount not to exceed \$33,674.00. (Public Works Director)

k. +++ Approve and authorize the Mayor to sign the Amended and Restated Easement with OPPD. (Legal/Public Works Director)

17. ADMINISTRATION REPORTS: Comments must be limited to items on the current Reports ([September report attached](#))

18. CLOSED SESSION:

19. ADJOURNMENT

MINUTE RECORD

Bellevue City Council Meeting, September 19, 2023, 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 5th day of September 2023 at 6:00 p.m. Present were Council Members Paul Cook, Jerry McCaw, Don Preister, Thomas Burns, and Kathy Welch. Absent was Council Member Rich Casey.

Also present were City Administrator Jim Ristow and City Attorney Aimee Bataillon.

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times 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 lead in the Pledge of Allegiance. Dr. Rick Janelle, Lead Teaching Minister, Bellevue Church of Christ, 2311 Madison Street, provided the invocation.

OPEN MEETINGS ACT

Mayor Hike announced a copy of the Open Meetings Act is posted on rear wall of City Council Chambers.

APPROVAL OF THE AGENDA:

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

Motion was made by Cook, seconded by Burns, to amend the agenda by moving items 16b. and 16c. after item 7a. Roll call vote to approve the amendment: Cook, McCaw, Preister, Burns; and Welch voted yes; voting no: none; absent: Casey. Motion carried.

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

APPROVAL OF THE CONSENT AGENDA:

Motion was made by Preister, seconded by Burns, to approve the consent agenda.

Consent agenda included the following items: Acknowledge receipt of the August 15, 2023 Tree Board Minutes; Acknowledge receipt of the August 24, 2023 Planning Commission Minutes; Approval of the September 5, 2023 Board of Equalization Minutes; Approval of the September 5, 2023 City Council Minutes; Approval of the September 12, 2023 Special City Council Minutes; Approval of Claims; and Request approval of the list of applications for hunting waivers, as reviewed and approved by Capt. Kurt Stroehrer or Sgt. Don Pleiss.

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

SPECIAL PRESENTATIONS:

Presentation on the 2023 2nd Quarter Report with Grow Sarpy. (Mike Rooks)

Mr. Rooks provided a presentation on the 2023 2nd Quarter Report with Grow Sarpy. Discussion followed.

Approve and authorize the Mayor to sign an Agreement with Lockton for renewal of the Employee Wellness Program for FY23/24, in an amount not to exceed \$22,500.00. (Finance Director/Risk Manager)

Motion was made by Preister, seconded by McCaw, to approve and authorize the Mayor to sign an Agreement with Lockton for renewal of the Employee Wellness Program for FY23/24, in an amount not to exceed \$22,500.00. Roll call to approve the motion was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: Casey. Motion carried.

Accept proposal from FNIC for the 2023-24 Property & Casualty Insurance Renewal, with a total annual premium of \$749,379.00. (Finance Director/Risk Manager)

Motion was made by Welch, seconded by Cook, to accept proposal from FNIC for the 2023-24 Property & Casualty Insurance Renewal, with a total annual premium of \$749,379.00. Roll call to approve the motion was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: Casey. Motion carried.

ORGANIZATIONAL MATTERS: NONE

APPROVED CITIZEN COMMUNICATION: NONE

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LIQUOR LICENSES: NONE

ORDINANCES FOR ADOPTION: (Third Reading):

Ordinance No. 4127: An ordinance to adopt the Annual Appropriations Bill. (Budget Task Force/Finance Director)

Ordinance No. 4127: 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 Welch, to table Items 11a., 11a1., 11a2., and 11a3. to September 26, 2023 for a special meeting to be held at 5:30 p.m. Roll call vote to approve the motion was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: Casey. Motion carried.

Resolution No. 2023-24: A resolution to set the 2023-2024 property tax request. (Finance Director)

Item tabled.

Mayor Hike noted there was an error with the resolution number and the year, both were corrected.

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

Item tabled.

Approve Ordinance No. 4127 and adopt the 2023-2024 Fiscal Year Budget. (Finance Director)

Item tabled.

Ordinance No. 4128: Request to rezone Lot 1, Gregg Road Subdivision, being a platting of Tax Lots 2A and 3B, located in the Northwest ¼ of Section 27, T14N, R13E of the 6th P.M., Sarpy County, Nebraska, from AG to RG-20-PS for the purpose of multi-family residential development. Applicant: Gregg & 75, LLC. General location: 1920 Gregg Rd. (Planning Director)

Ordinance No. 4128: An ordinance to amend the official zoning map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 3619 by changing the zone classification of land located at or about 1920 Gregg Road, more particularly described in Section 1 of the ordinance and to provide an effective date was read for the third and final time.

Motion was made by Preister, seconded by Burns, to approve Ordinance No. 4128. Roll call vote on motion to approve was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; Absent: Casey. Motion carried.

Request to preliminary plat Lot 1, Gregg Road Subdivision.

Motion was made by Cook, seconded by Welch, to approve the request to preliminary plat Lot 1, Gregg Road Subdivision. Roll call vote on motion to approve was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; Absent: Casey. Motion carried.

Request to final plat Lot 1, Gregg Road Subdivision.

Motion was made by Burns, seconded by McCaw, to approve the request to final plat Lot 1, Gregg Road Subdivision. Roll call vote on motion to approve was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; Absent: Casey. Motion carried.

Ordinance No. 4129: Request to rezone Lots 1 through 6, and Outlots A through F, Cardinal Commons Addition, being a replat of Lots 7 and 8, Old Orchard Place, from AG to RG-28-PS for the purpose of senior housing. Applicant: Excel Development Group. General location: S. 13th St. and Kasper St. (Planning Director)

Ordinance No. 4129: An ordinance to amend the official zoning map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 3619 by changing the zone classification of land located at or about South 13th Street and Kasper Street, more particularly described in Section 1 of the ordinance and to provide an effective date was read for the third and final time.

Motion was made by Welch, seconded by Burns, to approve Ordinance No. 4129. Roll call vote on motion to approve was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; Absent: Casey. Motion carried.

Request to preliminary plat Lots 1 through 3, and Outlots A through D, Cardinal Commons Addition.

Motion was made by Welch, seconded by McCaw, to approve the request to preliminary plat Lots 1 through 3, and Outlots A through D, Cardinal Commons Addition.

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

ORDINANCES FOR PUBLIC HEARING: (Second Reading)

Ordinance No. 4130: Amending sections of Chapter 19 of Bellevue Municipal Code regarding notice procedures for nuisance violations and authorize the Mayor to sign. (Code Enforcement)

Ordinance No. 4130: An ordinance to amend Chapter 19, of the Bellevue Municipal Code by amending Sections 19-8, 19-14, 19-23, 19-42, 19-52, and 19-95 regarding notice procedures for nuisance violations and to provide an effective date was read for the second time and a public hearing was held.

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

With no one in the audience coming forward to speak in support or opposition, Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading will be heard at the Council meeting on October 3, 2023.

Ordinance No. 4131: Amending sections of Chapter 29.5 Bellevue Municipal Code regarding notice procedures for nuisance violations. (Code Enforcement)

Ordinance No. 4131: An ordinance to amend Chapter 29.5 of the Bellevue Municipal Code by amending Section 29.5-9 regarding notice procedures for nuisance violations and to provide and to provide an effective date was read for the second time and a public hearing was held.

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

With no one in the audience coming forward to speak in support or opposition, Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading will be heard at the Council meeting on October 3, 2023.

Ord. No. 4132: Request to rezone Lot 144, Nob Hill, from BG to RS-84, for the purpose of an existing single-family residence. Applicants: David and Debra Rospierski. Location: 610 Nob Hill Terrace. (Planning Director)

Ordinance No. 4132: 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 610 Nobb Hill Terrace, more particularly described in Section 1 of the ordinance and to provide an effective date was read for the second time and a public hearing was held.

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

With no one in the audience coming forward to speak in support or opposition, Mayor Hike declared the public hearing closed.

Mayor Hike stated the third and final reading will be heard at the Council meeting on October 3, 2023.

Ordinance No. 4133: Request to rezone Lot 1 College Apartments Addition, from RG-8 to RG-8-PS, with site plan approval, for the purpose of multi-family development. Applicant: Elevate Lofts, LLC. General Location: 400 West 19th Avenue. (Planning Director)

Ordinance No. 4133: 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 400 West 19th Avenue, more particularly described in Section 1 of the ordinance and to provide an effective date was read for the second time and a public hearing was held.

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

Mr. Andrew Koster, TD2, 10836 Old Mill Road, Omaha, was present on behalf of the applicant and to answer questions.

Mr. Kyle Rhone, 1908 Madison Street, provided a brief presentation. He questioned if any of the public officials have a conflict of interest and who the builder is on the project. He mentioned property taxes for the property in question were paid last year by Guardian Tax Partners Incorporated. He has concerns with the proposed elevation, trash, and pickup. Mr. Rhone addressed concerns with the owner being a part of three LLC's this property has belonged to and the company the taxes are being paid by. He has concerns with drainage, flooding, and erosion. He also has concerns with trash on the property.

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Ms. Debra Copher, 1803 Madison Street, has concerns with runoff onto her property.

Mr. Darrell Wendt, 1909 Madison Street, also has concerns with drainage and flooding.

Mr. Jeremy White, 1902 Wayne Street, has concerns with runoff, trash, and safety. He questioned how the proposed sidewalk, trees, and fence will fit in the area. He has concerns the main line will fail and water will flood his property and the surrounding properties. He has concerns with sharing the property line with this property. He questioned if those trees will be removed. He mentioned the sites for the property online are so poor he can't read them. He questioned where else he could review the plans for the proposed property.

Ms. Karen McAndrew, 410 W. 20th Avenue, has concerns with traffic, height of the proposed buildings, the proposed storm water basin, and the retaining wall. She mentioned there is not an easy way out of the area. There are restrictions to the area with seven dead end streets, thirty-one stop signs, two traffic signals, and three schools to navigate before hitting a main road. The proposed 168 units will increase vehicles and people in the area. Ms. McAndrew noted four buildings are proposed, one of the proposed buildings will be four stories high, sitting 40 feet up the hill. This will make the building appear to be seven to eight stories tall. She mentioned privacy will be gone with all the trees being removed. There is storm water basin and riprap proposed for drainage. The riprap is to be placed on the northwest corner of her property. She expressed concerns with the retaining wall and the boring of the proposed sewer line. She stated the wall will not stand the drilling and vibration. Ms. McAndrew stated the homeowners aren't opposed to apartments. They are opposed to the high density.

Mr. Eric Critchlow, 1904 Wayne Street, mentioned he couldn't use his backyard due to erosion from the previous apartments. He has concerns about traffic. He requested Mr. White address his additional concerns.

Mr. Jeremy White explained Mr. Critchlow's concerns were with the increase in residents and traffic.

Mr. Jim Mueller, 406 W. 20th Avenue, stated his concern is with the retention pond. He feels it will be full of water and attract mosquitoes.

With no one else in the audience coming forward to speak in support or opposition, Mayor Hike declared the public hearing closed.

Councilman Cook inquired if the owner is present. Mr. Koster replied he is not present.

Councilman Cook questioned if a meeting has been held with the neighbors. Mr. Koster explained a meeting has not been held. He has received numerous calls and has addressed the questions as they came in. The main concerns are drainage and light pollution. Councilman Cook suggested holding a meeting with the neighbors and address their concerns. Mr. Koster commented he could do that.

Councilman Cook mentioned the main concern does seem to be with drainage. He explained the city hired JEO to review the plans.

Mrs. Tammi Palm, Planning Manager, explained the city's engineers reviewed the plans and the city contracted with JEO, as a third party, to review the drainage plans. The detention basin is designed to hold 100-year storm, which is the requirement. It is also designed to be a dry basin. Councilman Cook inquired who is designed to maintain the basin. Mrs. Palm replied it is the developer.

Councilman Cook referred to the fence, questioning what type of fencing is planned. Mr. Koster mentioned the owner is open to constructing a 6-foot-tall fence on the western perimeter of the parking lot. Councilman Cook stated in the information the council received, it mentions fencing around the entire property. Mr. Koster advised there is an existing chain link fence on the property line. Mrs. Palm explained there is not a fence shown on the site plan. There was discussion on a fence from a neighboring property owner who requested fencing. The item has been brought forward to TD2 and the developer. If the City Council were to require a fence, the site plan would need to be amended.

Councilman Cook stated he is very concerned and not happy the owner is not present. He should be present to answer questions.

Councilman Cook requested Mr. Koster address the traffic concerns and access to the property. Mr. Koster explained there is only one entrance into the property. There could be a lot of traffic generated in and out of the property at one time. The traffic along Wayne Street has not been looked at.

Councilman Cook requested Mr. Koster address the outside lighting. Mr. Koster stated there will be downcast lighting in the parking lots. Anything attached to the building will shine down, versus out, to minimize lighting onto surrounding properties.

Councilman Cook questioned if there will be a playground for the kids. Mr. Koster stated currently there is nothing shown for exterior amenities. Councilman Cook questioned where the kids will play. Mr. Koster explained there is limited green space between the buildings to provide for a play area.

Councilman Cook referred to the height of the buildings. He requested clarification if three buildings will be three stories and one of the buildings will be four stories.

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Mr. Koster explained all four buildings have four stories of apartments with garages underneath. A total of five stories, one story below ground, four stories above ground. The buildings are approximately 65 feet tall. Discussion followed.

Mrs. Palm explained the property is currently zoned RG-8. The intent of RG-8 zoning district is to permit very high- density development, multi-story apartment development, and other uses that are typical and compatible with the operation of apartment houses. Under the current zoning there is no height limit.

Mrs. Palm advised Offutt AFB reviewed the application. They have no concerns with potential building height on the property.

Councilman Cook requested clarification under the current zoning of RG-8, there could be 219 apartments. Mrs. Palm explained there is just over 182,000 square feet. With 800 square feet of lot area per dwelling unit, there could be 219 units under the current zoning. Mrs. Palm explained the request for rezoning is to add the planned subdivision appendage. She stated this request is typical for apartment developments, especially in infill development situations. It provides for a more cohesive development versus if they were to plat each building on its own lot, which can be done under the current zoning. Councilman Cook clarified today; they could build 219 apartments. Mrs. Palm replied that was correct.

Councilman Cook clarified with Mr. Koster how many garage units there are. Mr. Koster stated 60 garage units' total.

Councilman Cook requested clarification on the measurements of the area. Mrs. Palm advised according to GIS the area measures 52.8 feet in length and a depth of 18.4 feet. Discussion occurred on the location and requirements of the developer of the property. Mrs. Palm advised the developer is required to put in a sidewalk and landscaping.

Councilman Cook requested clarification on the LLC's who have owned the property. Mrs. Palm explained the Planning Department uses the name submitted on the applicant.

Mr. Rhone and Mr. White were being disruptive and speaking out from the audience. Mayor Hike explained he had closed the public hearing portion of the meeting. Mr. Rhone and Mr. White continued to speak from the audience. Mayor Hike requested Mr. Rhone and Mr. White be removed from the Council Chambers.

Councilman Cook suggested to Mr. Koster he and the developer meet with the neighbors before the next City Council meeting.

Councilwoman Welch mentioned there are 168 units and inquired how the number of units are determined. Mr. Koser stated it depends on the space available.

Councilwoman Welch requested the City Council is made aware when the meeting with the neighbors is.

Councilman Burns expressed the owner should be present at the next meeting.

Councilman Burns requested there is a designated person from the neighbor to attend the meeting and communicate with the Council.

Councilman Burns requested clarification on the drainage and it being a dry runoff. Mrs. Palm explained they are designed to be dry detention basins. The property slopes from north to south and water runs downhill. In the drainage study, a majority of the drainage will go to the south, so that's why the basin is being placed where it is. The developer is required to meet minimum requirements on site for runoff and detention. The developer cannot make things worse than they are.

Councilman Preister stated this an exceptionally big footprint in a small area for ingress/egress being very tight. The streets in the area are constricted as well. He questioned how the volume of people will flow in and out in the conditions heard from the neighbors, without problems. Mr. Koster replied he does not have a good answer.

Mrs. Palm explained fire code only requires one entrance with this number of units. Again, it is a public street in front of the development which will be maintained by the city.

Councilman Preister mentioned there is 182,000 square feet on the total property. He inquired what percentage of asphalt and grass there is. Mrs. Palm explained the zoning ordinance allows 90% max for impervious coverage. The site plan indicates 60% coverage.

Councilman Preister referred to the trees along Madison Street which creates a buffer. He inquired what will happen to those trees. Mr. Koster advised the trees on the neighbor's property won't be touched. The trees on the property will be removed during construction. He explained there is a 30 feet buffer yard between the edge of the buildings and the western property line. There will be a new row of staggered trees in addition to the trees on the neighbor's properties.

Councilman Preister inquired what will happen if the new trees planted die. Mrs. Palm explained the

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developer enters into a landscape maintenance agreement with the city. He would be required to replace the trees and maintain them.

Councilman Preister referred to the height of the buildings. He clarified the buildings will be four stories with the fifth story being the garage underneath. Mr. Koster replied yes. Councilman Preister commented that is a high elevation and there won't be any fence or tree high enough for privacy. He asked Mr. Koster if he agreed. Mr. Koster responded he agrees. Councilman Preister questioned if the developer has looked at other options than that height in that area. Mr. Koster stated he will have to ask the developer. Councilman Preister commented he would have liked to have the developer at the meeting and should be at the next meeting. He noted there should also be a meeting with the neighbors and the neighbors' concerns should be considered.

Mrs. Palms noted the landscape plan shows 160 trees and 339 shrubs the developer is responsible for planting on the property.

Councilman Cook requested clarification the sewer will be ran between two homes. Mr. Koster replied yes. Mrs. Palm explained a private easement has been obtained for that purpose.

Councilman Cook is there is a reason 19th and Wayne was not considered. Mr. Koster explained that option was considered. There is an existing sanitary sewer on the east side of 19th Street. However, the elevation of the sewer is above the elevation of the basement, of the southernmost building. Therefore, no matter what was done, that building would still need to be served to the south between those homes. Discussion followed.

Mayor Hike addressed a statement from earlier regarding conflict of interest on this item. He stated he does not have a conflict of interest. He said he would never intentionally do anything to take advantage of the public. He loves the city and would do anything for the city.

Mayor Hike questioned Mrs. Palm if she is comfortable with the drainage plan. Mrs. Palm advised she is not an engineer. The Public Works staff and JEO reviewed the plan, and they are comfortable with the plan.

Mayor Hike confirmed the current zoning allows for 219 units and the plan is for 168. Mrs. Palm replied correct. Mayor Hike stated under the current zoning there are no height restrictions either, so if the developer wanted to, he could build a seven-story building.

Mayor Hike stated the third and final reading will be heard at the Council meeting on October 3, 2023.

ORDINANCES FOR INTRODUCTION (First Reading): NONE

PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES:

Request to final plat Lots 1 through 6, and Outlots A through F, Cardinal Commons Addition being a replant of Lots 7 and 8, Old Orchard Place and approval of the Cardinal Commons Addition Subdivision Agreement and authorize the Mayor to sign. Applicant: Excel Development Group. General Location: South 13th Street and Kasper Street. (Planning Director)

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

Mr. Connor Menard, Excel Development Group, 8551 Lexington Avenue, Lincoln, stated this is an affordable housing project with 62 units/32 duplexes.

With no one else in the audience coming forward to speak in support or opposition, Mayor Hike declared the public hearing closed.

Motion was made by Welch, seconded by Burns, to approve a request to final plat Lots 1 through 6, and Outlots A through F, Cardinal Commons Addition being a replant of Lots 7 and 8, Old Orchard Place and approval of the Cardinal Commons Addition Subdivision Agreement and authorize the Mayor to sign. Applicant: Excel Development Group. General Location: South 13th Street and Kasper Street. Roll call to approve the motion was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: Casey. Motion carried.

RESOLUTIONS:

Resolution No. 2023-28: Request to approve park expenditure for Sanitary and Improvement District No. 334 (Falcon Point) for a basketball court, pickleball court, along with connecting trail, in an amount not to exceed \$160,980.00. (Planning Director)

Councilwoman Welch clarified this payment is coming from the Sanitary and Improvement district (SID) and not the city. Mr. Jim Ristow, City Administrator, advised the SID pays for it, however, the city's permission is still needed.

Motion was made by Cook, seconded by Welch, to approve Resolution No. 2023-28: Request to approve park expenditure for Sanitary and Improvement District No. 334 (Falcon Point) for a basketball court, pickleball

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court, along with connecting trail, in an amount not to exceed \$160,980.00. Roll call to approve the motion was as follows: Cook, McCaw, Preister, Burns, and Welch voted yes; voting no: none; absent: Casey. Motion carried.

CURRENT BUSINESS:

Approve and authorize the Mayor to sign the Agreement with All-Purpose Construction for the streets north shop odorant building renovation - Phase 2, in an amount not to exceed \$413,000.00, plus a 10% contingency of \$41,300.00 for a total project cost of \$454,740.00. (Public Works Director)

Motion was made by Welch, seconded by McCaw, to approve and authorize the Mayor to sign the Agreement with All-Purpose Construction for the streets north shop odorant building renovation - Phase 2, in an amount not to exceed \$413,000.00, plus a 10% contingency of \$41,300.00 for a total project cost of \$454,740.00.

Councilman Preister requested where the shop is located. Mr. Goedken advised on Cedar Island Road. Discussion followed.

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

Approve and authorize the Mayor to sign the License Agreement with Google Fiber NE, LLC for installation of network facilities in public right-of-way. (Legal/Public Works Director)

Motion was made by McCaw, seconded by Burns, to approve and authorize the Mayor to sign the License Agreement with Google Fiber NE, LLC for installation of network facilities in public right-of-way.

Councilman Cook requested clarification on details of the installation.

Ms. Rachel Merlo, 908 Broadway Blvd., Kansas City, Missouri, Head of Government Community Affairs for Google Fibers Central Region, was present. She advised the plans would be city wide deployment and Google would work very closely with the Public Works Department. The infrastructure typically goes underground, all the cabinets are flush with the ground. Most likely the installations will be in the front part of the easements. Communication with residents would be made via door tags, advance of construction, stating Google Fiber crew will be coming to your neighborhood. The work will be done in the right-of-way. Phone numbers will be provided for questions and additional information. Ms. Merlo believes construction could start this year, with the first customer being served late spring 2024.

Councilman Cook confirmed everything would be flush to the ground. Ms. Merlo replied that is correct.

Councilman Cook questioned if the city could dictate if the cabinets could be placed in the front yard or back yard. Mr. Ristow stated not really, there could be more disruption in the back yards with directional boring.

Ms. Merlo apologized, stating she was under the impression the Bellevue build was going to be the same as Omaha's build. She was incorrect with that information. They are in fact playing rear easement deployment in Bellevue.

Mr. Nick Farrell, 17017 Greenfield Street, Omaha, Google Fiber, explained the plan is for rear easement. Google is currently working with OPPD for easement and pole rights. There may be some areas where installation underground may be congested. There will also be upright pedestals.

Mr. Ristow mentioned in some of the newer neighborhoods OPPD is underground. He requested clarification on how the process will work in the newer neighborhoods. Mr. Farrell stated the majority of the build will be underground. In some instances where there is something that they can't get around, with a directional drill, an aerial option will be used.

Councilman Cook confirmed there will be pedestals. Mr. Farrell replied yes. Councilman Cook questioned how frequent the pedestals be. Mr. Farrell explained typically there is one for every two houses. Councilman Cook questioned where they will be located. Mr. Farrell stated typically near the transformer or where other utility pedestals are located. The pedestals will be located as close to the other utility locations as they can. Discussion followed.

Councilman Cook questioned if this will be offered to all homes, businesses, and schools. Ms. Merlo explained the product will be to extend the network to as many addresses as possible. In some cases, if there is no density in the area, that might impact whether to build there or not. Railroad tracks can also be an impediment to their ability to construct. Ms. Merlo advised a build such as Bellevue could take up to two years, maybe a little longer.

Councilman Cook stated if the Administrator sends a compliant, it should be dealt within 24 hours. Mr. Farrell mentioned he is happy to be the point of contact for the City Council. He advised there is an extensive construction experience hotline. This number is on the door hangers which will be placed on the doors five days prior and there will be signs with the information listed. Ms. Merlo advised Mr. Farrell and his team will be having weekly meetings with the Public Works Department.

Councilman Cook questioned if the residents can be contacted if it is going to be flush to the ground or if they will be receiving a pedestal. Ms. Merlo stated typically they do not seek resident input. Discussion followed.

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Bellevue City Council Meeting, September 19, 2023, Page 8

Councilwoman Welch questioned if this is approved tonight, when will digging begin. Ms. Merlo stated construction would be started later this year. Conversation ensued.

Councilwoman Welch requested if the install would take place in the front yard or the backyard. Mr. Farrell stated primarily in the backyard. Discussion followed.

Councilman McCaw explained not everything with OPPD goes in the backyard. He stated basically the installations will go where the existing utilities are for the most part. In the event they can't, then the install will go in the front yard or vice versa. Mr. Farrell replied yes.

Mayor Hike questioned how many cities Google is in with fiber. Ms. Merlo around twenty. In this marker, it would be the third. Omaha, Council Bluffs, and now Bellevue.

Mayor Hike questioned what the number of connections in Bellevue is. Mr. Farrell stated 34,000 for single family homes.

Ms. Merlo stated Google Fiber is strictly internet services, not a cable provider.

Councilman Preister mentioned with other providers numerous calls were received. He requested clarification if both of their names and numbers are being made available to the public. Ms. Merlo explained the number is an (877) number to the call center. They will open a ticket, send it to Mr. Farrell to send to the proper contractor on the ground to follow up with the resident and reach a resolution. She explained her number and Mr. Farrell's number will be shared with Mr. Goedeken and Mr. Ristow. The Council Members are also welcomed to call them. Discussion followed.

Councilman Preister questioned if Google will be subcontracting. Ms. Merlo stated Google is currently finalizing an agreement with a contractor who will do work for Google Fiber. The contractor is based out of Nebraska. Mr. Farrell explained a larger construction may sell some of the work out. Discussion followed.

Councilman Burns commented he feels split and nervous to have another provider come into the city. The citizens tend to get blind sighted. He questioned if the citizens are receiving fair notice. He questioned if there is a way to get ahead of this to inform the city.

Mr. Ristow mentioned the city will work closely with Google to make sure the public is informed of their arrival date and their plans. The city has good pieces in place to inform the public. Discussion followed.

Councilwoman Welch clarified if OPPD easement isn't in the back yard then the pedestal won't go in the backyard. Mr. Farrell replied yes. Discussion occurred regarding the placement of the pedestals in the front or back yard.

Ms. Aimee Bataillon, City Attorney, stated the city has created a robust agreement addressing numerous issues the city has faced with another provider. The city will work with Benesch on the installation and execution and identifying where the pedestals go and if they can be flush in the front yard.

Councilman McCaw explained to Councilman Burns he is confident the neighborhood he is referring to will have the pedestal in the back yard to match OPPD and the other utilities. Discussion followed.

Councilman Burns questioned if there is a storm in Bellevue would customers lose service. Mr. Farrell explained the practice for aerial construction is to allow a certain number of customers. The main arterial fiber will not be aerial, but underground. This will help limit outage pockets.

Councilman Preister requested clarification if the install is going on the poles in areas where there are currently poles, then there won't be trenching. Some will be on the poles, even if there are poles, there may still be trenching underground. Mr. Farrell replied that is correct. He explained anything they do will be directional boring rather than trenching. It is dependent on what the engineer firm sends to OPPD and OPPD verifies what can be done. Councilman Preister questioned if they are going through back yards would they start at an existing street and bore the entire length and not take boring equipment into backyards. Mr. Farrell explained it depends on the scenario. If the whole street can be bored, they will, there is chance the machines will need to go into backyards. Councilman Preister questioned if those citizens would receive more notice. Mr. Farrell mentioned any time there needs to be access to the backyard, there will be an attempt to reach the homeowner prior besides the door tags.

Councilman Preister requested clarification the install in Omaha will all be underground. Mr. Farrell replied yes. Councilman Preister commented if Omaha's are underground in the front yard, Bellevue's could be too. Mr. Farrell replied it is possible they could do flush mount in some areas.

Councilman Cook commented he will be emailing them when he receives comments/complaints. They need to make sure to consistently check emails. Conversation ensued.

Councilman Cook questioned if the issues addressed can be incorporated in the agreement. Ms. Bataillon explained she is comfortable from a legal perspective with the issues addressed. She suspects if the city presented an amended agreement or Memorandum of Understanding to Google Fiber, she believes they would be open to discuss it.

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Bellevue City Council Meeting, September 19, 2023, Page 9

Councilman Cook questioned if there is something being done, the city does not like, can they create another contract. Mr. Ristow advised if there are any flaws, they will pause the permitting process.

Councilman Cook questioned if the Google Fiber website will have what neighborhoods will be receiving installs. Ms. Merlo explained there will be a link on the website for Bellevue. You will put in your address and information will be available.

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

ADMINISTRATION REPORTS: Comments must be limited to items on the current Reports (September report will be attached to October 3, 2023 packet).

Mayor Hike mentioned Mrs. Carol Swayne, former Planning Commissioner, recently passed away. He offered his condolences to her family.

CLOSED SESSION:

ADJOURNMENT:

There being no further business to come before the Council at this time, on motion by Welch, seconded by Burns, the meeting was adjourned at 8:40 p.m. Roll call vote to approve the motion was as follows: Cook, McCaw, Preister, Burns and Welch voted yes; voting no: none; absent Casey: None. Motion carried.

Susan Kluthe, City Clerk

Rusty Hike, Mayor

I, the undersigned, City Clerk of the City of Bellevue, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on September 19, 2023; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agendas for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Susan Kluthe, City Clerk

MINUTE RECORD

Bellevue City Council Special Meeting, September 26, 2023, Page 1

A special 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 26th day of September 2023 at 5:30 p.m. Present were Council Members Rich Casey, Paul Cook, Jerry McCaw, Don Preister, and Kathy Welch. Absent: Thomas Burns.

Also present were City Administrator Jim Ristow and City Attorney Aimee Bataillon.

Notice of this meeting was given in advance thereof by publication in the Sarpy County Times 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 in the Pledge of Allegiance.

OPEN MEETINGS ACT

Mayor Hike announced a copy of the Open Meeting Act is posted on rear wall of City Council Chambers.

APPROVAL OF THE AGENDA:

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

Motion was made by Cook, seconded by Welch, to amend the agenda by moving Item #6 to right after 7a. Roll call vote to approve the amendment was as follows: Casey, Cook, McCaw, Preister, and Welch voted yes; voting no: none; absent: Burns. Motion carried.

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

APPROVAL OF THE CONSENT AGENDA:

Motion was made by Cook, seconded by Casey, to approve the consent agenda.

Consent agenda includes the following item: Authorize staff to pay claims that pertain to the FYE2023 budget year.

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

Ordinance No. 4127: An ordinance to adopt the Annual Appropriations Bill. (Budget Task Force/Finance Director)

Ordinance No. 4127: 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 record.

Resolution No. 2023-24: A resolution to set the 2023-2024 property tax request. (Finance Director) (Public hearing required)

Mayor Hike stated before opening for public hearing, he wants to remind the public of City Council policies and how the hearing will be conducted. Members of the public will be allotted 3 minutes and may not yield their allotted time or remaining time to anyone else. The public was asked to refrain from comments involving personal or slanderous attacks or language that is profane, vulgar, inflammatory, threatening, abusive, or disparaging. He said he was going to open the public hearing but wanted to make a few comments. Mayor Hike informed the public that along with himself, (5) Councilmembers, and several members of the City Staff attended the joint public hearing last week to listen to concerns from the citizens. Since then, he stated they have had numerous discussions with staff, citizens, including himself. The Budget Task Force has also met to evaluate the concerns. He stated he feels the City of Bellevue's foundation is very well built right now, but there is another step, which is a transformational change.

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

Mr. Brian Hanson, 2704 Georgia Avenue, he stated he was present at the previous meeting. Mr. Hanson said not only is the city stretched, but the citizens are stretched as well. The economy has made it hard for the taxpayers. He talked about a list of items he felt could be cut or deferred.

Mr. Kyle Rhone, 1908 Madison Street, stated he was going to read an email. Ms. Aimee Bataillon, City Attorney, stated reading another person's email was not allowed but he is free to make remarks himself. He stated he doesn't feel tax money is being spent wisely or responsibly. He asked how these capital improvements will make things better but how does it work if someone loses their home. Mr. Rhone

MINUTE RECORD

Bellevue City Council Special Meeting, September 26, 2023, Page 2

asked what surprises there will be next year. He stated Nebraska property taxes are too high and they need to stop.

Mr. Gene Black, 2814 Ponderosa Drive, stated a lot of what he wanted to talk about have already been addressed. He feels the tax increases are a bad idea and he feels many of the capital improvement projects in the budget are not necessary and expensive.

Ms. Barbara Belt, 3102 Spring Boulevard, stated she doesn't agree with the budget. She stated for this budget the bulk of the responsibility lies with the homeowners and taxpayers are feeling it.

The City Attorney asked if anyone else wanted to speak to come to the podium.

Ms. Linda Forst, 3332 Rahn Boulevard, stated she is just asking for some compassion. Most of the citizens are against the increases but asked if anyone is even listening. She stated as citizens we must spend within our means so why can't the city.

Mrs. Crystal Rhone, 1908 Madison Street, stated she only had one thing to say to the Council, which is plead with them to vote against this budget.

Ms. Alejandra Larios, 3104 Lynnwood Drive, asked for Council to be sensible about the budget, people cannot afford it. She stated valuation keeps increasing even though they haven't made any improvements for years.

Ms. Sandy Jones, 1014 Eureux Circle, asked if the citizens can weigh in on the budget before it is a done deal. She asked if anyone was going to be able to answer her question. Mayor Hike stated Councilmembers are taking notes and will address all questions after the public has all had a chance to speak.

Mr. Ryan Webbecke, 12016 S. 49th Street, asked what the city's goal or vision is for the community. He doesn't feel it is black on white on what citizens can expect to gain from this increase.

Mr. Dave Loftus Sr., 8306 S. 23rd Street, stated that when they were annexed the city told them taxes will go down but since then their taxes have continually increased. He asked why we are not taking care of what we have instead of spending money on expanding.

Mr. Mike Mosier, 303 Martin Drive, he asked after the city gets the projects done, will the taxes go back down.

Mr. Larry Cain, 8510 S. 13th, stated he is retired and was also annexed a few years ago which caused his taxes to go up more than they were told. He stated it seems like its spend then tax instead of tax then spend, like it used to be. Also, he feels there are some things that could be cut out.

Mr. Tim Schulte, 4003 Quail Drive, said he moved here about 4 months ago and what he has heard on this budget is overwhelming opposition. He stated the Council needs to listen to the citizens. He asked if this budget lowers the debt or increases the debt.

Ms. Mary Nefzger, 2505 Edwards Street, stated she moved here to be closer to family but feels she can't live here due to the taxes. She said she was surprised what the city is spending their money on. In the 7 years she has lived here, her property valuation has continually increased, and she has made very little changes to her property.

With no one else in the audience coming forward to speak in support or opposition, Mayor Hike declared the public hearing closed.

Motion was made by Casey, seconded by McCaw, to reopen the public hearing on 7a or someone to speak. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Welch voted yes; voting no: none; absent: Burns. Motion carried.

Ms. Maria Valdez Hernandez, 12907 S. 29th, stated her valuation has gone up a lot but has not made many improvements. She hopes the Council takes into consideration what the citizens are saying.

Mayor Hike stated there is a vision and we want to get taxes down. He said Sarpy County invested money to build a sewer system across southern Sarpy County. This has opened a ton of land for development which has not been developable because there is no sewer and water there. There are some huge developments coming into this area since there will be sewer and water now. He gave an overview of projects and developments along the Hwy 75 Corridor. Mayor Hike stated Sarpy is the fastest growing county in the state of Nebraska and Bellevue is the fastest growing city in Sarpy County. These developments will bring huge dollars to the city which will be the transformational change in our vision to set Bellevue up for a great place and affordable place to live.

Councilman Cook stated he feels we are heading in the right direction and doing the right thing. If we see growth, the whole city will benefit. We are trying to bring Bellevue to another level, and he feels we need to keep moving forward.

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Bellevue City Council Special Meeting, September 26, 2023, Page 3

Councilwoman Welch addressed some of the questions asked. After listening to the public at the Joint Public Hearing, the Budget Committee got together to reevaluate the budget. She said at this meeting, she asked if we could cut the budget and yes we can reduce mill levy which would cut budgets for police, fire, and parks. She expressed she feels the Council is doing the right things for Bellevue.

Councilman Preister stated he appreciates the challenging decisions the Mayor, Councilmembers, and Administration are facing, and the budget must be approved by the end of the month. He stated he wanted to address a comment that was made about the budget already being voted on and a done deal. This is not true; the budget has not been voted on already. Preister stated he wants to make sure all citizens over 65 are aware of the Nebraska State Homestead Exemption. Also, the legislature has implemented a tax break for property owners on your state tax return. This tax break is available for every property owner, but you must file for it. All this information will be placed on Channel 17 with the websites.

Councilman Casey said he realizes there is nothing he can say tonight to make people feel better. The main thing he wants citizens to know is that the Mayor and Council have listened to their concerns and appreciate all the input. He said he believes in the vision that the Mayor shares and that is why he wanted to get on this Council because he believes in this vision. If we keep doing what we have done for the last 25 years, we are never going to get there.

Mayor Hike went over some of the questions the public had and provided answers or responses. He said he realizes the cost of some of these projects are high but there are all kinds of requirements that need to be met due to federal regulations.

Mr. Rich Severson, Finance Director, stated he would like to give a response to some of the comments made tonight. He wants to make sure people understand exactly the city's portion of the taxes. It is not set in stone all these projects will happen. He stated we might find a better way to do things, we don't plan on bonding unless we can't find the cash.

Resolution No. 2023-24: A resolution to set the 2023-2024 property tax request.

Motion was made by Cook, seconded by Casey, to approve Resolution No. 2023-24: A resolution to set the 2023-2024 property tax request. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, and Welch voted yes; voting no: Preister; absent: Burns. Motion carried.

Request to approve the 2024-2029 Capital Improvement Plan (CIP). Applicant: City of Bellevue. (Planning Manager)

Motion was made by Casey, seconded by McCaw, to approve the 2024-2029 Capital Improvement Plan (CIP). Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Welch voted yes; voting no: None; absent: Burns. Motion carried.

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

Motion was made by Welch, seconded by Cook, to approve an additional 1% in the base of restricted funds. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Welch voted yes; voting no: None; absent: Burns. Motion carried.

Ordinance No. 4127 and adopt the 2023-2024 Fiscal Year Budget. (Finance Director)

Motion was made by Cook, seconded by Casey, to approve Ordinance No. 4127 and adopt the 2023-2024 Fiscal Year Budget.

Councilman Cook stated he an email from a party that requested it be added to the record. He said it was from Ms. Bree Robbins. Ms. Bataillon, City Attorney, advised that due to the timing, he can make a motion to have the email included in the record.

Motion was made by Cook, seconded by Welch, to submit an email from Ms. Bree Robbins to the record and she asked for it to be part of the record. Roll call vote to approve the motion was as follows: Casey, Cook, McCaw, Preister, and Welch voted yes; voting no: None; absent: Burns. Motion carried.

Roll call vote to approve Ordinance No. 4127 and adopt the 2023-2024 Fiscal Year Budget was as follows: Casey, Cook, McCaw, and Welch voted yes; voting no: Preister; absent: Burns. Motion carried.

