Bellevue City Council Meeting +++Amended Agenda+++
Tuesday, November 19, 2019 6:00 PM
Bellevue City Hall
1500 Wall Street
Bellevue, NE 68005

1. PLEDGE OF ALLEGIANCE
2. INVOCATION - Assistant Pastor William Johnson, Revival Tabernacle Church, 2226 Jefferson
3. CALL TO ORDER AND ROLL CALL
4. OPEN MEETINGS ACT - Posted in the Entry to the Council Chambers
5. APPROVAL OF AGENDA, CONSENT AGENDA, CLAIMS, AND ADVISORY COMMITTEE REPORTS:
    a. Approve 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 Minutes from the November 5, 2019 City Council Meeting
        2. * Approval of Cancellation of the January 7, 2020, City Council Meeting and Authorizing Staff to Pay Bills that cannot be held over until the January 21, 2020, City Council Meeting
6. * APPROVAL OF CLAIMS
7. SPECIAL PRESENTATIONS:
    a. Presentation on the Branding and Imaging Initiative for Bellevue (Kevin Hensel - Bellevue Chamber of Commerce)
8. ORGANIZATIONAL MATTERS: None
9. APPROVED CITIZEN COMMUNICATION: None
10. LIQUOR LICENSES: None
11. ORDINANCES FOR ADOPTION (3rd reading):
    a. Ordinance No. 3976: Request to annex Lot 37, Orchard Valley. Applicant: City of Bellevue (Land Use Planner)
    b. Ordinance No. 3979: Request to rezone Lots 1 - 72, and Outlots A - C, Belle Lago Replat 1, from RG-50-PS and RG-28-PS to RG-8-PS with site plan approval, in order to facilitate a townhome development (Land Use Planner)
        1. Approval of the preliminary plat
        2. Approval of the final plat
        3. Approval of the Second Amendment to the Bella Lago Subdivision Agreement for Lots 1 through 72, and Outlots A through C, Bella Lago Replat 1
    c. Ordinance No. 3980: Request to rezone Lot 1, South Woods, Replat 3, from MH, BGH, and RG-8 to RG-8 for the purpose of an elementary school. Applicant: Kenneth Hahn Architects. General Location: Fort Crook Road and Child Road West (Land Use Planner)
        1. Approval of a Conditional Use Permit for Lot 1, South Woods, Replat 3
        2. Approval of a Small Subdivision Plat Lot 1, South Woods, Replat 3
12. ORDINANCES FOR PUBLIC HEARING (2nd reading):
    a. Ordinance No. 3977: An Ordinance to amend Section 2-28 of the Bellevue City Code pertaining to executive sessions (City Attorney)
    b. Ordinance No. 3978: An Ordinance to amend Article IV, Chapter 2, of the Bellevue City Code by adding a new Section 2-208 regarding removal of elected officials for misconduct (City Attorney)
        1. Approve amended Policy Resolution 35 regarding Principles of Conduct and Decorum (City Attorney) [No action required till after action on Ordinance No. 3978]

c. Ordinance No. 3981: An Ordinance to redefine ward boundaries due to recent annexations (Administration)

13. ORDINANCES FOR INTRODUCTION (1st reading): None
14. PUBLIC HEARING ON MATTERS OTHER THAN ORDINANCES:

    a. Approval of an Event Application for the Greater Bellevue Area Chamber of Commerce / Light Up Bellevue / City of Bellevue for Christmas in Olde Towne on Saturday, November 30, 2019, from 2:00 P.M. - 7:00 P.M. (Actual Event runs from 4:00 P.M. - 7:00 P.M.), on Mission Avenue and Washington Park (City Clerk)

15. RESOLUTIONS:

    a. Approval of Resolution No.2019-39: Approval of Resolution authorizing the Mayor to sign the Year-End Certification of City Street Superintendent Form for 2019 (City Clerk)

16. CURRENT BUSINESS:

    a. Approve the Acquisitions, Permanent and Temporary Easements for the 36th Street Improvement Project, in an amount not to exceed $60,175 (Public Works Director)

    b. Approve and Authorize the Mayor to sign the CDBG Grant Agreement and Funding approval for FY-19 funding for $355,531 (Finance Director / CDBG Program Administrator)

    c. +++ * Approval of Hunting Waiver Application

17. ADMINISTRATION REPORTS: Comments must be limited to items on the current Reports
18. CLOSED SESSION: None
19. ADJOURNMENT

MINUTE RECORD

A 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 November, 2019, at 6:00 p.m. Present were Council Members Bob Stinson, Paul Cook, Pat Shannon, Don Preister, Thomas Burns, and Kathy Welch. Absent: None.

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

Pledge of Allegiance and Invocation
Mayor Hike led in the Pledge of Allegiance. Reverend Darryl Keeney, Lighthouse Baptist Church, 3919 Green Avenue, gave the invocation.

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

Approval of the Agenda
Motion was made by Shannon, seconded by Burns, to approve the agenda.

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

Approval of the Consent Agenda
Councilman Cook removed Agenda Items 16b, 16c, 16d, 16e, 16f, and 16g from the Consent Agenda.

Motion was made by Cook, seconded by Preister, to approve the amended consent agenda which included the following: approval of the Minutes from the October 15, 2019, City Council meeting; acknowledge receipt of the Minutes from the October 21, 2019 Board of Adjustment meeting; acknowledge receipt of the Minutes from the October 24, 2019 Planning Commission Meeting; and Approval of Claims. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

SPECIAL PRESENTATIONS:
Mr. Cody Wickham, D.A. Davidson gave a presentation on refunding bonds, Ordinance No. 3982, Item 13b., and Ordinance 3983, Item 13c.

Mr. Rich Severson, Finance Director, stated he knew there were some concerns with the debt acquired with the recent annexations. This is an opportunity to take the higher priced debt because a SID does not have a double A plus rating and the ability to obtain the low interest rates the city has.

ORGANIZATIONAL MATTERS: None

APPROVED CITIZEN COMMUNICATION: None

LIQUOR LICENSES: None

Ordinances for Adoption: (Third reading) None

Ordinances for Public Hearing: (Second Reading)

Ordinance No. 3976: Request to annex Lot 37, Orchard Valley. Applicant: City of Bellevue. (Land Use Planner)

Ordinance No. 3976, an ordinance to annex to the City of Bellevue, Sarpy County, Nebraska, certain lands, lots, and real estate lying within Lot 37, Orchard Valley, to the City of Bellevue, Sarpy County, Nebraska, and designating an effective date, was read by title only for the second time and presented for public hearing.