ADJOURNMENT:

There being no further business to come before the Council at this time, on motion by Welch, seconded by Casey, the meeting was adjourned at 7:02 p.m. Roll call vote to approve the motion was as follows: Cook, Preister, Burns, Preister, and Welch voted yes; voting no: none; absent: Burns. Motion carried.

MINUTE RECORD

Bellevue City Council Special Meeting, September 26, 2023, Page 4

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 26, 2023; 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

Council President Paul Cook, Council Members, and Citizens of Bellevue:

Regretfully, I am unable to attend the special meeting this evening however, I am writing this letter to express for the record that I am not supportive of this budget or proposed increased tax request.

It is beneficial for elected representatives to blame the Sarpy County Assessor for the increase in property taxes and to pride ourselves for not raising the mill levy, but by not reducing the tax rate, we are raising property taxes on the residents of Bellevue. By taking full advantage of a windfall created by rising assessed values, we aren't forced to make tough decisions to live within our means and identify budget priorities.

Personally, I do not feel comfortable with the potential bonded indebtedness we are taking on. I say this because a lot of what is proposed, is not an absolute. It was stated last year that the hope was for some projects to take off in order reduce the tax burden. Here we are a year later, not reducing the mill levy, asking for more, and promising the same thing. We are promising the same thing with no solid commitments.

Furthermore, I cannot support this budget while so many people are struggling to make ends meet. This impacts our families, our neighbors, our community. This did not sit well with me last year and does not sit well with me this year.

My suggestions as we move forward is to replace the council members who serve on the Budget Task Force, appoint citizens to serve on the Budget Task Force and to allow for public input on the budget sooner rather than waiting six days prior to the final vote.

Respectfully,

Thomas Burns
Bellevue City Councilman (Ward 1)
thomas.burns@bellevue.net
402-415-9570

From: [Bree Robbins](#)
To: [Susan Kluthe](#); [Shirley Harbin](#); [Thomas Burns](#); [Rich Casey](#); [Paul Cook](#); [Kathy Welch](#); [Donald G Preister](#); [Jerry McCaw](#)
Subject: [EXT] Budget Concerns - Please include at tonight's meeting
Date: Tuesday, September 26, 2023 2:28:17 PM

Dear Council President Paul Cook, Council Members, and City Clerk:

I am sharing this information as the budget proposed and presented to you should be carefully reviewed and scrutinized prior to voting “yes” on the same. Expenses should be cut from the budget and more responsible spending should be considered. I will be unable to attend the meeting tonight and would ask that this letter be entered into the record and read into the record. Also, I do not believe that someone has to live in Bellevue or work for Bellevue to have a voice or be concerned for the wellbeing of the citizens in Bellevue. This is a public meeting and the public has the right to be heard. A quick review of comments on social media, the attendance of the joint public hearing, and other outreach to council members should be considered and heard as well, even if those individuals are unable to attend the meeting tonight.

The City posted on its website (www.bellevue.net) on September 21, 2023 under the heading “City of Bellevue Provides Summary of 2023-24 Proposed Budget”. In this posting it states “here are the important facts” and then discusses items related to the 13.6% increase in property taxes and the City’s proposed 42% increase in the budget for the fiscal year 2023. The post further states, “The increase in the property tax request of 13.6% is equal to the increase in property valuations set by Sarpy County which will be invested in **critical essential services**.” (Emphasis Added). I emphasize “critical essential services” as a review of the items identified herein will show, these really are not “critical essential services”. “The City of Bellevue’s projected budget increase of 42% is primarily due to the significant increase in their investment in **needed** capital projects.” (Emphasis Added).

The City notes in the post that “the City of Bellevue is not raising their mill levy ...” Mayor and City Council members, I do not believe that “not raising the mill levy” is really a big win for the citizens of Bellevue. Maybe you should look at more responsible spending and look at ***lowering*** the mill levy. Lowering the mill levy could help your citizens a little since they are experiencing such an increase in their property valuations. The valuations are increasing and in turn, the City is receiving more money from those increased property valuations (yes – those valuations are determined by the County), but why not consider spending within those limits or ***lowering*** the mill levy now that these property valuations have increased so dramatically over the last several years.

The post then talks about “Addressing the Debt” and is going to add “some new debt” to invest in **needed** infrastructure and economic development “that will have the opportunity to shift the tax burden from homeowners.” Mayor and City Council members, read the comments and listen to your constituents, you are already taxing them out of their homes, they are already burdened.

The post further talks about “Addressing the Budget” because there are some “overdue capital expenditure projects that will benefit the citizens and **potentially bring economic growth**.” (Emphasis Added). Mayor – you have been in office all of 2019, 2020, 2021, 2022, and most of 2023, if these are “overdue” do you not see any blame on yourself and your current

administration for them being “overdue”? Additionally, all of this investment for *potential* economic growth?

The best line in the whole post from www.bellevue.net is **“RATHER THAN HAVE YOU DIG THROUGH THE BUDGET PAGE BY PAGE, HERE IS A LIST OF HIGHLIGHTS OF THOSE PROPOSED CAPITAL IMPROVEMENTS BY CATEGORY”** (Emphasis Added) and then the post lists (without much actual detail) the “highlights” that the administration and Mayor want to fluff about the budget. Additionally, **the actual budget is not posted or linked to this article on the website.** A citizen has to go digging through the outdated website to find the actual budget to review the budget for themselves. Was that intentional? For those wanting to look at the actual budget, it can be found by going to the City’s website, clicking on “Departments” → “Finance” → “Documents” → “Budget” → scroll all the way down and then click on “Bellevue Budget FYE 2024 (2023-204) 2023-09-05 Preliminary Draft for City Council Meeting”. Yes – I could have shared the link but also wanted to make a point at how ridiculous it is to find on the website. Why not just share the whole budget and link so people can easily access the budget and read through it themselves?

This all begs the larger question – are all of these expenses “critical” and “critical essential services”? Can the budget be reduced to stay within the allowable growth percentage? Can the mill levy be dropped from .61 to actually help the citizens of Bellevue?

Things that should really be considered prior to passing the budget:

Reducing overtime spending for staff:

The Omaha World Herald published an article on December 20, 2022 wherein it stated “Bellevue taxpayers could wind up paying for hundreds of hours of overtime pay for top police officials after a city official changed their job classifications without consulting the city attorney or getting approval from the Bellevue City Council.” [Link to Article](#). In that article, it states that “[Jim] Ristow moved to change the job classifications of command staff, which allowed them opportunities to get overtime.” The article further stated that Ristow (Bellevue’s City Administrator) informed the Bellevue Police Chief, Ken Clary, that “based upon their recent conversations” the job classifications for police captain and assistant police captain would be changed from exempt under the Fair Labor Standards Act to nonexempt. The nonexempt status allows for overtime to be calculated. This was not put on before the City Council for approval or consideration. How much has this overtime cost the taxpayers?

MUD Spending:

Resolution No. 2022-03 was passed by the City Council on February 1, 2022. [Link Here](#). As part of that resolution it states that Bellevue was awarded \$8,395,637.00 of ARPA funding. The City identified work with MUD to design a water main extension and the City Council authorized \$1,100,000.00 of ARPA funding to be put towards that project at the time of the Resolution to begin design for this project. “Any additional funding for next phases, construction, etc. shall be by separate agreement and Resolution for authorization of said funding for the MUD project.” Was the \$1,100,000.00 of ARPA funding under this resolution

used for the MUD project? What about the remaining approximate \$7,295,637.00? (\$8,395,637 - \$1,100,000). Where did that money go? Is the \$18,000,000.00 projected in the City's budget in addition to these ARPA funds that were set for this project?

Also, why are developers and land owners along this project not paying for some of the project or being assessed for some of the fees for this project? According to Sarpy County public records, Mayor Rusty Hike owns property which is in the area of this project as well. (Leo W Hike Jr owns property at 15402 S 10th St).

Public Works Facility:

There is \$5,800,000 for a new public works facility (design and construction). Is that the total cost for the entire thing or just a portion of it? Are you going to be coming back in next year's budget or the next one after that saying you need more because the actual cost for this is really \$15,000,000 or more? Is the \$5,800,000 all in? Is this really a "critical essential service" right now? "WHY" is it so critical? What services are lacking right now that will be solved by having this facility?

Sanitary and Sewer along Mission Avenue:

There is \$1,200,000.00 for sanitary and sewer in Olde Towne along Mission. Is the new developer that is trying to build apartments in Olde Towne contributing to any of this improvement? On the October 4, 2022 City Council Agenda [Link Here](#) there was an Ordinance (4108) that was approved to change the Bellevue Zoning Ordinance regarding permitted use in the BGM zoning district regarding multi-family residential density. The purpose of the request, according to the staff report (attached to the agenda- public record) was "to allow for minimal increase in multifamily density in the BGM/Olde Towne corridor". During the public hearing at the September 20, 2022 meeting, the developer of the property spoke in favor of the amendment (Jeff Gering with Mercury Builders) [Link Here](#) and Planning Manager Tammi Palm discussed that the density for the development in Olde Towne specific to Mercury's project (but also for anyone that would be subject to the ordinance), that the density limits could increase "only if all of the necessary infrastructure is available as determined by city staff. So that is something that planning, public works, wastewater, have to look at. That density would only be allowed if the infrastructure was available." In review of other public meetings, it is apparent that density increase for this project is important to the developer and from the text amendment in Ordinance 4108, that can only occur if there is the necessary infrastructure. Why is the City of Bellevue and the taxpayers of Bellevue footing the bill for the cost when it is what the developer is needing and wanting for their project? Shouldn't they be sharing the cost, if not all of the cost for the improvement? What about other businesses along Mission that will benefit from the improvements?

Mayor Rusty Hike has a business interest in several properties along Mission that would also benefit from this project including:

108 E. Mission Ave
116 E. Mission Ave.
(under his own name)

2223 Franklin Street

2217 Franklin Street
101 E. Mission Ave
2227 Jefferson St
219 W. Mission Ave
(under “MRJC Holdings, LLC”)

A Search of the Nebraska Secretary of State site (public record) and the Certificate of Organization shows Leo “Rusty” Hike Jr. and Joanna Hike, along with Matt McKinney and Charlotte McKinney as the management of the Company. The 2023-2024 Biennial Report for MRJC Holdings LLC is signed by Leo W. “Rusty” Hike with the title of “Director.”

Haworth Park / American Heroes’ Park:

There is \$1,400,000.00 in the budget for sanitary projects in Haworth and also American Heroes Park. Haworth has flooded so many times, why are sanitary system upgrades being done in an area that is subject to so much flooding? There are also items related to American Heroes Park. On the surface, yes, park upgrades are needed in Bellevue. But is this upgrade and at these expenses critical and necessary right now?

In addition to the sanitary projects here, there is an additional \$650,000.00 in the budget for “Engineering & Construction” of an Amphitheater at American Heroes Park.

It is public knowledge that the Bellevue Community Foundation puts on Bellevue Rocks every summer now. The listed (relevant to this letter) Board Members of the Bellevue Community Foundation are:

DIRECTOR – Rusty Hike (who is the Mayor for the City of Bellevue)
PRESIDENT – Phil Davidson (who works for the City)
TREASURER – Lisa Rybar (the Mayor and City Administrator’s Executive Secretary)
DIRECTOR – Jim Ristow (City Administrator for the City of Bellevue)

Link to Website

Interestingly – but not surprisingly, if you look at the pictures (headshots) of Rusty Hike on the Bellevue Community Foundation website and his picture on the City of Bellevue website, it is the same headshot (a headshot presumably paid for by the taxpayers of Bellevue). The same is true for Jim Ristow. Also – the listed address on the Bellevue Community Foundation website is 1500 Wall Street, which is CITY HALL. Why is the Community Foundation listing the government building, City Hall, as their place of business? How much business are these members doing FOR THE FOUNDATION while on the clock and receiving city salaries – paid for by taxpayers?

Why is this Amphitheater so important now to this administration, is it because of the event they put on specifically for the unrelated Bellevue Community Foundation? Why is the City of Bellevue and taxpayers of Bellevue paying for this? Is it going to be used for other events and what is the plan to bring in other concerts or events to bring in revenue for the City?

Entertainment District

There is \$5,000,000.00 listed in the budget for an "Entertainment District". What is this? Where is this? Is this a critical essential service that is necessary at this time? What is the plan moving forward and how much projected revenue is expected to come in from this "Entertainment District?"

Conclusion

The total of the above items is as follows:

\$18,000,000
\$5,800,000
\$1,200,000
\$1,400,000
\$650,000
\$5,000,000

\$32,050,000.00 (yes over \$32 million dollars)

I encourage you and urge you to vote no on the budget as presented or reduce these items out of the budget prior to approving the same.

Sincerely,

Bree Robbins

MINUTE RECORD

*6.
10/3/2023

CLAIMS FOR FYE 2023 SEPTEMBER 28, 2023 *****AMENDED***

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CITY ADMINSTRATOR		
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	157.98
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	79.96
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	2,844.42
J P COOKE COMPANY	NAME PLATE-H JOHNSON	32.75
METROPOLITAN UTILITIES DIST	2023/08/08-09/06 MONTHLY SERVICE	26.56
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	575.56
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	150.82
		<u>3,868.05</u>
		\$ 3,868.05
CITY COUNCIL		
DON PREISTER	REIMB FOR INTERNET JUL, AUG, SEP 2023	179.97
		<u>179.97</u>
		\$ 179.97
LEGAL		
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	27.88
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	2,032.26
METROPOLITAN UTILITIES DIST	2023/08/08-09/06 MONTHLY SERVICE	4.69
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	101.57
		<u>2,166.40</u>
		\$ 2,166.40
CABLE ADVISORY		
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	139.40
COX BUSINESS SERVICES	2023/09/19-10/18 MONTHLY SERVICE	9.04
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	4,077.78
METROPOLITAN UTILITIES DIST	2023/08/08-09/06 MONTHLY SERVICE	23.43
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	507.85
		<u>4,757.50</u>
		\$ 4,757.50
CITY CLERK		
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	241.61
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	2,032.26
METROPOLITAN UTILITIES DIST	2023/08/08-09/06 MONTHLY SERVICE	40.60
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	880.28
SUBURBAN NEWSPAPERS	LEGAL AD	1,520.54
		<u>4,715.29</u>
		\$ 4,715.29
FINANCE/RISK MANAGEMENT		
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	204.45
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	118.94
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	5,225.88
HANEY SHOE STORE	SAFETY SHOES-J KENGER	136.99
INDOFF, INC	COPY PAPER	716.70
METROPOLITAN UTILITIES DIST	2023/08/08-09/06 MONTHLY SERVICE	34.37
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	744.85
		<u>7,182.18</u>
		\$ 7,182.18
LIBRARY		
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	39.76
CENTER POINT LARGE PRINT	LARGE PRINT BOOKS	579.41
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	107.39
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	6,801.81
INGRAM LIBRARY SERVICES	BOOKS	3,930.81
METROPOLITAN UTILITIES DIST	2023/08/05-09/06 MONTHLY SERVICE	130.65
QUADIANT FINANCE USA, INC	2023 AUGUST LIBRARY POSTAGE	600.00
QUADIANT FINANCE USA, INC	2023 AUGUST LIBRARY NEOSHIPMENTS	771.56
SARPY COUNTY TIMES	RENEW SUBSCRIPTION 2023/10/20-2024/10/19	136.99
SCOTT WELCH	MONTHLY WEB HOSTING-SEP 2023	125.00
VERIZON WIRELESS	2023/09/17-10/16 MONTHLY SERVICE	400.10
		<u>13,623.48</u>
		\$ 13,623.48

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ADMINISTRATIVE SERVICES/PERSONNEL

BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	157.98
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	12,461.60
IDEAL PURE WATER COMPANY	BOTTLED WATER	59.00
METROPOLITAN UTILITIES DIST	2023/08/08-09/06 MONTHLY SERVICE	26.56
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	575.56
UKG INC	PAYROLL SUBSCRIPTION OCT-DEC 2023	37,057.95
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	3,282.88
		<u>\$ 53,621.53</u>

CODE ENFORCEMENT

BELLEVUE PRINTING COMPANY	ENVELOPES, FORMS, NOTICES	3,410.72
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	3.08
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	156.05
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	7,875.67
LINE X OF OMAHA	BED LINER	495.00
METROPOLITAN UTILITIES DIST	2023/08/04-09/06 MONTHLY SERVICE	21.87
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	190.26
PAPILLION SANITATION	CODE DUMPSTER	524.93
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	1,227.05
		<u>\$ 13,904.63</u>

PUBLIC WORKS

ALFRED BENESCH & COMPANY	BPW-220814 FIBER OPTIC 2023/07/31-08/27	22,717.96
ALFRED BENESCH & COMPANY	BPW-220814 FIBER OPTIC 2023/08/28-09/17	11,923.74
ALFRED BENESCH & COMPANY	BPW-230103 VALLEYVIEW SIDEWALK 2023/07/31-09/17	435.00
ALFRED BENESCH & COMPANY	BPW 210414 ANNUAL REPORTS 2023/07/31-09/17	2,682.18
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	5.18
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	5,842.56
HARRIS COMPUTER SYSTEMS	BLUEBEAM EXTREME LICENSE	1,947.00
METROPOLITAN UTILITIES DIST	2023/08/04-09/06 MONTHLY SERVICE	36.73
NEBRASKA IOWA SUPPLY COMPANY,	FUEL FOR CITY TANKS	10,496.43
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	319.51
SUBURBAN NEWSPAPERS	LEGAL AD	49.76
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	205.55
		<u>\$ 56,661.60</u>

PARKS

ALEXANDER LAWN & LANDSCAPE, INC	MOWING 2023/09/19-09/12	2,132.80
A-RELIEF SERVICES	PORTABLE RESTROOMS-STONECROFT PARK	1,858.53
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	79.52
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	9.70
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	214.78
CREATIVE SITES, LLC	POST SWING W/SEATS-NORMANDY HILLS	37,170.00
CROW LAWN CARE LLC	MOWING	3,400.00
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	9,290.40
GRAINGER	BATTERY, RECIP SAW KIT	622.37
HUGHES MULCH PRODUCTS	WOOD FIBER	4,000.00
METROPOLITAN UTILITIES DIST	2023/08/04-09/01 MONTHLY SERVICE	22,595.21
READY MIXED CONCRETE COMPANY	CONCRETE	1,823.28
SITEONE LANDSCAPE SUPPLY	GRASS SEED	4,761.52
TRISTAR	WORK COMP PAYMENTS AUGUST 2023	15.71
TY'S OUTDOOR POWER & SERVICE	MOWER CUTTING DECK	5,660.00
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	6,645.05
		<u>\$ 100,278.87</u>

RECREATION

CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	27.17
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	88.39
CRISTIAN RAMOS	REIMB SWIMSUIT, LIFEGUARD CLASS	229.95

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RECREATION (cont'd)

EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	2,660.65
LAUREN MAASS	REIMB LIFEGUARD CLASS, SWIMSUITS	268.57
METROPOLITAN UTILITIES DIST	2023/08/05-09/06 MONTHLY SERVICE	241.98
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	929.88
		\$ 4,446.59

FACILITY MAINTENANCE

BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	412.82
DAY ELECTRIC SERVICE, INC	INSTALL PIPE, ADD RECEPTACLES-FLEET	2,548.25
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	10,661.49
FIRE PROTECTION SERVICES, LLC	ANNUAL FIRE INSPECTION	962.75
INTERSTATE POWER SYSTEMS, INC	ANNUAL GENERATOR SERVICE, HOOK UP WALL ST TO BAE	2,769.05
JACKSON SERVICES, INC	DOOR MAT SERVICE-LIBRARY	230.42
METROPOLITAN UTILITIES DIST	2023/08/05-09/05 MONTHLY SERVICE	303.76
OMAHA DOOR & WINDOW COMPANY,	FIRE BAY DOOR HEAD AND TROLLEY-DIST 3	2,601.50
OMAHA PNEUMATIC EQUIPMENT CO	CONTROL RELAY-FLEET	958.28
THE HOME DEPOT PRO	JANITORIAL SUPPLIES	1,455.65
TRICO MECHANICAL SERVICES	A/C SERVICE, SCHEDULED MAINTENANCE, CAPACITOR	9,575.41
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	765.25
		\$ 33,244.63

CEMETERY

BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	39.76
CORNHUSKER LAND TITLE CO	BODNAR PROPERTY FOR CEMETERY EXPANSION	231,777.46
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	83.39
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	2,826.08
METROPOLITAN UTILITIES DIST	2023/08/05-09/06 MONTHLY SERVICE	102.15
PULVERENTE MONUMENT COMPANY, LLC	MAUS DOOR	75.00
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	735.14
		\$ 235,638.98

STREETS

3M COMPANY	ELECTROCUT FILM, REFLECTIVE SHEETING	5,342.72
ALFRED BENESCH & COMPANY	BPW-171101 GREGG RD IMP 2023/05/08-09/17	1,215.00
ALFRED BENESCH & COMPANY	BPW-230102 CONCRETE PROJECTS 2023/08/28-09/17	18,534.50
ALFRED BENESCH & COMPANY	BPW-230104 OVERLAY PROJECTS 2023/08/28-09/17	15,712.50
AVERY RENTS	PROPANE	33.21
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	127.93
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	16.46
CHARLES VRANA & SONS	BPW-211224 HARLAN DR APPROACH REP END 2023/09/16	88,613.33
COMMONWEALTH ELECTRIC CO OF THE	BPW-220712 36TH & BLINE PROJECT	84,275.10
COMMONWEALTH ELECTRIC CO OF THE	BPW-220107 GALVIN INTERSECTION THRU 2023/09/15	26,975.82
CONCRETE SUPPLY, INC	CONCRETE	10,769.13
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	274.17
CROW LAWN CARE LLC	ROW MOWING -CYCLES 6, 7 & 8	30,470.34
DREF'S TREE SERVICE	CUT DOWN TREES-GALVIN RD	4,200.00
EARNEST CONSTRUCTION GROUP, INC	BPW-230102 CONCRETE PROJECTS	108,157.47
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	42,360.35
FELSBURG HOLT & ULLEVIG, INC	BPW-191017 36TH ST COST ANALYSIS 2023/06/01-07/31	2,201.25
HGM ASSOCIATES INC	BPW-230105 PW ODORANT BUILDING RENOVATION THRU 2023/08/31	4,970.68
JACOBS ENGINEERING GROUP, INC	BPW-230306 STORM DRAINAGE THRU 2023/08/25	20,472.22
JMN CONSTRUCTION, LLC	BPW-221019 BRIDGE DEMOLITION	24,099.60
LOGAN CONTRACTORS SUPPLY	CRAFCO SEALANT	53,487.92
MARTIN ASPHALT	BULK OIL	804.00
MARTIN MARIETTA MATERIALS	CRUSHED ROCK	6,320.24
MD SOLUTIONS, INC	PARTS FOR SIGN MAINTENANCE	12,100.00

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STREETS (cont'd)

MENARDS	SPRAY PAINT, TAPE, WOOD STAKES	70.33
METRO LEASING	8748 METRO LEASE-2023/09/25 INT'L TRUCKS (6)	26,953.86
METROPOLITAN UTILITIES DIST	2023/08/05-09/05 MONTHLY SERVICE	474.01
MICHAEL TODD & COMPANY	ENGINEER FLAG RED	35.60
MOBOTREX	BULLDOG UNIVERSAL POLE, PUSH BUTTONS	1,840.00
MURPHY TRACTOR	JD BACKHOE LOADER 1T0320PATPFX04806	116,900.00
OMAHA PUBLIC POWER DISTRICT	2023/06/29-08/10 MONTHLY SERVICE	1,337.76
OMNI ENGINEERING	ASPHALT	3,656.55
OMNI ENGINEERING	BPW-230104 OVERLAY PROJECTS	577,334.21
PLATTE RIVER CONCRETE CO	CONCREE	3,358.25
READY MIXED CONCRETE COMPANY	CONCRETE	10,139.65
THOMAS W GILBERT	REIMB COMMERCIAL LEARNER'S PERMIT	16.25
TRISTAR	WORK COMP PAYMENTS AUGUST 2023	1,354.25
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	5,187.97
WESTLAKE ACE HARDWARE	BOLTS	13.56
		\$ 1,310,206.19

FLEET MAINTENANCE

911 CUSTOM, LLC	MIRROR KIT, T-SERIES LIGHTS	1,196.55
ARROW TOWING	HD TOW CHARGE-ST138	250.00
AUTO VALUE PARTS - SOUTH OMAHA	STEERING TIE ROD END, BRAKE CALIPERS, BALL JOINTS,	736.53
AUTOMOTIVE WAREHOUSE DIST, INC	PARTS FOR VEHICLES MAINTENANCE	739.25
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	53.85
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	38.64
CLAYS PUMP & EQUIPMENT CO	RUBBER ARM PAD KIT	47.75
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	107.39
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	20,108.16
FACTORY MOTOR PARTS CO	SPARK PLUGS, FILTERS	52.02
GALVIN GLASS	REPLACE WINDSHIELD-PO101	681.86
GRAINGER	LABELS, SWITCH	116.83
HENDERSON PRODUCTS, INC	BAFFLE SPINNER, BUCKLES	305.79
JONES AUTOMOTIVE	COMPUTER MOUNT, TELESCOPIC POLE	457.88
LINE X OF OMAHA	BEDLINER-PO711	495.00
METROPOLITAN UTILITIES DIST	2023/08/08-09/06 MONTHLY SERVICE	128.02
MOTOROLA SOLUTIONS, INC	WIFI ANTENNAS	480.00
NAPA AUTO PARTS	FILTERS, SWITCH, PARKING BRAKEMOTOR	1,223.27
NEBRASKA IOWA INDUSTRIAL	CONNECTORS, EYELETS, DRILL BITS, TAPS	403.63
TOYNE, INC	PISTON INTAKE	2,408.82
TY'S OUTDOOR POWER & SERVICE	RESERVOIR, PLUGS, BEARINGS, BUSHINGS, WHEEL	668.57
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	759.42
WALKERS UNIFORM RENTAL	UNIFORM SERVICE, FENDER COVERS	428.67
		\$ 31,887.90

SOLID WASTE

CITY OF OMAHA	COMPOST DELIVERIES-AUG 2023	55,696.37
PAPILLION SANITATION	GLASS RECYLCING	394.28
		\$ 56,090.65

PLANNING

BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	4.68
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	52.59
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	2,832.71
METROPOLITAN UTILITIES DIST	2023/08/04-09/06 MONTHLY SERVICE	33.22
OLSSON ASSOCIATES	PROF SERVICES TRANSPORTATION PLAN THRU 2023/09/09	122.20
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	289.01
		\$ 3,334.41

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PERMITS & INSPECTIONS

BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	6.25
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	12,680.79
HARRIS COMPUTER SYSTEMS	SOFTWARE MAINTENANCE 2023/10/01-2024/09/30	5,500.00
INDOFF, INC	COPY PAPER	207.96
METROPOLITAN UTILITIES DIST	2023/08/04-09/06 MONTHLY SERVICE	44.39
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	386.14
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	1,353.59
		<u>\$ 20,179.12</u>

POLICE

911 CUSTOM, LLC	CORE VEHICLE TO VEHICLE SYNC MODULE	2,101.80
ABM SUPPLY	BREACHING TOOL, CHAINSAW, CAMERA, PRY BAR, FLASHLIGHTS, HANDCUFFS	21,563.00
ACTION SIGNS	APPLY GRAPHICS-UNIT 802	65.29
A-RELIEF SERVICES	PORTABLE RESTROOMS-GUN RANGE	136.00
AT&T MOBILITY	2023/07/22-08/21 MONTHLY SERVICE	1,691.05
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	110.85
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	423.13
CHARLES E SHELL	REIMB PER DIEM-DRE CONF	291.93
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	561.99
DANIEL GERMAN	REIMB FOR TEES	267.50
DILLON BROTHERS H-D BUELL	TRIM FENDER SKIRT, REPAIRS MOTORCYCLES 1,2, 3 AND 4	13,110.10
DOUGLAS COUNTY SHERIFF OFFICE	FORENSIC FEE	200.00
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	154,185.47
GALLO PROFESSIONAL POLYGRAPH	POLYGRAPH SERVICE	400.00
GRAPHIC DESIGNS INTERNATIONAL, LLC	GRAPHICS-PASSENGER SIDE-UNIT 802	382.98
GREAT PLAINS UNIFORMS	HONOR GUARD SHOES, BALLISTIC VESTS, UNIFORMS	2,045.47
JACKSON SERVICES, INC	DOOR MAT SERVICE	248.66
JOE MILOS	REIMB IDTS CONF EXPENSES	365.76
LP POLICE	LOCATE PLAN-AUG 2023	259.90
MAGGIE LARSON	REIMB FOR UNIFORM PANTS	175.48
MARCUS LARR	REIMB PER DIEM-DRE CONF	265.50
MENARDS	TARPS, BUNGEE SETS, PARTS	695.59
METROPOLITAN UTILITIES DIST	2023/08/04-09/06 MONTHLY SERVICE	786.57
MODERN IMAGING SOLUTIONS, INC	NITRILE GLOVES	1,999.00
MOTOROLA SOLUTIONS, INC	BODY WORN CAMERA	1,990.00
NEB ASSOC OF PROPERTY & EVIDENCE	MEMBERSHIP-M LARSON	30.00
NEBRASKA FURNITURE MART	RANGE -PATROL BREAKROOM	2,161.00
NEBRASKA LAW ENFORCEMENT	INSTRUCTION RECERT COURSE-SIMONES	80.00
NEBRASKA SECRETARY OF STATE	NOTARY RENEWAL-FRANKS	30.00
NET DUTY SOFTWARE	SCHEDULING SOFTWARE 2023/10/01-2024/09/30	1,131.72
OFFUTT COLLISION REPAIR CENTER	ADD'L BODY DAMAGE-UNIT 644	6,478.17
OMAHA PUBLIC POWER DISTRICT	2023/08/10-09/12 MONTHLY SERVICE	6,843.03
PINNACLE OPERATIONS CENTER	SUBPEONA FOR INVESTIGATIONS	55.00
PROJECT LIFESAVER INTERNATIONAL	LIFESAVER DEVICES	1,813.45
STALKER RADAR	STALKER RADARS	12,750.40
STOP STICK, LTD	STOP-STICK KIT W/BAG	3,634.00
TRISTAR	WORK COMP PAYMENTS AUGUST 2023	13,568.29
TRI-TECH FORENSICS, INC	EVACUATION SET, MEDICAL SUPPLIES	2,044.86
U.S. CELLULAR	2023/09/04-10/03 MONTHLY SERVICE	177.52
UNIVERSITY OF NEBRASKA MEDICAL	TOXICOLOGY TESTING	1,369.00
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	20,343.08
VERIZON WIRELESS	2023/07/24-08/23 MONTHLY SERVICE	1,135.78
VERIZON WIRELESS	SUBPEONA FEE FOR INVESTIGATIONS	50.00
ZACH STALDER	SALE OF MOTORCYCLE BOOTS TO SS UNIT	500.00
		<u>\$ 278,518.32</u>

MINUTE RECORD

CLAIMS FOR FYE 2023 SEPTEMBER 28, 2023 *****AMENDED***

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FIRE & RESCUE

AARON SPENCER	REIMB PARAMEDIC FEES	194.00
AETNA	AMBULANCE REFUND-SHIMERDLA	108.08
AIR CLEANING TECHNOLOGIES, INC	GRABBER NOZZLE REPAIR	1,223.50
AIRGAS USA, LLC	MEDICAL SUPPLIES	626.17
ANN HICKS	REIMB FOR SERVICE	50.00
BLACK HILLS ENERGY	2023/07/31-09/01 MONTHLY SERVICE	110.88
BODY BASICS FITNESS EQUIPMENT	PREVENTIVE MAINTENANCE-DIST 1	233.50
BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	6,855.38
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	214.78
CREIGHTON PARAMEDICINE EDUCATION	EMS TUITION-MCDONNELL, O'BRIEN, SPENCER	750.00
DANKO EMERGENCY EQUIPMENT	BATTLE FOGGER AND FLUID	3,000.00
ED M FELD EQUIPMENT CO	AIR PACKS AND EQUIPMENT, REPLACEMENT FIRE HOSE, NOZZLE, THERMAL IMAGING CAMERA	767,750.68
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	98,233.32
FIRE DEPARTMENT CLOTHING	UNIFORM DUTY SHIRTS	3,263.14
GREAT PLAINS UNIFORMS	UNIFORM-15 EMP	4,034.94
INDUSTRIAL ORGANIZATIONAL	FAE WRITTEN EXAM	8,079.00
INTERNATIONAL ASSOCIATION OF FIRE	MEMBERSHIP DUES 2023/10/01-2024/09/29	340.00
INTERSTATE POWER SYSTEMS, INC	BATTERIES FOR GENERATORS-DIST 2	787.62
JO DONS	FAE ON SHIRTS	40.00
LARRY PEREZ	REIMB FOR SERVICE	142.32
MARCO TECHNOLOGIES, LLC	COPIER EXPENSE	521.18
McKesson MEDICAL-SURGICAL GOVT	MEDICAL SUPPLIES	1,377.23
MENARDS	FRAMING, FILTER, WASTE CAN, DIGITAL METER	383.09
METROPOLITAN UTILITIES DIST	2023/08/05-09/05 MONTHLY SERVICE	2,510.65
MILLARD APPLIANCE SERVICE, INC	DRYER REPAIR-DIST 3	239.00
SANDRY FIRE SUPPLY, LLC	BUNKER GEAR FOR NEW RECRUITS	22,693.75
STERICYCLE	SHREDDING SERVICE	144.00
STRYKER SALES CORPORATION	MAINTENANCE AGREEMENT 2023/09/01-2024/08/31	11,322.00
TELEFLEX FUNDING, LLC	MEDICAL SUPPLIES	706.40
TRANSNET, LLC	TRANSCRIPTION SERVICES	125.00
TRAVELERS	AUTO LIABILITY CLAIM FYC8270	4,165.61
TRISTAR	WORK COMP PAYMENTS AUGUST 2023	355.69
UNITED HEALTH INSURANCE COMPANY	REIMB FOR SERVICE	398.69
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	10,725.10
WESTLAKE ACE HARDWARE	MOUSE TRAP	4.99
ZOLL DATA SYSTEMS INC	FRMS & RMS BILLINS	1,105.00
ZOLL DATA SYSTEMS INC	ZOLL BILLING PRORATION 2023/10/23-10/31	106.41
		\$ 952,921.10

NON-DEPARTMENTAL/CONTRACTS

AMERICAN NATIONAL BANK	INTEREST & BANK FEES	493.11
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	281.98
NE-DEPARTMENT OF REVENUE	2023/08 SALES TAX	354.24
PM AM CORPORATION	ALARM FEES - AUG 2023	2,580.00
CENTURY LINK	2023/08/04-09/03 MONTHLY SERVICE	911.52
ABBY HIGHLAND	CDBG CONSULTANT EXPENSES-JULY, JUNE 2023	375.00
GREAT AMERICAN INSURANCE	CROP INSURANCE-WIND/HAIL	3,905.00
HEARTLAND MARKETING &	SOCIAL MEDIA MANAGEMENT	3,698.67
J P COOKE COMPANY	NAME PLATE FOR CHAMBERS-GIFFORD	50.95
LOCKTON COMPANIES, LLC	WELLNESS NURSE ADVOCACY-SEP 2023	1,875.00
		\$ 14,525.47

INFORMATION TECHNOLOGY

DC ELECTRIC/HEARTLAND LIGHTING	BUILD SPIDER BOXES	2,699.87
DELL MARKETING L.P.	COMPUTERS, MONITORS	24,541.80
HARRIS COMPUTER SYSTEMS	BLUEBEAM EXTREME LICENSE 2023/09/06-2024/09/14	146.42
MENARDS	HDMI ADAPTER, POWER STRIP	66.40

MINUTE RECORD

CLAIMS FOR FYE 2023 SEPTEMBER 28, 2023 *****AMENDED***

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INFORMATION TECHNOLOGY (cont'd)

MNJ TECHNOLOGIES DIRECT, INC	CLOUD CONTROLLER LICENSE-5 YEARS	16,422.00
MOTOROLA SOLUTIONS, INC	REMOTE SPEAKER, CHARGER	658.59
ONE CALL CONCEPTS	LOCATES-AUGUST 2023	5.18
PCS MOBILE	ADAPTER, ANTENNAS, DOCKING STATIONS	2,227.42
TESSCO	COMMUNICATIONS PARTS	530.99
TJ CABLE	LOCATES-AUGUST 2023	150.00
		\$ 47,448.67

2206 LONGO DR - NEW LIBRARY

LEO A DALY COMPANY	BPW-210311 LIBRARY RENOVATION THRU 2023/07/14	5,573.47
LEO A DALY COMPANY	BPW-210311 LIBRARY RENOVATION THRU 2023/08/14	6,118.50
LEO A DALY COMPANY	BPW-210311 LIBRARY RENOVATION THRU 2023/09/14	5,153.91
THIELE GEOTECH	BPW-210311 LIBRARY MATERIAL TEST 2023/07/14-07/21	1,297.00
THIELE GEOTECH	BPW-21033 LIBRARY MAT TEST 2023/08/25-09/22	2,319.00
		\$ 20,461.88

WASTEWATER

AMERICAN NATIONAL BANK	BANK FEES	51.50
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	60.37
CENTURY LINK	2023/09/04-10/03 MONTHLY SERVICE	250.28
CITY OF OMAHA	SEWER FEES-JULY 2023	637,716.95
CONTRACTOR SOLUTIONS OF	PUMP RENTAL	1,200.00
COX BUSINESS SERVICES	2023/09/01-09/30 MONTHLY SERVICE	303.39
ELECTRIC PUMP	REPLACE CONTRACTOR	9,515.00
ELLIOTT EQUIPMENT CO	AIR ELEMENT, WATER FILL WELMENT, SEWER HOSE	4,735.57
EMPLOYEE BENEFITS SYSTEM	HEALTH INSURANCE-SEP 2023	16,363.63
GRAINGER	MARKING PAINT	314.88
HANEY SHOE STORE	SAFETY SHOES-J DMELLO	149.99
HDR ENGINEERING, INC	BPW-181013 QUAIL CREEK LIFT STA 2023/06/04-07/01	5,443.18
JUDDS BROS CONSTRUCTION CO	BPW-201109 SO LIFT STATION THRU 2023/09/30	291,308.00
MENARDS	GLOVES	99.92
METROPOLITAN UTILITIES DIST	2023/08/08-09/06 MONTHLY SERVICE	218.68
READY MIXED CONCRETE COMPANY	CONCRETE	3,834.40
RJN GROUP INC	BPW-221017 PROF SERVICES THRU 2023/09/01	1,014.58
RJN GROUP INC	BPW-221018 PROF SERVICES THRU 2023/06/30	10,000.00
RJN GROUP INC	BPW-221016 PROF SERVICES THRU 2023/09/01	1,065.00
U.S. CELLULAR	2023/09/08-10/07 MONTHLY SERVICE	673.25
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES - SEP 2023	3,504.22
UTILITY EQUIPMENT COMPANY	SEWER PIPE, COUPLINGS	1,976.11
		\$ 989,798.90

COMMUNITY DEVELOPMENT

ABBY HIGHLAND	CDBG CONSULTANT EXPENSES-AUG 2023	3,950.00
NL & L CONCRETE INC	BPW-230103 VALLEYVIEW SIDEWALK THRU 2023/09/16	10,834.81
		\$ 14,784.81

FEDERAL FORFEITURES

VERIZON WIRELESS	2023/07/22-08/21 MONTHLY SERVICE	495.61
		\$ 495.61

TOTAL CLAIMS FOR FYE SEPTEMBER 28, 2023	\$ 4,274,942.73
TOTAL PAYROLL FOR SEPTEMBER 15, 2023	\$ 1,615,047.58

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 10/03/2023		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:

Recommend to approve an application for a Class "C" Liquor License to sell, beer, wine, and distilled spirits, On and Off Sale Only, for 2 Bracht Holdings, LLC dba as "Knockouts" located at 848 Cornhusker Road Suite 104, Bellevue, NE 68123 and Kihlisha Richard as Manager.

SYNOPSIS/BACKGROUND:

New application for a Class "C" Liquor License to sell beer, wine, and distilled spirits, On and Off Sale Only, at 848 Cornhusker Road Suite 104, Bellevue, 68123 and for Kihlisha Richard as Manager. Applications are received directly by the Nebraska Liquor Control Commission (NLCC) from the applicant. The NLCC forwards the application to the City Clerk's Office. The Clerk publishes a hearing notice and routes the application for review by the Police and Planning Department. The application is then reviewed by the City Council for their recommendation to the NLCC. The City Clerk forwards the City Council's recommendation to the NLCC for final approval (if there are no issues).

FISCAL IMPACT: \$915.00/year BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: 0

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 approve an application for a Class "D" Liquor License to sell, beer, wine, and distilled spirits, Off Sale Only, for 2 Bracht Holdings, LLC dba as "Knockouts" located at 848 Cornhusker Road Suite 104, Bellevue, NE 68123 and Kihlisha Richard as Manager.

ATTACHMENTS:

1. Application	2. Police, Planning & Clerk Reports	3. _____
4. _____	5. _____	6. _____

SIGNATURES:

LEGAL APPROVAL AS TO FORM: _____

FINANCE APPROVAL AS TO FORM: _____

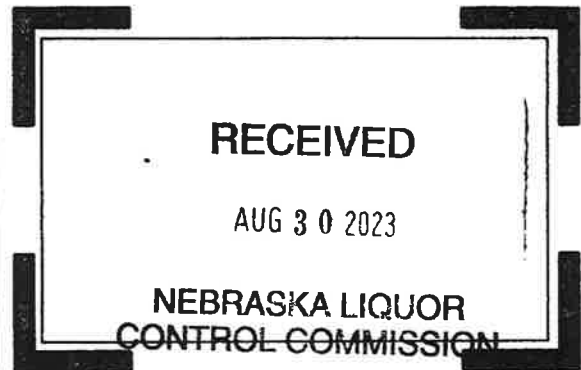
ADMINISTRATOR APPROVAL AS TO FORM: _____

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:
125966



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 2 Bracht Holdings LLC

TRADE (DBA) NAME Knockouts LLC

PREVIOUS TRADE (DBA) NAME N/A

CONTACT NAME AND PHONE NUMBER Amy Bracht 4027073774

CONTACT EMAIL ADDRESS Amy.Bracht@knockouts.com

Crum hx
D

7-16-32

~~too slow who?~~
~~Andrew Sig on 102~~
Richard Vetter
447

Office use only

PAYMENT TYPE CR 109

AMOUNT \$400 - RCPT

RECEIVED: 8/30/23

DATE DEPOSITED _____



RECEIVED
CR

**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) Knockouts LLC

Street Address 848 Cornhusker Road Suite 104

City Bellevue County Sarpy 59 Zip Code 68123 #4445

Premises Telephone number 531-213-2478

Business e-mail address Bellevue51@knockouts.com

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

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

Check if same as premises

Name Amy Bracht

Street Address 923 S 119th Court

City Omaha State NE Zip Code 68154 +3405

DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED

IN THE SPACE PROVIDED BELOW DRAW OR ATTACH A DIAGRAM 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 60 x width 20 in feet

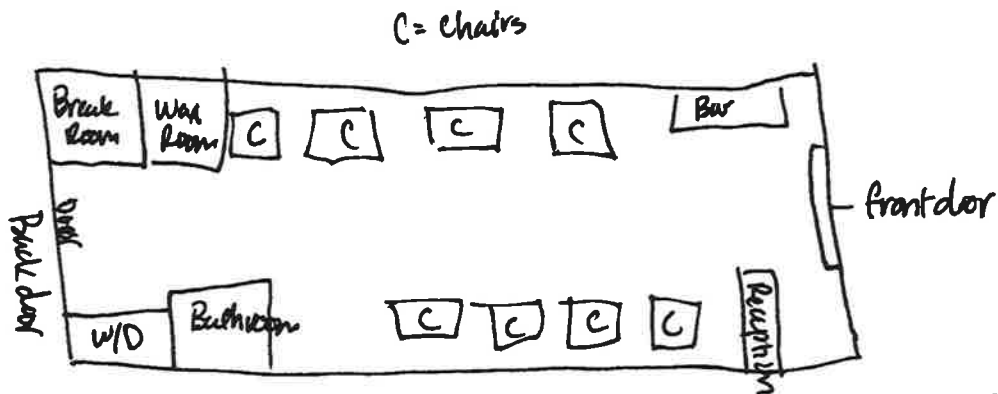
Is there a basement? Yes No XX If yes, length x width in feet

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

*If including an outdoor area permanent fencing is required. Please contact the local governing body for other requirements regarding fencing

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
Andrew Bracht	08/2002	West Point NE	Minor in Possession of Alcohol	08/2002 50 community service hrs

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) Stearns Bank

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.

Bank of the West--132nd and Dodge, Omaha, NE Individuals: Amy Bracht, Andrew Bracht

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.

Lincoln Street Market in West Point, NE License #068877

Amy E Bracht, Andy J Bracht. Business closed 2/15/23.

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)
Amy Bracht	06/01/2023	Nebraska Alcohol Server/Seller Certification
Andy Bracht	06/04/2023	Nebraska Alcohol Server/Seller Certification
Kihlisha Richard	07/23/2023	Nebraska 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

xx Lease expiration date 7/26/2032
Deed
Purchase Agreement

14. When do you intend to open for business? Already open
15. What will be the main nature of business? Men's haircuts and grooming
16. What are the anticipated hours of operation? 10-7 M-F, 10-5 Saturday, Closed Sunday
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
Amy Bracht, 1231 S 121st Plaza, #110 Omaha, NE	2003	2017			
Amy Bracht, 923 S 119th Court, Omaha, NE	2017	2023			
Andy Bracht 1224 Izard St Omaha NE	2021	2023			
Andy Bracht 1112 Farnam St Omaha NE	2019	2021			
Andy Bracht 5607 W 69th St Omaha NE	2008	2019			

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%
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)**

Amy Bracht

Signature of APPLICANT

Signature of SPOUSE

Amy Bracht

Printed Name of APPLICANT

Printed Name of SPOUSE

Signature of APPLICANT

Signature of SPOUSE

Printed Name of APPLICANT

Printed Name of SPOUSE

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.

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***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%
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)



Signature of APPLICANT

Andrew Bracht

Printed Name of APPLICANT

Signature of APPLICANT

Printed Name of APPLICANT

Signature of SPOUSE

Printed Name of SPOUSE

Signature of SPOUSE

Printed Name of SPOUSE

LIMITED LIABILITY COMPANY (LLC)

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: _____

License Number: _____



INSTRUCTIONS

1. All members and spouses must be listed
2. 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
3. Managing/Contact member and all members holding over 25% interest and their spouses must submit fingerprints. See Form 147 for further information
4. Attach copy of Articles of Organization

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

2 Bracht Holdings DBA Knockouts LLC

Name of Registered Agent: Amy Bracht

LLC Address: 923 S 119th Court

City: Omaha State: NE Zip Code: 68154

LLC Phone Number: 402-707-3774

LLC Fax Number _____

Name of Managing/Contact Member

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

Last Name: Bracht First Name: Amy MI: _____

Home Address: 923 S 119th Court City: Omaha

State: NE Zip Code: 68154 Home Phone Number: 402-707-3774

Amy Bracht

Signature of Managing/Contact Member

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

Last Name: Bracht First Name: Amy MI: E

Social Security Number: [REDACTED]

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

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 50%

Last Name: Bracht First Name: Andrew MI: J

Social Security Number: [REDACTED]

Spouse Full Name (indicate N/A if single): Lisa Woodrow Bracht

Spouse Social Security Number: [REDACTED]

Percentage of member ownership 50%

** Spouse*

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 owned 100% by another corporation/LLC?

YES NO

If yes, Form 185 is required

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

Starting Date: January 1 Ending Date: December 31

Is this a Non Profit Corporation?

YES NO

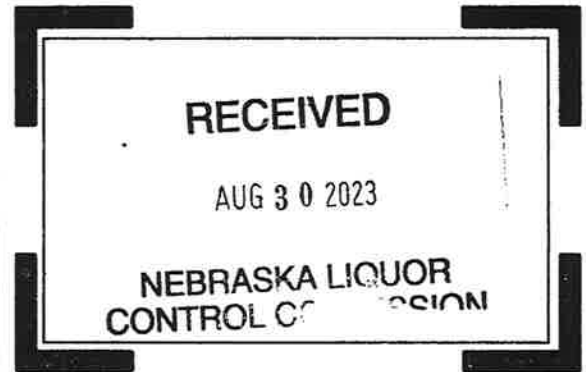
If yes, provide the Federal ID #. _____

MANAGER APPLICATION FORM 103

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: _____

License Number: _____



MANAGER MUST:

- Be at least 21-years of age
- Complete all sections of the application.
- Form must be signed by a member or corporate officer
- Include Form 147 –Fingerprints are required
- Provide a copy of one of the following: US birth certificate, US Passport, naturalization papers OR legal resident documentation
- Be a resident of the state of Nebraska and if an US citizen be a registered voter in the State of Nebraska
- Spouse who will participate in the business, the spouse must meet the same requirements as the manager applicant:

Spouse who will not participate in the business

- Complete the Spousal Affidavit of Non Participation (Form 116). Be sure to complete both halves of this form.

CORPORATION/LLC INFORMATION

Name of Corporation/LLC: 2 Bracht Holdings LLC

PREMISES INFORMATION

Premises Trade Name/DBA: Knockouts LLC

Premises Street Address: 848 Cornhusker Road Suite 104

City: Bellevue County: Sarpy Zip Code: 68123

Premises Phone Number: 5312132478

Premises Email address: bellevue51@knockouts.com

Amy Paracht

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.



MANAGER INFORMATION

Last Name: Richard First Name: Kiki MI: D
Home Address: 7428 Gertrude St
City: La Vista County: Sarpy Zip Code: 68128
Home Phone Number: N/A
Driver's License Number: [REDACTED]
Social Security Number: [REDACTED]
Date of Birth: [REDACTED] Place of Birth: Omaha NE
Email address: cosmolady3183@gmail.com

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

Spouse's information

Spouses Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____
Driver's License Number: _____
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

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2019	2022	Lady James	Alicia Buch	(402) 804-0789
2022	2023	Superb Shisha	Jamie Gladwell	(531) 910-9134

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
Aisha Richard	02/2012	NE	No Proof Insurance	

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.

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
<i>Hiblisha Richard</i>	<i>07/2023</i>	<i>Liquor Education</i>

*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
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.

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 applicant and spouse.



Signature of APPLICANT


Printed Name of APPLICANT

Signature of SPOUSE

Printed Name of SPOUSE

LIQUOR LICENSE APPLICATION REPORT

City Clerk

Applicant: 2 Bracht Holdings, LLC

Location/Address: 848 Cornhusker Road Suite 104 City: Bellevue State: NE Zip: 68123

Requested Action:

Recommend approval of an application for a Class "C" Liquor License to sell beer, wine, and distilled spirits, On and Off Sale Only, for 2 Bracht Holdings, LLC dba "Knockouts" located at 848 Cornhusker Road Suite 104, Bellevue, NE 68123 and Kihlisha Richard as Manager.

Date Application Received: 09/12/2023

Final Date Hearing can be held: (45 days from receipt): 10/3/2023

Date Advertised (not less than 7 nor more than 14 days): 9/20/2023

CURRENT NUMBER OF LICENSES:

Class A (Beer on sale only):	<u>2</u>
Class B (Beer off sale only):	<u> </u>
Class C (Alcoholic liquor, on and off sale):	<u>23</u>
Class CK (Alcoholic liquor, on and off sale/Catering):	<u>4</u>
Class D (Alcoholic liquor, off sale only):	<u>26</u>
Class DK (Alcoholic liquor, off sale only/Catering):	<u>1</u>
Class I (Alcoholic liquor on sale only):	<u>28</u>
Class IK (Alcoholic liquor on sale only/Catering):	<u>2</u>

Total: 86

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

DATE OF CITY COUNCIL PUBLIC HEARING: _____

DATE REPORT DUE TO CITY CLERK: _____

APPLICANT: _____

ADDRESS: _____

REQUESTED ACTION:

BACKGROUND:

IS THIS LOCATION WITHIN THE CITY LIMITS OF BELLEVUE? _____

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

EXISTING ZONING: _____

WILL ZONING ALLOW A LIQUOR LICENSE? _____

EXISTING LAND USE: _____

IS THE CURRENT USE NON-CONFORMING? _____ EXPLANATION: _____

ADJACENT LAND USE AND ZONING:

NORTH: _____

SOUTH: _____

EAST: _____

WEST: _____

DISTANCE FROM SCHOOL (if applicable): _____

DISTANCE FROM COLLEGE (if applicable): _____

DISTANCE FROM CHURCH (if applicable): _____

IMMEDIATE NEIGHBORHOOD/AREA LAND USES: _____

Dino's Storage is across Cornhusker Rd., a vacant commercial suite to the west, Shopko Optical in Suite 105 to the east, and a vacant lot located to the north.

NUMBER OF PARKING SPACES REQUIRED: _____ **PROVIDED:** _____

ANALYSIS OF NEIGHBORHOOD EFFECTS: _____

TRAFFIC: _____

STREET/ACCESS: _____

PEDESTRIAN: _____

NOISE: _____

LIGHTING: _____

GENERAL COMMENTS: _____

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 10/03/2023		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:

Recommend to approve an application for a Class "D" Liquor License to sell, beer, wine, and distilled spirits, Off Sale Only, for Kum & Go LC dba "Kum & Go 373" located at 13905 Williamsburg, Bellevue, NE 68123 and Jonathon Mileham as Manager.

SYNOPSIS/BACKGROUND:

New application for a Class "D" Liquor License to sell beer, wine, and distilled spirits, Off Sale Only, at 13905 Williamsburg Drive, Bellevue, 68123 and for Jonathan Mileham as Manager. Applications are received directly by the Nebraska Liquor Control Commission (NLCC) from the applicant. The NLCC forwards the application to the City Clerk's Office. The Clerk publishes a hearing notice and routes the application for review by the Police and Planning Department. The application is then reviewed by the City Council for their recommendation to the NLCC. The City Clerk forwards the City Council's recommendation to the NLCC 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 to approve an application for a Class "D" Liquor License to sell, beer, wine, and distilled spirits, Off Sale Only, for Kum & Go LC dba "Kum & Go 373" located at 13905 Williamsburg, Bellevue, NE 68123 and Jonathon Mileham as Manager.

ATTACHMENTS:

- | | | |
|----------------|-------------------------------------|----|
| 1. Application | 2. Police, Planning & Clerk Reports | 3. |
| 4. | 5. | 6. |

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

Shirley Brubaker

[Signature]

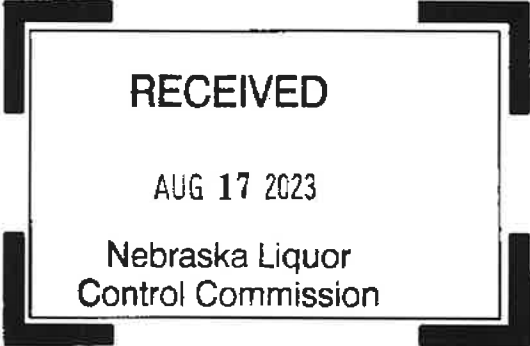
[Signature]

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:
125944




Office Use Only
NEW REPLACING 74839 TOP Yes / No
Hot List Yes / No Initial: My

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 Kum & Go LC
TRADE (DBA) NAME Kum & Go #373
PREVIOUS TRADE (DBA) NAME Kum & Go #373
CONTACT NAME AND PHONE NUMBER Barb Haisch 515-274-7793
CONTACT EMAIL ADDRESS licenses@kumandgo.com

Office use only
PAYMENT TYPE Pay Port
AMOUNT \$400 RCPI
RECEIVED: 8.17.23
DATE DEPOSITED



2300008742

**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 105)

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

Name NA 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) Kum & Go #373

Street Address 13905 Williamsburg Dr

City Bellevue County ~~Douglas~~ Sarpy -59 Zip Code 68123 -1519

Premises Telephone number 402-291-0302

Business e-mail address licenses@kumandgo.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 Kum & Go

Street Address 1459 Grand Ave

City Des Moines State IA Zip Code 50309 -3005

DESCRIPTION AND DIAGRAM OF THE AREA TO BE LICENSED

IN THE SPACE PROVIDED BELOW DRAW OR ATTACH A DIAGRAM 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 73 x width 80 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+

*If including an outdoor area permanent fencing is required. Please contact the local governing body for other requirements regarding fencing

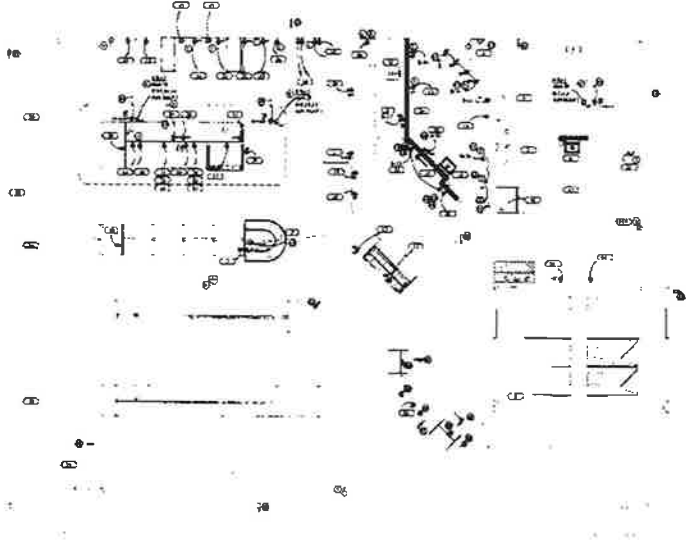
Number of floors of the building 1

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

One story Building approx 73 x 80

B.

80



POWER PLAN

NOTES:

- 1. All electrical work shall be in accordance with the National Electrical Code (NEC) and the applicable local codes.
- 2. All electrical work shall be done in accordance with the manufacturer's instructions.
- 3. All electrical work shall be done in accordance with the applicable local codes.
- 4. All electrical work shall be done in accordance with the applicable local codes.
- 5. All electrical work shall be done in accordance with the applicable local codes.
- 6. All electrical work shall be done in accordance with the applicable local codes.
- 7. All electrical work shall be done in accordance with the applicable local codes.
- 8. All electrical work shall be done in accordance with the applicable local codes.
- 9. All electrical work shall be done in accordance with the applicable local codes.
- 10. All electrical work shall be done in accordance with the applicable local codes.

NOTES:

- 1. All electrical work shall be in accordance with the National Electrical Code (NEC) and the applicable local codes.
- 2. All electrical work shall be done in accordance with the manufacturer's instructions.
- 3. All electrical work shall be done in accordance with the applicable local codes.
- 4. All electrical work shall be done in accordance with the applicable local codes.
- 5. All electrical work shall be done in accordance with the applicable local codes.
- 6. All electrical work shall be done in accordance with the applicable local codes.
- 7. All electrical work shall be done in accordance with the applicable local codes.
- 8. All electrical work shall be done in accordance with the applicable local codes.
- 9. All electrical work shall be done in accordance with the applicable local codes.
- 10. All electrical work shall be done in accordance with the applicable local codes.



KUM & GO STORE #873 REMODEL
 OMAHA, NE

POWER PLAN

Professional Engineer Seal for the State of Iowa, No. 10245, dated 12/15/2010.

Scale: 1/8" = 1'-0"

DATE: 12/15/2010

PROJECT: KUM & GO STORE #873 REMODEL

LOCATION: OMAHA, NE

NO. 10245

12/15/2010

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
Tyler Call	2004		moving violations	

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 Kum & Go #373 License #074839

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

YES NO

If yes, give name of business and liquor license number Kum & Go #373 License #074839

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.

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.

See Attachment

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)
Jonathon Mileham	08/2022	ServSafe Alcohol Certificate

Experience

Applicant Name/Job Title	Date of Employment	Name & Location of Business
Jonathan Mileham	2011-present	Kum& Go LC 1459 Grand Ave, Des Moines, IA

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 4/30/2024
 Deed
 Purchase Agreement

14. When do you intend to open for business? 8/25/2023

15. What will be the main nature of business? convenience with fuel

16. What are the anticipated hours of operation? 24/7

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
See Attachment					

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%
(YOU MAY NEED TO PRINT MULTIPLE SIGNATURE PAGES)**

DocuSigned by:
Jonathan Mileham
Signature of **APPLICANT**

Signature of **SPOUSE**

Jonathan mileham
Printed Name of **APPLICANT**

Printed Name of **SPOUSE**

Signature of **APPLICANT**

Signature of **SPOUSE**

Printed Name of **APPLICANT**

Printed Name of **SPOUSE**

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

LIMITED LIABILITY COMPANY (LLC)

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: _____

License Number: _____



INSTRUCTIONS

1. All members and spouses must be listed
2. 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
3. Managing/Contact member and all members holding over 25% interest and their spouses must submit fingerprints. See Form 147 for further information
4. Attach copy of Articles of Organization

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

Kum & Go LC

Name of Registered Agent: _____

LLC Address: **1495 Grand Ave**

City: **Des Moines** State: **IA** Zip Code: **50309**

LLC Phone Number: **515-274-7793** LLC Fax Number _____

Name of Managing/Contact Member

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

Last Name: **Mileham** First Name: **Jonathon** MI: _____

Home Address: **6819 Giles Rd Apt 308** City: **Papillion**

State: **NE** Zip Code: **68133** Home Phone Number: **515-571-4061**

DocuSigned by:

Jonathon Mileham

B98A87C8A15346B...

Signature of Managing/Contact Member

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

Last Name: Mileham First Name: Jonathon MI: E

[Redacted]

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

Spouse Social Security Number: Date of Birth:

Percentage of member ownership 0%

Last Name: Maggelet First Name: Charles MI: E

[Redacted]

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

[Redacted]

Percentage of member ownership 0%

Last Name: Hancock First Name: David MI: B

[Redacted]

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

[Redacted]

Percentage of member ownership 0%

Last Name: Call First Name: Tyler MI: R

[Redacted]

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

[Redacted]

Percentage of member ownership 0%

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

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 _____

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 owned 100% by another corporation/LLC?

YES NO

If yes, Form 185 is required

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

Starting Date: Jan Ending Date: Dec

Is this a Non Profit Corporation?

YES NO

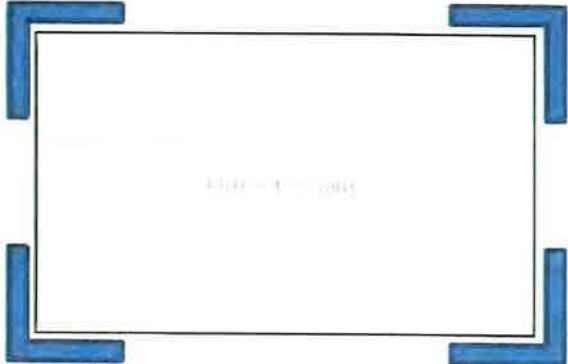
If yes, provide the Federal ID #. _____

MANAGER APPLICATION FORM 103

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: _____

License Number: _____



MANAGER MUST:

- Be at least 21-years of age
- Complete all sections of the application.
- Form must be signed by a **member or corporate officer**
- Include Form 147 –Fingerprints are required
- Provide a copy of one of the following: US birth certificate, US Passport, naturalization papers OR legal resident documentation
- Be a resident of the state of Nebraska and if an US citizen be a registered voter in the State of Nebraska
- Spouse who **will** participate in the business, the **spouse must meet the same requirements as the manager applicant:**

Spouse who **will not** participate in the business

- Complete the Spousal Affidavit of Non Participation (Form 116). **Be sure to complete both halves of this form.**

CORPORATION/LLC INFORMATION

Name of Corporation/LLC: Kum & Go LC

PREMISES INFORMATION

Premises Trade Name/DBA: Kum & Go #373

Premises Street Address: 13905 Williamsburg Dr

City: Bellevue County: Sarpy Zip Code: 68123

Premises Phone Number: 402-291-0302

Premises Email address: licenses@kumandgo.com

Jonathan Mitcham

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.



MANAGER INFORMATION

Last Name: Mileham First Name: Jonathon MI: _____

Home Address: 6819 Giles Rd Apt 308

City: Papillion County: Sarpy Zip Code: 68133

Home Phone Number: 515-571-4061



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: _____ First Name: _____ MI: _____

Social Security Number: _____

Driver's License Number: _____

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
See attachment					

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
9-20-2011	present	Kum & Go LC	Christie Sullivan	515-457-6000
2006	2011	Ampride	Bill Bankel	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
Tyler Call	2004		moving violation	

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.

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Jonathon Mileham	08/2022	ServSafe Alcohol certificate

*For list of NLCC Certified Training Programs see [training](#)

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Jonathon Mileham - District Supervisor	2011-present	Kum & Go LC 1459 Grand Ave, Des Moines, IA

5. Have you enclosed Form 147 regarding fingerprints?

YES NO

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.

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 applicant and spouse.

DocuSigned by:
Jonathan Milcham
B9BA67C8A15346B Signature of **APPLICANT**
Jonathan milcham
Printed Name of **APPLICANT**

Signature of **SPOUSE**

Printed Name of **SPOUSE**

Liquor License Application Report
City of Bellevue
Planning Department

Due to Clerk Date: September 22, 2023 City Council Date: October 3, 2023

Applicant: Kum & Go LC dba Kum & Go #373

Address: 13905 Williamsburg Drive, Bellevue, NE 68123

Requested Action:

Recommendation to approve application for a Class "D" Liquor License to sell, beer, wine, and distilled spirits, Off Sale Only, for Kum & Go LC dba Kum & Go #373 located at 13905 Williamsburg Drive, Bellevue, NE 68123 and Jonathon Mileham as Manager.

Background:

Is this location within the city limits of Bellevue? Yes

Is this location within the city's two-mile zoning jurisdiction? Yes

Existing Zoning: BNH -Heavy Neighborhood Business District

Existing Land Use: Commercial

Will Zoning allow a liquor license: Yes

Is the current use non-conforming? No

Explanation:

Adjacent Land Use and Zoning:

North: BNH, Vacant

South: BNH, Vacant (across Fairview Rd)

East: BNH, Vacant

West: RS-72, Singel Family Residential

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: The neighborhood is primarily single-family residential to the west. Surrounding properties are currently vacant.

Number of parking spaces required: N/A Provided: N/A

Analysis of neighborhood effects:

Traffic: There is no traffic impact expected.

Street/Access: There is no street 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: Kum & Go Lc dba Kum & Go # 373

Location/Address: 13905 Williamsburg Drove City: Bellevue State: NE Zip: 68123

Requested Action:

Recommendation to approve application for a Class "D" Liquor License to sell beer, wine, and distilled spirits, Off Sale Only, for Kum & Go LC dba "Kum & Go #373" located at 13905 Williamsburg Drive, Bellevue, NE 68123 and Jonathon Mileham as Manager.

Date Application Received: 09/12/2023

Final Date Hearing can be held: (45 days from receipt): 10/3/2023

Date Advertised (not less than 7 nor more than 14 days): 9/20/2023

CURRENT NUMBER OF LICENSES:

Class A (Beer on sale only):	<u>2</u>
Class B (Beer off sale only):	<u> </u>
Class C (Alcoholic liquor, on and off sale):	<u>23</u>
Class CK (Alcoholic liquor, on and off sale/Catering):	<u>4</u>
Class D (Alcoholic liquor, off sale only):	<u>27</u>
Class DK (Alcoholic liquor, off sale only/Catering):	<u>1</u>
Class I (Alcoholic liquor on sale only):	<u>28</u>
Class IK (Alcoholic liquor on sale only/Catering):	<u>2</u>
	<u> </u>
Total:	<u>87</u>

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 10/03/2023	SUBMITTED BY: Susan Kluthe, City Clerk		
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input checked="" type="checkbox"/>	ORDINANCE <input type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>	
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Application for new Manager for Grandmother's Inc. dba "Don & Millie's" at 2208 Pratt Avenue, Bellevue, NE 68123.

SYNOPSIS/BACKGROUND:

Manager application received for Kevin M. Ames at 2208 Pratt Avenue, Bellevue, NE 68123. Application was turned directly into the Nebraska Liquor Control Commission (NLCC) by the applicant. NLCC forwards the application to the City Clerk's Office. The City Clerk sends the application to Bellevue Police Department for review. The City Clerk then submits the application to the City Council for their review and recommendation to the NLCC. The recommendation is then forwarded to the NLCC for approval or denial.

FISCAL IMPACT: None 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 Kevin M. Ames as the new Manager for Grandmother's Inc. dba "Don & Millie's" at 2208 Pratt Avenue, Bellevue, NE 68123.

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: _____

Kimberly B...
[Signature]
[Signature]

MANAGER APPLICATION FORM 103

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: I

License Number:

125658

RECEIVED

SEP 12 2023

NEBRASKA LIQUOR
CONTROL COMMISSION

MANAGER MUST:

- Be at least 21-years of age
- Complete all sections of the application.
- Form must be signed by a member or corporate officer
- Include Form 147 –Fingerprints are required
- Provide a copy of one of the following: US birth certificate, US Passport, naturalization papers OR legal resident documentation
- Be a resident of the state of Nebraska and if an US citizen be a registered voter in the State of Nebraska
- Spouse who will participate in the business, the spouse must meet the same requirements as the manager applicant:

Spouse who will not participate in the business

- Complete the Spousal Affidavit of Non Participation (Form 116). Be sure to complete both halves of this form.

CORPORATION/LLC INFORMATION

Name of Corporation/LLC: GRANDMOTHER'S INC.

PREMISES INFORMATION

Premises Trade Name/DBA: DON & MILLIE'S

Premises Street Address: 2208 PRATT AVENUE

City: BELLEVUE County: SARPY Zip Code: 68123

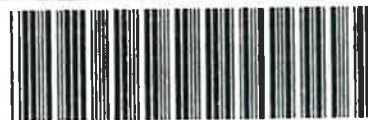
Premises Phone Number: 402-291-9211

Premises Email address: kevin.ames@donandmillies.com

MASB

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

The individual whose name is listed as a corporate officer or managing member as reported or listed with the Commission.



2300008685

MANAGER INFORMATION

Last Name: AMES First Name: KEVIN MI: M

Home Address: 20003 PIERCE ST

City: OMAHA County: DOUGLAS Zip Code: 68130 *1802*

Home Phone Number: 760.715.9778



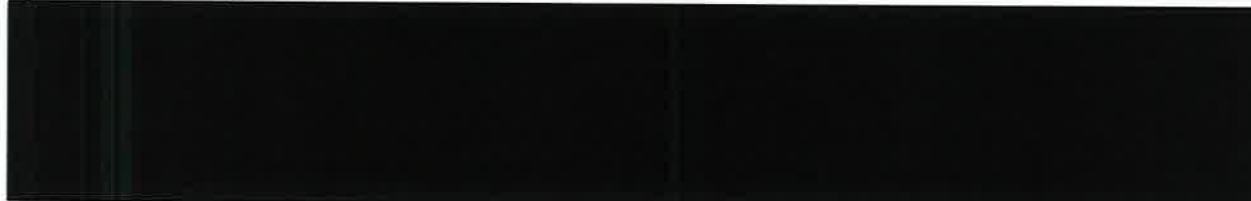
Email address: kevin.ames@donandmillies.com

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: AMES First Name: CARISA MI: S



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

APPLICANT			SPOUSE		
CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
OMAHA, NE	2016	2023	SAME FOR BOTH		
SAN DIEGO, CA	2013	2016			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2023	2023	GRANDMOTHER'S INC	MICHAEL BROWN	917.698.3925
2019	2023	SMITH, KAPLAN, ET AL.	TERRY KROEGER	402.250.1179

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
KEVIN AMES	04/16/2021	OMAHA, NE	violate stop sign	FINE
	8/27/2020	IOWA	speeding	FINE
	2003	SAN DIEGO, CA	DUI	FINE, SUSPENSION
				CLASSES, PROBATION

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.

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
KEVIN AMES	07/13/2023	RBST ONLINE

*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
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.


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 applicant and spouse.



Signature of APPLICANT
KEVIN M. AMES

Printed Name of APPLICANT



Signature of SPOUSE
CARISA S. AMES

Printed Name of SPOUSE

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

11a.
10/3/2023

COUNCIL MEETING DATE: 09/05/23		SUBMITTED BY: Code Enforcement	
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>	
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Ordinance No. 4130 to Amend Chapter 19 of the Bellevue Municipal Code by Amending Sections 19-8, 19-14, 19-23, 19-42, 19-52 and 19-95 Regarding Notice Procedures for Nuisance Violations and to Provide an Effective Date

SYNOPSIS/BACKGROUND:

Currently, when Code Enforcement issues Notices of Violations for code violations, if the officer is unable to deliver the notice personally to the property owner, per City code the officer is required to send the notice via certified mail. Before the officer is able to provide notice of the violation by posting the notice on the property, the City must wait to receive the certified mail return receipt back, stating delivery was unsuccessful. This has proven to be a timely, costly and ineffective method of providing notice, as a large amount of notices sent via certified mail are not initially received or picked up at the post office by the property owner. These amendments will get rid of the requirement to send the notice via certified mail, and instead allow for notice to be sent via first-class mail and posting on the property. This will reduce costs for the department and likely increase the number of property owners who receive the notice.

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 NAME:

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

ACCOUNTING DISTRUBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

Approve and authorize Mayor to sign Ordinance 4130.

ATTACHMENTS:

1. Ordinance No. 4130 - REDLINE	2. Ordinance No. 4130 - CLEAN COPY	3. <input type="text"/>
4. <input type="text"/>	5. <input type="text"/>	6. <input type="text"/>

SIGNATURES:

LEGAL APPROVAL AS TO FORM: 

FINANCE APPROVAL AS TO FORM: 

ADMINISTRATOR APPROVAL AS TO FORM: 

ORDINANCE NO. 4130

AN ORDINANCE TO AMEND CHAPTER 19, OF THE BELLEVUE MUNICIPAL CODE BY AMENDING SECTIONS 19-8, 19-14, 19-23, 19-42, 19-52, AND 19-95 REGARDING NOTICE PROCEDURES FOR NUISANCE VIOLATIONS AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 19, Article I, Section 19-8 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-8 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING.

(A) Except as otherwise provided in this chapter, whenever the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this chapter, the city shall provide notice to such person of the city's determination and issue an order mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. ~~or by certified mail through the United States Post Office, directed to such person. If such certified mail is returned with a receipt showing that it has not been delivered to such person, the city may comply with the notice delivery requirements of this section by posting a copy of such notice in a conspicuous place on or about the property.~~ Except as otherwise provided in this chapter, a person receiving such notice may within five calendar days after the receipt of such notice request a hearing with the city as described in such notice. If a person receiving such notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this chapter as set forth in such notice.

(B) Except as otherwise provided in this chapter, unless a person receiving a notice pursuant to this chapter successfully challenges the nuisance violation set forth in such notice at a hearing requested pursuant to this chapter, such person shall abate and/or remove such nuisance within seven calendar days after the receipt of such notice. If a person receiving such notice fails or refuses to comply with the order to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as provided in this article.

Section 2. That Chapter 19, Article II, Section 19-14 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-14 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING; COST REIMBURSEMENT UPON FAILURE.

(A) Whenever the board of health for the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this article, the board of health shall cause notice to be provided to such person, which notice shall inform such person of the board of health's determination and issue an order mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. ~~or by certified mail through the United States Post Office, directed to such person. If such certified mail is returned with a receipt showing that it has not been delivered to such person, the city may comply with the notice delivery requirements of this section by posting a copy of such notice in a conspicuous place on or about the property.~~ A person receiving such notice may, within five calendar days after the receipt of such notice, request a hearing with the city as described in such notice. If a person receiving such notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice.

(B) Unless a person receiving notice pursuant to this section successfully challenges the nuisance violation set forth in such notice at a hearing requested pursuant to this section, such person shall abate and/or remove such nuisance within 60 calendar days after the receipt of such notice. If a person receiving such notice fails or refuses to comply with the order to abate or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance. The owner, agent, occupant, tenant or person in possession, charge or control of such lot or ground shall reimburse the city for its reasonable costs incurred in removing the same including but not limited to labor, equipment, and disposal costs.

Section 3. That Chapter 19, Article III, Section 19-23 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-23 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING.

(A) Whenever the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this article, the city shall provide notice to such person(s) of the city's determination and issue an "Official Notice" mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. ~~or by certified mail through the United States Post Office, directed to such person. If such certified mail is returned with a receipt showing that it has not been delivered to such person, the city may comply with the notice delivery requirements of this section by posting a copy of such notice in a conspicuous place on or about the property.~~ A person receiving such notice may within five business days after the receipt of such notice request an impartial hearing with the City Administrator and/or his/her designee as described in such notice.

(B) To request an impartial hearing, the "applicant" must:

(1) Complete, sign, and date the Applicant Statement on the front side of the Official Notice; and

(2) Return to the City Clerk's office within five business days, the completed applicant statement, the white copy of the Official Notice, together with a check in the amount of \$35.00 made payable to the City of Bellevue.

(3) When completing the Applicant Statement on the front side of the Official Notice, the applicant must briefly state the reason(s) for requesting the hearing and precisely explain the relief requested.

(C) Upon timely receiving the completed Applicant Statement on the front side of the Official Notice, together with all other required items, the City Clerk will contact the applicant in writing to inform the applicant of the date, time and place of the hearing. The City Clerk will notify the applicant per the requested contact method on the Official Notice which the applicant selects. The City Clerk shall also notify the Bellevue Code Enforcement Office and the City Administrator of the requested hearing.

(D) To exercise the opportunity to be heard, the applicant must attend the hearing and explain to the City Administrator and/or his/her designee why the applicant should not be found in violation of the Bellevue City Code section(s) referenced on the front side of the Official Notice. The hearing before the City Administrator and/or his/her designee will not be transcribed or recorded by the City Administrator and/or his/her designee.

(E) If a person receiving such Official Notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice. Additionally, if the applicant fails to successfully challenge the violation(s) set forth on the front side of the Official Notice at a hearing attended, then it shall be conclusively presumed that the applicant is in violation of the Bellevue City Code violation(s) on the Official Notice.

(F) If the City Administrator and/or his/her designee finds that the applicant is not in violation of the City Code, he/she shall inform the applicant, the City Clerk and Bellevue Code Enforcement of the same in writing within thirty (30) days of said hearing.

(G) If the City Administrator and/or his/her designee finds that the applicant is in violation of the City Code, he/she shall inform the applicant, the City Clerk, and Bellevue Code Enforcement of the same in writing within thirty (30) days of said hearing.

(1) If the applicant does not successfully challenge the violation(s) after the hearing before the City Administrator and/or his/her designee, the applicant shall abate and/or remove such nuisance within seven (7) business days after the receipt of said notice from the City Administrator and/or his/her designee.

(2) If the applicant fails to attend the requested hearing before the City Administrator and/or his/her designee, the applicant shall abate and/or remove such nuisance as originally stated in the Official Notice and said timelines presented therein.