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

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

Mayor Hike stated the third and final reading of the ordinance will be at the Council meeting on November 19th.

Ordinance No. 3977: An Ordinance to amend Section 2-28 of the Bellevue City Code pertaining to executive sessions.

Ordinance No. 3977, an ordinance to amend Section 2-28 of the Bellevue Municipal Code pertaining to executive sessions of the City of Council; to repeal such Section as heretofore existing; and to provide an effective date of this ordinance, was read by title only for the second time and presented for public hearing.

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

Ms. Bree Robbins, City Attorney, thanked the public for coming and for the feedback provided in emails and on social media. Tonight, she would like to address Ordinances No. 3977 and No. 3978 together. Ordinance No. 3977 pertains to closed session. Currently under Nebraska Law, Statute 84-1410 provides that public bodies can go into closed session. It is something that is routinely used in City Council meetings and other public body settings. The rules for closed session are all outlined in Statute 84-1410. It talks about what you can and cannot discuss in closed session. There is a lot case law which discusses topics for consideration in closed session. At any point in closed session, if you go above and beyond what the motion was for going into closed session, any Council Member can and should stop the conversation. It will then go out of closed session. This is important to remember, because when going into closed session, a public body is not talking about things outside of what that topic was to go into closed session. Additionally, there has to be a vote from City Council to even go into closed session. If City Council does not vote to go into closed session, then there would not be a closed session on that matter. Additionally, it is important to remember when in closed session, according to State law, you cannot take a vote. The City practices this and follows this continually. There are no votes occurring in closed session and there are no conversations about how votes are going to take place in closed session. There are no polls trying to figure out who is going to vote which way. If the item is an action item on the agenda, that warrants a vote, when coming out of closed session, the item will be voted on when coming out of closed session. If it is an action item, on the agenda for a vote, any Council member can discuss and disclose what occurred in closed session. If it is not an action item, such as a personnel matter or real estate negotiation, which are meant to be confidential as provided for in Statute. It is also currently provided for in City Code 2-28. The City Code states the information should be confidential and can only be disclosed upon a vote of the City Council. The City Code has not been changed; it is already confidential information. The issue is what happens if someone breaks the rule. If there is no set consequence, then people can break rules. Ordinance No. 3977 states if there is a breech in confidentially, it could be something that could be considered as misconduct under the other ordinance. This is the only change, the reasoning for the ordinance has not been changed, as it is already confidential. Additionally, there have been some concerns if laws are broken or if there is whistle blowing, if someone will be punished for it. There are already separate laws that account for this. If there is any criminal act happening in a closed session, whistle blowing, or a complaint is filed due to something unethical happening in closed session, there are laws that account for that. Any City Council member would be able to do that, there would be no sanction for that, as it is already accounted for in law. There is no breeching any of those rights afforded to any of the members on the Council.

Ms. Robbins referred to Ordinance No. 3978 regarding misconduct. There have been some comments heard that the ordinance is illegal and is taking away the rights of the voters. She assured the City has done their due diligence in looking at the law, city code, and other cities to try to create the best form of this ordinance. The City is taking into consideration the input received and will continue to do so. The State law allowing the City Council to pass the ordinance is Section 16-217. Nebraska revised statute has already been passed by the Nebraska Legislature. The first sentence states "A city of the first class by ordinance may provide for the removal of elective officials of the city for misconduct". The ordinance provides for filling vacancies if there is a removal from office. The vacancy is filled pursuant to Section 32-568 in State Statue.

Ms. Robbins explained when she was asked to look at this ordinance by Administration and by a Council Member, the first thing she did was to look at the law to see if it was something the City could do. If it wasn't something the City could do and the law did not support, nothing would have been done. There is a State Statute in place supporting the ordinance. Both Fremont and Grand Island have already passed ordinances that are currently on their books that provide for this exact measure. The only thing the City of Bellevue is doing is requiring a unanimous vote instead of a three-fourths vote. The City is also outlining what misconduct means so there is not a vague understanding of what misconduct is. This is the only thing that has changed from the other two cities that have this ordinance pursuant to Nebraska law.

Ms. Robbins advised she personally spoke with Mr. Frank Daley, Nebraska Accountability and Disclosure Commission. Together they reviewed Statute 16-217 together and had an in-depth conversation. Mr. Daley agreed the statute would provide any city of the first class with the ability to remove someone from office as poor misconduct is outlined in the statute. The proposed ordinance is in compliance with all Nebraska law. There is a section in the proposed ordinance that would allow for a hearing of misconduct to allow the hearing to go into closed session. Ms. Robbins suggested if the City Council approves the ordinance on third reading, the ordinance should be amended to remove that provision. Feedback was received this may cause unnecessary public embarrassment for minor complaints that could be handled in a different manor. Ms. Robbins recommended removing this language so if there is a hearing on misconduct so the hearing could happen in an open public forum. If it is not removed and there is a closed session, again no action would be taken inside closed session. The ordinance as written and as implemented if the City Council passes it, the Mayor, City Administrator, and City Attorney would have no power or authority to remove any official from office. The City Administrator's role is specifically outlined in the proposed ordinance and Policy Resolution. It amounts to receiving and processing the complaints and setting the matters for hearing before City Council. The City Administrator has no other authority, the City Administrator is not voting, the City Administrator is not removing anybody from office. The City Administrator processes the complaints, puts the complaints before the City Council, and the City Council will make the decision after the hearing if there is a sanction that is warranted. Additionally, the vote is set up to allow for a unanimous vote of all remaining Council members. If there is a Council Member at the hearing, it would take five votes to pass, if there was any type of sanction. The Mayor would not vote or

be a tie breaker vote. The Mayor has no power in removing an elected official. Under 16-217, the City has the ability to craft this ordinance to provide for removal. This has been done in a way to where the Mayor or City Administrator is not removing anybody. The role the City Attorney would have in any of this, is asking questions at the hearing. This would allow evidence to be presented and allow everyone involved to present their side of the story. Nobody in the administration is removing or could remove anyone from city office. It would be up to the City Council to reach this decision.