(H) If the applicant fails or refuses to comply with these provisions and fails to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as further provided in this article. The owner, agent, occupant, tenant or person in

possession, charge or control of such lot or ground shall reimburse the city for its reasonable costs incurred in abating and/or removing the same including but not limited to labor, equipment, and disposal costs.

Section 4. That Chapter 19, Article IV, Section 19-42 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-42 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING; COST REIMBURSEMENT UPON FAILURE.

(A) Whenever the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this article, the city shall provide notice to such person(s) of the city's determination and issue an "Official Notice" mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property, or by certified mail through the United States Post Office, directed to such person. If such owner is not reasonably identified, notice may be left by posting a copy of such notice in a conspicuous place on or about the property. If such certified mail is returned with a receipt showing that it has not been delivered to such person, the city may comply with the notice delivery requirements of this section by posting a copy of such notice in a conspicuous place on or about the property. A person receiving such notice may within five business days after the receipt of such notice request an impartial hearing with the City Administrator and/or his/her designee.

(B) To request an impartial hearing, the "applicant" must:

(1) Complete, sign, and date the Applicant Statement on the front side of the Official Notice; and

(2) Return to the City Clerk's office within five business days, the completed applicant statement, the white copy of the Official Notice, together with a check in the amount of \$35.00 made payable to the City of Bellevue.

(3) When completing the Applicant Statement on the front side of the Official Notice, the applicant must briefly state the reason(s) for requesting the hearing and precisely explain the relief requested.

(C) Upon timely receiving the completed Applicant Statement on the front side of the Official Notice, together with all other required items, the City Clerk will contact the applicant in writing to inform the applicant of the date, time and place of the hearing. The City Clerk will notify the applicant per the requested contact method on the Official Notice which the applicant selects. The City Clerk shall also notify the Bellevue Code Enforcement Office and the City Administrator of the requested hearing.

(D) To exercise the opportunity to be heard, the applicant must attend the hearing and explain to the City Administrator and/or his/her designee why the applicant should not be found in violation of the Bellevue City Code section(s) referenced on the front side of the Official Notice.

The hearing before the City Administrator and/or his/her designee will not be transcribed or recorded by the City Administrator and/or his/her designee.

(E) If a person receiving such Official Notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice. Additionally, if the applicant fails to successfully challenge the violation(s) set forth on the front side of the Official Notice at a hearing attended, then it shall be conclusively presumed that the applicant is in violation of the Bellevue City Code violation(s) on the Official Notice.

(F) If the City Administrator and/or his/her designee finds that the applicant is not in violation of the City Code, he/she shall inform the applicant, the City Clerk and Bellevue Code Enforcement of the same in writing within thirty (30) days of said hearing.

(G) If the City Administrator and/or his/her designee finds that the applicant is in violation of the City Code, he/she shall inform the applicant, the City Clerk, and Bellevue Code Enforcement of the same in writing within thirty (30) days of said hearing.

(1) If the applicant does not successfully challenge the violation(s) after the hearing before the City Administrator and/or his/her designee, the applicant shall abate and/or remove such nuisance within seven (7) business days after the receipt of said notice from the City Administrator and/or his/her designee.

(2) If the applicant fails to attend the requested hearing before the City Administrator and/or his/her designee, the applicant shall abate and/or remove such nuisance as originally stated in the Official Notice and said timelines presented therein.

(H) If the applicant fails or refuses to comply with these provisions and fails to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as further provided in this article. The owner, agent, occupant, tenant or person in possession, charge or control of such lot or ground shall reimburse the city for its reasonable costs incurred in abating and/or removing the same including but not limited to labor, equipment, and disposal costs.

Section 5. That Chapter 19, Article V, Section 19-52 of the Bellevue Municipal Code is hereby amended to read as follows:

§ 19-52 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING; COST REIMBURSEMENT UPON FAILURE.

(A) Whenever the city by and through its authorized representatives shall determine that any litter deposited or existing within a creek or watercourse causes imminent danger to the public health, safety or welfare, particularly where such litter is determined to cause an obstruction to the channel, watercourse, or floodway affected, the city shall cause such litter to be removed at the expense of the owner, agent, occupant, tenant or person in possession, charge or control of the lot or ground on which such litter is found or the lot or ground immediately adjacent thereto if such lot or ground was used as the source of such litter or the place of access for the disposition of such litter.

(B) In the event that the city by and through its authorized representatives determines that such danger is not imminent, the city shall provide notice to any owner, agent, occupant, tenant or person in possession, charge or control of the lot or ground upon which such litter is being maintained or the lot or ground immediately adjacent thereto if such lot or ground was used as the source of such litter or the place of access for the disposition of such litter, of the city's determination and issue an order mandating such person to remove such public nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. ~~or by certified mail through the United States Post Office, directed to such person. If such certified mail is returned with a receipt showing that it has not been delivered to such person, the city may comply with the notice delivery requirements of this section by posting a copy of such notice in a conspicuous place on or about the property.~~ A person receiving such notice may within five calendar days after receipt of such notice request a hearing with the city as described in such notice. If a person receiving such notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice.

(C) Unless a person receiving a notice pursuant to this section successfully challenges the nuisance violation set forth in such notice at a hearing requested pursuant to this section, such person shall abate and/or remove such nuisance within seven calendar days after the receipt of such notice. If a person receiving such notice fails or refuses to comply with the order to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as provided in this article. The owner, agent, occupant, tenant or person in possession, charge or control of such lot or ground shall reimburse the city for its reasonable costs incurred in abating and/or removing the same including but not limited to labor, equipment, and disposal costs.

Section 6. That Chapter 19, Article VII, Section 19-95 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-95 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING.

(A) Whenever the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this article, the city shall provide notice to such person of the city's determination and issue an order mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. ~~, or by certified mail through the United States Post Office, directed to such person. If such certified mail is returned with a receipt showing that it has not been delivered to such person, the city may comply with the notice delivery requirements of this section by posting a copy of such notice in a conspicuous place on or about the property.~~ A person receiving such notice may within five calendar days after the receipt of such notice request a hearing with the city as described in such notice. If a person receiving such notice fails to timely request a hearing or fails to appear

at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice.

(B) Unless a person receiving a notice pursuant to this section successfully challenges the nuisance violation set forth in such notice at a hearing requested pursuant to this section, such person shall abate and/or remove such nuisance within seven calendar days after the receipt of such notice. If a person receiving such notice fails or refuses to comply with the order to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as further provided in this article.

Section 7. That this Ordinance shall take effect and be in full force fifteen (15) days after passage of the same.

ADOPTED by the Mayor and City Council this ____ day of _____ 2023.

ATTEST:

Mayor, Rusty Hike

City Clerk

APPROVED AS TO FORM:

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

City Attorney

ORDINANCE NO. 4130

AN ORDINANCE TO AMEND CHAPTER 19, OF THE BELLEVUE MUNICIPAL CODE BY AMENDING SECTIONS 19-8, 19-14, 19-23, 19-42, 19-52, AND 19-95 REGARDING NOTICE PROCEDURES FOR NUISANCE VIOLATIONS AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 19, Article I, Section 19-8 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-8 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING.

(A) Except as otherwise provided in this chapter, whenever the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this chapter, the city shall provide notice to such person of the city's determination and issue an order mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. Except as otherwise provided in this chapter, a person receiving such notice may within five calendar days after the receipt of such notice request a hearing with the city as described in such notice. If a person receiving such notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this chapter as set forth in such notice.

(B) Except as otherwise provided in this chapter, unless a person receiving a notice pursuant to this chapter successfully challenges the nuisance violation set forth in such notice at a hearing requested pursuant to this chapter, such person shall abate and/or remove such nuisance within seven calendar days after the receipt of such notice. If a person receiving such notice fails or refuses to comply with the order to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as provided in this article.

Section 2. That Chapter 19, Article II, Section 19-14 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-14 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING; COST REIMBURSEMENT UPON FAILURE.

(A) Whenever the board of health for the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction

is in violation of the provisions of this article, the board of health shall cause notice to be provided to such person, which notice shall inform such person of the board of health's determination and issue an order mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. A person receiving such notice may, within five calendar days after the receipt of such notice, request a hearing with the city as described in such notice. If a person receiving such notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice.

(B) Unless a person receiving notice pursuant to this section successfully challenges the nuisance violation set forth in such notice at a hearing requested pursuant to this section, such person shall abate and/or remove such nuisance within 60 calendar days after the receipt of such notice. If a person receiving such notice fails or refuses to comply with the order to abate or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance. The owner, agent, occupant, tenant or person in possession, charge or control of such lot or ground shall reimburse the city for its reasonable costs incurred in removing the same including but not limited to labor, equipment, and disposal costs.

Section 3. That Chapter 19, Article III, Section 19-23 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-23 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING.

(A) Whenever the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this article, the city shall provide notice to such person(s) of the city's determination and issue an "Official Notice" mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. A person receiving such notice may within five business days after the receipt of such notice request an impartial hearing with the City Administrator and/or his/her designee as described in such notice.

(B) To request an impartial hearing, the "applicant" must:

(1) Complete, sign, and date the Applicant Statement on the front side of the Official Notice; and

(2) Return to the City Clerk's office within five business days, the completed applicant statement, the white copy of the Official Notice, together with a check in the amount of \$35.00 made payable to the City of Bellevue.

(3) When completing the Applicant Statement on the front side of the Official Notice, the applicant must briefly state the reason(s) for requesting the hearing and precisely explain the relief requested.

(C) Upon timely receiving the completed Applicant Statement on the front side of the Official Notice, together with all other required items, the City Clerk will contact the applicant in writing to inform the applicant of the date, time and place of the hearing. The City Clerk will notify the applicant per the requested contact method on the Official Notice which the applicant selects. The City Clerk shall also notify the Bellevue Code Enforcement Office and the City Administrator of the requested hearing.

(D) To exercise the opportunity to be heard, the applicant must attend the hearing and explain to the City Administrator and/or his/her designee why the applicant should not be found in violation of the Bellevue City Code section(s) referenced on the front side of the Official Notice. The hearing before the City Administrator and/or his/her designee will not be transcribed or recorded by the City Administrator and/or his/her designee.

(E) If a person receiving such Official Notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice. Additionally, if the applicant fails to successfully challenge the violation(s) set forth on the front side of the Official Notice at a hearing attended, then it shall be conclusively presumed that the applicant is in violation of the Bellevue City Code violation(s) on the Official Notice.

(F) If the City Administrator and/or his/her designee finds that the applicant is not in violation of the City Code, he/she shall inform the applicant, the City Clerk and Bellevue Code Enforcement of the same in writing within thirty (30) days of said hearing.

(G) If the City Administrator and/or his/her designee finds that the applicant is in violation of the City Code, he/she shall inform the applicant, the City Clerk, and Bellevue Code Enforcement of the same in writing within thirty (30) days of said hearing.

(1) If the applicant does not successfully challenge the violation(s) after the hearing before the City Administrator and/or his/her designee, the applicant shall abate and/or remove such nuisance within seven (7) business days after the receipt of said notice from the City Administrator and/or his/her designee.

(2) If the applicant fails to attend the requested hearing before the City Administrator and/or his/her designee, the applicant shall abate and/or remove such nuisance as originally stated in the Official Notice and said timelines presented therein.

(H) If the applicant fails or refuses to comply with these provisions and fails to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as further provided in this article. The owner, agent, occupant, tenant or person in possession, charge or control of such lot or ground shall reimburse the city for its reasonable costs incurred in abating and/or removing the same including but not limited to labor, equipment, and disposal costs.

Section 4. That Chapter 19, Article IV, Section 19-42 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-42 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING; COST REIMBURSEMENT UPON FAILURE.

(A) Whenever the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this article, the city shall provide notice to such person(s) of the city's determination and issue an "Official Notice" mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. A person receiving such notice may within five business days after the receipt of such notice request an impartial hearing with the City Administrator and/or his/her designee.

(B) To request an impartial hearing, the "applicant" must:

(1) Complete, sign, and date the Applicant Statement on the front side of the Official Notice; and

(2) Return to the City Clerk's office within five business days, the completed applicant statement, the white copy of the Official Notice, together with a check in the amount of \$35.00 made payable to the City of Bellevue.

(3) When completing the Applicant Statement on the front side of the Official Notice, the applicant must briefly state the reason(s) for requesting the hearing and precisely explain the relief requested.

(C) Upon timely receiving the completed Applicant Statement on the front side of the Official Notice, together with all other required items, the City Clerk will contact the applicant in writing to inform the applicant of the date, time and place of the hearing. The City Clerk will notify the applicant per the requested contact method on the Official Notice which the applicant selects. The City Clerk shall also notify the Bellevue Code Enforcement Office and the City Administrator of the requested hearing.

(D) To exercise the opportunity to be heard, the applicant must attend the hearing and explain to the City Administrator and/or his/her designee why the applicant should not be found in violation of the Bellevue City Code section(s) referenced on the front side of the Official Notice. The hearing before the City Administrator and/or his/her designee will not be transcribed or recorded by the City Administrator and/or his/her designee.

(E) If a person receiving such Official Notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice. Additionally, if the applicant fails to successfully challenge the violation(s) set forth on the front side of the Official Notice at a hearing attended, then it shall be conclusively presumed that the applicant is in violation of the Bellevue City Code violation(s) on the Official Notice.

(F) If the City Administrator and/or his/her designee finds that the applicant is not in violation of the City Code, he/she shall inform the applicant, the City Clerk and Bellevue Code Enforcement of the same in writing within thirty (30) days of said hearing.

(G) If the City Administrator and/or his/her designee finds that the applicant is in violation of the City Code, he/she shall inform the applicant, the City Clerk, and Bellevue Code Enforcement of the same in writing within thirty (30) days of said hearing.

(1) If the applicant does not successfully challenge the violation(s) after the hearing before the City Administrator and/or his/her designee, the applicant shall abate and/or remove such nuisance within seven (7) business days after the receipt of said notice from the City Administrator and/or his/her designee.

(2) If the applicant fails to attend the requested hearing before the City Administrator and/or his/her designee, the applicant shall abate and/or remove such nuisance as originally stated in the Official Notice and said timelines presented therein.

(H) If the applicant fails or refuses to comply with these provisions and fails to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as further provided in this article. The owner, agent, occupant, tenant or person in possession, charge or control of such lot or ground shall reimburse the city for its reasonable costs incurred in abating and/or removing the same including but not limited to labor, equipment, and disposal costs.

Section 5. That Chapter 19, Article V, Section 19-52 of the Bellevue Municipal Code is hereby amended to read as follows:

§ 19-52 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING; COST REIMBURSEMENT UPON FAILURE.

(A) Whenever the city by and through its authorized representatives shall determine that any litter deposited or existing within a creek or watercourse causes imminent danger to the public health, safety or welfare, particularly where such litter is determined to cause an obstruction to the channel, watercourse, or floodway affected, the city shall cause such litter to be removed at the expense of the owner, agent, occupant, tenant or person in possession, charge or control of the lot or ground on which such litter is found or the lot or ground immediately adjacent thereto if such lot or ground was used as the source of such litter or the place of access for the disposition of such litter.

(B) In the event that the city by and through its authorized representatives determines that such danger is not imminent, the city shall provide notice to any owner, agent, occupant, tenant or person in possession, charge or control of the lot or ground upon which such litter is being maintained or the lot or ground immediately adjacent thereto if such lot or ground was used as the source of such litter or the place of access for the disposition of such litter, of the city's determination and issue an order mandating such person to remove such public nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. A person receiving such notice may within five calendar days after receipt

of such notice request a hearing with the city as described in such notice. If a person receiving such notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice.

(C) Unless a person receiving a notice pursuant to this section successfully challenges the nuisance violation set forth in such notice at a hearing requested pursuant to this section, such person shall abate and/or remove such nuisance within seven calendar days after the receipt of such notice. If a person receiving such notice fails or refuses to comply with the order to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as provided in this article. The owner, agent, occupant, tenant or person in possession, charge or control of such lot or ground shall reimburse the city for its reasonable costs incurred in abating and/or removing the same including but not limited to labor, equipment, and disposal costs.

Section 6. That Chapter 19, Article VII, Section 19-95 of the Bellevue Municipal Code is hereby amended to read as follows:

§19-95 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING.

(A) Whenever the city by and through its authorized representatives shall determine that any owner, agent, occupant, tenant or person in possession, charge or control of any lot or ground, or any part of any lot or ground located within the city's zoning jurisdiction is in violation of the provisions of this article, the city shall provide notice to such person of the city's determination and issue an order mandating such person to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. A person receiving such notice may within five calendar days after the receipt of such notice request a hearing with the city as described in such notice. If a person receiving such notice fails to timely request a hearing or fails to appear at a hearing scheduled pursuant to a timely request, then it shall be conclusively presumed that such person is in violation of the provisions of this article as set forth in such notice.

(B) Unless a person receiving a notice pursuant to this section successfully challenges the nuisance violation set forth in such notice at a hearing requested pursuant to this section, such person shall abate and/or remove such nuisance within seven calendar days after the receipt of such notice. If a person receiving such notice fails or refuses to comply with the order to abate and/or remove such nuisance in a timely manner, the city may cause the abatement and/or removal of such nuisance as further provided in this article.

Section 7. That this Ordinance shall take effect and be in full force fifteen (15) days after passage of the same.

ADOPTED by the Mayor and City Council this ____ day of _____ 2023.

ATTEST:

Mayor, Rusty Hike

City Clerk

APPROVED AS TO FORM:

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

City Attorney

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

11b.
10/3/2023

COUNCIL MEETING DATE: 09/05/23		SUBMITTED BY: Code Enforcement	
AGENDA ITEM:	CONSENT AGENDA <input type="checkbox"/>	SPECIAL PRESENTATION <input type="checkbox"/>	
LIQUOR LICENSE <input type="checkbox"/>	ORDINANCE <input checked="" type="checkbox"/>	PUBLIC HEARING <input type="checkbox"/>	
RESOLUTION <input type="checkbox"/>	CURRENT BUSINESS <input type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Ordinance No. 4131 to Amend Chapter 29.5 of the Bellevue Municipal Code by Amending Section 29.5-9 Regarding Notice Procedures for Nuisance Violations and to Provide an Effective Date

SYNOPSIS/BACKGROUND:

Currently, when Code Enforcement issues Notices of Violations for code violations, if the officer is unable to deliver the notice personally to the property owner, per City code the officer is required to send the notice via certified mail. Before the officer is able to provide notice of the violation by posting the notice on the property, the City must wait to receive the certified mail return receipt back, stating delivery was unsuccessful. This has proven to be a timely, costly and ineffective method of providing notice, as a large amount of notices sent via certified mail are not initially received or picked up at the post office by the property owner. This amendment will get rid of the requirement to send the notice via certified mail, and instead allow for notice to be sent via first-class mail and posting on the property. This will reduce costs for the department and likely increase the number of property owners who receive the notice.

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 NAME:

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

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

Approve and authorize Mayor to sign Ordinance 4131.

ATTACHMENTS:

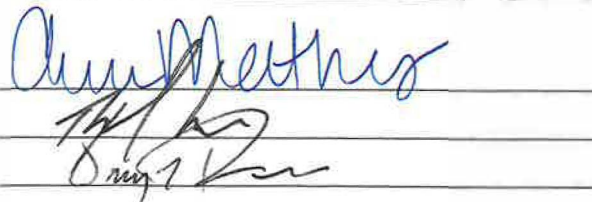
- | | | |
|--|---|-------------------------|
| 1. <input type="text" value="Ordinance No. 4131 - REDLINE"/> | 2. <input type="text" value="Ordinance No. 4131 - CLEAN COPY"/> | 3. <input type="text"/> |
| 4. <input type="text"/> | 5. <input type="text"/> | 6. <input type="text"/> |

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:



ORDINANCE NO. 4131

AN ORDINANCE TO AMEND CHAPTER 29.5 OF THE BELLEVUE MUNICIPAL CODE BY AMENDING SECTION 29.5-9 REGARDING NOTICE PROCEDURES FOR NUISANCE VIOLATIONS AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That Chapter 29.5, Section 29.5-9 of the Bellevue Municipal Code is hereby amended to read as follows:

§29.5-9 PROCEDURE FOR NOTIFICATION AND ABATEMENT; ORDER TO ABATE; REQUEST FOR HEARING; COST REIMBURSEMENT UPON FAILURE.

(A) Whenever a violation of the provisions of this article is found to exist by an examination conducted pursuant to section 29.5-8, the city shall provide notice to any owner, agent, occupant, tenant or person in possession, charge or control of the lot or ground upon which such violation is found to exist of the city's determination and issue an "official notice" mandating such person(s) to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. A person receiving such notice may within five calendar days after the receipt of such notice request an impartial hearing with the tree board arborist, city administrator and/or his/her designee.

(B) To request an impartial hearing, the "applicant" must:

(C) Complete, sign, and date the applicant statement on the front side of the official notice; and

(D) Return to the city clerk's office within five calendar days, the completed applicant statement, the white copy of the official notice, together with a check in the amount of \$35.00 made payable to the City of Bellevue.

(E) When completing the applicant statement on the front side of the official notice, the applicant must briefly state the reason(s) for requesting the hearing and precisely explain the relief requested.

(F) Upon timely receiving the completed applicant statement on the front side of the official notice, together with all other required items, the city clerk will contact the applicant in writing to inform the applicant of the date, time and place of the hearing. The city clerk will notify the applicant per the requested contact method on the official notice which the applicant selects. The city clerk shall also notify the Bellevue code enforcement office, tree board arborist and the city administrator of the requested hearing.

Section 2. That this Ordinance shall take effect and be in full force fifteen (15) days after passage of the same.

ADOPTED by the Mayor and City Council this ____ day of _____ 2023.

ATTEST:

Mayor, Rusty Hike

City Clerk

APPROVED AS TO FORM:

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

City Attorney

ORDINANCE NO. 4131

AN ORDINANCE TO AMEND CHAPTER 29.5 OF THE BELLEVUE MUNICIPAL CODE BY AMENDING SECTION 29.5-9 REGARDING NOTICE PROCEDURES FOR NUISANCE VIOLATIONS AND TO PROVIDE AN EFFECTIVE DATE.

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(A) Whenever a violation of the provisions of this article is found to exist by an examination conducted pursuant to section 29.5-8, the city shall provide notice to any owner, agent, occupant, tenant or person in possession, charge or control of the lot or ground upon which such violation is found to exist of the city's determination and issue an "official notice" mandating such person(s) to abate and/or remove such nuisance. Such notice shall be delivered personally or by mailing such notice by first-class mail, postage prepaid, directed to the property owner of record and posting notice of the violation in a conspicuous place on or about the property. ~~or by certified mail through the United States Post Office, directed to such person. If such certified mail is returned with a receipt showing that it has not been delivered to such person, the city may comply with the notice delivery requirements of this section by posting a copy of such notice in a conspicuous place on or about the property.~~ A person receiving such notice may within five calendar days after the receipt of such notice request an impartial hearing with the tree board arborist, city administrator and/or his/her designee.

(B) To request an impartial hearing, the "applicant" must:

(C) Complete, sign, and date the applicant statement on the front side of the official notice; and

(D) Return to the city clerk's office within five calendar days, the completed applicant statement, the white copy of the official notice, together with a check in the amount of \$35.00 made payable to the City of Bellevue.

(E) When completing the applicant statement on the front side of the official notice, the applicant must briefly state the reason(s) for requesting the hearing and precisely explain the relief requested.

(F) Upon timely receiving the completed applicant statement on the front side of the official notice, together with all other required items, the city clerk will contact the applicant in writing to inform the applicant of the date, time and place of the hearing. The city clerk will notify the applicant per the requested contact method on the official notice which the applicant selects. The city clerk shall also notify the Bellevue code enforcement office, tree board arborist and the city administrator of the requested hearing.

Section 2. That this Ordinance shall take effect and be in full force fifteen (15) days after passage of the same.

ADOPTED by the Mayor and City Council this ____ day of _____ 2023.

ATTEST:

Mayor, Rusty Hike

City Clerk

APPROVED AS TO FORM:

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

City Attorney

Section 2. That this Ordinance shall take effect and be in full force fifteen (15) days after passage of the same.

ADOPTED by the Mayor and City Council this ____ day of _____ 2023.

ATTEST:

Mayor, Rusty Hike

City Clerk

APPROVED AS TO FORM:

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

City Attorney

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

11c.
10/3/2023

COUNCIL MEETING DATE: September 5, 2023		SUBMITTED BY: Tammi Palm, Planning Director	
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 Lot 144, Nob Hill, from BG to RS-84, for the purpose of an existing single family residence. Applicants: David and Debra Rospieski. Location: 610 Nob Hill Terrace.

SYNOPSIS/BACKGROUND:
The applicants have submitted a request to rezone their existing single-family residence from BG to RS-84. The current commercial zoning makes the residence a legal, nonconforming use, which makes it difficult to sell the property or secure a bank loan. The applicants' request would bring the residence into conformance with the current Zoning Ordinance. The requested RS-84 zoning is consistent with the zoning designation of the adjacent residential neighborhood. The property meets the minimum RS-84 zoning requirements.

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 NAME:

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

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:
The Planning Department and Planning Commission are recommending approval of this request.

- ATTACHMENTS:
- | | | |
|-------------------------|-------------------------|-------------------------|
| 1. PC Recommendation | 2. Staff Report | 3. Ord. No. 4132 |
| 4. <input type="text"/> | 5. <input type="text"/> | 6. <input type="text"/> |

SIGNATURES:

LEGAL APPROVAL AS TO FORM: _____

FINANCE APPROVAL AS TO FORM: _____

ADMINISTRATOR APPROVAL AS TO FORM: _____



ORDINANCE NO. 4132

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 610 NOBB HILL TERRACE, MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THE ORDINANCE AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, having received a recommendation from the city of Bellevue Planning Commission and proper notice having been given and public hearing held as provided by law:

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

Section 1. That part of the official zoning map of the City of Bellevue, Nebraska, as provided in Article 3, of Ordinance No. 3619 is hereby amended to change the zone classification of the following described parcel of land:

Lot 144, Nob Hill, located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

From BG (General Business Zone) to RS-84 (Single-Family Residential – 8,400 Square Foot Zone).

(David and Debora Rospierski)

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 _____, 2023.

APPROVED AS TO FORM:

City Attorney

ATTEST

City Clerk

Mayor

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

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: David and Debora Rospierski

CASE #: Z-2307-15

CITY COUNCIL HEARING DATE: September 19, 2023

REQUEST: to rezone Lot 144, Nob Hill, from BG to RS-84 for the purpose of an existing single-family residence.

On August 24, 2023, the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained:

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

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Hankins						Jacobson
	Sims						
	Taylor-Jones						
	Aerni						
	Ackley						
	Lasenburg						
	Bennet						
	Perrin						

Planning Commission Hearing (s) was held on: August 24, 2023

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT #2

CASE NUMBER: Z-2307-15

FOR HEARING OF:

REPORT #1: August 24, 2023

REPORT #2: September 19, 2023

I. GENERAL INFORMATION

A. APPLICANTS:

David and Debora Rospierski
Attn: Debora Rospierski
610 Nob Hill Terrace
Bellevue, NE 68005

B. PROPERTY OWNER:

David and Debora Rospierski
610 Nob Hill Terrace
Bellevue, NE 68005

C. LOCATION:

610 Nob Hill Terrace

D. LEGAL DESCRIPTION:

Lot 144, Nob Hill, located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTION:

Rezone Lot 144, Nob Hill, from BG to RS-84.

F. EXISTING ZONING AND LAND USE:

BG, Single Family Residential

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain approval for a change of zone to bring a non-conforming use into conformance with the Zoning Ordinance.

H. SIZE OF SITE:

The site is approximately .23 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The property is presently developed with a single-family residence, which was constructed in 1972.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single-Family Residential, BG
- 2. **East:** Single-Family Residential, RS-84
- 3. **South:** Single-Family Residential, RS-84
- 4. **West:** Commercial, BG

C. REVELANT CASE HISTORY:

1. On August 24, 2023, the Planning Commission recommended approval for a request to rezone Lot 144, Nob Hill, located in the Northwest ¼ of Section 23, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from BG to RS-84, for the purpose of an existing single-family residence.

D. APPLICABLE REGULATIONS:

- 1. Section 5.09, Zoning Ordinance, regarding RS-84 uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan designates this area as being commercial.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no traffic data available for this location.
2. Access is from a private driveway off Nob Hill Terrace.

D. UTILITIES:

All utilities are available to this location.

E. ANALYSIS:

1. Debora Rospierski, has submitted a request to rezone Lot 144, Nob Hill, from BG to RS-84.
2. The property is currently developed with a single-family residence. Sarpy County records indicate the home was constructed in 1972.
3. Based on its age, the present use of a single-family residence in a commercial zone is considered a legal nonconforming use. Single-family residential uses were allowed in BG zoning prior to the 2011 Zoning Ordinance update.

In the attached letter, the applicant explains if a nonconforming lot were damaged by 60% or more it could not be rebuilt. Therefore, it would be difficult to secure a bank loan for a nonconforming lot since banks would not want to take on such risk.

4. The requested RS-84 zoning is consistent with the zoning designation of the adjacent residential neighborhood to the east.

The property meets the RS-84 zoning requirements.

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, 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. This property is designated for commercial use in the Future Land Use Map of the Comprehensive Plan. Staff believes this was done in error based on its existing zoning. This lot is part of a long-established single family residential neighborhood. The designation will be corrected as part of our upcoming Comprehensive Plan update.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the zoning ordinance as well as lack of perceived negative impact to the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

APPROVAL based upon conformance with the zoning ordinance as well as lack of perceived negative impact to the surrounding area.

VI. ATTACHMENTS TO REPORT

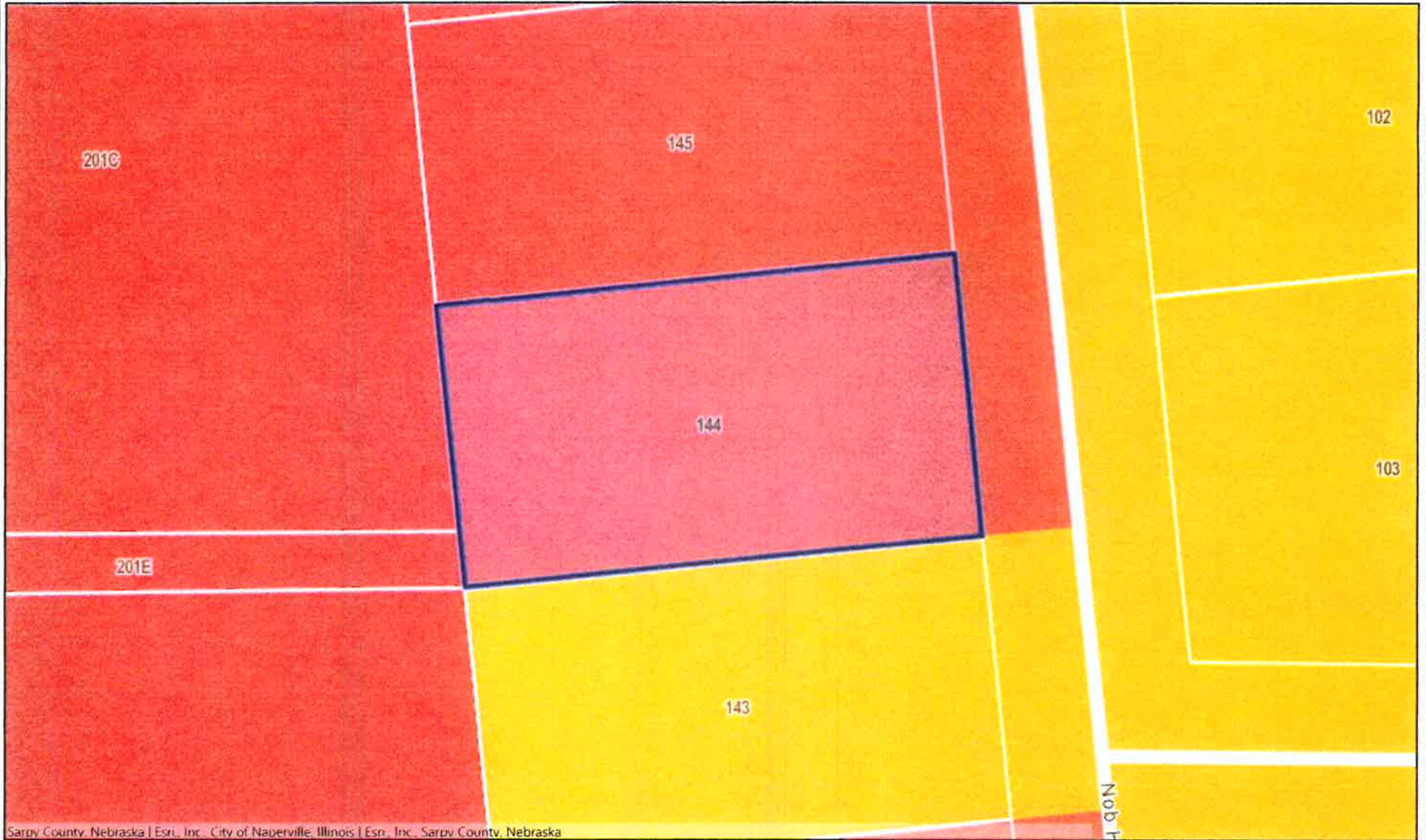
1. Vicinity Map/Zoning Map
2. 2022 GIS aerial photo of the property
3. Letter from the applicant received July 20, 2023

VII. COPIES OF REPORT TO:

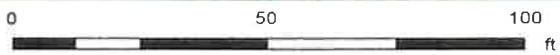
1. Davie and Debora Rospieski
2. Pat Sullivan
3. Public Upon Request


Assistant Planning Manager

 08/28/23
Planning Director Date of Report



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



Map Scale 1: 564

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: 564

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



JUSTIFICATION OF THE ZONING CHANGE

Lot 144

The property was zoned BG General Business many years ago despite the fact that all of the properties west and adjacent to Nob Hill Terrace has been single-family, residential homes. The zoning of BG at the time allowed for single-family residential due to "pyramid" zoning application. In 2011, the City removed pyramid zoning from its code, literally causing 16 homes to be stripped of compliance and conformity with the zoning code, and became non-conforming lots. Non-conforming lots are subject to a lack of ability to secure lending due to the nonconforming use. The nonconforming use is subject to total removal of the structures if damaged by 60% or more. Banks do not want collateral with this risk. The 60% rules also creates an insurance risk so insurance coverage is more expensive. The City, despite being the one that created this problem, does not want to take it upon itself to resolve this unconscionable consequence. Accordingly, the applicant is justified in its request that it is zoned RS-84.

Rebecca Gaspenski

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

11d.
10/3/2023

COUNCIL MEETING DATE: September 5, 2023		SUBMITTED BY: Tammi Palm, Planning Director	
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 Lot 1 College Apartments Addition, from RG-8 to RG-8-PS, with site plan approval, for the purpose of multi-family development. Applicant: Elevate Lofts, LLC. General Location: 400 West 19th Avenue.

SYNOPSIS/BACKGROUND:

Andy Panebianco, on behalf of Elevate Lofts, LLC is requesting a change in zone for Lot 1, College Apartments Addition from RG-8 to RG-8-PS for the purpose of construction of a 168 unit multi-family residential development with site plan approval. Three apartment buildings dating back to 1900 were recently demolished on the property. Tax Increment Financing was approved for this project on October 19, 2022.

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 NAME:

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

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

The Planning Department and Planning Commission are recommending approval of this request.

ATTACHMENTS:

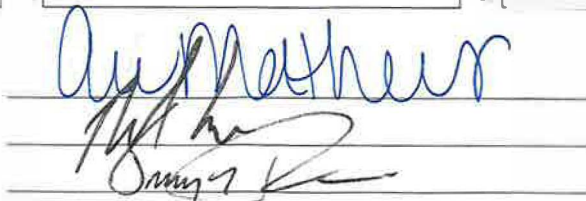
1	PC Recommendation	2	Staff Report	3	Ord. No. 4133
4		5		6	

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:



ORDINANCE NO. _____

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 400 WEST 19TH AVENUE, MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THE ORDINANCE AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, having received a recommendation from the city of Bellevue Planning Commission and proper notice having been given and public hearing held as provided by law:

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

Section 1. That part of the official zoning map of the City of Bellevue, Nebraska, as provided in Article 3, of Ordinance No. 3619 is hereby amended to change the zone classification of the following described parcel of land:

Lot 1, College Apartments Addition, located in the Northeast ¼ of Section 36, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

From RG-8 (General Residential – 800 Square Foot Per Unit Zone) to RG-8-PS (General Residential – 800 Square Foot Per Unit Zone – Planned Subdivision).

(Elevate Lofts, 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 _____, 2023.

APPROVED AS TO FORM:

City Attorney

ATTEST

City Clerk

Mayor

First Reading: _____

Second Reading: _____

Third Reading: _____

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: Elevate Lofts, LLC

CASE #: Z-2210-12

CITY COUNCIL HEARING DATE: September 19, 2023

REQUEST: to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, with site plan approval, for the purpose of multi-family development.

On August 24, 2023, the City of Bellevue Planning Commission voted eight yes, zero no, one absent and zero abstained:

APPROVAL based on conformance with the Zoning Ordinance, the Comprehensive Plan and lack of perceived negative impact to the surrounding area.

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Hankins						Jacobson
	Sims						
	Taylor-Jones						
	Aerni						
	Ackley						
	Lasenburg						
	Bennet						
	Perrin						

Planning Commission Hearing (s) was held on: August 24, 2023

CITY OF BELLEVUE PLANNING DEPARTMENT

RECOMMENDATION REPORT # 2

CASE NUMBERS: Z-2210-12

FOR HEARING OF:

REPORT #1: August 24, 2023

REPORT #2: September 19, 2023

I. GENERAL INFORMATION

A. APPLICANT:

Elevate Lofts, LLC
1910 South 44th Street
Omaha, NE 68105

B. PROPERTY OWNER:

Elevate Lofts, LLC
1910 South 44th Street
Omaha, NE 68105

C. GENERAL LOCATION:

400 West 19th Avenue

D. LEGAL DESCRIPTION:

Lot 1, College Apartments Addition, located in the Northeast $\frac{1}{4}$ of Section 36, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

Request to rezone Lot 1, College Apartments Addition, from RG-8 to RG-8-PS, with site plan approval.

F. EXISTING ZONING AND LAND USE:

RG-8, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a change of zone with site plan approval for the purpose of multi-family residential redevelopment.

H. SIZE OF SITE:

The site is approximately 4 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant. The prior multi-family buildings were recently demolished.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

- 1. **North:** Single-Family and Multi-Family Residential, RS-84 and RG-8
- 2. **East:** Multi-Family Residential, RG-8
- 3. **South:** Single-Family Residential, RS-72
- 4. **West:** Single-Family Residential, RS-72

C. RELEVANT CASE HISTORY:

- 1. On April 28, 2022, Stella Realty, LLC requested approval for a redevelopment plan for Lot 1, College Apartments Addition, located in the Northeast ¼ of Section 36, T14N, R13E of the 6th P.M., Sarpy County, Nebraska. The Planning Commission recommended approval of this request on April 28, 2022. City Council approved the aforementioned request on June 21, 2022.
- 2. On August 24, 2023, the Planning Department recommended approval of a request to rezone Lot 1, College Apartments Addition, located in the Northeast ¼ of Section 36, T14N, R13E of the 6th P.M., Sarpy County, Nebraska from RG-8 to RG-8-PS, for the purpose of a multi-family residential development with site plan approval.