Councilman Shannon questioned if the public could address both Ordinance No. 3977 and Ordinance No. 3978 during the public hearing.

Mayor Hike opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition of Ordinance No. 3977 and Ordinance No. 3978.

Ms. Sarah Centineo, was present to speak on both ordinances. She stated the idea the people who would be accusing the City Council Members or Mayor would be sitting as jurors to decide on guilt or innocence. To have your accuser to decide if your guilty or innocent is contrary to how the democratic process works. This is unfair and there is no independent investigation. Other concerns are there is no outline or timeline on the proceedings. There is no clarification on who you cannot talk to after a closed session meeting. Another concern Ms. Centineo has is who would pay for the attorney for the person being accused. Ms. Centieno would like examples of how this process has worked in Fremont and Grand Island.

Councilman Shannon mentioned the Nebraska State Constitution Section 1-6 refers to trials. It states under a civil trial it requires conviction by a five/sixth majority. Therefore, the two cities the proposed ordinance is modeled after are in violation of the Constitution because they only require 75%. Ms. Centineo mentioned this is why she asked how the process has played out in the two cities. She inquired why the surrounding cities such as Ralston, Papillion, or Omaha, or cities in the Metro Area have not used this process.

Ms. Robbins mentioned the reason all cities may not use this process is they may not know it exist. Additionally, Section 16-217 refers to cities of the first class. Omaha is not a city of the first class, as it is a city of the metropolitan class. Lincoln is a city of the primary class. These cities are not of the same class. Ms. Robbins referred to the case, Shere vs. Wade County. This case refers to discipline. The accuser is also the judge and the executioner. The Supreme Court found in discipline type settings it is perfectly fine to be the accuser, the judge, and the executioner. There would need to be a hearing and a fair process and a right to potentially to appeal if they don't agree with that decision.

Ms. Centineo commented sometimes when things are legal, they aren't always the right thing to do. Ms. Robbins replied she feels this ordinance should be done, but it is not her decision. It is the City Council's decision. She explained she was asked if this is something the City is able to do under the law and it is absolutely something that can be done. She suggested if a person does not agree with it, she urges them to contact their Senator and deal with it under the Legislature. She advised this was passed in 1994 and has been reviewed and amended several times. The provision allowing cities of the first class allowing them to make an ordinance has not been struck or changed. Ms. Centineo questioned if it has been challenged. Ms. Robbins replied she is unclear if it has.

Ms. Robbins reiterated what the City of Bellevue is currently doing is absolutely legal, as there is a law in place.

Mr. Chuck Fredrick spoke in opposition of the proposed ordinance. He commented if people vote you in, they should be the ones to vote you out.

Mr. Jim Moudry stated he agrees with the item addressed this evening with the exception of the City Administrator only role within this ordinance is to process the charge. He mentioned under Section 3a. of the proposed ordinance it states "If after review the City Administrator determines that only a written reprimand would be appropriate, the City Administrator will meet with charged council member or Mayor, explain the charges, hear the council member or Mayor's position, and decide whether a written reprimand should be issued or whether no action should be taken". Mr. Moudry stated this means the City Administrator has the authority on his own to decide to issue a written reprimand. This should be something forwarded to the City Council for determination, not to just the City Administrator. Mr. Moudry commented elected officials are not employees of the City. The City Administrator should be in no position to issue discipline to the Council.

Councilman Shannon mentioned having the City Administrator involved in this process is a violation of Roberts Rules. Roberts Rules reserves any discipline to the body. The administrative branch cannot be involved whatsoever and this is one of the flaws in the ordinance. Mr. Moudry agreed.

Mr. Moudry referred to Section B, subparagraph 3, regarding the unanimous vote: "The Council finds or determine that the official in question is guilty of misconduct rendering him or her an unfit person to hold such office, then the City Council may then determine the appropriate sanction to be applied". He stated this statement implies they have already determined the appropriate sanction. The appropriate sanction being a written or public reprimand. The words rendering him or her an unfit person to hold such office should not be there.

Mr. Moudry inquired if Policy Resolution 35 could be addressed as well. Ms. Robbins replied yes.

Mr. Moudry mentioned the principles of conduct and decorum which were in the resolution previously, now state any such violation may be considered misconduct and maybe subject to removal from office.

Mr. Moudry referred to the principles of conduct and decorum previously mentioned in Policy Resolution 35. The resolution has added any such violation may be considered misconduct and may be subject to the removal from office. Mr. Moudry stated he feels he is not sure all the things listed rise to the level of being misconduct by an elected official. He mentioned there are certain items that would be considered misconduct such as accepting gift, financial gain, using inflammatory or disparaging language. He recommended all the various conditions listed for misconduct should be reviewed, keeping the obvious ones. He reiterated the City Administrator has no authority to discipline elected officials.

Councilman Shannon questioned Mr. Moudry as a former elected official who sat on the Council, how he feels about the provisions in the ordinance which states any citizen can bring a complaint forward. Mr. Moudry commented it could lead to issues. The first step is having someone screen the complaints is good and the City Administrator is currently doing this. On the Council you can't please everyone all the time and people may be unhappy and come forward with a complaint.

Ms. Robbins thanked Mr. Moudry for his ideas and feedback. She explained the City Administrator was added in as the initial gatekeeper of the complaints. This is so there aren't citizens filing complaints against any of the Council members which would require a public hearing on every matter that comes in. By having a gatekeeper, it makes sure the initial requirements for filing a complaint are met and it ties into a misconduct that is outlined in Policy 35. Ms. Robbins commented she liked Mr. Moudry's suggestion with the City Administrator not making a decision for a written reprimand at the initial stage and passing it around to City Council in a more informal setting. Every complaint does not warrant a big public hearing. This suggestion will be review prior to third reading of the ordinance. Ms. Robbins referred to Mr. Moudry's suggestion on Section B, subparagraph 3, regarding the language of rendering him or her unfit already implying what the sanction would be. She commented this a great catch. It should find misconduct and then determine the sanction. This will be amended prior to third reading and presented to the Council. Ms. Robbins mentioned in regards to Policy 35, will be looked at word for word, to ensure all misconduct items are addressed. Additionally, in Policy 35, at the end of each rule already in place, states it could be considered for removal of office. This will be amended again to be considered potential sanction pursuant to 2-208. All items and suggestions will be taken into consideration.

Mr. Tom Richards spoke in support to the proposed ordinance. He explained the importance of educating oneself regarding the policies, procedures, and confidential information discussed in Closed Session meetings. He feels the progressive steps make sense, if some kind of disciplinary action is needed.

Mr. George Porter questioned if the Council votes an individual out, who votes a new Council Member in to replace the outgoing member. Mayor Hike advised he will present a name to the City Council and the City Council would have to vote the person in. Mr. Porter replied he is opposed to this and a recall should be done by the voters.

Mr. Brian Hanson commented he agrees with all the prior speakers. He feels the concept of misconduct is a very nebulous, as misconduct is perceived differently by individuals. He stated one of the key officials excluded from this proposed process is the City Council President. Mr. Hanson feels the Council President should be involved if there is an issue with the Council Members and Closed Sessions. He expressed concerns with a replacement process for Council Members. He stated the special election process is very costly to the City. Mr. Hanson questioned what Council Member brought the proposed ordinance forward. He stated there are no provisions in the City of Bellevue Ordinances on who can introduce ordinances.

Mayor Hike reminded the public, the public hearing is open in regards to Ordinance No. 3977, Ordinance No. 3978, and Policy Resolution No. 35.

Ms. Rose Ann Johnson mentioned she is a retired journalist. She commented Executive Sessions routinely give journalist heartburn. Journalists and the public do not know what goes on in Closed Session meetings. She stated removing someone from office is a very big deal. This should not be entrusted to four of five people to make this decision. She stated she doesn't argue under state law the proposed ordinance is legal, she feels it is not the right decision. Ms. Johnson explained journalist want as much information they can obtain to relay to the public, as it is their civic duty. She believes no elected official should be threatened with the loss of their office for speaking on a public matter. She questioned where the proposed ordinance is coming from and if it is necessary.

Mayor Hike requested clarification from Ms. Johnson. He inquired if she is saying a Council Member should come out of closed session and provide journalist with information and should not be penalized for doing so. Mrs. Johnson replied the Council Member should not be removed from office. Mayor Hike provided an example of what could happen in closed session. He questioned if the Council Member should be disciplined. Ms. Johnson stated the Council Member should not be removed from office. There are other sanctions to use. Mayor Hike inquired what other sanctions she is referring to. Ms. Johnson commented the information should be publicly announced with the explanation of what occurred. The voters would start a recall. Mayor Hike inquired how a Council Member who is discriminating, making sexual innuendos, or harassment should be disciplined. Ms. Johnson commented there are procedures in place to handle those situations. Again, those are items that should be brought out publicly. Mayor Hike replied he feels the ordinance is bringing this information into the public eye and

allowing transparency. Ms. Johnson stated once again, she feels this should not be handled by four or five people.

Councilman Shannon commented the Mayor has no business correcting the Council.

Ms. Johnson stated she still has not had her question answered regarding where this proposed ordinance is coming from. Ms. Robbins commented she understands Ms. Johnson is there as a citizen, one who has prior experience in journalism. She stated she understands journalist want information to disseminate to the community which is appreciated. She explained if it is an action item, something that is to be voted on, then it will come out of closed session and there could be open discussion prior to a vote. Any questions could be answered if it is an action item. There would be no complaint, no hearing, or sanction. Ms. Robbins advised the problem is with non-action items, such as litigations, being discussed after a Closed Session meeting. She explained this has happened. She fears going into Closed Session because information is continually disseminated out of Closed Session that are not action items. It is concerning to have conversations with Council because of these issues. Additionally, if it is a personnel matter, under Nebraska Law, it is the personnel individual's right to request to go into Closed Session. This information is the employee's personal and confidential information. If there is no action item required and the information is leaked, this is a problem. The reason for Closed Session is not to hide items. The reason is because they are truly non-action items which need to be discussed in Closed Session.

Ms. Johnson replied she is not defending people for divulging information. She stated if someone feels they need to come out publicly with an item discussed in Closed Session, the threat of losing their Council seat is too much. It is an entitlement for the voter, not for five people. Ms. Robbins stated there are progressive sanctions outlined. It will start with the bottom level, with other steps for removal from office. Ms. Robbins explained if anyone comes out of Closed Session and provides information, there is no point in Closed Session. Discussion occurred on the Omaha City Attorney supporting Closed Sessions and how there have been no problems with Omaha City Council Members disclosing items.

Ms. Johnson reiterated again she feels this ordinance is going too far. The Open Meetings Law exist and there is a purpose for it. Councilman Shannon informed Ms. Johnson, if it makes her feel better, several of the Council Members that are level headed, have already sworn they will never allow any part of this to ever be used. They can pass it, they can be stupid, they can do anything they want. It is never going to be allowed to be used. Ms. Johnson stated in parting she asked the Council to consider how serious removal from office is.

Mayor Hike asked Councilman Shannon if he would like to point out the level headed Council Members. Councilman Shannon replied he would not, the public will see it when the Council votes.

Mr. John Masters spoke in opposition. He stated he has an issue with the Council Members being voted off. It is taking away his right as a voter to vote for his representative. He inquired how he could hold those voting his Council representative out of office accountable. Also, it seems if an individual Council Member has an issue with another Council Member, it allows the process to get started. He feels there are sanctions and a recall process in place already to take care of issues. He commented he feels this process is unnecessary. Closed Sessions are something the Council should be careful of. However, it has an effect of the public of being informed. Roles should be in place to make the Council accountable, but removal of office is going too far. This should be the voter's choice.

Ms. Nicole Leclerc has concerns with the definition of misconduct and how it will be decided. She feels the proposed ordinance is not leading to transparency.

Councilwoman Welch read the following statement: "I have been a victim of sexual harassing language in the past; and I can tell you that if it was an employee of the City of Bellevue, another government agency, or private enterprise, investigation and discipline would have been warranted. Under our current ordinances, there is no accountability and or no action can be taken against the perpetrator. This ordinance creates more transparency within our city government. This ordinance brings unprofessional and improper conduct and behavior to the public's attention. And while the first time may not warrant removal from office, the public may choose to not put up with this type of behavior. We hold our city employees to a high standard when they are conducting City business, and it should be no different for our elected officials. Thank you".