D. APPLICABLE REGULATIONS:

- 1. Section 5.15, Zoning Ordinance, regarding RG-8 uses and requirements.
- 2. Section 5.17, Zoning Ordinance, regarding Planned Unit Development uses and requirements.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

The Future Land Use Map of the Comprehensive Plan shows this area as multi-family residential.

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. There is no MAPA traffic data available for this location.
2. Access is proposed from West 19th Avenue.

D. UTILITIES:

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

E. ANALYSIS:

1. Andy Panebianco, on behalf of Elevate Lofts, LLC, has submitted a request to rezone (with site plan approval) Lot 1, College Apartments Addition, for the purpose of multi-family residential redevelopment.
2. The proposal consists of 168 apartment units in four buildings. The buildings are a mix of studio, one- and two-bedroom units.
3. This area currently has RG-8 (General Residential-800 Square Foot) zoning. The intent of the RG-8 district is to permit very high-density development, multi-story apartment development, and other uses that are typical and compatible in the operation of apartment houses. The applicant is proposing RG-8-PS zoning.

Based on the size of the property, the current zoning would allow for 219 units.

The -PS overlay is typically utilized in multi-family development. The intent is to encourage the creative design of new living areas. Additionally, it allows for modifications in the platting of lots and the siting of buildings. With the -PS zoning overlay, site plan approval is required.

4. This property has been historically utilized as a multi-family residential development known as College Apartments. The three prior buildings were constructed in 1900 and were recently demolished.
5. The site plan shows 255 total parking stalls including interior/underground parking in each building and exterior surface stalls. Seven parking stalls are ADA-accessible.
6. The applicant has submitted a separate landscape plan. The required 30-foot bufferyard between the proposed development and the adjacent single-family residential neighborhood is shown. The applicant is showing additional plantings,

from the minimum required, along the north and east boundaries adjacent to the parking lot. This is being done for the purpose of mitigating the impact to the existing single-family residential neighborhood.

The landscape plan exceeds the minimum required by ordinance.

7. The applicant will offer a fitness room and a lounge as amenities to its residents. The applicant has indicated a pool, outdoor grills, and a dog run may be future amenities. These items are not shown on the site plan since they are not planned at this time.

8. Internal sidewalks are shown. Additionally, a sidewalk will run adjacent along West 19th Avenue and connect to existing sidewalks to the east.

9. 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, 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.

Sarpy County 911/GIS requested an amendment to the street name. The applicant's engineer has since done so.

Matt Knight, Public Works Engineer, had technical comments pertaining to the site plan, utility plan, and grading plan. The applicant's engineer has addressed Mr. Knight's concerns.

The proposed drainage plan was reviewed by the city's engineers as well as JEO, who was contracted by the city to assist in this review. Both parties had technical comments regarding the plan, which have since been addressed by the applicant's engineer.

No other comments were received on this case.

10. In regard to requesting the -PS overlay for the development, the applicant's engineer indicates the existing site is approximately 200' wide from east to west, with slopes ranging from 6% to 20%. It is approximately 800' long from north to south with 10% slopes along the right-of-way on the eastern boundary. As such, the existing topography creates a challenging site to develop. TD2 also refers to infrastructure needs and building layout as reasons for the -PS overlay. The overlay will allow for multiple buildings on one lot.

11. Per Section 8.12, Zoning Ordinance, the apartment buildings will need to meet the city's design standards. Compliance with these regulations will be reviewed as part of the building permit process.

12. The RG-8 zoning exists currently on the property. This would allow for a multi-family residential development under present zoning with the proper platting.

13. The Future Land Use Map of the Comprehensive Plan designates this property as multi-family residential. Subsequently, this request is in conformance with the Comprehensive Plan.

14. City Council approved Tax Increment Financing for this development on October 18, 2022. The proposed site plan is in conformity with the approved Redevelopment Plan for this property.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, the Comprehensive Plan, the Lot 1, College Apartments Addition 2022 Redevelopment Plan, and the opportunity for infill development, and lack of perceived negative impact to the surrounding area.

V. PLANNING COMMISSION RECOMMENDATION

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

VI. ATTACHMENTS TO REPORT

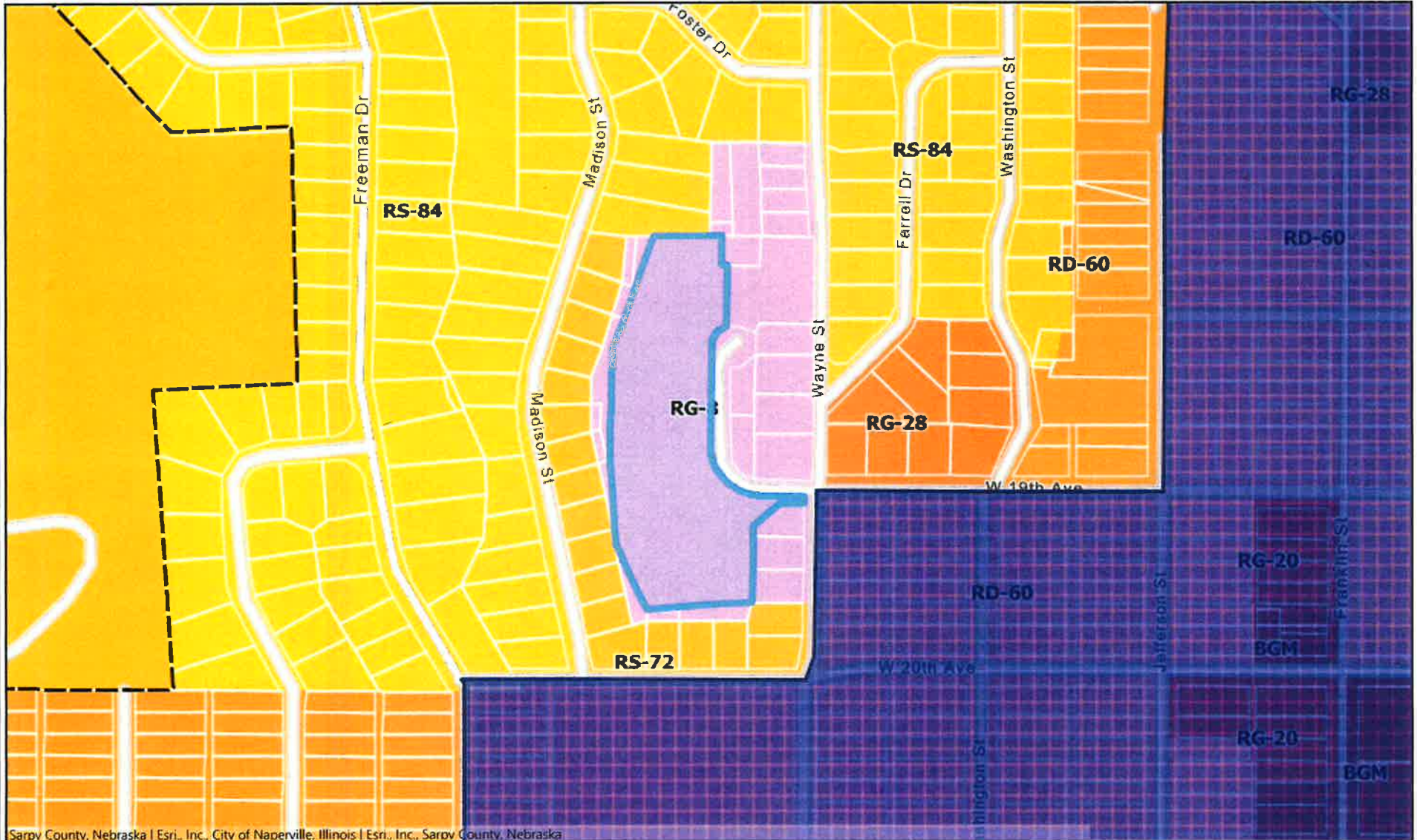
1. Zoning/Vicinity Map
2. 2022 GIS aerial photo of the property
3. Site plan received August 15, 2023
4. Landscape plan received August 11, 2023
5. Zoning justification letter received August 11, 2023

VII. COPIES OF REPORT TO:

1. Elevate Lofts, LLC
2. Andrew Koster: Thompson, Dressen & Dorner, Inc.
3. Public Upon Request


Assistant Planning Manager

 09/29/23
Planning Director Date of Report

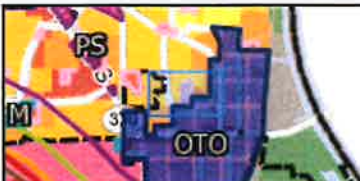


Sarpy County, Nebraska | Esri, Inc., City of Naperville, Illinois | Esri, Inc., Sarpy County, Nebraska

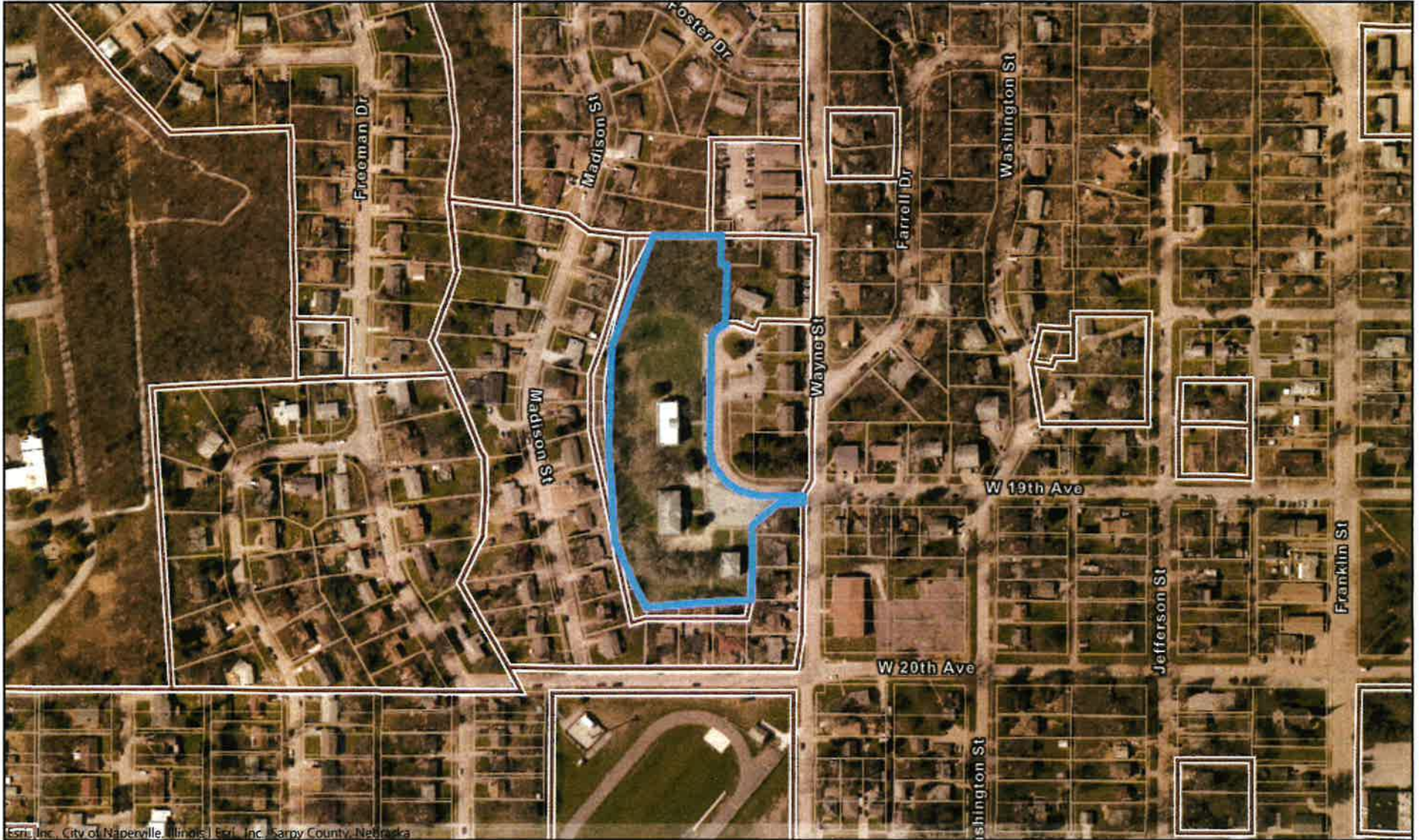
0 400 800 ft

Map Scale 1: 4514

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Notes



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



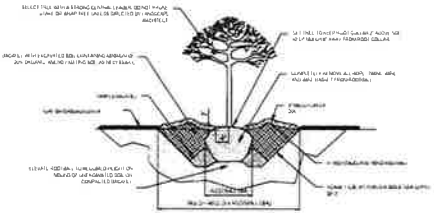
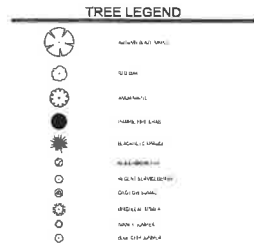
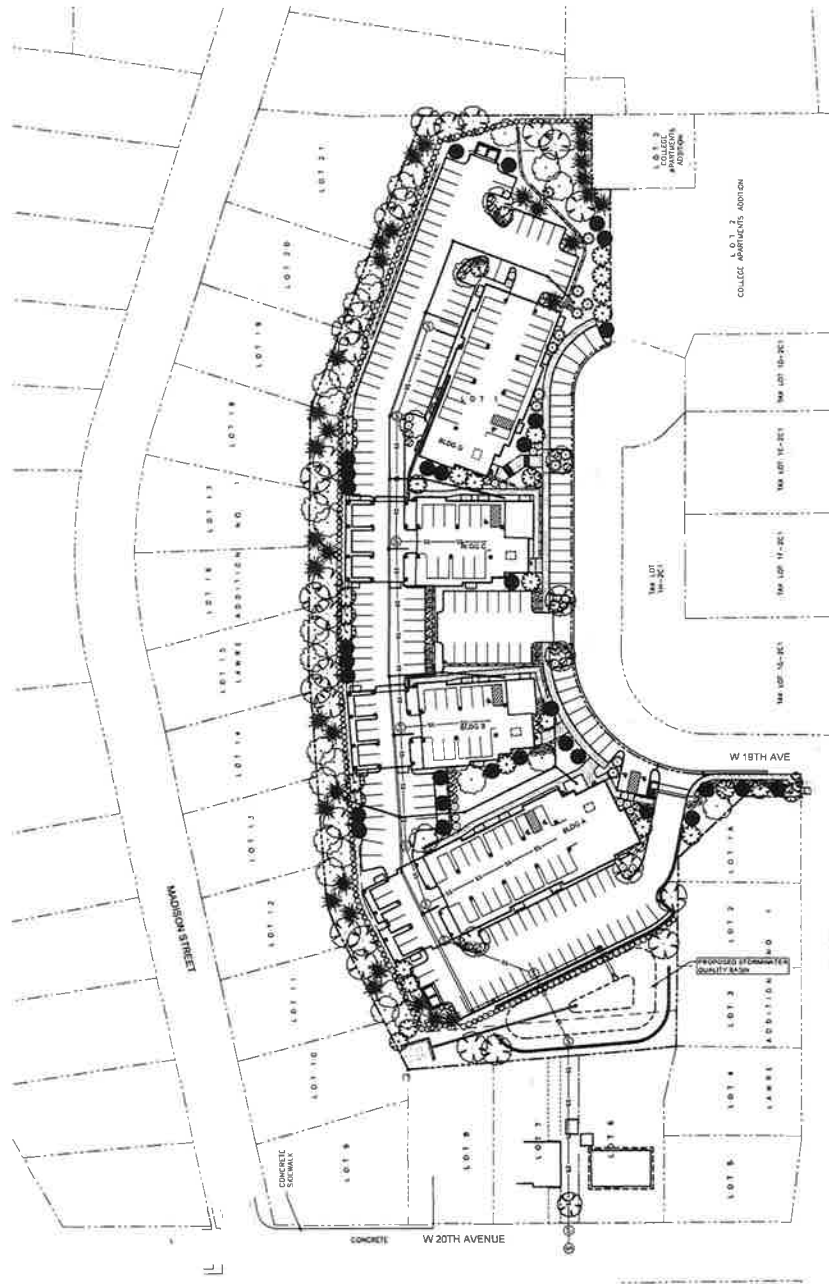
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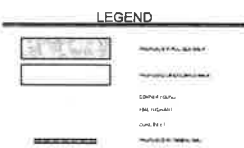
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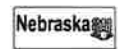


- UNDEVELOPED CALCULATIONS**
- BUFFERYARD CALCULATIONS
 - 30 FT BUFFERYARD
 - CONIFEROUS SHRUBS AT 3 FEET O.C.
 - 1 DECIDUOUS OR CONIFEROUS TREE PER 30 L.F. OF BUFFERYARD
 - 1/4 L.F. = 1 TREE / 30 L.F. = 23 DECIDUOUS OR CONIFEROUS TREES
 - 23 CONIFEROUS TREES PROVIDED
 - SECTION A 12.08
 - MULTI-FAMILY DEVELOPMENT REQUIREMENT PER TWO DWELLING UNITS
 - 1 DECIDUOUS OR CONIFEROUS TREE OR
 - 2 ORNAMENTAL TREES AND 3 SHRUBS
 - 140 DWELLING UNITS = 11 LANDSCAPE UNITS / 3 DWELLING UNITS = 34 LANDSCAPE UNITS
 - 35 DECIDUOUS TREES AND 28 CONIFEROUS TREES + 80 LANDSCAPE UNITS PROVIDED
 - 48 ORNAMENTAL TREES AND 72 SHRUBS + 24 LANDSCAPE UNITS PROVIDED
 - STREET YARD LANDSCAPING
 - 1 DECIDUOUS TREE OR ORNAMENTAL TREE AND 3 SHRUBS PER 40 L.F. OF STREET FRONTAGE
 - LANE OR
 - 1/4 L.F. = 1 LANDSCAPE UNIT / 40 L.F. = 13 LANDSCAPE UNITS
 - 13 ORNAMENTAL TREES AND 39 SHRUBS / 13 LANDSCAPE UNITS PROVIDED
 - PARKING AREA
 - 18 L.F. OF LANDSCAPED AREA PER PARKING STALL
 - 285 PARKING STALLS = 18.5 F. / PARKING STALLS = 840 S.F. REQUIRED
 - 1 TREE PER 80 S.F. OF LANDSCAPED AREA AS CALCULATED ABOVE
 - 840 S.F. / 80 S.F. = 10.5 TREES / 10 TREES
 - 10 DECIDUOUS TREES AND 6 CONIFEROUS TREES PROVIDED
- NO MORE THAN 1 OF TREES CAN BE A SINGLE SPECIES
AT LEAST 1 OF TREES MUST BE CONIFEROUS

LANDSCAPE TREE SCHEDULE							
QTY.	BOTANICAL NAME	COMMON NAME	PLANTING METHOD	SIZE @ PLANTING	SPACING	MATURE SPREAD	MATURE HEIGHT
OVERSTORY DECIDUOUS TREES							
32	ACER FREEMANE	AUTUMN BLAZE MAPLE	B&B	7' CAL.	AS SHOWN	35'	45'
33	QUERCUS RUBRUM	RED OAK	B&B	7' CAL.	AS SHOWN	50'	60'
UNDEASTORY ORNAMENTAL							
30	ACER GINNALA	AMUR MAPLE	B&B	7' CAL.	AS SHOWN	30'	35'
31	MALUS & PRAIRIFRUE	RAIRIFRUE CRAB	B&B	2' CAL.	AS SHOWN	15'	20'
CONIFEROUS TREE							
34	PICEA GLAUCA DENSATA	BLACKHOLE SPRUCE	B&B	6' HT.	AS SHOWN	25'	30'
DECIDUOUS SHRUBS							
33	ARONIA ARBUTIFOLIA	RED CHOCHEBERRY	CONT.	3 GAL.	AS SHOWN	3'	7'
30	AMELANCHIER ALNIFOLIA	REGENT SERVICEBERRY	CONT.	3 GAL.	AS SHOWN	3'	5'
29	RHUS ARCALICA GRD	GRD LOW SUMAC	CONT.	3 GAL.	14" O.C.	3'	5'
16	SPIREA BETULIFOLIA TOR	BIRCHLEAF SPIREA	CONT.	3 GAL.	36" O.C.	3'	5'
EVERGREEN SHRUBS							
118	JUNIPERUS SPENSIS	MANEY JUNPER	CONT.	3 GAL.	5' O.C.	5'	5'
118	JUNIPERUS HORIZONTALIS	BLUE CHIP JUNPER	CONT.	3 GAL.	5' O.C.	5'	5'



TD2 thompson, dresseen & dornier, inc.
10836 Old Mill Rd Omaha, NE 68154
402-330-8860 www.td2co.com



LANDSCAPE PLAN

Elevate Lofts of Bellevue
Bellevue, Nebraska

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This document is an indication of intent, and is not intended to be a contract. It is subject to the terms and conditions of the contract. It can be modified only by written agreement with Avant Architects.
Date: August 7, 2023
Project Number: 12-004
Revisions:

No.	Description	Date



August 11, 2023

Ms. Tammi Palm
Planning Director
City of Bellevue
1510 Wall Street
Bellevue, NE 68005

Re: Elevate Lofts
400 W 19th Ave, Bellevue, NE 68005
TD2 File No. 869-419.1

Ms. Palm:

This letter is regarding the site plan application for Elevate Lofts located at 400 W 19th Ave, Bellevue, NE 68005. The existing zoning for the property is RG-8, and the proposed zoning is RG-8-PS.

The existing topography on site creates a challenging situation. The site is about 200 feet wide from east to west with slopes ranging from 6% to 20%. It is about 800 feet long from north to south with 10% slopes along the right-of-way on the eastern boundary.

The site is not directly served by storm sewer or sanitary sewer and will require constructing sewer service between existing homes.

The Planned Subdivision District will allow for the construction of multiple apartment buildings, which is necessary to overcome the additional development burdens that this site presents. The proposed apartment buildings have been arranged to maintain the historical drainage patterns which still provide a feasible design for development.

If there are any questions, please call.

Sincerely,

THOMPSON, DREESSEN & DORNER, INC.



Andrew A. Koster, P.E.

AAK/anr

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AUG 11 2023
PLANNING DEPT.

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Vote no to the re-zoning and site plan

as read on Tuesday, September 5, 2023, at the Bellevue City Council meeting.

Description of re-zoning and site plan. 13.d. Ordinance No. 4133 per city council agenda.

Case numbers: Z-2210-12; 400 West 19th Avenue, Bellevue, Nebraska; Lot 1, College Apartments Addition, located in the Northeast ¼ of Section 36, T14N, R13E, of the 6th P.M., Sarpy County, Nebraska.

Originally submitted by:

Andrew Panebianco

Stella Realty, LLC, Maxim Realty Group, Elevate Lofts, LLC.

1910 South 44th Street,

Omaha, Nebraska 68105

Information gathered from neighbors, officials and designers and report submitted by:

Claudia Schwarting

1808 Madison Street

Bellevue, Nebraska

402-291-7362

Karen Albers

1807 Madison Street

Bellevue, Nebraska

402-216-7423

Any errors are unintentional and typographical in nature. Any such mistake is just that, a mistake.

We are ordinary citizens trying to understand technical and legal information and interpret it as such we can.

Many great suggestions were offered for the proposed site.

Some of the other ideas: regardless of outcome, fix drainage, runoff, erosion, trash disposal, and lack of property care; put in duplexes whose driveways are on 19th only; no vehicle traffic/parking behind/next to, south, west, north, of ANY type of buildings; convert to greenspace; park; memorial to natives; no dry water basins and sewage in/on back/side yards; trash bins to be located conveniently to buildings and must be protected/lidded and easy access to renters and trash collectors away from home properties that abut the lot. Neighbors recommended 20, 25, 30 or 40 units maximum, averaged to 28.75 and rounded up to 30 for report.

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To: Members of the City Council of the city of Bellevue in Nebraska
FROM: Claudia Schwarting, and Karen Albers residents bordering the block of Lot 1,
College Apartment Addition
Date September 5, 2023
RE: Rejection of proposed re-zoning and site plan for approval

The following report contains facts about the proposed area re-zoning and site plan, concerns and consequences about the re-zoning and proposed site map, and proposal of contingencies and recommendations, from neighbors, to work toward a site plan that is more compatible with the neighborhood and the city of Bellevue.

Many facts about this area have been provided to you from previous meetings including, but not limited to, October 5, 2021, April 22, 2022, and September 5, 2023. Neighbors only received letters of notification on or about November 23, 2022, August 16, 2023, and September 8, 2023. As far we know, we never received notifications for the blighted status request.

Site: Approximately 4.07 acres, 200 feet wide by 800 feet long.
Outdated sanitary sewers and no storm sewers.
Current gas, water, and electricity are outdated.

Topography: very steep grade and land slopes from North to South and East to West
Poor soil conditions...very soft and wet natural soil which requires over-excavation and replacement of suitable materials or other stabilization methods to support the proposed buildings
Inadequate street layout and right of way
Inadequate provision for sanitation
Inadequate historical drainage patterns
Detrimental to the public health, safety, and welfare of neighboring properties

[September 27, 2021, Blighted and Substandard Designation of Lot 1 College Apartments, Addition; page 7 and 8 of report. Memorandum pages 3 and 4.]

Previous site: built 1900, 3 buildings-2-story with basement, approximately 42 units, well water, outhouses.

Current site: Buildings are gone. Ongoing neglect of property continues to harm neighboring properties.

Proposed: 4 buildings-Building A - 4 stories with basement/open-air garage, total 5 stories, Buildings B & C -4 stories with basement/garage, 5 stories; and building D - 4 stories built over open-air garage; approximately 164/168 units; approximate heights 65' to 67'; 1.5 parking spaces per unit thus, 252 parking spaces. 22 loft apartments, 132 one-bedroom and 14- 2-bedroom apartments.

Neighbors propose: 30 units with 2 spaces parking/unit thus, 60 spots total.

“The owner shall...Install and construct all of the public infrastructure improvements related to the Redevelopment Project ...” [June 21, 2022, Resolution No. 2022-15; Section 3 Obligations of the owner, subsection 3.8, Redevelopment agreement. Page 6]. Current plans do not include these requirements.

Please consider that there are many issues with this proposed re-zoning and site plan. We are trying to highlight the most frequently cited issues our neighbors have: runoff, density & safety, and the need for accountability from the city and owner. We also suggest our own site plan ideas for this area. This is not an all-inclusive, all-encompassing report and some issues are not mentioned for the sake of brevity and practicality. Individuals have contacted council members via email, phone and conversations pertaining to specific issues.

We have seen only one aspect of the site plan, where detail and information were illegible because of font size, unfocused lettering, and overly condensed page that was used at the Zoning Planning Commission meeting on Aug. 24, 2023. It is from this, and conversations with the engineering and surveyor contractor Andrew Koster, TD2, that we are basing our comments. (Page i. for the site map.)

Full bodied text, with examples, comes after the following outline of concerns.

Concerns and consequences outline

Introduction

Images of property and interpretation. These give an idea of the property; a personal visit gives one the degree of steepness of the slopes, streets, and areas involved that cannot be seen in photos and images.

Reasons why we want you to vote no.

Runoff

Site map statements

Questions:

How does runoff/erosion get diverted? To where? Who is accountable? Needs to be addressed and corrected?

Stormwater basin and riprap stilling basin situation

No plan for diversion and drainage in buffer/landscape zone or snow removal

Problems with owner

Removal of trees and grassy areas - impact

Sewage

Where is it planned to run? Who is responsible for fixing it? Why does it not run to 19th Avenue?

Is the egress/ingress agreement for 408 West 20th Avenue a legal document?

Problems

Clogs and breaks

Disrupt parking/exiting/entering

Others hooking up to sewer line

Hooking into outdated system

Locations of manholes

Access. Repairs. Maintenance. Better on main streets than private property.

Safety & Density

Wayne Street/19th Avenue/Lawre Circle

Site plan statement & Site parking

Lanes/roads too narrow- no place to park only 1 ½ spaces per unit

Speeding, sliding on ice, missing sidewalks

Only one way to exit and enter 19th Avenue and apartment complex

Light pollution from cars, apartments, and parking lot. Downward directional lighting will flood downhill houses

Parking and road are too close to home properties. No plans for preventing cars/trucks from overshooting into homes downhill

Density and the problems it creates

No place for children to play safely

Neglect

Last 20 years the property was ignored causing erosion and runoff. These need to be fixed.

Mr. Panebianco-owner and/or manager

Reputation

Ignored city fines, mandates, and police instruction to board all ground floor windows.

Nebraska Board of Real Estate fined and stipulated requirements to keep license. He did not comply. POINT: ignores legal decrees

Late to pay real estate taxes August 2022 and 2023

Blatant disregard of neighbors, renters, and property.

Our proposed site plan is similar in density to the neighborhood.

30 units versus 168 units. 60 stalls (2 per unit) versus 252 stalls (1.5 stalls per unit).

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We want:

In writing:

- Documented, legally binding commitments to which the property owner and the city will be held accountable.
- To know which bodies will consistently and continually ensure accountability.
- To know that proper drainage techniques, retaining walls and stormwater basin and riprap basin will be placed to prevent any further damage to property of downhill residents.
- To have reassurances that the apartment property will be properly maintained especially if the developer decides not to build.
- To be ensured a design of a site plan that is acceptable and beneficial to all citizens, including those who live around the proposed area of development.
- To have proper grading, maximum degree of protection from run off and redirection of water, erosion etcetera away from neighboring properties from natural and manmade normal flows and overflows.
- To have sewage improved, follow code, and connect to the closest street.
- To have plans reflect what is required by TIF and city to build on this site.
- To know that added/updated/improvements/replacement of outdated infrastructures including, but not limited to, streets and right of ways, sidewalks, sanitary sewage pipes, storm sewers, gas lines, water lines, electric lines, and transformers will be completed.
- To be guaranteed over-excavation and replacement of suitable materials or other stabilization methods to support the proposed buildings or to the property if not developed.
- To have a 60 feet buffer zone because of the steep hill before the property line make it proportional to the building height.
- To have plans for drainage, overflow management *et al* in buffer/landscape zone.
- To include plans for replacement of dilapidated 6 ft. chain link fence, all along the property line, with new fencing. Serves as a barrier to children cutting through backyards, and as an added a barrier to stop cars' momentum.
- To include plans for an 8 ft. to 20 ft solid panel fencing posted in cement all along the perimeter that faces all abutting properties to prevent light pollution, to stop over-shooting the lot and to impede downhill trajectory and prevent trash and snow from accumulating in the buffer zone and along back property lines of houses. Eight feet or taller is acceptable, contrary to the code of 6 feet maximum, as it is being used as a screen to protect neighbors from light and sound emissions.
- To have a written mandate, a legal decree that the owner/contractor must correct the 20 years ongoing problems with this neglected property, especially if the plans don't come to fruition.
- Buildings that fit the style of the neighborhood. 30 units versus 168 units.
- 60 parking stalls versus 252. This is keeping within the current neighborhood density.

Please VOTE NO to the re-zoning of Lot 1, College Apartments Addition, 400 West 19th Avenue.

Conclusion:

We have stated facts about the property in question as it was, as it is now, and as it will be, if approved as read on September 5, 2023, at the Bellevue City Council meeting.

We have stated our concerns about the consequences related to damage from runoff, erosion, and planned sewage route. We illustrate the impact of this plan on the safety and density of this area. Plus, provided facts about the neglectful owner/manager who has demonstrated the high probability of having another run-down property in 5-10 years because of his continued dismissal of: codes, the expected requirements to repair and maintain his property, and his uncaring attitude. His problem of tardiness/non-payment of property taxes and any bills, through which his tax lien management company must pay, is alarming.

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We hope that you, a member of City Council of Bellevue, Nebraska, will put the city and her residents at the top of your priorities and reject this re-zoning and site plan to allow for a site plan that will benefit all involved within the RG-8 zoning code. Additionally, the city needs to go back, re-evaluate its zoning ordinances and whole city planning upgrades with projected completions dates.

Fuller explanations of the items are listed in the previous outline, pages 6 – 14.

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CONCERNS & CONSEQUENCES:

Introduction

We recognize professionals and experts have been consulted for this project and understand that they work with these types of projects daily. As long-term, full-time residents we have concerns based on our history and experience in the area. We do not accept the re-zoning and site plan as proposed and we would like to be more involved in future development. We would like to wait for a proposal that is suitable for our neighbors.

Right now we have concerns that must be addressed before any site plan is accepted and building starts: we want to have documented, legally binding commitments to which the property owner and the city will be held accountable and we want to know which bodies will consistently and continually ensure accountability, we want to know that proper drainage techniques, retaining walls and stormwater basin and riprap basin will be placed to prevent any further damage to property of downhill residents, and we need reassurance that the apartment property will be properly maintained especially if the developer decides not to build. We request these items to ensure a design of a site plan that is acceptable and beneficial to all citizens, including those who live around the proposed area of development.

For the best results in this project, consulting the residents of the area is essential – there are concerns besides the figures and numbers involved in property building that must be considered. Poor handling of the property has resulted in damage in the past and present. To avoid this in the future we would ask our concerns to be considered and heeded. This property owner has failed to prove himself capable of managing the property. We are concerned this deficiency will show in the new project. Details of our concerns about reports and studies for this development follow: maps, graphs, and photos only show snapshots but cannot demonstrate historical knowledge of the area, three dimensionality of the area, and the history of property owners. They are unable to convey the continued negligence of this property owner.

RUNOFF

The proposed site map *appears* to cover at least 90% of the area with impermeable surfaces. Parking lots, buildings and sidewalks will take away most of the naturally absorbing water areas, thus, creating even more runoff and erosion damage to neighboring properties. Historically, this area has runoff issues due to neglect and lack of accountability of the owner and city. Currently, there is only temporary silt fencing and straw to slow the downhill flow of water and erosion, but it doesn't stop it.

Plan calls for removal of all trees, including areas that have never been developed and have only been treed. Large limestone walls that have helped slow down some of the runoff; but have not been efficient enough to stop destruction of neighboring properties, will also be removed.

Utility poles and respective electrical, cable/fiber optic lines will be removed and buried. The engineer, when designing the site, was unaware that abutting houses have poles and wires, telephone lines and respective pylons that hook up to the main lines and pylons on this property. Instead of trees and utility poles that blend in, there will be trenches and signage posted everywhere to warn of the buried lines; children will not be able to play in these areas.

After conducting research about burying electrical lines, we found burying electrical lines is 5-10 times more expensive to install, necessitates replacement more frequently and requires constant careful maintenance compared to traditional above ground lines.

Lines must be properly insulated, they cannot have vegetation with deep roots growing on or close by, cannot be paved over or have buildings on top of the trenches housing the lines. Replacement will need

to occur more frequently which is why nothing permanent may be placed on top of the electrical wire trenches. Are OPPD, Cox, Lumen, and FastWyre willing to go to the extra expense to bury their lines especially, when easements and poles already exist for above ground wiring? The extra expenses will be passed on to residents. Do all residents in Bellevue want increased expenses because the site will look better with underground lines? Is it okay to ignore perpetual easement agreements for the sake of one builder?

Careful maintenance of the trenches is required. The neglect and disregard of property will lead to quicker breakdown of buried electrical wires. This will impact the whole electrical grid of neighborhoods because digging up and replacing the wires is time consuming and expensive. If a breakdown occurs in winter, the frozen ground makes it more difficult to repair and replace and will prolong the amount of time without power. Do we need to spend more time freezing because of one builder? The site plan covers most of the hill with cement and doesn't have proper distances needed to bury lines.

RUNOFF QUESTIONS

How does runoff get to the stormwater and riprap stilling basin that flow from parking lots, buildings, stormwater basin, and erosion areas?

What are the contingency plans? Do they include plans to mitigate issues and to correct deficiencies? Is this in writing? What is the timeline?

Who is responsible when the property owner doesn't fix issues? What is the time frame in which repairs must occur? How will downhill damage expenses and problems be addressed for the neighbors whose yards and houses are damaged/destroyed? Who pays for it? What happens if the owner claims bankruptcy? If insurance has expired or is too small of a policy? Damage claims will raise the rates for the individuals and their properties. Why penalize the neighbors when it is known that the owner/manager is negligent and ignores problems that can be readily resolved?

The city approval of this plan means the city is also responsible for the defects in the site plan. We want, in writing, that the city must exhaust all means at its disposal to resolve the situation. The city can hire contractors and place liens on the property in question. Private citizens cannot place liens. Situations that have not been thoroughly exhausted via the city's required responsibilities reduce the effectiveness of a cause for private civil suits and it might get the suit thrown out because the city didn't do its part to resolve the situation. Who governs this? Who follows through with warnings, fines, action, liens *et al*? Who enforces that the property owner will do as the court mandated? You may refer to Sections 18-2;18-12;18-21-24; Article IV Sec,18-29-31 Of City Code, about penalties for neglect and city's responsibilities.

The current stormwater basin holds water that collects algae in summer and ice in the winter. This is hazardous to the health, welfare, and safety to the citizens of Bellevue. The putrid smell of the muck infested pit carries with the wind. Children who play up there run the risk of injury. Property owner's neglect has caused it to become ineffective. He has not regularly cleaned out drains and pipes. Holes and weeds in pipes block flow and keep water in this basin. How does one expect a well-documented neglectful property owner/manager to maintain the newly proposed stormwater basin and riprap that will be placed even closer to the houses, than the existing one, when he hasn't and doesn't bother to maintain it at all now? What protective measures are designed to keep people out of the area and prevent them from accidentally stumbling into the pit? To keep cars from sliding into it? Currently, there is nothing to prevent falling down the steep sides into the pit. We want this fixed, even if the project is abandoned.

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The proposed site plan does not have plans for diversion and drainage in the buffer/landscape zone or for irrigation mishaps. Current drainage runs off onto properties downhill. On Madison Street and 20th Avenue, many owners need to dig 5-10 inches of dirt off/out of their yards, patios, bricks every spring and summer because a permanent solution was never put in as required. Wayne Street residences have problems keeping their front and back yards, cement walls and steps from washing away or collapsing because the property owners/managers have disregarded a lawsuit, direct appeals, and city fines to correct the problem. We want these issues corrected and resolved whether the buildings go up or not.

We have appealed to the owner and city for over 20 years. Temporary, improperly placed silt fencing and grass seed were ineffectually placed to slow down water flow. Not only were the previous preventive measures eliminated with demolition of North building and the boiler house, but the land also wasn't properly graded and was altered to direct all the water straight down the hill onto the house properties. On the property now: temporary silt fencing, straw and regrading/leveling after buildings were demolished have helped slow down the downhill water race yet, it doesn't stop it satisfactorily. We want over the top protection from runoff, drainage, erosion, and the like.

SEWAGE

Sewage lines are proposed to run parallel to downhill properties and through back, side, and front yards of a rental property at 408 West 20th Avenue. Documents on file with this rental property lack signatures from Elevate Lofts, LLC, legal lot descriptions and there is nothing pertaining to the protection for the neighbors at Lot 6, 406 West 20th Avenue, neighboring properties nor downhill which include Mission Middle School. Is this a legal binding document as it lacks information and consideration? Who is responsible to pay for damages? Repairs? Is it for temporary or permanent easement? Where are the written contingencies, plans, and assignment of duties? Is the rental property owner responsible for repairs and reparations because it is a private line on his property? At the time of printing, it is still unknown if the ingress/egress agreement on file at the registrar of deeds office is 100% legally binding.