Councilman Shannon stated he has several letters and emails, sent in by people, requesting they be acknowledged and added into the record. Letter of opposition were received from Roxanne Hardebeck and the ACLU. Ms. Johnson had also sent in a letter as well as spoke earlier.

Councilman Stinson advised he has taken his stance on this on his City Council Facebook page. He believes it is the right of the people to remove Council Members from office. He will not be backing this ordinance. He stated if the people put them in office, they should be able to take them out.

Councilman Preister thanked everyone for their feedback. He stated this is a very serious issue for the well-being of the City. He referred to Councilwoman Welch addressing sexual harassment. He advised the focus is not on just what happens in Closed Session. This is addressing serious behavior and sexual harassment. There is the "Me Too" Movement going on right now. Women are standing up and not taking it. There are women in the City staff who are intimated and are not going to speak up, because it is a Council Member. This is a serious problem and at this point there is no best solution. The solution

can be improved. He advised this process is done in a progressive fashion and is not immediate. It is more along three strikes and you're out. Councilman Preister summarized this is not about Closed Session, it's about a whole lot more that is potential to be inflicted. Some of which has already been. Councilman Shannon commented his concerns are the things not being addressed. He stated: "One of the things this does is makes Council Members City Officials, puts us under the City Administrator. That's the part of the ordinance I have the biggest heartburn with. I am not a City Official, I am an elected representative of the people. I do my job and I represent the people; and I talk to the media and I give them feedback, I answer their questions. When they start coming to us and asking us about real estate commissions and Council Members attending Closed Sessions illegally because they have a conflict. Or they start talking about other things going on in the City. It is our duty to answer their questions and give them the information they have". He summarized they need to be responsive to be transparent to the public. It's the things being swept under the rug that are not being addressed, that are bigger concerns.

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

Mayor Hike stated the third reading and vote of the Ordinance No. 3977 will be heard at the Council meeting on November 19th.

Councilman Shannon questioned if the City Attorney is going to amend the Ordinance, if another public hearing could be heard to hear the final version. The public would then be allowed to comment on the changes made to the ordinance.

Ms. Robbins explained there will be amendments based off feedback of the public and the City Council. Procedurally a motion should be made to table the third reading until December. Another public hearing would be held on November 19th. She advised a third reading could be done on November 19th and could be opened up for public hearing.

Motion made by Shannon, second by Preister, to table the item, hold a Public Hearing on November 19th, and hold the third and final reading on December 3rd.

Councilman Cook clarified if the vote is on Ordinance No. 3977, Ordinance No. 3978, and Policy Resolution 35. Ms. Robbins replied, it is on all three items. She suggested Councilman Shannon amend his motion to clarify.

Motion made by Shannon, second by Preister, to amend to address all three items, Ordinance No. 3977, Ordinance No. 3978, and Policy Resolution 35, table the item, hold a Public Hearing on November 19th, and hold the third and final reading on December 3rd. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Ordinance No. 3978: An Ordinance to amend Article IV, Chapter 2, of the Bellevue City Code by adding a new Section 2-208 regarding removal of elected officials for misconduct. (City Attorney). Policy Resolution 35: Approve amended Policy Resolution 35 regarding Principles of Conduct and Decorum. (City Attorney)

Ordinance No. 3978, an ordinance to amend Article IV, Chapter 2, of the Bellevue Municipal Code by adding a new Section 2-208 regarding removal of elected official for misconduct and to provide for the effective date of this ordinance, was read by title only for the second time and presented for public hearing.

Mayor Hike stated the public hearing was already held. A motion was made to hold another Public Hearing on November 19th and the third reading on December 3rd.

Ordinance No. 3979: Request to rezone Lots 1 - 72, and Outlots A-C, Belle Lago Replat 1, from RG-50-PS and RG-28-PS to RG-8-PS in order to facilitate a townhome development, Approval of the preliminary plat; Approval of the final plat, and Approval of the Second Amendment to the Belle Lago Subdivision Agreement for Lots 1 through 72, and Outlots through C, Belle Lago Replat 1. (Land Use Planner)

Ordinance No. 3979, 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 the southeast corner of 48th Street and Capehart Road, more particularly described in Section 1 of the Ordinance and to provide an effective date, was read by title only for the second time and presented for public hearing.

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

Mr. Larry Jobeun was present as the Attorney for the developer. He explained this is a continuation of the original replat of Belle Lago, which the Council approved some time ago. This request is for a preliminary plat, rezoning, and final plat, to allow for 72 single family townhome style units, and three outlots. The outlots include the roadway systems and drainage ways. This property was zoned as part of the original plat to RG-50-PS and RG-28-PS. The request is now for RG-8-PS. The project consists of a number of fourplexes and townhome style units, with two floor plans. One floor plan calls for 1,643 square feet with a value of $213,900. The other floor plan has 1,515 square feet, with a value of $203,900. All streets with the development are private and will be maintained by a Home Owners Association.

Councilwoman Welch inquired who the builder of the homes is. Mr. Jobeun replied it is the Home Company. Councilwoman Welch commented this development brings affordable housing into the community.

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

Mayor Hike stated the third reading of the ordinance will be heard at the Council meeting on November 19th.

Ordinance No. 3980: Request to rezone Lot 1, South Woods, Replat 3, from MH, BGH, and RG-8 to RG-8 for the purpose of an elementary school, Approval of a Conditional Use Permit, and Approval of Small Subdivision Plat Lot 1, South Woods, Replat 3. Applicant: Kenneth Hahn Architects. General Location: Fort Crook Road and Childs Road West. (Land Use Planner).

Ordinance No. 3980, 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 zoning classification of land located at or about Fort Crook Road and Childs Road West more particularly described in Section 1 of the Ordinance and to provide an effective date, was read by title only for the second time and presented for public hearing.

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

Councilman Preister commented this portion is only on the rezoning portion. The item has been delayed by the Planning Commission, as they held an additional meeting. He suggested suspending the rules of the third reading this evening and vote on the rezoning.

Dr. Cheryl Logan, Superintendent of OPS, spoke in support of the request. She thanked those who spoke directly with her regarding the request. The Omaha Public Schools currently serves 2,316 students from Sarpy County. Almost all of who reside is Bellevue. She assured OPS takes the responsibility to serve every single student very seriously, no matter where they are located. Dr. Logan explained the tax payers of the OPS district have passed two substantial bond issues in the last five years. These bonds totaled almost one billion dollars. OPS has made or is making nearly $36 million in improvements to the OPS schools located in Bellevue. As part of the campaign, OPS made a commitment to construct a new elementary school. This will result in an additional investment of $21 million. OPS intend to honor their commitment. The decision of placement of a new school was difficult. OPS goal was to make every effort to avoid displacing homeowners. From a transportation stand point, ease of access was considered while minimizing impact on residential neighbors. Schools are a critical fact of a neighborhood. Dr. Logan advised OPS came before the City Council nearly three years ago, on January 23, 2017. This was to provide an outline of the plans and to answer questions. OPS continued to work with the Planning Department on the request and appeared in front of the Planning Commission on three separate occasions. On July 25, 2019, the Planning Commission addressed safety concerns with the proposal. This was the first time OPS was made aware of any safety concerns with the proposal. Dr. Logan stated OPS would never build a school which would jeopardize student's safety. The student's safety is OPS' first priority. The concerns were taken to heart and OPS worked in conjunction with the Planning Department. Language was added to the proposed conditional use permit, in which OPS agreed to provide transportation, to every student living east of Fort Crook Road that would otherwise be within the one-mile walk zone. OPS also agreed to reroute bus traffic to avoid stacking near the adjacent railroad tracks. Sidewalks have also been redesigned to facilitate flow into the building, that avoided Fort Crook Road. Dr. Logan advised this is a tremendous project that will benefit the students, the neighborhood, the school district, and the City of Bellevue. Schools are great neighbors and increase property values. She offered a written copy of her remarks, a letter further outlining the districts position on the application, video of the City Council meeting, videos of the three Planning Commission meetings, and the staff recommendation made at each meeting into the record.

Mr. Tom Richards spoke in support of the rezoning and placement of the elementary school.

Mr. John Masters stated the Planning Commission has concerns with safety. He expressed the same interest. He mentioned Dr. Logan stated transportation would be provided to students living east of Fort Crook. He expressed concerns with students missing the bus crossing Fort Crook Road, as there is no safe way to cross. Another concern is with the bus stacking along Fort Crook Road impacting traffic along JFK.

Mayor Hike replied the bus stacking will take place along Nebraska Avenue, so there should not be any issues.

Ms. Debra Duff advised she lives 300 feet within the proposed property. She requested clarification on the lots being rezoned and what the zoning request means.

Mrs. Tammi Palm, Land Use Planner, explained there are several parcels involved. She noted on the overhead rezoning map the location of the properties. She advised the school is requesting a rezoning to RG-8, which is a residential district. This rezoning request would facilitate the development of the school with a conditional use permit with City Council approval. Mrs. Palm mentioned property owners within 300 feet of the parcels will receive notifications on rezoning request and conditional use permit request.

Ms. Duff questioned if the development will affect the field on Nebraska Drive which abuts the residential homes. Mrs. Palm advised it will not, explaining the development is on the east side of Nebraska Drive. Mrs. Palm advised if any of the neighbors have questions, they may contact the Planning Department at the number located on the bottom of the notification letters they received.

Mr. Kenneth Hahn was present as the Architect on behalf of Omaha Public Schools. He referred to the site plan for the development. There has been discussion on the bus routes. The buses will come in and out on Nebraska Drive, which is the street located to the west of the proposed development. The buses would come down Childs Road and enter a driveway located at the east end of the development. The students would be dropped off at the east end. The buses will be stacked in a safe manner. When the buses leave the site, they would get back out on Childs Road, go up Nebraska Drive, go north and toward Chandler Road. This plan would avoid any issues with any buses going toward the railroad tracks and Fort Crook Road.

Mayor Hike requested clarification on the bus service provided for the students, so they are not crossing Fort Crook Road.

Mr. Hahn explained the attendance area will be on both sides of Fort Crook Road. The students within a mile, on the west side of Fort Crook Road, will be asked to walk to school. There are sidewalks and pathways for the students. The front of the school faces towards Nebraska Drive, which is the way the students would enter the school. All students on the east side of Fort Crook Road will be required to ride the bus, instead of walking across Fort Crook Road.

Ms. Christine Jurgens commented she is in support of the school being built. She feels OPS has addressed the concerns of the safety issues. She referred to areas currently in the City of Bellevue, where Bellevue Public Schools are located, with safety concerns and issues.

Mr. Art Childers mentioned he doesn't have a problem with the school itself. His issue is with the railroad tracks. He stated he worked for the railroad for 38 years. Putting children by a railroad track is creating a very bad problem. He questioned what will happen if a child on the east side of Fort Crook Road misses a bus. He addressed the lack of sidewalks in the area. Mr. Childers mentioned he has concerns with an increase in traffic, road issues, and issues with the sewer system. He commented ten trains run a day at 45 mph and do not stop on a dime.

Mr. Brian Hanson commented he agrees with the Planning Commission on their recommendation. He stated he is troubled by the possibility there could be a derailment or spill of materials on the railroad tracks. He mentioned he has concerns with Childs Road being a treacherous road in the winter.

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

Councilman Cook thanked Dr. Logan for meeting with or talking with Council Members. He mentioned he has concerns with eight to nine trains on average passing the school each day. If a student gets hurt, everyone will point a finger at the City. Another concern is the buses going through a residential neighborhood and going to Chandler Road, going back to the railroad tracks. Childs Road is a southern border of the school district. If you go across the street to the south, you will be in Bellevue Public School District. He expressed interest in the students crossing Fort Crook Road. He questioned how this issue will be addressed.