The plan is to use directional boring for the sewer line. This will disturb the limestone walls along 20th Ave. and Wayne St., which already have the problem of dirt washing through their limestone walls due to property owner's indifference to mandates to fix this. The original development of the housing area used limestone walls as retaining walls. They were built to buffer the steep hilly area, across the entire length of the 210 ft length hill, not per property lines, on Madison, Wayne, and 20th. They are interdependent. For example, on 20th Ave, the 210 feet limestone wall was built from West to East/East to West continuously without regard to the houses' side property lines. This whole wall will be disturbed by drilling, digging and vibration. With whom does responsibility reside when the neighbors' walls collapse, and the apartment's property complex hills pour into the neighbors' property? Who will pay to have the walls and property fixed correctly and safely? Who will replace any damaged plants, patio furniture, decks, houses, etc.? How quickly must the corrections/fixes be made? Who chooses the materials? We don't want our insurance rates to go up because of the short sightedness of this site's privately owned sewer lines plan and its high-risk procedure.

Pipes will clog and burst. Raw sewage will take the path of least resistance which is downhill to house properties. How will repair occur? Who will pay for damage to neighboring properties? What measures are in place to keep the flow from heading downhill toward the houses?

The back parking areas of the proposed site have only one entrance/exit aisle, by the southernmost building, "A". The aisle wraps around in a parallel direction to Wayne Street, 20th Avenue and Madison Street homes. The only way to the north building, "D", and to the exit onto 19th Avenue is via the aisle between parking stalls and under and through open-air garages. When buried lines break, where and how

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will cars enter/exit the parking area while the aisle is torn up and repaired? It is on private property with everyone at the mercy of the property/ies owner(s)/manager(s).

What if other owned rental buildings on this hill wish to join this sewer plan? Is it big enough to handle the extra volume? Has Mr. Panebianco contacted the New Direction Trust Co. managed by Hike Real Estate; 1704-1712 Wayne St. Realty, LLC; Business Realty Co., LLC; and ATS Mobile Telephone, Inc. about sharing the costs to improve the road, sewer, sidewalks, intersections, and other utility expenses? Can the city share some of the expenses?

This proposed sewer line is joining an outdated, already over-burdened collapsing sewer system. The added extra volume from this proposed highly dense apartment complex will cause the collapse of the old sewer system and mandate emergency repairs and expenses. The city needs to update and improve this area's collapsing infrastructures **before** allowing anymore **new** construction in The Olde Towne area.

There is a manhole on 19th Avenue across the street (on the curve of the property owned by New Direction Trust, Co., managed by Hike Real Estate) from the proposed building site and is closer to the property. Why not hook up the sewer line there? This could reduce the impact of sewage that could runoff into houses that abut this property. City roads and sewage will be fixed immediately. Renters and homeowners can expect a quick turnaround repair with some temporary creative parking while the city makes repairs.

The existing outdated water and gas lines already go towards 19th Ave. So, why not the sewage? Making these pipes run to the closest street is following the housing code, RG-8. An explanation that the south building's basement creates the need to go downhill along house properties and through the yards of others, as a more feasible option is simply cheap and inconsiderate. Re-designing, re-locating this south building, "A", will do just the same with more consideration to residents and future renters. Placing these lines on privately owned property/ies is set up for future calamity. All will be dependent on the owner(s)/property manager(s) to fix these privately owned ruptures.

Also, Sarpy County GIS portal, and SIMS Public works maps, indicate there is a connection to a sanitary line at the east side of the intersection of Wayne St. and 19th Ave. It is better to install the sewage line across and down 19th Ave. This will allow easier access for installation, repairs, corrections, updates, and cleaning than to install them under the garages and in the parking aisles which will trap "D", "C" and possibly "B" renter's cars in the lots. Think of the smell trapped under the buildings, in the open-air garages, and the sewage running downhill into people's yards and houses. Re-design building "A", eliminate the lounge and encourage people to visit the local bars and run the sewage to 19th Ave.

SAFETY

Layout of the area. Site map pages i through v may be used for reference.

Wayne Street -Runs north-south

This is an old residential area and Wayne Street is one of the steepest streets in Bellevue. The best ways to access the site are to use either 19th or 20th Avenues and head west from Franklin or if coming from the north, take Freeman Drive to 20th Ave. and then turn onto Wayne Street. Using either direction necessitates the use of Wayne Street. Wayne Street has many problems: wide at the top then tapers into a narrow street, an irregular intersection at Wayne St. and 19th Ave. It has no storm sewers and no continuous sidewalks.

There are least 4 sets of existing apartment complexes, whose cars often don't pull all the way into their parking area, some at an angle, some parallel park. Regular two-way traffic, children walking to and from school and frequent speeding creates hazardous situations. Most houses have only a single car garage

and need to park their second (3rd and 4th) car(s) by their house in the street, restricting the already narrow streets even further.

When cars don't pull all the way into their parking area or they are parked at an angle, they stick out into the street. This forces the through traffic to swerve into the oncoming lane. The cars that park parallel must park up on the curb to allow cars to be able to pass and to allow cars backing out of driveways to back up. Two-way traffic requires slowing down and passing carefully so as not to bump side-view mirrors. Wayne has no continuous sidewalks. Children walking to Mission and Central have been forced to jump out of the way and up a steep embankment to avoid being hit. Several opt for the alternative route through the backyards of the houses on Wayne St., 20th Ave. and Madison St. This situation creates problems for the downhill homes. Risk of falls, damage to property and increased deposits of trash are a few examples of what we have had in the past and continue to have. Going from 40 cars and people to 168 is **more than quadruple** of what we have experienced and know in this neighborhood. This site plan does not fit here.

Wayne is especially hazardous in the winter because of its steepness. Without the benefit of storm sewers and continuous sidewalks, the road becomes dangerously icy and makes it harder for children and drivers to share the road. Thanks to mature trees, the momentum of sliding cars has stopped them from sliding right into the houses on Wayne Street. The children must scramble out of the way, up snow piled hills to avoid getting hit. In other seasons, the children must constantly dodge speeding drivers. The city needs to put in sidewalks, storm drains, and possibly speed bumps to lower the risk of children being injured. While the city is at it, it should put in sanitary sewage on Wayne St., 19th Ave. and Farrell Dr. it could divide the costs with the complex property owners in this rental area.

Site Parking. The proposed site is to the west of Wayne Street and 19th Avenue runs east to west, then the road curves north toward the dead-end at Lawre Circle. The site plan wants 168 units and 252 parking spaces. Many of the streets correctly have no parking signs. However, this site provides only a space and one-half for 168 units. Where are all the ½ cars going to park? There is no room for street parking. Keep in mind, there are other apartment rentals in this area whose residents can only enter their building from this dead-end street. The tenants use the abandoned parking spaces at the proposed building site in addition to their own parking spaces at their respective buildings. What will happen when the new development is occupied? Where are all the cars going to park?

There is only one way in and out of the apartment complex area. The turn from Wayne onto 19th Avenue is tight. The proposed site has the entrance to parking about 200 yards from this intersection. The entrance is another tight turn, basically a lazy U-turn is needed to enter the parking lot from south Wayne Street to 19th into the lot. Coming downhill on Wayne St. and turning left onto 19th Ave. and quickly angling to the left into the lot is precarious. There is a house located in this dangerous turn zone. Most times, turning and sliding cars were stopped by curbing and/or trees and shrubs on this owner's property. The new design needs to take this family's welfare into consideration by moving the entrance to the parking lot further west on 19th Ave. Homeowners shouldn't have to constantly fret about their children being run over in their own backyard.

Most of the 200 parking spots are 30 feet uphill from the stormwater basin, 20th Ave. and Madison Street homes' property lines. What isn't visible, with maps, is the fact that these backyards have steep hills between the proposed parking, open-air garages, and buildings 30 feet buffer zone and the residences' dwellings. No structures are planned that would prevent cars/trucks from overshooting the parking spaces or sliding downhill into the houses. In the past, the chain-link fence and property owners' trees stopped these careening cars and vans from running over children playing in their backyards and crashing into the houses.

Lawre Circle is too narrow for street parking or for cars to drive in both directions. There are some existing apartment buildings on the east, and north of 19th and Lawre Circle. These tenants use the abandoned parking spaces that were formerly for the College apartments, again, what will they do for parking when this monstrously overcrowded complex is built?

On the west side of the circle, there is no entrance or exit into the proposed Building “D” from 19th Ave.. One enters the lot off from 19th Ave, immediately after turning from Wayne St. One must travel the whole parking lot on the south by building “A”, turn to drive along the west, along all the parking lane spots and under the buildings “B” and “C” and through the open-air garages. This route runs parallel to the downhill houses’ property lines, past more parking spots to the north lot, building “D”. Another entrance/exit should be built. We realize the fire code says that 201 units require a second entrance any less, does not. Common sense says it is better to have at least a second exit/entrance here on the north end that leads onto 19th Avenue directly. This second entrance provides for the safety of everyone and mitigation of traffic flow.

From north to south, along 19th Avenue, which is in front of the buildings, there are a total of 30 spaces allotted, these cars will block all traffic, both ways, when parking and backing up. This will also cause problems for other apartment complexes’ renters on this street, not only the renters of this proposed site.

As the plan is drawn, this parking lot aisle won’t easily accommodate large axle vehicles (trash trucks, moving vans, sewage cleaning trucks, storm drain cleaning trucks, fire trucks, and ambulances). Turning is too tight and there is not enough depth to back out, and permit in/out traffic to pass, enter and exit the parking area and open-air garages. Backing up and pulling into parking spots will halt traffic causing back up traffic behind all the downhill homes. If there aren’t any cars parked in the lot, turn around is possible in the spot north by these 2 trash bins. If the sewer pipes break along this north-south-east route there will be nowhere to get in or out of the complex while the owner/manager decides how, when, and if he will repair it.

All traffic uses the parking lot aisle as a road. This has a large impact for those who live downhill. The heavy buildings combined with the heavy cars will put too much weight on the limestone retaining walls in the housing yards. If these collapse, so will the buildings. Vibrations from traffic will also disintegrate these walls. Who will pay to fix all damages? If buildings collapse, they could land on the houses because they are too close to the abutting homes’ properties.

The impermeable parking surface will direct the water onto neighboring properties which is against code and ordinance. (Section 49 of Code.) Snow will be scooped into the buffer zone area which has no plans for drainage nor any plans for diversion routes. This will cause the snowmelt to run downhill onto the residential properties and into residential basements. These walls already have dirt, water and erosion flowing through them due to the laxity of the owner and the disrespect to code, laws, and neighbors.

The headlights of the cars will shine and flicker into the downhill residents’ windows. We want at least an 8’ solid panel fence, with posts in the cement of the parking lot along the whole perimeter, anywhere the cars will pass and park. A taller solid fence, 20 ft., will also help block some of the downward directional lighting from shining downhill into neighbors’ homes.

This solid fencing will also provide a stop barrier for cars that slide, miss the curve, or overshoot the lot. We require the owner to replace all the neglected 6’ chain-link fence, on all the property lines bordering, along the downhill residential housing. Both fences will keep litter, trespassers, and automobiles out of the yards.

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An 8 ft. to 20 ft. solid panel fencing will remind snow removal crews not to push the snow into the buffer and screen zone. These zones have no design for stopping, redirecting, or deterring water flow from buffer area, barrier screen zone onto neighboring downhill properties. Structures for redirection and drainage need to be used in the construction of this area.

DENSITY & THE PROBLEMS IT CREATES.

Where are the children to play? In the buildings, garages, around the dry water basin, in the streets? Over the electrical wire trenches? Too high-density, overly tall buildings overcrowd these oddly steep slopes of 4 acres and leave little green space to play. Smaller buildings, less units and cars will allow more area to play. The clearance of the trees also strips the area of shade and nature from the children. The closely crowded buildings will create shadows and wind tunnels. Plan more green space for children and their families.

Having 168 units will generate at least that many people and vehicles. Besides the previously stated issues, like runoff from parking area, ice, and snow removal with nowhere to go; there is another aspect to be considered: traffic density problems during some hours each day and night. (Page v, is a traffic map.)

This area in Bellevue is quite enclosed and it lacks access to main streets making it almost impossible to navigate quickly. The addition of 168 vehicles to the already dense traffic will cause longer standstill time. Looking at the map provided, page v, several streets to the north are dead ends and have no outlet. Streets to the east have 3 or 4 stop signs before reaching Franklin. Streets heading south have just as many stop signs plus, 2 schools and their student foot traffic, in the streets, and parent traffic before reaching Mission Ave. Go west, more stop signs and the private Columban Fathers property. Go northwest, more stop signs and Bellevue East's campus. In this Bellevue neighborhood there is no quick access to a main street. (See pages iv and v.)

168 vehicles or maybe half that, one at a time, stop start, stop start, stop, and start. Every weekday morning and evening will be like traffic blockage after leaving a football game, parade, or the air show. Quickly leaving home for work or shopping is not an amenity, it is a necessity. People don't want to fight their way out of their neighborhood every morning and evening on narrow roads with children walking and playing in them.

When choosing a design for a parcel of land architects, developers and builders know the design must match the land and people's needs. That is why the large density apartments, within a three-mile radius of this project, have all been built with quick access in mind. They are built on a main street or on the convergence of two main streets. They don't have access problems. This project with its population density, lacks quick and easy access and is unsuitable for this piece of land and neighborhood.

NEGLECT

As per usual for the last 20 years, Mr. Panebianco continues to ignore, neglect and disregard general expectations and considerations taken on as a property owner/manager. (Photos, pages vi to xii.)

The lot is not mowed, weeds/invasive species are not cut down/mowed, grass is not watered, dead branches and trees are still waiting to be hauled away. The 6' chain link fence is cut through, collapsing, and is bent where cars and moving vans backed into it, mistaking the formerly constructed mesa, a natural dirt retaining wall, as an alley. This fence plus trees have stopped vans and cars careening downhill into our houses.

The unmaintained area has only temporary silt fencing and straw to combat on-going runoff issues except at the intersection of 19th Avenue and Wayne Street where water flow is not impeded and erodes the

steps and retaining walls of neighbors downhill. Neglect and demolitions have destroyed previous measures of prevention.

Stormwater basin and piping have been completely ignored and exist as an algae pond in summer and an ice pond in the winter. Structures to guide water to stormwater basin are destroyed. All run off heads into neighboring properties which are downhill. Also, there aren't any safety features to keep people out of the area or accidentally falling down the steep embankments. Does the new project have plans for safety and maintenance? These basins are theoretically nice but, do not work as thought to do. Visit the softball fields by the Base Lake, the algae pond on Lot 1 and see the non-working recent basins near the Harvell, Franklin and Jefferson development.

Mr. Panebianco has proven himself a negligent, unethical, and uncaring, ignorer of code, rules, laws, and mandates.

The city fined and ordered Mr. Panebianco to remove a dangerous tree. He did not do so, and the city filed a lien against the proposed property site and had the one tree removed. He still has several broken branches and trees that have been waiting years to be hauled away.

If you drive up and look at the property, you will see weeds, an algae pond and neglect. You are unable to see the chain link fence, in many places, because he has not maintained and kept his property in order, so weeds hide the falling apart structure. These have become as thick and tall as trees and are interwoven through the fence, and some utility poles.

The Nebraska board of Real Estate has fined him \$1,000 and required him to take a total of 6 hours -3 hours in *Ethics*, and 3 hours in *Contracts* above the 18 hours needed for licensing - by Aug. 27, 2023. He has failed to comply with his continuing education as legally required. The point *is* that he *ignores legal decrees*.

He has been late with his real estate taxes which, according to the rules of redevelopment and contractual agreement, means his contract for this development is void. (August 2022 and August 2023.) It has been pointed out that he uses a debt/lien manager to pay his bills. This is worrisome. How will he qualify for loans? How will he pay back his debts? How will he afford the insurance needed to cover his property as well as the neighboring properties? Where are his reserves? This is not a sound investment with this owner.

Police told him to board up the ground windows to the abandoned buildings. He didn't do a complete job and thus, allowed squatters to enter the hazardous buildings. (See photo of graffitied wall at the end of this document, pages xi -xii to see the lack of boards on the windows.)

His blatant disregard prevents us from enjoying our backyards as the runoff erodes our terraced walls, steps, and washes away our plants and poses risks to ourselves and visitors and our homes.

You can see why we want assurances, guarantees and repairs to occur with or without development of property. His continued inattention causes us continued distress. We want it all in writing to have proof of what was determined to fix current property and to demonstrate his liabilities now and for future projects. He needs to be held and mandated to comply.

Thus far you have read about the runoff and drainage issues, including sewers; safety and density and the negligence of this proposed site plan's developer/owner.

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PROPOSAL

We would like to propose a site plan inclusive of previously presented concerns/ issues that need resolving with said site. We are not specialists, and these are suggestions based on conversations with neighbors. We feel the following is a good compromise.

30 units with 2 parking spaces each. All parking, driveways, and garage entrances from 19th Avenue. No traffic and parking to North, West and limited to a small parking area South away from houses. Buildings must respect established orientation toward 19th Avenue.

This will allow most of the above ground utility lines, poles, and phone pylons to stay in place. It permits more room for retaining walls, screening, mitigation of water away from abutting properties with berms, tiles *et al.* Wider areas for larger vehicles to turn. It will help remove several 'disasters waiting to happen'. It will provide more open green spaces for children to play safely.

We feel that our collective commonsenses say the proposal, put forth from us, recognizes that the property will be built but, with the thought and respect to the residents of Bellevue at the foremost thought and consideration.

Voting no to the re-zoning and site plan will send Mr. Panebianco back to the drawing board. It will allow Mr. Panebianco time to contact the other rental property owners in this blighted area about joining together to cover the expenses related to putting in, updating, and replacing the outdated infrastructures they all share. Plus, he must respect the rules that fellow residents must follow. The city needs to be held accountable and create zoning ordinances with the idea common sense is declining. The city MUST update, repair, and replace outdated, non-existent infrastructures before it can accept *any* plans to add new structures to the pre-1965 code areas of town.

WHAT WE WANT PRIOR TO ANY APPROVAL

-Written provisions and contingency plans that specify provisions that are in place to prevent overflow from parking lots, buildings, stormwater basin, riprap stilling basin, landscape, buffer zones and erosion areas.

-Written plans to mitigate issues and to correct deficiencies and to whom and which responsibilities belong to owner and to city which include, but are not limited to, with whom the responsibilities lie when property owner doesn't fix issues? What is the time frame in which repairs must occur? How will downhill damage expenses and problems be addressed? Paid for by whom? If claims, bankruptcy? If fails to have current and sufficient insurance?

The city approves of this plan which means the city is also responsible; therefore,

-The same plans, as above, in writing from the city including all steps in provisions and contingencies to deal with a problematic owner in areas of, but not limited to, non-compliance, neglect and disregard for property and people.

-Proper grading, maximum degree of protection of run off and redirection of water, erosion etcetera away from neighboring properties from natural and manmade normal flows and overflows.

-Sewage to be improved and follow code and connect to the closest street.

-Plans to reflect what is required by TIF and city to build on this site

-Add/update/improve/replace outdated infrastructures including, but not limited to, streets and right of ways, sidewalks, sanitary sewage pipes, storm sewers, gas lines, water lines, electric lines, and transformers.

-Over-excavation and replacement of suitable materials or other stabilization methods to support the proposed buildings.

-60 feet buffer zone because of a steep hill before the property line and it will make it proportional to the building height.

-Drainage, overflow management *et al* in buffer/landscape zone.

-Plans to include replacement of dilapidated 6 ft. chain link fence, all along the property line, with new fencing. Serves as a barrier to kids cutting through backyards, and an added barrier to stop cars' momentum.

-8 ft. to 20 ft. solid panel fencing posted in cement all along the perimeter that faces all abutting properties to prevent light pollution, to stop over-shooting the lot and to impede downhill trajectory and prevent trash and snow from accumulating in the buffer zone and along back property lines of houses. Eight feet tall minimum is acceptable, contrary to the code of 6 feet maximum, as it is being used as a screen to protect neighbors from a high-density business.

-a mandate, a legal decree that the owner/contractor must correct the 20 year long problems with this neglected property regardless, and especially, if the plans don't come to fruition.

-Buildings that fit the style of the neighborhood. 30 units not 168 units. 60 parking stalls, not 252. This is compatible with the current neighborhood density. This area is already zoned for multi-family, RG-8. Combine this zoning and co-mingle it with the ideas that common sense, reality, and consideration of history, of people and the city's reputation can create harmonious living.

CONCLUSION

We have stated facts about the property in question as it was, as it is now, and as it will be, if approved as read on September 5, 2023.

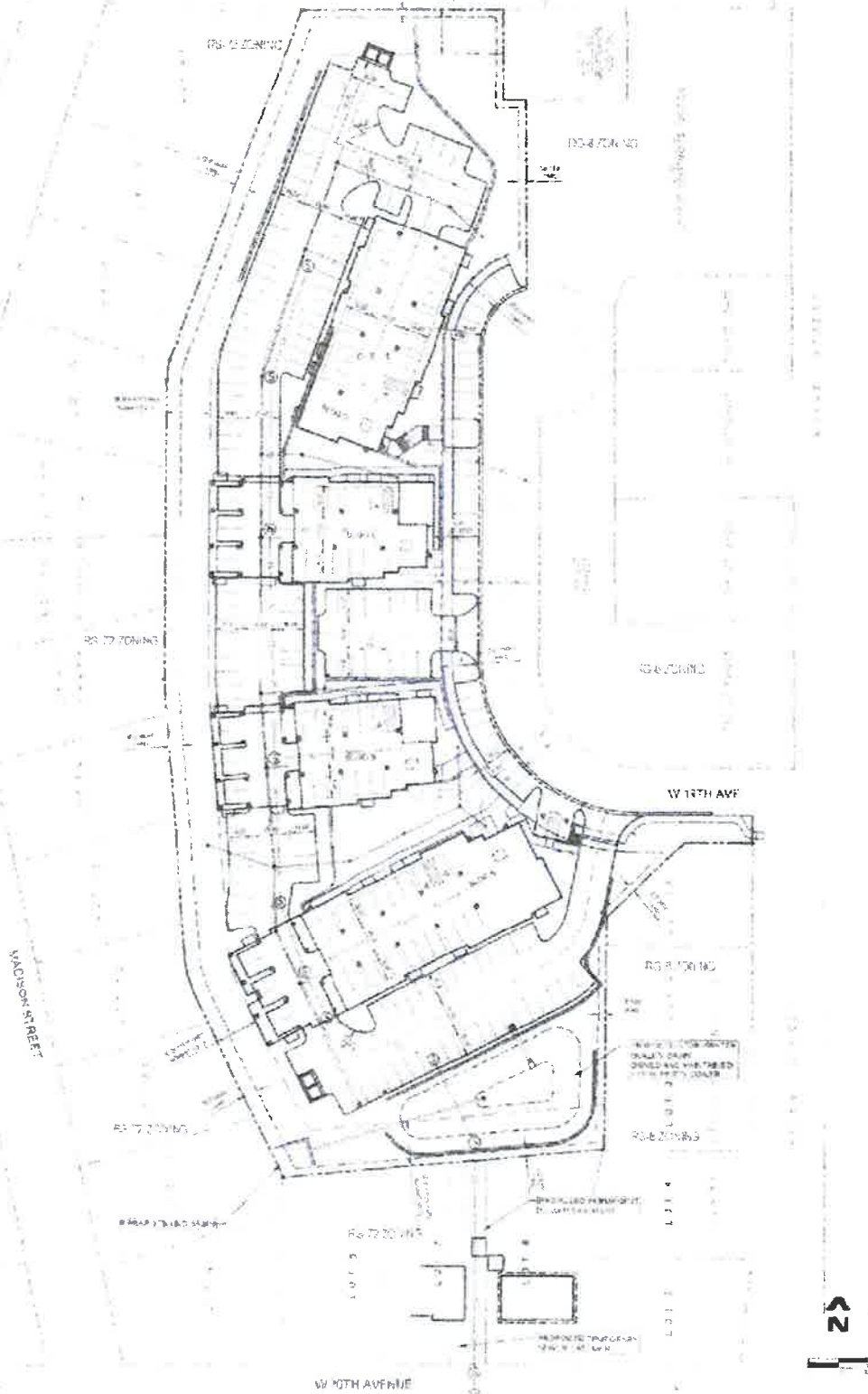
We have stated our concerns about consequences of damage from another run-down property in 5-10 years and the expenses of said plan if it is passed as is. Also, including the domino effect that this will have on the other apartment owners to re-zone to detrimentally upgrade, and put in too high of density apartments *et al*.

We hope that you, a member of the City Council of Bellevue, Nebraska, will put the city and her residents at the top of your priorities and reject this re-zoning and site plan. We all need a site plan that will benefit all involved.

Thank you for your time and dedication. Please vote no to re-zoning of Lot 1, College Apts. Addition, and its proposed site plan.

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Site map. Lot 1, College Apartments Addition, 400 West 19th Avenue, Bellevue, NE



Site map. for Lot 1, College Apartments Additon. 400 West 19th Avenue, Bellevue, N

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Sanitary Lines missing



Esri, Inc. Sarpy County, Nebraska | Esri, Inc. Sarpy County, NE | Sarpy County, NE




Map Scale 1: 4514

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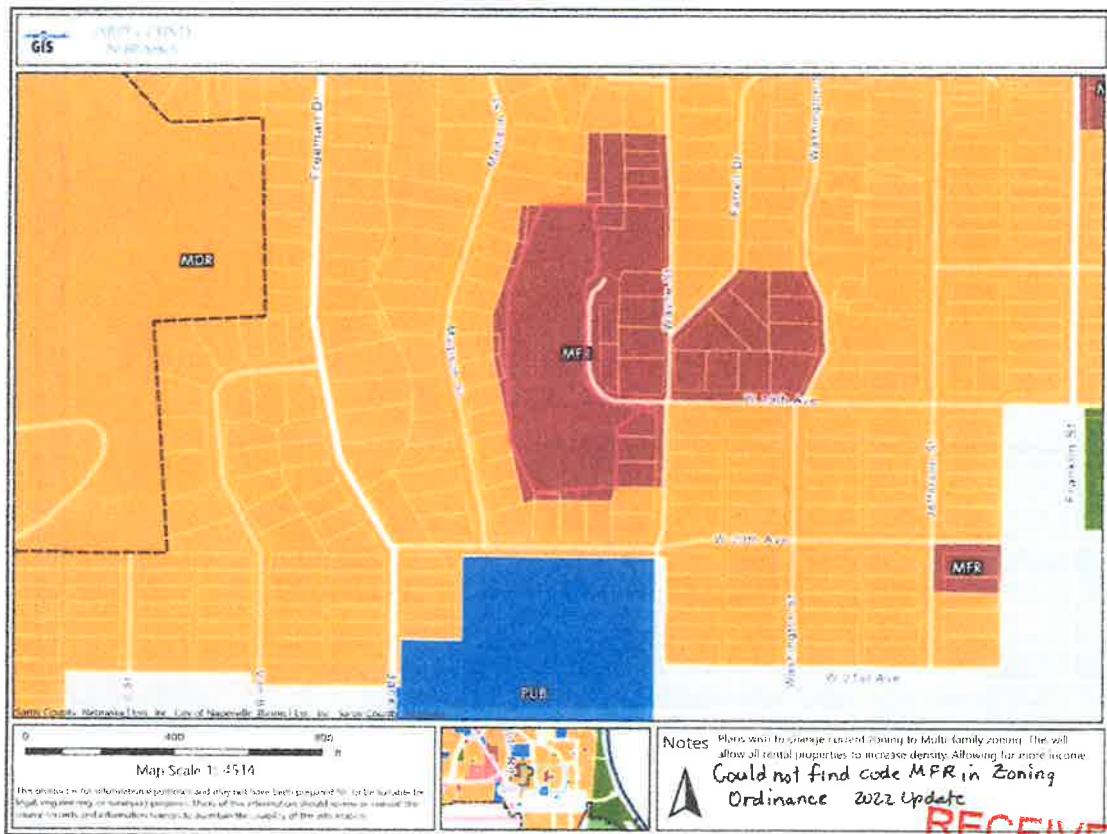
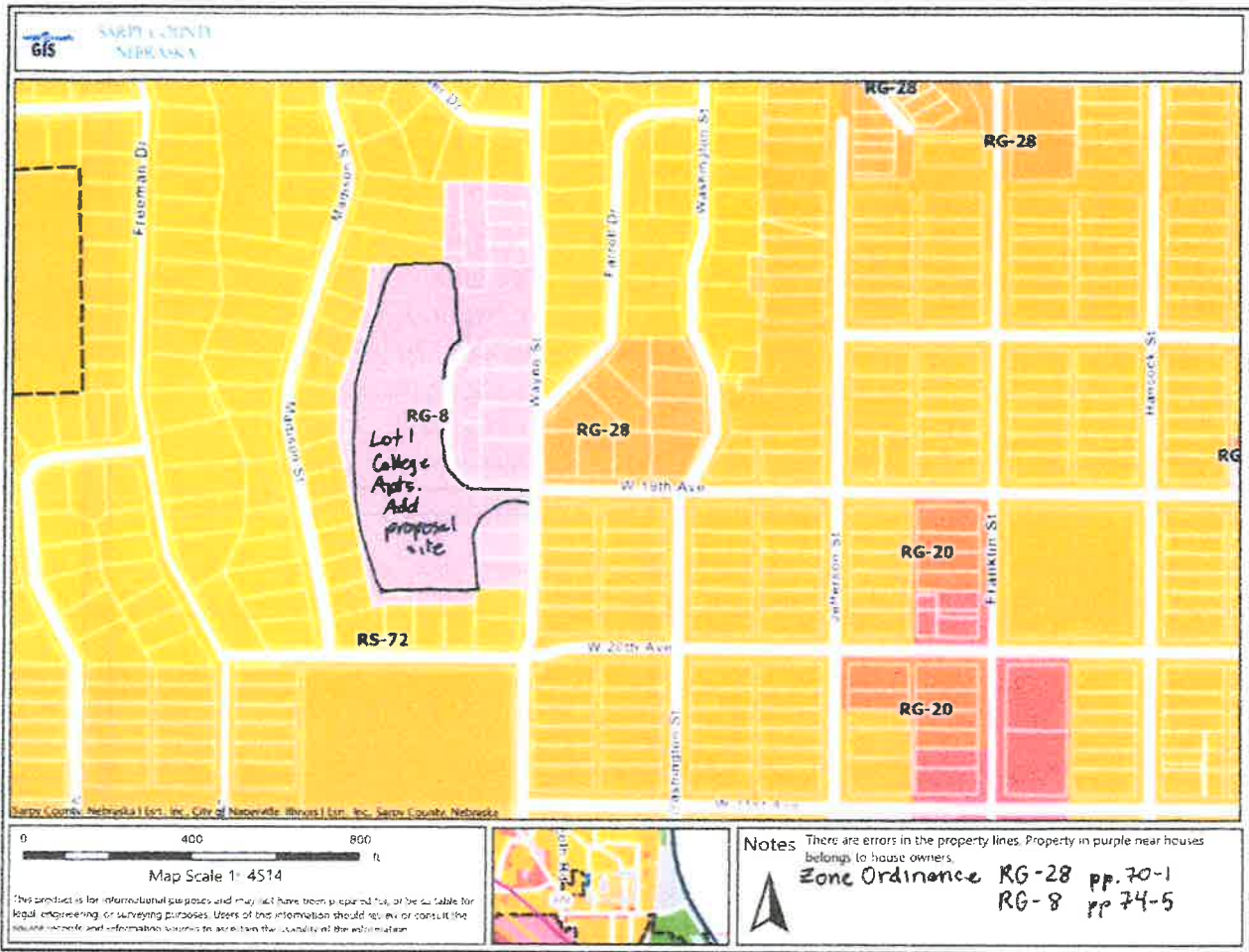
Notes
 Sanitary Lines and lack thereof
 Proposed site
 Green Lines - sewer

 maps.sarpy.gov/Geocortex

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From meeting City council meeting in Bellevue, NE, on September 19, 2023. Used with permission.

I want to tell you about the area around Lot 1, College Apartments Addition, specifically the traffic, the height of the proposed buildings, the proposed stormwater basin and its riprap and the retaining wall covering the 20th Avenue homes.

1. There is no quick or easy way out of this housing area. We are bordered by Franklin, Harvell, Lincoln and Mission Streets. There are 7 dead-end streets, 31 stop signs, two traffic signals and 3 schools to navigate before hitting a main street. The proposal calls for 168 units, cars, and people. To know what 168 cars look like all bunched together, go look at Bellevue East's south parking lot and then add another tier. Every day & night the traffic will come to a standstill as each of 168 cars stop start, stop start, stop start their way to a main road. This traffic snarl will be in addition to the already slow stop start traffic experienced at certain times now!

For your information, the larger apartment complexes between Old Towne and Fort Crook Rd. are all built either on an arterial road or at the convergence of two arterial roads. Quickly leaving home for work or shopping is not an amenity; it is a necessity for all.

2. 4 buildings are proposed. 3 at 3 stories each and 1 at 4 stories, the largest to be on the south end of the property. At 4 stories and sitting on the hill of one of the steepest streets in town, it will look 5 stories tall. This building will look like a gargantuan rectangle sitting on this hill, able to be seen for miles. Privacy for the surrounding homes will be completely gone, as the plan is to cut down all the trees.

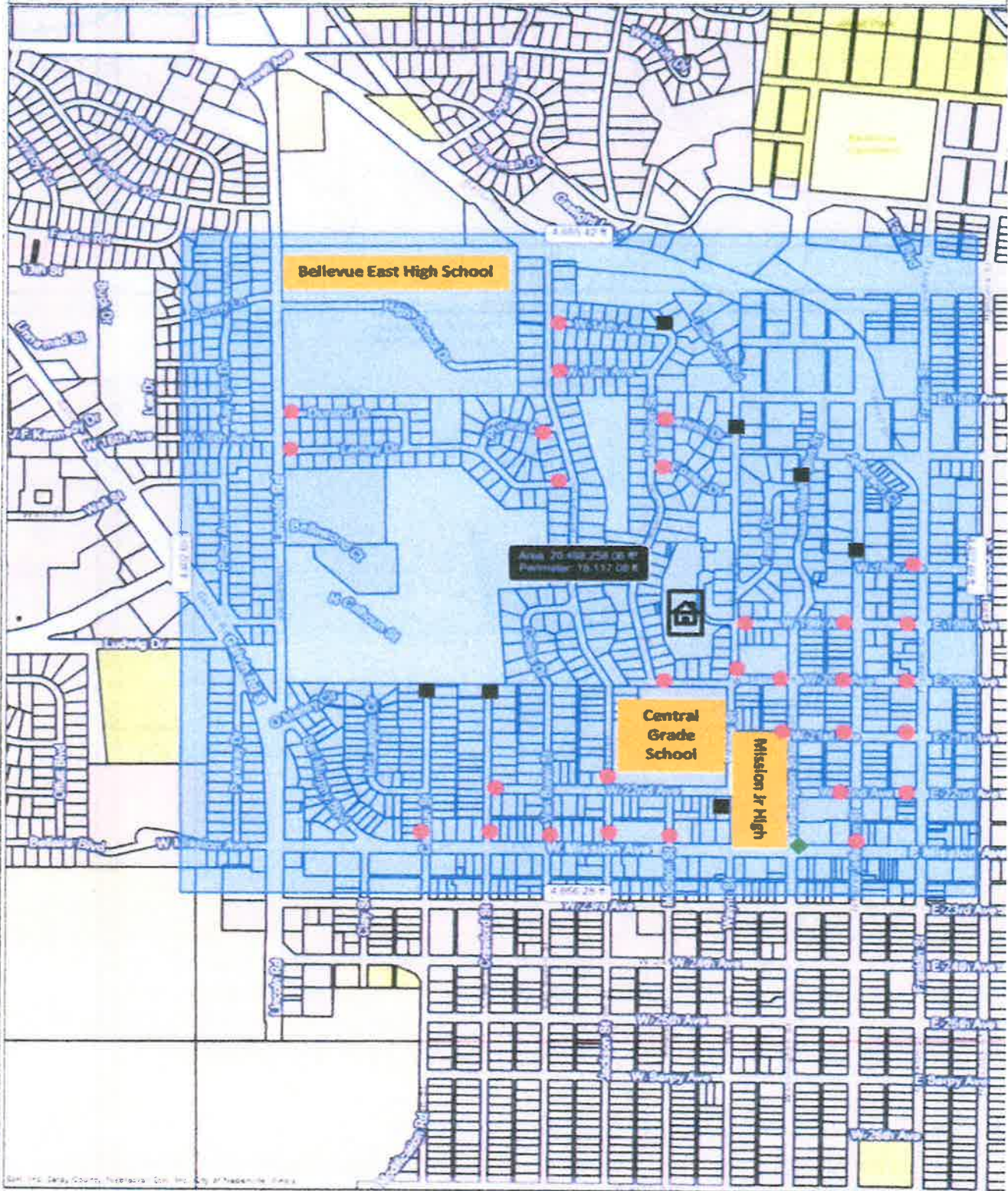
3. There is a stormwater basin and a riprap proposed for drainage. The riprap is to be placed on the northwest corner of my property. I've asked to see and get a copy of this design. I've been denied by the engineering firm. Maybe I'll be allowed to see it after the final design. That will be a bit too late. It will be like plugging the dam after the flood.

4. The retaining walls of 410, 408 and 406 West 20th Avenue are all connected. It's actually one wall. It was built around 1954/1955 in one continuous strip, 210 feet. Over the years we have all had problems with water runoff from Lot 1, College Apartments Addition. The proposed sewer line for this project is slated to be bore-drilled between homes 408 and 406. This wall will not stand the drilling and vibration. Please make the sewer line go to the nearest possible connection at the intersection of Wayne & 19th Avenue.

The homeowners aren't opposed to apartments. We're opposed to this high-density monstrosity. Please vote no on this rezoning. This is not the right piece of land nor is it in the right place for super high density living. Ask them to go back to the drawing board. Design something that fits that piece of land and the neighborhood, while incorporating decent drainage and sewers that won't tear our yards apart.

[Per meeting, we are still confused about the heights! They are planned to be 4 -5 stories high on top of open-air garages.]

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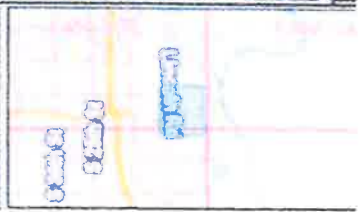
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- STOP SIGNS
- ◆ TRAFFIC SIGNAL
- NO OUTLET

PROPOSED APARTMENTS 



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Photos of Lot 1
West



Street looking down, West, toward Madison Street from 19th Ave.

Trees will be eliminated to extend buildings and parking closer to houses that are downhill. Plans call for burying all above ground wires and poles. Designer was unaware of telephone pylons, lines and abandoned well that are in the 30 feet buffer zone/edge of buildings and parking lots.

Heights are drawn on as guesstimates.

Two middle buildings, on top of parking garages (19'), will be approximately 66'. These will sit on edge of 30 feet buffer and screen zone. Heights of buildings will be 5 stories high. All 4 buildings will be set atop open-air garages, like a parking garage in a mall.

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Utility pole

19th Avenue, East



Electric line

West, Madison Street (downhill from this spot)

This is the view facing the opposite direction from the first photo. This is the same pole, hidden in trees on left side of this photo, as indicated in the first photo.

At this angle you can see the drop off that isn't evident when looking down toward this area from 19th Avenue.

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OCT 02 2023
CITY CLERK

West toward Madison Street

30 feet from property line



East

This edge of the photo is at the 30' mark. This is the buffer zone between parking and house yards. The photo is uphill from the house properties. Silt fence is about 14 feet from fence. The utility pole is approximately 13' 6" behind, uphill from this edge of the photo. Weeds block the view of the slope. Apartment heights and decks will allow renters to see directly into our properties. Wooden fence, to right of tape measure and silver gate posts are 6' tall.

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OCT 02 2023
CITY CLERK



RECEIVED
OCT 02 2023
CITY CLERK

Third building, most North, faces (east) 19th Street, back (west) to Madison St.
Cira 2013 <https://www.google.com/search?q=Bellevue+NE+College+Apartments+photos+1990s>



May 17, 2022, <https://bellevuetimes.com/college-apartments-eye-26-million-redevelopment/>
Third Building, most North, faces (east) to 19th, back (west) to Madison St. 86'x 41'(ft.) = 3, 526 sq. ft.,
17 units



Third building, most North, back (west) to Madison St, circa. 2013,
<https://www.google.com/search?q=Bellevue+NE+College+Apartments+photos+1990s>

Third building, most North, back (west) to Madison St, circa April 3, 2022, below.



*Total complex 42 units (?) of these buildings.

Dubious inside square footage of south building as recorded with Sarpy County.

Building 50.5' x 38.5' = 1944.25'. 2 Stories high with a basement boiler

1st floor: 1 unit 627', 1 unit 663' and 2 units 792' = 2,874'

2nd floor: 2 units 663', 2 units 792' = 2,910'

Photos also show the slope of the hills. Parking lots will face down hills to houses.

In the "Substandard and blight designation for Elevation Lofts redevelopment", 400 W. 19th Avenue Bellevue, Nebraska, dated July 23, 2021, and submitted by Andrew Panebianco of Maxim Realty Group on July 23, 2021, to the planning department states:

Because of the poor soil conditions, the development of this site will require over-excavation and replacement of suitable material or other stabilization methods to support the proposed buildings on the site.

The report continues, "In addition, traffic circulation and access serving the site is inadequate for the effective utilization and redevelopment of this site."

15b.09/21/2021. October 5, 2021, City Council hearing meeting. Page 7.

<https://meeting.sparqdata.com/Public/Agenda/Bellevue?meeting=498160>

Mr. Koster, TD2, engineer and surveyor, informed me that the plans do not include improvement to the road or access to improvement to traffic circulation and access serving the site. (Phone call Aug. 28th, 2023.) Which is an obligation of the Redevelopment funding plan.

RECEIVED

OCT 02 2023

CITY CLERK

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 09/05/2023		SUBMITTED BY: Susan Kluthe, 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 checked="" type="checkbox"/>	OTHER <input type="checkbox"/>	

SUBJECT:

Approval of Waiver Hunting Regulations - Capt. Kurt Stroher or Sgt. Don Pleiss reviewed information, either approving or denying the application and then it is submitted to Council for approval.

SYNOPSIS/BACKGROUND:

Hunters wishing to bow hunt within the City of Bellevue during archer season of 9/1/2023 through 1/31/2024 must fill out application and provide documentation they have permission from property owner, provide a sketch of how they set up their hunting site, and provide a copy of their current hunting permit.

FISCAL IMPACT: \$ 0.00 BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

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

CONTRACT DESCRIPTION: N/A

CONTRACT EFFECTIVE DATE: CONTRACT TERM: CONTRACT END DATE:

PROJECT NAME: N/A

START DATE: N/A END DATE: N/A PAYMENT DATE: N/A INSURANCE REQUIRED: NO

CIP PROJECT NAME: N/A CIP PROJECT NAME: N/A

STREET DISTRICT NAME (S): N/A STREET DISTRICT NUMBER (S): N/A

ACCOUNTING DISTRIBUTION CODE: N/A ACCOUNT NUMBER: N/A

RECOMMENDATION:

Request approval of the list of applications for hunting waivers, as reviewed and approved by Capt. Kurt Stroher or Sgt. Don Pleiss.

ATTACHMENTS:

1. Listing for approval
2. _____
3. _____
4. _____
5. _____
6. _____

SIGNATURES:

LEGAL APPROVAL AS TO FORM: _____

FINANCE APPROVAL AS TO FORM: _____

ADMINISTRATOR APPROVAL AS TO FORM: _____

Shirley Bruggeman
[Signature]
[Signature]

2023 Hunter Waivers

Name	Address	City	Zip	Hunting Permit #	Address of Hunting Site	Gvn to Police	PD Apprv'd or Dn'd	CC Mtg	CC Apprv'd or Denied
Carson Kellner	1303 Camp Gifford Road	Bellevue	68005	D0001021628	1309 Camp Gifford Road	9/21/2023	9/21/2023	10/3/23	
Riley Hanna	10303 South 26th Street	Bellevue	68123	D0000744160	301 Washington Street	9/25/2023	9/28/2023	10/3/23	
Jason Fox	943 County Road	Ashland	68003	D0001044708	301 Washington Street	9/25/2023	9/25/2023	10/3/23	
Jason T. Fox Sr.	943 County Road	Ashland	68003	D0001052421	301 Washington Street	9/28/2023	9/28/2023	10/3/23	
Roscoe Williams	660 Lakeside	Ashland	68003	D0001052584	301 Washington Street	10/2/2023	10/2/2023	10/3/23	

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedecken - 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:

Closing of Project: Galvin and Birchcrest Intersection Improvements BPW#220107

SYNOPSIS/BACKGROUND:

On August 2, 2022 The Honorable Mayor and City Council approved the Galvin and Birchcrest Road Intersection and Pedestrian Improvement with an original estimated cost of \$543,029.16. The final cost of the project is \$539,516.30 at closing.

FISCAL IMPACT: \$539,516.30 BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?: N/A

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: YES COUNTER-PARTY: Common Wealth Electric Company INTERLOCAL AGREEMENT: N/A

CONTRACT DESCRIPTION: Galvin and Birchcrest Intersection Improvements (BPW#220107)

CONTRACT EFFECTIVE DATE: 8/2/2022 CONTRACT TERM: 90 days CONTRACT END DATE: 10/3/2023

PROJECT NAME: Galvin and Birchcrest Intersection Improvement (BPW#220107)

START DATE: 2/27/2023 END DATE: 10/3/2023 PAYMENT DATE: 10/3/2023 INSURANCE REQUIRED: YES

CIP PROJECT NAME: CIPST22(6) CIP PROJECT NAME: Bridge Repairs

STREET DISTRICT NAME (S): 15 STREET DISTRICT NUMBER (S): 15

ACCOUNTING DISTRUBUTION CODE: 7010 ACCOUNT NUMBER:

RECOMMENDATION:

Approve final payment application of \$26,975.82 . Approve project as substantially complete, and accept final project quantities.

ATTACHMENTS:

1. Final progress estimate	2.	3.
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

Aimee [Signature]
[Signature]
[Signature]

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedeken-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:

Closing of Project: Harlan Drive and Fort Crook Rd Bridge Approach Replacement (BPW#211224)

SYNOPSIS/BACKGROUND:

On June 21, 2022 The Honorable Mayor and City council approved the Harlan Drive and Fort Crook Rd Bridge Approach Replacement, with an original estimated cost of \$1,756,689.33. The final cost of the project is \$1,696,117.90 at closing.

FISCAL IMPACT: \$1,696,117.90 BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?: N/A

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: YES	COUNTER-PARTY: Charles Vrana & Son Construction company	INTERLOCAL AGREEMENT: N/A
CONTRACT DESCRIPTION: Harlan Drive and Fort Crook Rd Bridge approach replacement		
CONTRACT EFFECTIVE DATE: 6/21/2022	CONTRACT TERM: 120 days	CONTRACT END DATE: 10/3/2023
PROJECT NAME: BPW-211224 Harlan Drive and Fort Crook Rd Bridge approach replacement		
START DATE: 8/29/2022	END DATE: 10/3/2023	PAYMENT DATE: 10/3/2023
INSURANCE REQUIRED: YES		
CIP PROJECT NAME: CIPST22(6)	CIP PROJECT NAME: M146(321)	
STREET DISTRICT NAME (S):	STREET DISTRICT NUMBER (S): 15	
ACCOUNTING DISTRUBUTION CODE: 7010	ACCOUNT NUMBER:	

RECOMMENDATION:

Approve final payment application of \$88,613.33. Approve the project as substantially complete, and accept final project quantities.

ATTACHMENTS:

- | | | |
|----------------------------|----|----|
| 1. Certificate for payment | 2. | 3. |
| 4. | 5. | 6. |

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

Signature 1
Signature 2
Signature 3

SPN-211224 P2022-57759

CERTIFICATE FOR PAYMENT City of Bellevue		Page: 1 of 2		
Owner's Name & Address: City of Bellevue, Nebraska 1510 Wall Street Bellevue, NE 68005		Estimate No.: 7-FINAL		
		Period Ending: 9/16/2023		
		Date Estimate Prepared: 9/20/2023		
		Percent Completion: 100%		
Contractor's Name & Address: Charles Vrana and Sons Construction Co.		Amount of Contract: \$ 1,596,990.30		
		Amount of Change Order: \$ 130,237.00		
		Total Contract Amount: \$ 1,727,227.30		
Project & Description of Work: Harlan Drive over Fort Crook Road Bridge Approach Replacement and Repairs		Completion Time: 136 Calendar		
		Estimated Completion: 5/10/2023		
Breakdown of Work Completed to Date:				
Item	Description	Quantity	Unit Price	Amount
	See Attached: Contract Estimate Report			\$1,696,117.90
Breakdown of Remaining Materials Delivered:				
	See Attached: Stored Materials			\$0.00
	All Installed			
Breakdown of Remaining Materials Delivered: Note: Asterisk denotes items which are complete Double Asterisk denotes items which are new this pay request and are included in the stored material spreadsheet		TOTAL AMOUNT OF COMPLETED WORK TO DATE		\$1,696,117.90
		LESS AMOUNT RETAINED (0%)		\$ -
		LESS PREVIOUS PAYMENTS TO CONTRACTOR		\$ 1,607,504.57
		TOTAL AMOUNT NOW DUE CONTRACTOR		\$ 88,613.33
		CERTIFICATION BY CONTRACTOR - I hereby certify that the work performed and the materials supplied to date, as shown above represent the actual value of completed work under the terms of this contract in conformity with the plans and specifications and are true and correct.		
DATE: 9-21-23		CONTRACTOR: <i>Char. Vrana & Son Construction Co.</i>		
		SIGNATURE: <i>Neal Schynl</i>		
STATEMENT BY ENGINEER - I have examined this periodic cost estimate and state that the materials used and the construction substantially comply with the requirements of the plans and specifications.				
DATE: 9/21/2023		OK TO PAY		
		By: <i>Walter MMA</i>		
		SEP 21 2023 <i>David Hoover</i>		

CONTRACT ESTIMATE REPORT

Date: Sept 20,2023

Report Number: Final

Project Name: Harlan Drive over Fort Crook Road

Project Number: BPW-211224/M1

Contractor: Charles Vrana and Sons Construction Co.M Project Number: 702622

BID ITEM NO	ITEM DESCRIPTION	ITEM QUANTITY	UNIT	UNIT PRICE	ITEM TOTAL	QTY THIS PERIOD	QTY TO DATE	ESTIMATE TO DATE	PERCENT COMPLETE	(+) OVERRUN (-) UNDERRUN
101.001	Install Silt Fence	100.00	LF	\$11.00	\$1,100.00	-	-	\$0.00	0%	-\$1,100.00
101.017	Remove Silt Fence	100.00	LF	\$2.50	\$250.00	-	-	\$0.00	0%	-\$250.00
204.100	Construct Flowable Fill - 100-125 PSI	20.00	CY	\$277.00	\$5,540.00	-	-	\$0.00	0%	-\$5,540.00
702.753	Construct 12" Storm Sewer Tap	2.00	EA	\$3,500.00	\$7,000.00	-	2.00	\$7,000.00	100%	\$0.00
702.900	Construct 54" I.D. Storm Manhole	26.90	VF	\$2,000.00	\$53,800.00	-	26.90	\$53,800.00	100%	\$0.00
703.178	Construct 12" PVC Storm Sewer Pipe	212.00	LF	\$120.00	\$25,440.00	-	219.50	\$26,340.00	104%	\$900.00
803.202	Install Rolled Erosion Control, Type I with Seeding - Type	600.00	SY	\$6.00	\$3,600.00	-	1,073.80	\$6,442.80	179%	\$2,842.80
905.032	Permanent Paint Marking - 5" White	762.00	LF	\$1.00	\$762.00	-	1,257.50	\$1,257.50	165%	\$495.50
1108.100	Rental of Dump Truck	20.00	HR	\$120.00	\$2,400.00	-	6.25	\$750.00	31%	-\$1,650.00
1108.101	Rental of Skid Loader	20.00	HR	\$135.00	\$2,700.00	-	6.00	\$810.00	30%	-\$1,890.00
1108.102	Rental of Backhoe	20.00	HR	\$150.00	\$3,000.00	-	19.00	\$2,850.00	95%	-\$150.00
1109.000	Mobilization/Demobilization	1.00	LS	\$149,000.00	\$149,000.00	-	1.00	\$149,000.00	100%	\$0.00
9000.001	Concrete for Pavement Approaches Class 47BD-4000	428.80	CY	\$550.00	\$235,840.00	-	428.80	\$235,841.10	100%	\$1.10
9000.002	Epoxy Coated Reinforcing Steel for Pavement	78,412.00	LB	\$2.00	\$156,824.00	-	78,412.00	\$156,824.00	100%	\$0.00
9000.003	Bridge Joint Nosing	12.20	CF	\$790.00	\$9,638.00	-	12.20	\$9,638.00	100%	\$0.00
9000.004	Precompressed Polyurethan Foam Joint, Type A	177.60	LF	\$180.00	\$31,968.00	-	177.60	\$31,968.00	100%	\$0.00
9000.005	Class 47B-3000 Concrete for Bridge	49.20	CY	\$565.00	\$27,798.00	-	49.16	\$27,776.53	100%	-\$21.47
9000.006	Preparation of Bridge	1.00	EA	\$180,500.00	\$180,500.00	-	1.00	\$180,500.00	100%	\$0.00
9000.007	HP 12 Inch X 53 LB Steel Piling	2,100.00	LF	\$72.00	\$151,200.00	-	2,100.00	\$151,200.00	100%	\$0.00
9000.008	Helical Pile (Alternate)	3,360.00	LF	\$0.00	\$0.00	-	-	\$0.00	0%	\$0.00
9000.009	Helical Pile Lead Section (Alternate)	24.00	EA	\$0.00	\$0.00	-	-	\$0.00	0%	\$0.00
9000.010	1 1/2" Conduit in Bridge	100.00	LF	\$100.00	\$10,000.00	-	81.00	\$8,100.00	81%	-\$1,900.00
9000.011	Concrete Patching	225.00	SF	\$205.00	\$46,125.00	-	196.50	\$40,282.50	87%	-\$5,842.50
9000.012	Granular Backfill	364.00	CY	\$53.00	\$19,292.00	-	364.00	\$19,292.00	100%	\$0.00
9000.013	Repair MSE Wall	424.00	SF	\$329.00	\$139,496.00	-	424.00	\$139,496.00	100%	\$0.00
9000.014	Clean and Seal Slope Protection Joints	1,100.00	LF	\$9.00	\$9,900.00	-	1,100.00	\$9,900.00	100%	\$0.00
9000.015	Remove and Replace Curb Inlet Top	2.00	EA	\$3,360.00	\$6,720.00	-	2.00	\$6,720.00	100%	\$0.00
9000.016	Construct Grate Inlet	2.00	EA	\$7,700.00	\$15,400.00	-	2.00	\$15,400.00	100%	\$0.00
9000.017	Remove & Salvage Guardrail	2,212.00	LF	\$6.40	\$14,156.80	-	2,355.00	\$15,072.00	106%	\$915.20
9000.018	Bridge Approach Sections	4.00	EA	\$4,233.00	\$16,932.00	-	4.00	\$16,932.00	100%	\$0.00
9000.019	W-Beam Guardrail	1,993.00	LF	\$42.50	\$84,702.50	-	2,000.00	\$85,000.00	100%	\$297.50
9000.020	Guardrail End Treatment, Type I	2.00	EA	\$4,233.00	\$8,466.00	-	2.00	\$8,466.00	100%	\$0.00
9000.021	End Anchorage Assembly	2.00	EA	\$1,060.00	\$2,120.00	-	2.00	\$2,120.00	100%	\$0.00
105.150	Remove Median Surfacing	5,400.00	SF	\$4.00	\$21,600.00	-	5,202.00	\$20,808.00	96%	-\$792.00
503.300	Construct PCC Median Surfacing	5,400.00	SF	\$14.00	\$75,600.00	-	5,202.00	\$72,828.00	96%	-\$2,772.00
906.101	Flashing Arrow Panel	240.00	DAY	\$30.00	\$7,200.00	-	264.00	\$7,920.00	110%	\$720.00
906.200	Permanent Sign Day	3,720.00	DAY	\$0.50	\$1,860.00	-	4,896.00	\$2,448.00	132%	\$588.00
906.300	Type II Barricade	24,420.00	BAR	\$0.50	\$12,210.00	-	10,870.00	\$5,435.00	45%	-\$6,775.00
906.301	Type III Barricade	300.00	BAR	\$1.50	\$450.00	-	492.00	\$738.00	164%	\$288.00
9000.022	Temporary Surfacing	600.00	SY	\$75.00	\$45,000.00	-	544.00	\$40,800.00	91%	-\$4,200.00
9000.023	Remove Temporary Surfacing	600.00	SY	\$19.00	\$11,400.00	-	544.00	\$10,336.00	91%	-\$1,064.00
CHANGE ORDER NO 1										
905.020	Temporary Paint Marking- 4" Yellow	3,600.00	LF	\$0.79	\$2,844.00	-	3,830.00	\$3,025.70	106%	\$181.70
9000.024	Removal and Replacement of Slope Protection	125.00	SY	\$507.00	\$63,375.00	-	125.01	\$63,380.07	100%	\$5.07
501.004	Construct 10" Concrete Pavement	35.00	SY	\$124.00	\$4,340.00	-	-	\$0.00	0%	-\$4,340.00
9000.025	Backwall Repair	177.00	LF	\$283.00	\$50,091.00	-	177.00	\$50,091.00	100%	\$0.00
CHANGE ORDER NO 2										
9000.026	Install 1.5" HDPE Conduit	100.00	LF	\$21.53	\$2,153.00	-	106.00	\$2,282.18	106%	\$129.18
9000.027	Install #6 UF-B W/Ground Street Light Cable	425.00	LF	\$5.04	\$2,142.00	-	388.00	\$1,955.52	91%	-\$186.48
9000.028	Install Junction Box Conduit	2.00	EA	\$2646.00	\$5,292.00	-	2.00	\$5,292.00	100%	\$0.00
					\$1,727,227.30			\$1,696,117.90	98.20%	-\$31,109.40

CONSTRUCTION OBSERVER
 Brandon Faltn
 CONSTRUCTION ENGINEER
 Shawn Muhle

Shawn M Muhle 09/21/2023

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedecken- 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:

Closing of Project: CDBG Valley view sidewalk Improvements (BPW#230103)

SYNOPSIS/BACKGROUND:

On April 18, 2023 The Honorable Mayor and City Council approved the CDBG Valley view sidewalk Improvements with an estimated cost of \$146,953.12. The final cost of the project is \$155,896.27. CDBG grant funds are available for reimbursement for this project. The balance available of the CDBG grant is \$15,299.01.

FISCAL IMPACT: \$155,896.27 BUDGETED FUNDS: YES GRANT/MATCHING FUNDS: YES

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: YES	COUNTER-PARTY: NL&L Concrete Inc.	INTERLOCAL AGREEMENT: NO
CONTRACT DESCRIPTION: CDBG Valley view sidewalk improvements		
CONTRACT EFFECTIVE DATE: 4/18/2023	CONTRACT TERM:	CONTRACT END DATE: 10/3/2023
PROJECT NAME: CDBG Valley view sidewalk improvements		
START DATE: 5/22/2023	END DATE: 7/14/2023	PAYMENT DATE: 10/3/2023
INSURANCE REQUIRED: YES		
CIP PROJECT NAME:	CIP PROJECT NAME:	
STREET DISTRICT NAME (S):	STREET DISTRICT NUMBER (S): CDBG 192301	
ACCOUNTING DISTRIBUTION CODE:	ACCOUNT NUMBER: 60/00/1903/192301/450/60HUD	

RECOMMENDATION:

Approve final work change order of \$22,302.52. Approve the project as substantially complete, and accept final project quantities.

ATTACHMENTS:

- | | | |
|--------------------------|----|----|
| 1. Work Change Directive | 2. | 3. |
| 4. | 5. | 6. |

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

Signature of Jimmie Pappalardo

Signature of [unclear]

Signature of [unclear]

WORK CHANGE DIRECTIVE

No. 1

DATE OF ISSUANCE 10/04/2023

EFFECTIVE DATE 09/20/2023

OWNER City of Bellevue
 CONTRACTOR NL&L Concrete Inc.
 Contract: April 4, 2023
 Project: CDBG Valley View Sidewalk Improvements
 OWNER'S Contract No. N/A ENGINEER'S Project No. BPW-230103

You are directed to proceed promptly with the following change(s):

Description: Complete planned sidewalk improvements in a manner consistent with the contract in quantities as directed by the engineer in the field. No additional work areas or new pay items are included in this change order.

Purpose of Work Change Directive: The purpose of this change order is to balance quantity overruns and underruns for this contract. The additional amount listed below is necessary to balance the contract based on actual quantities as field measured. The final total contract cost exceeds the bid amount by more than 10%, thus City Council approval is required.

Attachments: (List documents supporting change) n/a

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:

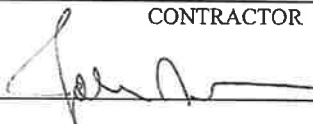
- Unit Prices
- Lump Sum
- Cost of the Work _____

Estimated increase (decrease) in Contract Price: **\$22,302.52**
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: 0 days;
Ready for final payment: days.

ISSUED TO:
NL&L Concrete Inc.
CONTRACTOR

RECOMMENDED AND AUTHORIZED:
City of Bellevue
OWNER

By: 

By:

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedecken-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:

Closing of Project: Pedestrian bridge demolition Galvin Rd & Hansen Ave (BPW#221019)

SYNOPSIS/BACKGROUND:

On May 2, 2023 The Honorable Mayor and City Council approved the Pedestrian Bridge demolition on Galvin Rd & Hansen Ave with an original estimated cost of \$191,046.90. The final cost of the project is \$183,351.00 at closing.

FISCAL IMPACT: BUDGETED FUNDS: GRANT/MATCHING FUNDS:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: <input type="text" value="YES"/>	COUNTER-PARTY: <input type="text" value="JMN Construction"/>	INTERLOCAL AGREEMENT: <input type="text" value="N/A"/>
CONTRACT DESCRIPTION: <input type="text" value="Pedestrian Bridge Demolition Galvin Road and Hansen Avenue"/>		
CONTRACT EFFECTIVE DATE: <input type="text" value="5/2/2023"/>	CONTRACT TERM: <input type="text" value="60 DAYS"/>	CONTRACT END DATE: <input type="text" value="10/3/2023"/>
PROJECT NAME: <input type="text" value="BPW-221019 Pedestrian Bridge demolition Galvin Road and Hansen Avenue"/>		
START DATE: <input type="text" value="6/12/2023"/>	END DATE: <input type="text" value="10/3/2023"/>	PAYMENT DATE: <input type="text" value="10/3/2023"/>
INSURANCE REQUIRED: <input type="text" value="YES"/>		
CIP PROJECT NAME: <input type="text" value="CIPST23(6)"/>	CIP PROJECT NAME: <input type="text" value="Bridge Repairs"/>	
STREET DISTRICT NAME (S): <input type="text" value="15"/>	STREET DISTRICT NUMBER (S): <input type="text" value="15"/>	
ACCOUNTING DISTRIBUTION CODE: <input type="text" value="7010"/>	ACCOUNT NUMBER: <input type="text"/>	

RECOMMENDATION:

Approve final payment application of \$24,099.60. Approve project as substantially complete, and accept final project quantities.

ATTACHMENTS:

- | | | |
|---|-------------------------|-------------------------|
| 1. <input type="text" value="Final progress estimate"/> | 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:

Kimberly B. ...
[Signature]
[Signature]

PROGRESS ESTIMATE

OWNER: City of Bellevue
Public Works Department
1510 Wall Street
Bellevue, Ne 68005
(402) 452-6800

CONTRACTOR:

JMN Construction LLC
314 West Reichmuth Road
Valley, Nebraska 68064
(402) 359-2239 office
(402) 359-2245 fax

PROJECT: PEDESTRIAN BRIDGE DEMOLITION
BELLEVUE, NEBRASKA

CONTRACT AMOUNT:

\$ 173,697.00

DATE:

September 13, 2023

PROJECT NO:

NE2307

ESTIMATE NO:

3 (FINAL)

BPW-221019

P2023-61349



Item Number	Description	Unit	UOM	Qty This Period	Qty to Date	Unit Price	Total
1	MOBILIZATION/DEMOBILIZATION	1.00	LS	0	1	\$ 17,500.00	\$ 17,500.00
2	TRAFFIC CONTROL	1	LS	0	1	\$ 16,250.00	\$ 16,250.00
3	INSTALL SILT FENCE	280	LF	0	295	\$ 4.00	\$ 1,180.00
4	INSTALL CURB INLET PROTECTION	2	EA	0	2	\$ 295.00	\$ 590.00
5	INSTALL GRATE INLET PROTECTION	2	EA	0	2	\$ 120.00	\$ 240.00
6	REMOVE STRUCTURE - OVERHEAD WALKWAY	1	LS	0	1	\$ 45,000.00	\$ 45,000.00
7	REMOVE STRUCTURE - ABUTMENT	1	LS	0	1	\$ 25,000.00	\$ 25,000.00
8	REMOVE CONCRETE RETAINING WALL	238	SF	0	238	\$ 40.00	\$ 9,520.00
9	REMOVE RAILING	172	LF	0	172	\$ 10.00	\$ 1,720.00
10	REMOVE AND REINSTALL SIGN	1	EA	0	1	\$ 325.00	\$ 325.00
11	REMOVE PAVEMENT	12	SY	0	32	\$ 125.00	\$ 4,000.00
12	REMOVE SIDEWALK	2212	SF	0	2215	\$ 5.00	\$ 11,075.00
13	REMOVE CURB	11	LF	0	22	\$ 100.00	\$ 2,200.00
14	EXCAVATION ON SITE	100	CY	0	100	\$ 60.00	\$ 6,000.00
15	10" PCC L65	10	SY	0	32	\$ 180.00	\$ 5,760.00
16	6" CONC CURB AND GUTTER	20	LF	0	22	\$ 120.00	\$ 2,640.00
17	4" PCC SIDEWALK	1180	SF	0	1296	\$ 12.00	\$ 15,552.00
18	PCC CURB RAMP	111	SF	0	24	\$ 20.00	\$ 480.00
19	DETECTABLE WARNING PANELS	8	SF	0	8	\$ 50.00	\$ 400.00
20	SEGMENTAL RETAINING WALL	202	SF	25	227	\$ 57.00	\$ 12,939.00
21	INSTALL SEEDING TYPE A	713	SY	830	830	\$ 2.00	\$ 1,660.00
22	INSTALL ROLLED EROSION CONTROL S150BN	713	SY	830	830	\$ 4.00	\$ 3,320.00

Estimate #1: \$ 53,565.75

Estimate #2: \$ 105,685.65

Amount Earned to Date

\$ 183,351.00

Retainage

\$ -

Other Deductions

\$ -

Less Previous Payments

\$ (159,251.40)

Amount Due This Estimate

\$ 24,099.60

BY:

[Signature]

JMN Construction LLC

** JMN CONSTRUCTION LLC IS AN EQUAL OPPORTUNITY EMPLOYER

[Signature]
9/20/23

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedeken- 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:

Leo A Daly amendment number three to agreement

SYNOPSIS/BACKGROUND:

The City counsel approved on 9/6/2022 the agreement with Leo A Daly for the design work to renovate the Bellevue Professional building located at 2206 Longo Dr. (BPW# - 210311). This amendment to the professional services agreement as outlined in exhibit attached.

FISCAL IMPACT: \$3,450.00 BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

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

CONTRACT DESCRIPTION: Amendment number three

CONTRACT EFFECTIVE DATE: CONTRACT TERM: CONTRACT END DATE:

PROJECT NAME:

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

CIP PROJECT NAME: Library Renovation Project CIP PROJECT NAME: CIPLI23(01)

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

ACCOUNTING DISTRUBUTION CODE: ACCOUNT NUMBER: 10-40-7030

RECOMMENDATION:

Approve and authorize the Mayor to sign amendment to the professional services agreement with Leo A Daly for the Bellevue Professional Building located at 2206 Longo Dr.

ATTACHMENTS:

1. Exhibit -AIA	2.	3.
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

Simple Billa
[Signature]
[Signature]



AIA Document G802® – 2017

Amendment to the Professional Services Agreement

PROJECT: *(name and address)*
Bellevue Library Renovation and
Addition
2206 Longo Drive
Bellevue, NE 68005

AGREEMENT INFORMATION:
Date: August 25, 2022

AMENDMENT INFORMATION:
Amendment Number: 003

Date: July 18, 2023

OWNER: *(name and address)*
City of Bellevue
1510 Wall Street
Bellevue, NE 68005

ARCHITECT: *(name and address)*
Leo A Daly Company
8600 Indian Hills Drive
Omaha, NE 68114

The Owner and Architect amend the Agreement as follows:
Article 4, amended to add:

§4.1.1.32, Supplemental Services, "Owner Requested Maker Space, Young Adult, & Children's Circ & Info Changes", Responsibility, "Architect to Provide modifications requested during furniture selection meeting on 6/7/2023. Maker space redesign desired to accommodate new equipment not included in original Owner provided equipment list during design phase on 12/13/2022. New equipment includes, desktop printers, filter cabinet for the laser cutter, large format printer, and a CNC machine. Design changes include:

- Add (1) dry erase marker board to Young Adult.
- Remove (2) dry erase marker boards from Maker Space.
- Revise Maker Space casework to include countertop workstations and for new Owner provided equipment.
- Revise Maker Space power for new furniture and casework layout.
- Revise Children Circ & Info under counter carts"

Owner approved red marked drawings, included as Attachment A, confirming requested changes per design review meeting with Library staff on June 15, 2023."

The Architect's compensation and schedule shall be adjusted as follows:

Compensation Adjustment:
Article 11, amended to add:

§11.2.2 Owner Requested Maker Space, Young Adult, & Children's Circ & Info Changes, Supplemental Service 4.1.1.32, shall be a fixed lump sum of Three Thousand Four Hundred Fifty and no/100 Dollars (\$3,450.00)

Schedule Adjustment:

ASI with associated changes will be provided within one week of Owner's written notice to proceed.

SIGNATURES:

LEO A DALY
ARCHITECT *(Firm name)*

City of Bellevue
OWNER *(Firm name)*

SIGNATURE
Nancy M. Melby
Vice President, Director of
Operations
PRINTED NAME AND TITLE
7/18/2023
DATE

SIGNATURE

PRINTED NAME AND TITLE

DATE

REQUEST FOR PROPOSAL

RFP NO. 001

LEO A DALY

PLANNING ARCHITECTURE ENGINEERING INTERIORS
8600 INDIAN HILLS DRIVE
OMAHA, NE 68114

SUBJECT Maker Space & Children's Circ Casework

DATE July 5, 2023

PROJECT NAME Bellevue Public Library

DALY PROJECT NO. 003-10227-003

CONTRACTOR Rogge General Contractors

CONTRACTOR JOB NO. _____

Please submit an itemized proposal for changes in the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein. Submit proposal within seven (7) days, or notify Architect in writing of the date on which you anticipate submitting your proposal.

NOTE: THIS IS NEITHER A CHANGE ORDER, NOR A CONSTRUCTION DIRECTIVE NOR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS BELOW.

Description:

Sheets AE101 and AE401:

- Add (1) dry erase marker board to Young Adult.
- Remove (2) dry erase marker boards from Maker Space.
- Revise Maker Space casework to include countertop workstations and for new Owner provided equipment.
- Revise Maker Space power for new furniture and casework layout.
- Revise Children Circ & Info under counter carts

Upon Owner approval for change, Architect will provide updated plans, elevations, casework details, power plans, and panel schedules.

Attachments:
Specification Sections
Sheets AE101 and AE401

LEO A DALY

By: Erin Froschheiser
(authorized CA representative)

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedeken- 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:

MUD Southeast water main extension project. WP1871

SYNOPSIS/BACKGROUND:

MUD received bids for this project. The Low bid was submitted by Roloff Construction Company. Total estimated costs including design, MUD materials, Inspection, easements, district administrative and general expenses are estimated to be \$20,118,925.00 with \$2,668,565.00 being the responsibility of MUD and \$17,450,360.00 for the City of Bellevue share. This notice is to give MUD approval to accept the bid and estimated project cost.

FISCAL IMPACT: \$17,450,360.00 BUDGETED FUNDS: YES GRANT/MATCHING FUNDS:

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: YES 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: MUD Water main extension

STREET DISTRICT NAME (S): WP1871 STREET DISTRICT NUMBER (S):

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER: 10-10-7020-6056-602302-921-00000

RECOMMENDATION:

The City Council and Mayor to give MUD the approval to accept the bid and estimated project cost.

ATTACHMENTS:

- MUD letter
- Map
-
-
-
-

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

Linnea Byrd
[Signature]
[Signature]

METROPOLITAN UTILITIES DISTRICT

August 17, 2023

David Goedeken
Public Works Director
City of Bellevue
1500 Wall Street
Bellevue, NE 68005
Office: 402-293-3030
david.goedeken@bellevue.ne.gov

Re: WP1871 Southeast Bellevue Water Main Extension

Dear Mr. Goedeken:

This letter is to provide you bid information and updated cost estimate for the Southeast Bellevue Water Main Extension Project.

The Metropolitan Utilities District received three bids for this project. Low bid was submitted by Roloff Construction Company for \$15,869,425.00.

Total estimated costs including Design, MUD Materials, Inspection, Easements, District Administrative and General Expenses are outlined in the table below and estimated to be \$20,118,925. With \$17,450,360 being the responsibility of the City of Bellevue and \$2,668,565 being the responsibility of MUD.

MUD Job Number	Pipe Diameter	Design and Construction Total	MUD Overhead	Job Total	MUD Contribution	City of Bellevue Contribution
100057000000	30"	\$5,557,254	\$200,782	\$5,758,036	\$2,015,536	\$3,742,500
100057000504/100065001703	16"	\$376,176	\$15,039	\$391,215	-	\$391,215
100057000505	24"	\$2,658,259	\$103,705	\$2,761,964	-	\$2,761,964
100057000507	16"	\$3,707,148	\$152,939	\$3,860,087	-	\$3,860,087
100057000508	16"	\$2,196,900	\$85,063	\$2,281,963	-	\$2,281,963
100057000527	16"	\$2,486,648	\$98,350	\$2,584,998	-	\$2,584,998
100057000528	16"	\$1,759,520	\$68,113	\$1,827,633	-	\$1,827,633
100051001070	Valve	\$632,350	\$20,679	\$653,029	\$653,029	-
TOTAL		\$19,374,255	\$744,670	\$20,118,925	\$2,668,565	\$17,450,360

Sincerely,

Emily Hovda Walton
Engineer
Metropolitan Utilities District



@mudwaterontap



/mudomahane



@mudomahane



mudomaha.com

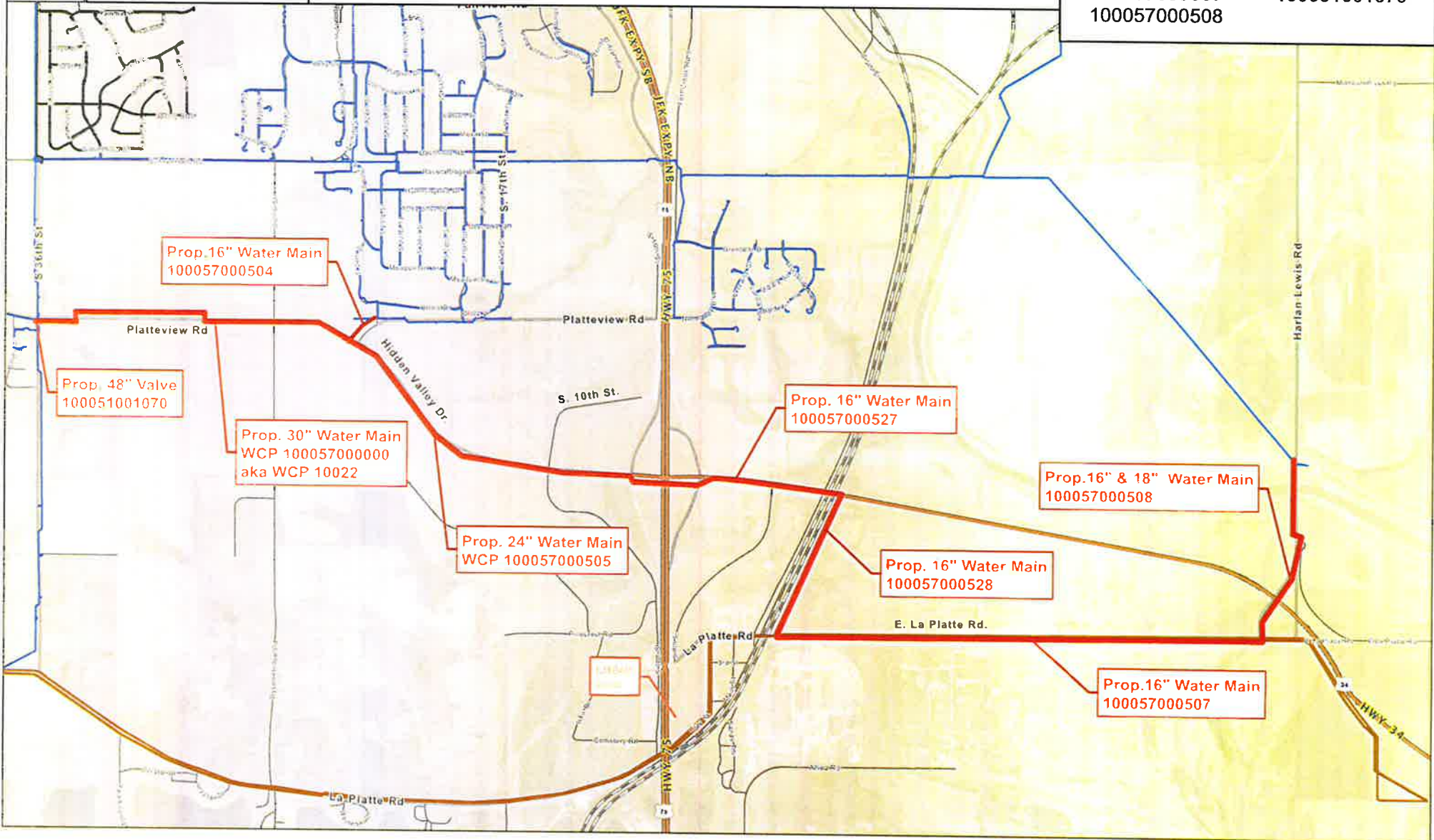


WP1871

Southeast Bellevue Main Extensions

100057000504
 100057000505
 100057000507
 100057000508

100057000527
 100057000528
 100051001070



Prop. 16" Water Main
 100057000504

Prop. 48" Valve
 100051001070

Prop. 30" Water Main
 WCP 100057000000
 aka WCP 10022

Prop. 24" Water Main
 WCP 100057000505

Prop. 16" Water Main
 100057000527

Prop. 16" & 18" Water Main
 100057000508

Prop. 16" Water Main
 100057000528

Prop. 16" Water Main
 100057000507

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedeken - 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:

Emergency Storm Repair and paving at 33rd Ave and Chandler Rd.