Mr. Hahn replied architecturally, he doesn't design issues on site of the project. The concerns are how to make the project work in the best and safest way. The conditions of Fort Crook Road have existed for many years. The architect firm wasn't involved in the selection of the land, they were hired to design the piece of land for the development of the school. He doesn't have an answer of how to make Fort Crook Road safe. The Planning Commission made a request for the team on the school development to have a meeting with Public Works Department and City Staff. The Traffic Engineer on the project was included in the meeting. The recommendation the team received from the meeting, was to not create a crosswalk because of the extreme difficulty to get across the street. The development team has done everything they possibly can to come up with ways for children to not cross Fort Crook Road.

Councilman Cook commented he understands the effort, however this was done after the selection of a site was made. He stated he has a problem with a child crossing the street. He feels a better selection of a site could have been made.

Mr. David Kramer was present as the Attorney for Omaha Public Schools. He stated he was involved in the initial site selection process. The Board considered five possible sites. One of the primary considerations was avoiding displacing people from their homes. He stated the options are limited with as many acres as the school requires. There is no location that OPS could select that wouldn't impact the neighborhood, impact traffic into a major artery, and wouldn't result in similar issues the proposed site presents. Mr. Kramer advised during this whole process the safety of the students has been the number one concern. OPS has worked with the Planning Commission and Planning Department to address safety concerns. There was extensive discussion with the Planning Commission regarding the construction of a crosswalk. Upon discussion with City departments agreed a crosswalk did not make sense. When students miss the bus, the parents or students can contact the school to arrange transportation. Mr. Kramer advised OPS does everything they can to provide a safe location and safe environment for the students.

Councilman Cook suggested the students who live on the east side of Fort Crook Road continue to attend Chandler View Elementary. He mentioned OPS should look at restructuring and build a school out west.

Conversation ensued on this topic.

Councilman Burns left the Council Chambers at 8:28 p.m.

Councilman Cook stated this is not a good location for a school for safety reasons and that it is on a boundary between two school districts.

Dr. Logan advised the schools in the southern district are currently overcrowded. She mentioned Chandler View has several portables as is, there is no room to add additional students. The delay in this project has delayed the school from opening in 2021/2022 to 2022/2023. Four OPS schools will now be open in one year, which is a tremendous change for the entire southern portion of district. Dr. Logan stated young people deserve to be inside of buildings and not in portables. She explained there is already a hardship placed on the students as they have to leave the portables for specials and lunch. She stated they deserve better.

Councilman Burns returned the Council Chambers at 8:31 p.m.

Councilman Cook commented OPS is an outstanding school district. He reiterated his concerns are with the location and safety.

Mayor Hike inquired if OPS has a day time shuttle for kids who need rides that are late. Dr. Logan stated they do not have a shuttle. The caring staff would make sure to get the students to school.

Mr. Childers commented OPS has not addressed the safety of the students. He inquired if Camp Brewster Road will be blocked off on the north end.

Ms. Robbins questioned how many schools are in the OPS district. Dr. Logan replied 64 elementary schools. Ms. Robbins inquired if some of the schools are located off of busy roads with street lights and crosswalks. Dr. Logan replied yes. Ms. Robbins inquired even with every safety precaution possible if any accidents have happened. Dr. Logan replied yes. Ms. Robbins commented it is safe to say accidents can happen anywhere regardless of the safety precautions. Dr. Logan commented yes, it is important to revisit safety precautions for the students.

Ms. Robbins inquired if the City Council passes the request, and concerns are presented to OPS regarding a large number of students crossing the road, would OPS continue to be willing to work on alleviating any of those concerns. Dr. Logan replied yes, explaining OPS is constantly reviewing safety precautions.

Ms. Robbins confirmed safety is the number one priority for OPS. Dr. Logan stated yes, it is. Ms. Robbins inquired if OPS has done everything to account for the safety of students by modifying this in the conditional use permit. She questioned Dr. Logan if OPS is comfortable with everything they have done to account for safety and continue to listen to concerns and correct issues that surface. Dr. Logan replied she does.

Mayor Hike commented Fort Crook Road is the problem, not the school. The road is to wide. The Fort Crook Road Plan will take the road to four lanes which will make more connectivity. If this ever happens, this will resolve many problems. OPS is working around a problem Bellevue has with Fort Crook Road. He suggested installing no pedestrian crossing signs.

Councilman Preister complimented OPS on the wonderful programs, schools, and education. He mentioned the students are not being optimally educated due to conditions of overcrowding and portables. He stated he does not see any other available sites for the development of a school. This site does have safety concerns. It is hopeful in five years Fort Crook Road will be a different road. He feels OPS is doing the best they can to minimize safety concerns.

Councilman Preister stated there are two items before the Council this evening. Most of the discussion has been on the second one, the first one is on the rezoning. The rezoning will take the property from three different zonings to one zoning. He did not hear one person speak against the rezoning; the concerns have been with safety. He would like to suspend the rules and vote on only the rezoning.

Motion made by Preister, seconded by Welch, to suspend the rule for the third reading and vote on the rezoning.

Councilman Stinson stated he is against voting tonight as he is still on the fence. He wanted to take public comments into concern before voting.

Ms. Robbins advised the motion would be to suspend third reading which would require a vote to proceed. The vote would only be on Ordinance No. 3980 regarding the rezoning. The vote would not be on the conditional use permit. The rezoning request is for RG-8 to allow all the properties zoned the same. She explained Item 12e2., is a replat of the property in conjunction to the rezoning. It would make sense to vote on both items. If the Council votes on the rezoning and replat, leaving Item 12e1., on the table for future consideration, this would be for the conditional use permit allowing the building of the school.

Councilman Stinson stated RG-8 currently allows the building of a school. If the whole plat is zoned RG-8 they could build without the permission of the City Council. Ms. Robbins advised the conditional use permit would still need to be approved under the RG-8 zoning district.

Councilman Cook questioned why the rezoning should be approved tonight, if the conditional use permit may not pass. The rezoning would stay with the property for a potential different development. He stated he does not

want to vote tonight. Ms. Robbins stated OPS is the owner of the properties. In order for the small subdivision to take place, the lots should be zoned the same. Mrs. Palm advised they do not need be zoned the same to do a replat.

Discussion occurred on the zoning of the parcels surrounding the development.

Councilman Preister advised his whole purpose was to help show OPS the City of Bellevue is not so difficult to deal with. They have gone to three public hearings in front of the Planning Commission and the project has been laid over another month. He wanted to show good faith, respect to the district, and respect OPS has taking precautions for the safety of the students. He stated after feedback from the Council he is withdrawing his motion.