SYNOPSIS/BACKGROUND:

Burrell Enterprises LLC to Complete emergency repairs on failed 24" CMP and restore storm water design flow under Chandler to the north side of the road at the site.

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 NAME:

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

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

City Council to approve and authorize the Mayor to sign the proposal for emergency repairs with Burrell Enterprises LLC.

ATTACHMENTS:

1. <input type="text" value="Estimate"/>	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:



ESTIMATE

Burrell Enterprises LLC
1433 O ST
OMAHA, NE 68107

burrellcompany@cox.net
+1 (402) 612-8896



City of Bellevue - 32nd & Chandler

Bill to

City of Bellevue - 32nd & Chandler

Estimate details

Estimate no.: mis154

Estimate date: 09/11/2023

	Product or service		Amount
1.	02.10 Demo Demo- remove pavement	1750 units × \$2.00	\$3,500.00
2.	02.10 Demo Demo- Excavate and remove existing culvert	12 hrs × \$175.00	\$2,100.00
3.	RCP 24" RCP 64 lin. ft.	180 units × \$56.00	\$10,080.00
4.	04 Concrete Concrete- place paving to existing thickness	194 units × \$115.00	\$22,310.00
5.	02 Site Work Site Work- rip rap (approx.)	32 units × \$85.00	\$2,720.00
6.	02 Site Work Site Work- concrete head wall(s)	42 units × \$165.00	\$6,930.00
7.	04 Concrete Concrete flume(s)	2 units × \$3,250.00	\$6,500.00
8.	Traffic Control		\$2,500.00
		Total	\$56,640.00

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedecken- 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:

Acquisitions, Permanent and Temporary Easements for 36th Street Improvement Project

SYNOPSIS/BACKGROUND:

Midwest Right-of-Way has provided documentation for the requested acquisitions, easements and cost breakdown for the phase two of 36th street Improvement Project. The complete documentations is available upon request. This is the sixth request for acquisitions and easements. This is a 80/20 split with NDOT.

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 NAME:

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

ACCOUNTING DISTRUBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

Approve the Acquisitions, Permanent and Temporary Easements for the 36th Street Improvement Project.

ATTACHMENTS:

1.
2.
3.
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: _____

FINANCE APPROVAL AS TO FORM: _____

ADMINISTRATOR APPROVAL AS TO FORM: _____

Chinua Bridgilla
[Signature]
[Signature]



MIDWEST

R | O | W

midwestrow.com

August 29, 2023

City of Bellevue Public Works
c/o Matt Knight
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street, Sheridan to Platteview
Project #MAPA-3773(1)
Control #22288
Tract #C9

Dear Mr. Knight:

Enclosed are executed copies of the Purchase Agreement and Permanent Easement for Tract C9, Richard B. and Laura C. Atwood. The authorized representative of the City of Bellevue will need to sign both copies of the Purchase Agreement. One signed original is to be kept by the City and placed in the completed file. The second original should be sent with payment to the property owner.

The Permanent Easement will need to be recorded with the Sarpy County Register of Deeds. A copy of the recorded Permanent Easement should be sent to the property owner.

Please send an original fully executed Purchase Agreement, a copy of the recorded Permanent Easement, and a check in amount of \$17,500.00 made payable to:

**Richard B. Atwood and Laura C. Atwood
3602 Fox Ridge Drive
Bellevue, Nebraska 68123**

Please e-mail copies of the signed contract, and a copy of the payment to kroegers@midwestrow.com to be included in the electronic file for audit purposes. If you have any questions, please contact us at 402-955-2900.

Sincerely,

Stacey Kroeger
Acquisition Agent

Enclosures

7/21/23

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Dave Goedeken-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"/>

DM

SUBJECT:

Purchase of 2023 Ford Bronco Sport 4x4.

SYNOPSIS/BACKGROUND:

The purchase of the 2023 Ford Bronco Sport is for the Public Works department.

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 NAME:

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

ACCOUNTING DISTRUBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

The City Council and Mayor to approve the purchase of the 2023 Ford Bronco Sport 4x4 truck.

ATTACHMENTS:

1. <input type="text" value="Statement of purchase"/>	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:

Shirley B. Baillen

[Signature]

[Signature]

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: October 3, 2023		SUBMITTED BY: Legal Department/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:

OPPD Amended and Restated Easement

SYNOPSIS/BACKGROUND:

OPPD seeks an amendment to its existing easement on City-owned property. This will allow OPPD to relocate its transmission line due to expansion and construction of the Eastern Nebraska Veterans Home.

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 NAME:

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

ACCOUNTING DISTRIBUTION CODE: ACCOUNT NUMBER:

RECOMMENDATION:

Approve and authorize the Mayor to sign the Amended and Restated Easement

ATTACHMENTS:

1. <input type="text" value="Amended and Restated Easement"/>	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:



Return to:
OMAHA PUBLIC POWER DISTRICT
Land Management 6W/EP4
444 South 16th Street Mall
Omaha, Nebraska 68102-2247

OPPD Doc. #: 2.060 00(271)1
Date: Sept. 21, 2023
TRANS

AMENDED AND RESTATED EASEMENT

THIS AMENDED AND RESTATED EASEMENT (hereinafter referred to as "A&R Easement"), is made and entered into as of the _____ day of _____, 2023, by and between **BELLEVUE CITY MUNICIPAL BUILDING CORPORATION** (referred to hereafter as "Grantor") and OMAHA PUBLIC POWER DISTRICT, a public corporation and political subdivision of the State of Nebraska, its successors and assigns, hereinafter referred to as "District". This A&R Easement amends and restates a portion of the Easement more particularly described as Parcel No 1d as referenced and made part thereof Report of Appraisers dated the 22nd day of December, 1967 and recorded in Book 39 at Page 379 of Miscellaneous Records in the Register of Deeds for Sarpy County, Nebraska on the 25th day of January, 1968 ("Existing Easement").

WHEREAS, Grantor is the owner of the real estate described as follows:

SEE EXHIBIT "A" ATTACHED HERETO FOR A DESCRIPTION OF PROPERTY

WHEREAS, Grantor and the District desire to amend and restate the Existing Easement to reflect the agreements and conditions set forth herein.

NOW, THEREFORE, in consideration of the sum of (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor and the District do hereby amend and restate the Existing Easement as follows:

Grantor does hereby grant and convey to the District a permanent right of way easement with rights of ingress and egress thereto, to survey, construct, reconstruct, relocate, alter, add to, maintain, install, inspect, repair, replace, renew and operate thereon, electric transmission lines consisting of poles, pole foundations, towers, tower foundations, structures, down guys, anchors, insulators, wires, underground cables, supports and other necessary fixtures and equipment over, upon, above, along, under, in and across the following described real estate (the "Easement Area"):

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO FOR A SKETCH AND DESCRIPTION OF THE
EASEMENT AREA

CONDITIONS:

The District shall have the right to trim or remove all trees and brush on the Easement Area as may be necessary to efficiently exercise any of the hereinbefore granted rights, together with the express provision that any and all trees which, in falling, would come within 15 feet of the nearest electric line conductor may be topped or removed. All refuse from such tree and brush cutting or trimming shall be disposed of by the District, and if the Easement Area is not being utilized for cultivated crops, the District shall have the further right to control and impede the growth of all weeds, trees, and brush along the Easement Area.

Grantor may cultivate, enjoy, and otherwise use the land within the Easement Area, including the right of ingress and egress across the Easement Area, provided that such use(s) shall not, in the reasonable opinion of the District, endanger or be a hazard to or interfere with the hereinbefore granted rights; Grantor shall not allow any buildings, structures, combustible material, hay or straw stacks or other property to remain or be placed upon the Easement Area; Grantor shall not change or alter the grade of the Easement Area without the prior written approval from the District, which approval shall not be unreasonably withheld; Grantor shall not allow the burning of any materials of any nature within the Easement Area. Grantor agrees that the property covered by said easement shall not be used in any way that will impair the rights of the District hereunder.

It is further agreed that the Grantor has lawful possession of said real estate, good, right and lawful authority to make such conveyance and that his/her/its/their heirs, executors, administrators, successors and assigns shall warrant and defend the same and will indemnify and hold harmless the District forever against the claims of all persons whatsoever in any way asserting any right, title or interest prior to or contrary to this conveyance.

The District shall have the right of ingress and egress across the Grantor's property for any purpose hereinbefore granted. Such ingress and egress shall be exercised in a reasonable manner and only when reasonably necessary.

The District shall pay the Grantor and/or Lessee, as their interests may appear, for all damages to growing crops, fences or other property on said real estate which may be caused by the exercise of the hereinbefore granted rights.

This easement shall run with the land, constitutes the entire agreement between the parties, and shall be binding upon the respective grantees, licensees, lessees, successors, heirs and assigns of the parties.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of _____, 2023.

GRANTOR SIGNATURE(S)

BELLEVUE CITY MUNICIPAL BUILDING CORPORATION

Sign: _____ Sign: _____
Print: _____ Print: _____
Title: _____ Title: _____

ACKNOWLEDGMENT

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 2023,
by _____
(Name(s) of Person(s) Signing)

Witness my hand and Notarial Seal the date above written.

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 2023,
by _____
(Name(s) of Person(s) Signing)

Witness my hand and Notarial Seal the date above written.

NOTARY PUBLIC

SW1/4NE1/4	&	NW1/4SE1/4		Section	05	Township	13	North	Range	13	East	SAR	County
Line	60	Structure 22 & 23	Subdivision	TL 17A1A PID#	011616476								
ROW	JLL/JP	Customer Rep		Engineer	Hanson/Kuper	W.O. #	749064						

IN WITNESS WHEREOF, the District has executed this instrument this _____ day of _____, 2023.

OMAHA PUBLIC POWER DISTRICT
a public corporation and political subdivision of the State of Nebraska

Sign: _____

Print: _____

Title: _____

Approved by Transmission Engineering

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023,

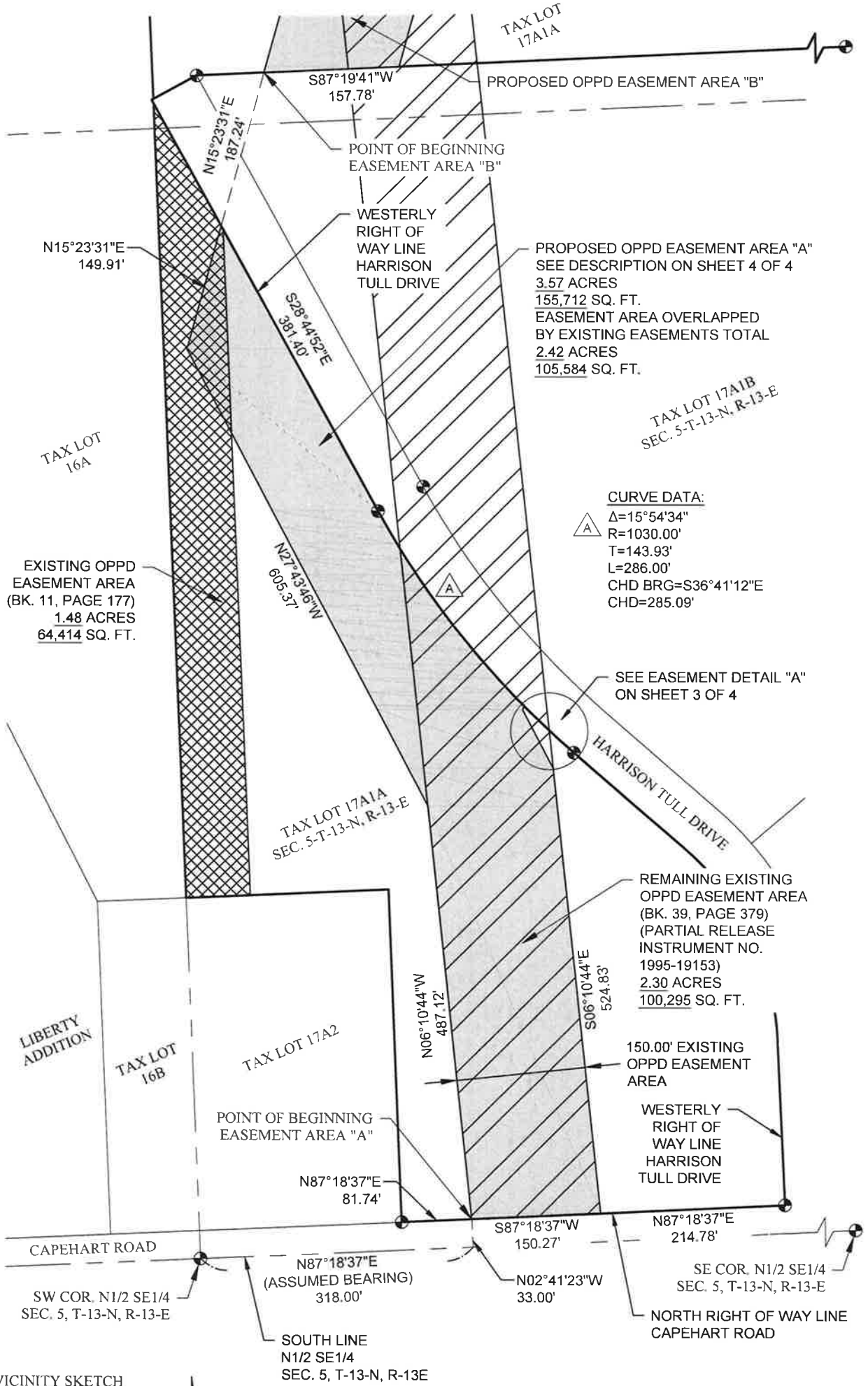
by _____
(Name(s) of Person(s) Signing)

Witness my hand and Notarial Seal the date above written.

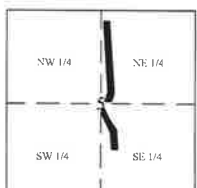
NOTARY PUBLIC

SW1/4NE1/4	&	NW1/4SE1/4	Section	05	Township	13	North	Range	13	East	SAR	County
Line	60	Structure 22 & 23	Subdivision	TL 17A1A PID#	011616476							
ROW	JLL/JP	Customer Rep		Engineer	Hanson/Kuper	W.O. #	749064					

OWNER - BELLEVUE CITY MUNICIPAL BUILDING CORPORATION



VICINITY SKETCH
 SARPY COUNTY
 NEBRASKA
 R-13-E



SCALE	1"=150'	
DRAFT	9/14/2023	BOW
CHECK	9/14/2023	JAS
APPD.		
DEPT.	LAND MANAGEMENT	

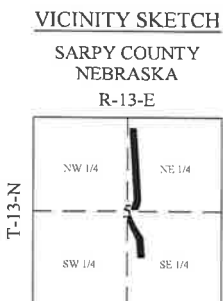
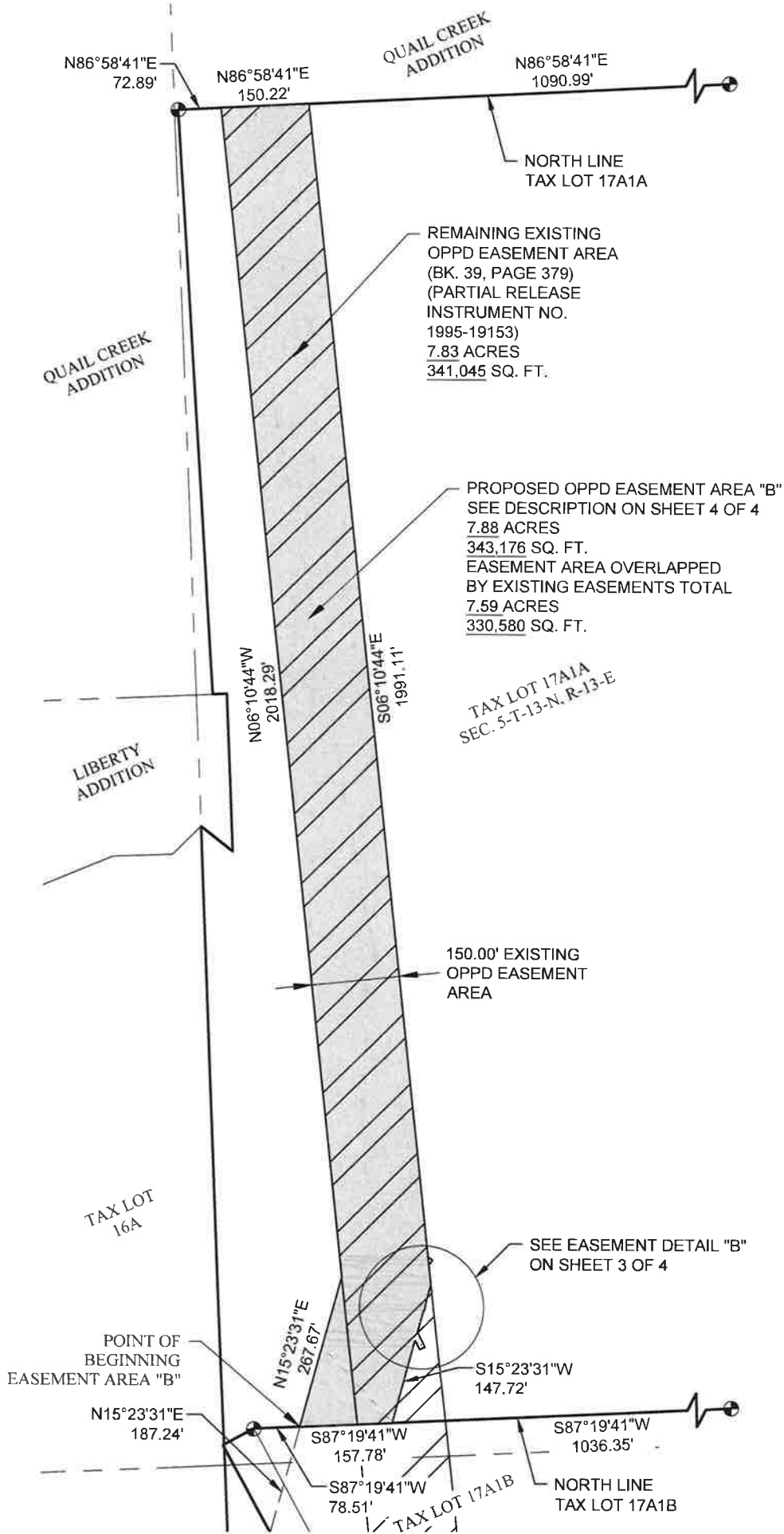


EXHIBIT "A"
OPPD LINE 60
 SARPY COUNTY, NEBRASKA
 TAX LOT 17A1A
 SECTION 5, T-13-N, R-13-E

TRACT # - 2.060 00(271)1

SHEET NO.
 1 OF 4

OWNER - BELLEVUE CITY MUNICIPAL BUILDING CORPORATION



SCALE	1"=250'	
DRAFT	9/14/2023	BOW
CHECK	9/14/2023	JAS
APPD.		
DEPT.	LAND MANAGEMENT	

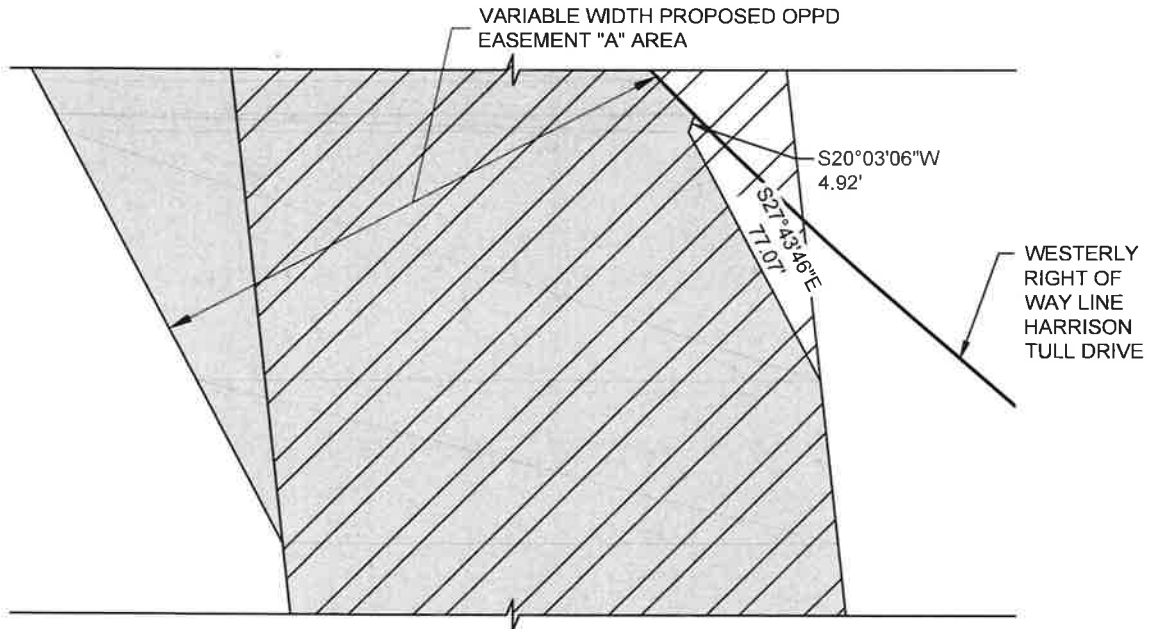


EXHIBIT "A"
OPPD LINE 60
 SARPY COUNTY, NEBRASKA
 TAX LOT 17A1A
 SECTION 5, T-13-N, R-13-E

TRACT # - 2.060 00(271)1

SHEET NO.
2 OF 4




OWNER - BELLEVUE CITY MUNICIPAL BUILDING CORPORATION

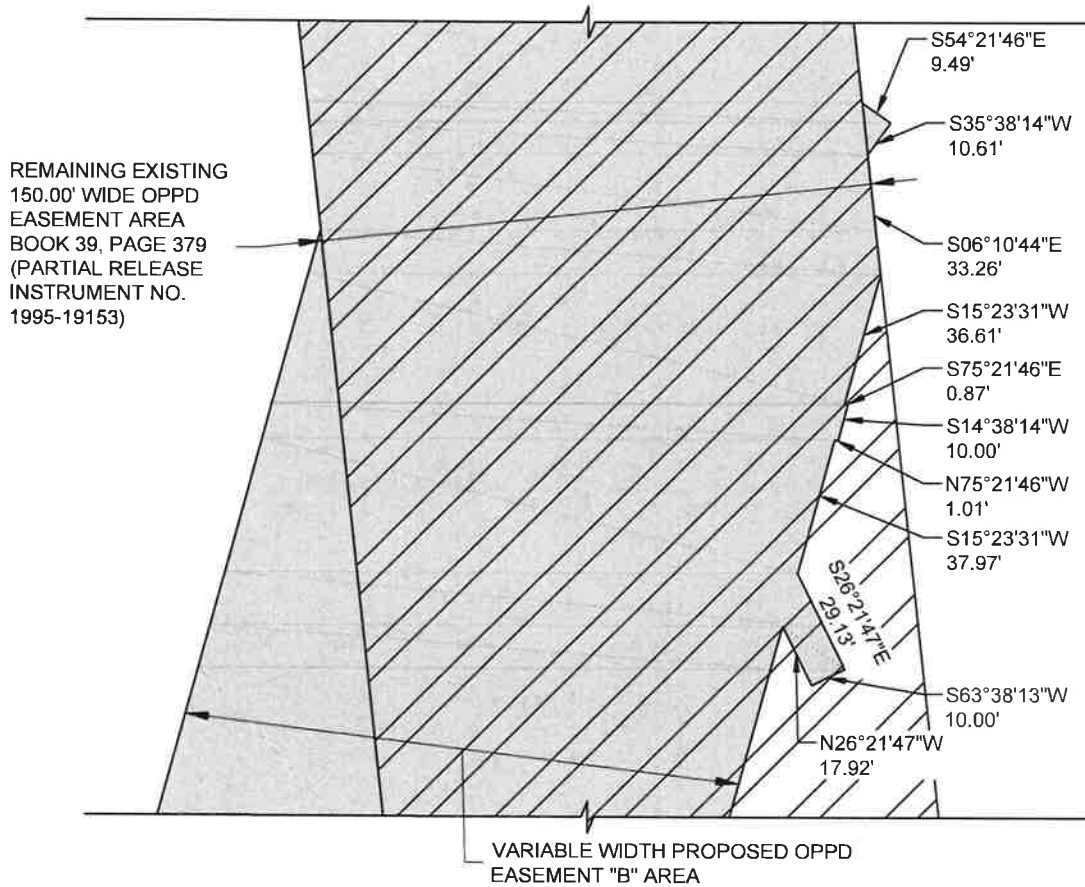


EASEMENT DETAIL "A"

1"=50'

LEGEND

- PROPOSED OPPD EASEMENT AREA 
- EXISTING OPPD EASEMENT AREA 
- OPPD OVERLAP EASEMENT AREA 

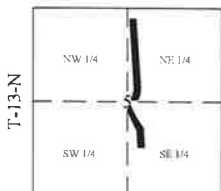



EASEMENT DETAIL "B"

1"=50'

VICINITY SKETCH

SARPY COUNTY
NEBRASKA
R-13-E



9/14/2023		BOW	EXHIBIT "A" OPPD LINE 60 SARPY COUNTY, NEBRASKA TAX LOT 17A1A SECTION 5, T-13-N, R-13-E
9/14/2023		JAS	
LAND MANAGEMENT			TRACT # - 2.060 00(271)1
			

Sept 29th, 2023

Administration

- Review of Google fiber agreement and permitting process.
- BPOA retirement review.
- NC3 bi-weekly project meeting.
- Meeting with Bellevue Food Pantry and ENCAP regarding facility.
- Meeting with developer to discuss potential sites and zoning required.
- Met with HDR to review BU project at Haworth Park.
- Master Plan discussion and design build meeting for NC3 project.
- United Cities meeting to discuss upcoming legislative session.
- Meeting with CBRE for Longo building tenant acquisition.
- Monthly meeting with Fastwyre representative to review progress and concerns.
- Terry Rybar retirement.
- Leadership Sarpy with Mayor for Bellevue Economic tour.
- Conducted Loudermill Hearing.
- Meeting with MUD officials for water main extension project.
- Attended grand opening of Penn Station.
- Met with OPPD regarding easement issues next to VA home.
- Grow Sarpy meeting.
- Inland Port Authority meeting.
- Met with NP Dodge representative for housing needs.
- Bridge commission meeting to discuss interlocal agreement.
- Met with developer for Cornhusker Pointe.
- Budget hearings.
- Wastewater Agency meetings.
- Update on Nebraska Good life District.

Public Works

(See Attached)

Permits:

- 874 inspections performed
- 32 new permits for single-family residential dwellings
- Conducted training for Bluebeam, the new electronic plan review/permitting software

Planning:

- Attended LR 141 hearing for Affordable Housing

CITY OF BELLEVUE
ADMINISTRATION REPORT

- Met with a convenience store chain regarding a new location in Bellevue
- Conducted a kick off meeting for the Comprehensive Plan update/Long-Range Transportation Plan
- Attended a meeting for the Southeast Sarpy Road Network Steering Committee

Code Enforcement

Calls – 383

Notices – 80

Zoning – 6

Clean Ups – 7

Tree Removal – 0

Certified Notices – 10

Officer Initiated – 56

Towed Vehicles – 0

Red Tags – 9

Police

- 09/05 – Meeting with FBI RAC Eugene Kowel
 - City Council Meeting
- 09/11 – 9/11 Ceremony – American Hero's Park
- 09/12 – Special City Council Meeting
- 09/18 – Meeting with FBI ASAC Clint Nafey
- 09/19 – City Council Meeting
- 09/21 – Keating O'Gara gathering
 - Joint Public Hearing – Bellevue East
- 09/25 – Meeting with Grand Island Chief Kevin Denney
- 09/26 – Special City Council Meeting

CITY OF BELLEVUE
ADMINISTRATION REPORT

- 09/29 – 30x30 Webinar

Library

- The library has been celebrating September as National Library Card Month. Since 1987 this celebration has focused on the benefits of library membership, whether that is in providing physical materials as educational resources, creating in the makerspace, or participating in the many library programs offered for all ages. Each patron who has displayed their card, renewed their card, or signed up for a new card has been offered a small treat at the main desk during the month.
- The Bellevue Public Library Advisory Board met on Wednesday, Sept. 20, for their regular monthly meeting. Among other items, the Board heard recaps of the 2023 Summer Library Programs by Michelle Bullock, Children's Librarian, and Crystal Anderson, Young Adult Librarian. Both programs ran from June 1 through July 31. Bullock reported that in the Children's program (pre-K through 6th grade), 12,186 books were reported read and there were 4,229 participations reported in activities. Anderson reported that teens logged 167,947 minutes in reading, and that 1,047 participations were reported for activities. The Board also reviewed and approved the holiday closing dates for the 2023-2024 Fiscal Year and the Technology Plan for 2023-2026.
- Michelle Boyland, Sarpy County Election Commission staffer, was at the library on Tuesday, Sept. 19, for National Voter Registration Day. Ms. Boyland answered any questions about registration and helped first-time registrants with the process.
- The Bellevue Library Foundation is holding a book sale from Sept. 16 through Oct. 1. During the sale the public can fill a grocery bag full of items for only \$5 or can get individual items at half price. Volunteers are manning the sale, which raises funds to support programming and services at the library for all ages.
- As part of September as National Library Card Month, the Children's department has been holding a Book Character Scavenger Hunt through Sept. 30. Children and their families can pick up a participation sheet in the Children's area, and, when completed turn it in for a possible chance at winning a prize.
- New this month in the Children's Department was a fun Senior Citizen Reading activity. Studies have shown there are mutual benefits of intergenerational interactions. During this event, children and seniors read together in 15 minutes time intervals and shared stories on Sept. 21.
- The Bellevue Library Foundation will hold a fundraising concert at Bellevue East High School Auditorium at 4 p.m. on Sunday, Oct. 22. Celtic Boulevard will open the concert, followed by Country music performer Kaylyn Sahs. Sahs, who is a Bellevue East alumna, is also the great-granddaughter of Belva Sahs, who was head librarian in Bellevue for many years. All funds raised (tickets are \$20 for those 13 and older and \$10 for 12 and younger) go to support the building renovation project.

CITY OF BELLEVUE
ADMINISTRATION REPORT

- **Fire (See Attached)**



Public Works Director's Report September 25, 2023

Disclaimer: The following is a synopsis of the department reports submitted weekly to the Public Works Director. This is not an all inclusive list of work details or responsibilities submitted by each department. This list may be altered as unforeseen situations dictate.

Public Works Administration:

- Monitoring Fastwyre Contracts and Permits
- Reviewing Comments from NDEE regarding their review of MS4 Program
- Projecting reviewing projects for 2024
- Finalizing 2023 Construction Projects

Engineering:

- Various project management projects
 - CDBG Sidewalks Project is closing out
 - 2023 Concrete Rehab Project is closing out
 - Library Rehab. Project ongoing, anticipate completion in Nov 2024
 - 36th Street Bline to Sheridan, is nearing completion
 - Galvin Road Pedestrian Bridge, is closing out
 - Cedar Island Road Asphalt Overlay, is nearing completion
 - Harlin Drive/Fort Crook Bridge Project is closing out.
- Planning and P&I plan review as needed
- Multiple overhanging tree limb and sidewalk repair compliance letters

Parks:

- Soccer and Flag Football leagues are coming to an end
- Indoor Recreation Programs are beginning
- General Fertilizing/Aerating/Seeding of Parks
- Closing out summer maintenance
- Tree Maintenance and Trimming in various parks
- Mowing Season is drawing to an end

Street Maintenance:

- Various ditch repairs and cleanout
- Asphalt patching and concrete cut repairs as needed
- Beginning Crack Sealing Program



City of Bellevue

Public Works Department

1510 Wall Street • Bellevue, Nebraska 68005 • (402) 293-3025

- Grade, rock roads and alleys
- Repairing washouts and ditch repairs
- Street striping and markings
- Sign and signal repairs
- Cleaning and flushing culverts and storm sewer pipes.
- Reviewing Updated Street Light Agreement with OPPD

Waste Water:

- Jetting
- Repairing lines found during jetting and TV scheduled inspections as needed
- Lift station inspections
- Preparing State Reports
- Consultant work
 - CIPP Design Process
 - Quail Creek Lift Station plan review
- Prevent maintenance on vehicles

Fleet:

- Prep. Work on new Police Vehicles
- Typical City vehicle maintenance
- Annual Maintenance of Snow Blowers

Building Maintenance:

- Monitor Construction work of the new Library
- Experiencing Air Conditioner maintenance due to hot weather
- Typical maintenance all city facilities
- Over Seeding the Cemetery
- Painting and Fall Maintenance of Pools
- Splash Pads all shut down and winterized.



City of Bellevue

Fire Department

211 West 22nd • Bellevue, Nebraska 68005 • (402) 293-3153

Bellevue Fire Department Council Report

Report Date 9/26/2023

A. General Items:

- QA/QI
- EMS Committee Meeting today 9-25
- Meeting with BMC working group and Medical Director regarding diversions today 9-25
- EMS Bureau Meeting 9-28
- Updating ALS Protocol exam based on new guidelines
- 1 student started Paramedic class at Creighton
- EMS 911 meeting 10-2
- Quarterly 911 meeting with Sarpy 911 dispatch supervisors 9-20
- Completed yearly service, inspection, and load bank of all city generators.

B. Training:

- 5 new recruits finished training academy and started shifts on 9/24/2023
- Nephrology scenarios
- Code 99 drills
- Signs and treatment of Congestive Heart Failure

C. Inspections:

- Plan review fire alarm upgrade 2202 Washington St. Mission Middle School.
- Building plan review fire damage repair 10814 S15th St. Apt-4305 Latitude 41.
- Remodel plan review Taco Bell 4415 Twin Creek Dr.
- Suppression hood plan review Sakai Sushi 555 Cornhusker HWY # 203.
- Fire alarm plan review 1000 Galvin Rd. S. Bellevue University Fieldhouse.
- Fire alarm plan review 902 Hackberry Ct. Fontenelle Hills Apartments.
- Fire alarm plan review Mission Middle School 2202 Washington St.
- Witness the removal of underground storage tanks and equipment 2605 Chandler.
- Plan review remodel Bellevue University Apartments 1311 Betz Road.





City of Bellevue

Fire Department

211 West 22nd • Bellevue, Nebraska 68005 • (402) 293-3153

- Plan review remodel Bellevue University Apartments 1309 Betz Road.
- Plan review roof system 811 S. 23rd Ave.
- Fire sprinkler plan review 13508 Fort Crook S. Papillion Sanitation.
- Blue Beam electronic plan review training.
- Plan review remodel Fastwyre 2012 Cornhusker Rd # 600.
- Plan review remodel Daycare 4001 Harrison St.

D. Calls: August 25th through September 25th

Fire – 118

Rescue - 475

E. Ambulance Billing

August 1-31, 2023

\$ 309,126.80 in claims has been sent to health insurance companies (351 insurance claims)
<\$ 139,107.06> approximate amount we will have to write off due to mandatory
adjustments/write-offs
(45% of \$309,126.80)

=====

\$ 170,019.74 is the anticipated, approximate net revenue from these insurance billings

Deposited into Bank:

\$145,470.22 deposited into the bank August 1-31, 2023

10,871.81 additional revenue in Credit/Debit card payments were received August 1-31, 2023.

\$156,342.03 TOTAL August 1-31, 2023 rescue fee revenue

Statement Billing:

468 statements were mailed to patients for unpaid account balances

These statements totaled \$ 301,445.02

This is money owed the City from patients who have balances on their accounts after their insurance has paid **OR** patients who are self-pay.



City of Bellevue

Fire Department

211 West 22nd • Bellevue, Nebraska 68005 • (402) 293-3153

F. Manpower Report Staffing

Staffing Report from 8/28/2023 through 9/3/2023

Monday	AM	E1, T21 & E41	3 Person	
Monday	PM	E1, T21 & E41	3 Person	
Tuesday	AM	E1, T21, T31 & E41	3 Person	
Tuesday	PM	Full		
Wednesday	AM	E1, T31	3 Person	
Wednesday	PM	T31 & E41	3 Person	
Thursday	AM	T31, E41	3 Person, E1 Closed	
Thursday	PM	E1, T21, T31 & E41	3 Person	
Friday	AM	T31, E41	3 Person, T21 Closed	
Friday	PM	T31	3 Person, T21 Closed	No EMS
Saturday	AM	T21, E41	3 Person, T31 Closed	
Saturday	PM	T21	3 Person, T31 Closed	
Sunday	AM	E1, T21, T31	3 Person, E41 Closed	
Sunday	PM	E1, T21	3 Person, E41 Closed	

Staffing Report from 9/4/2023 through 9/10/2023

Monday	AM	E41	3 Person, E1 Closed	
Monday	PM	E41	3 Person, E1 Closed	
Tuesday	AM	E1, T21, T31	3 Person	
Tuesday	PM	E1 & E41	3 Person	
Wednesday	AM	E1, T31	3 Person	
Wednesday	PM	E1	3 Person	
Thursday	AM	E41	3 Person	
Thursday	PM	Full		
Friday	AM	E1, T21, T31 & E41	3 Person	
Friday	PM	E1, T21, T31 & E41	3 Person	
Saturday	AM	E1, T21, T31 & E41	3 Person	
Saturday	PM	E1, T21, T31 & E41	3 Person	
Sunday	AM	E41	3 Person, T21 Closed	
Sunday	PM	E1, T21 & E41	3 Person	





City of Bellevue

Fire Department

211 West 22nd • Bellevue, Nebraska 68005 • (402) 293-3153

Staffing Report from 9/11/2023 through 9/17/2023

Monday	AM	E1, T21, E41	3 Person	
Monday	PM	T21, T31 & E41	3 Person	
Tuesday	AM	T31 & E41	3 Person	
Tuesday	PM	T31 & E41	3 Person	
Wednesday	AM	E41 3 Person, T31 Closed		No EMS
Wednesday	PM	E41 3 Person, T31 Closed		No EMS
Thursday	AM	E1, T31 & E41	3 Person	
Thursday	PM	E1, T31 & E41	3 Person	
Friday	AM	E1, T21, T31 & E41	3 Person	
Friday	PM	E1, T21, & E41	3 Person	
Saturday	AM	E1, T21, & E41	3 Person	
Saturday	PM	E1, T21, T31 & E41	3 Person	
Sunday	AM	E1, T31 & E41	3 Person	
Sunday	PM	E41	3 Person	

Staffing Report from 9/18/2023 through 9/24/2023

Monday	AM	E1, T21 & E41	3 Person	
Monday	PM	E1, T21 & E41	3 Person	
Tuesday	AM	E1, T21 & E41	3 Person	
Tuesday	PM	T21	3 Person	
Wednesday	AM	E1, T31 & E41	3 Person	
Wednesday	PM	Full		
Thursday	AM	Full		
Thursday	PM	T21, T31 & E41	3 Person	
Friday	AM	E41 3 Person, E1 & T21 Closed		
Friday	PM	T21, T31 & E41 3 Person, E1 Closed		
Saturday	AM	E1, T21 3 Person, T31 Closed		
Saturday	PM	E1, T21 3 Person, T31 Closed		
Sunday	AM	E1, T21, T31 & E41	3 Person	
Sunday	PM	E1, T21, T31 & E41	3 Person	