Motion made by Preister, seconded by Welch, to withdraw the motion to suspend the third reading and voted on the rezoning.

Councilwoman Welch thanked Dr. Logan and Mr. Hahn for meeting with her and explaining the plans. She mentioned the concerns OPS has for safety, is also the concern of the City Council. She would like to come up with a solution to make this a win win for OPS and the City of Bellevue.

Mayor Hike inquired if OPS would not have a problem if there were no pedestrian crossing signs at the intersection. Mr. Kramer replied there would be no problem and they respect that. He advised the students and parents will be educated on the expectations of Fort Crook Road.

Mayor Hike stated the third reading of the ordinance will be heard at the Council meeting on November 19th.

Ordinances for Introduction: (First Reading):

Ordinance No. 3981, an ordinance to redefine ward boundaries due to recent annexations. (Administration)

Ordinance No. 3981, an ordinance to amend Section 9-3 of the Bellevue Municipal Code to provide for revised City Council ward boundaries; to repeal Section 9-3 of the Bellevue Municipal Code as heretofore existing; to provide for the publication of this ordinance in pamphlet form; and to provide for the effective date of this ordinance; was read by title only for the first time and scheduled for public hearing at the Council meeting on November 19th.

Ordinance No. 3982: An Ordinance amending Ordinance No. 3965 to authorize the refunding of additional bonds. (Finance Director) (Suspend the statutory rule requiring reading on three different days, hold a public hearing at tonight's meeting and vote on the ordinance after the public hearing).

Ordinance No. 3982, an ordinance of the City of Bellevue, Nebraska, amending Ordinance No. 3965 to authorize refunding of additional bonds which are obligations of the City and increase the state principal amount of the bonds to not exceed thirty-six million five hundred thousand dollars ($36,500,000) General Obligation Refunding Bonds, Series 2019, of the City of Bellevue, Nebraska, and amending certain parameters for such bonds; authorizing certain other documents and actions in connection therewith; and providing for publication of this ordinance in pamphlet form.

Motion made by Shannon, seconded by Welch, to suspend the rule for third reading of the ordinance and vote tonight. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

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

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

Ordinance No. 3982, an ordinance of the City of Bellevue, Nebraska, amending Ordinance No. 3965 to authorize refunding of additional bonds which are obligations of the City and increase the state principal amount of the bonds to not exceed thirty-six million five hundred thousand dollars ($36,500,000) General Obligation Refunding Bonds, Series 2019, of the City of Bellevue, Nebraska, and amending certain parameters for such bonds; authorizing certain other documents and actions in connection therewith; and providing for publication of this ordinance in pamphlet form.

Motion was made Preister, seconded by Welch, to approve Ordinance No. 3982. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Ordinance No. 3983: An Ordinance authorizing refunding of Convention Center bonds. (Finance Director) ***(Suspend the reading of ordinances on three different days, hold a public hearing at tonight's meeting and vote on the ordinance after the public hearing)***

Ordinance No. 3983, an ordinance authorizing the approval of refunding bonds (Convention Center Project), taxable Series 2019, of the Bellevue City Municipal Building Corporation in one or more series in an aggregate stated principal amount not to exceed seven million dollars ($7,000,000); authorizing approval of one or more bond purchase agreements providing for the sale of the bonds to the underwriter; authorizing addenda to a Lease-

Purchase Agreement with the Bellevue City Municipal Building Corporation; authorizing the defeasance and redemption of the corporation's building bonds (Convention Center Project), taxable Series 2016; authorizing the approval and execution of documents with respect to said Lease-Purchase Agreement and Bonds; and providing for the publishing of this ordinance in pamphlet form.

Motion made by Shannon, seconded by Burns, to suspend the rule for third reading of the ordinance and vote tonight. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

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

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

Ordinance No. 3983, an ordinance authorizing the approval of refunding bonds (Convention Center Project), taxable Series 2019, of the Bellevue City Municipal Building Corporation in one or more series in an aggregate stated principal amount not to exceed seven million dollars ($7,000,000); authorizing approval of one or more bond purchase agreements providing for the sale of the bonds to the underwriter; authorizing addenda to a Lease-Purchase Agreement with the Bellevue City Municipal Building Corporation; authorizing the defeasance and redemption of the corporation's building bonds (Convention Center Project), taxable Series 2016; authorizing the approval and execution of documents with respect to said Lease-Purchase Agreement and Bonds; and providing for the publishing of this ordinance in pamphlet form.

Motion was made Preister, seconded by Burns, to approve Ordinance No. 3983. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

PUBLIC HEARINGS ON MATTERS OTHER THAN ORDINANCES:

Request for approval of the Bellevue Economic Enhancement Foundation/Bellevue Chamber of Commerce, Marathon Ventures and Salvation Army to hold the Annual Salvation Army Big Red Kettle Kick-off Celebration with a Firework Display (provided by Bellino Fireworks), at 901 Fort Crook Road North on Friday, November 8, 2019 from 5:30 p.m., - 8:00 p.m. with fireworks at 7:30 p.m. (City Clerk)

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

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

Motion was made Welch, seconded by Cook, for approval of the Bellevue Economic Enhancement Foundation/Bellevue Chamber of Commerce, Marathon Ventures and Salvation Army to hold the Annual Salvation Army Big Red Kettle Kick-off Celebration with a Firework Display (provided by Bellino Fireworks), at 901 Fort Crook Road North on Friday, November 8, 2019 from 5:30 p.m. - 8:00 p.m. with fireworks at 7:30 p.m. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Request for approval of request to final plat Lots 94 through 170, and Outlot B, Liberty, for the purpose of single-family residential development. Applicant: Liberty Land, LLC. General Location: Daniell Road and Chennault Street; and approval of the Liberty Phase 2 Subdivision Agreement. (Land Use Planner)

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

Mr. Andrew Koster, was present on behalf of Thompson, Dreessen, and Dorner, representing the applicant. The request is for a final plat of 77 lots to provide for residential homes. The final plat is in conformance with the preliminary plat.

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

Councilman Shannon inquired where the nearest park to the subdivision is located. Mr. Koster stated there is a planned park in the Master Park Plan. Mrs. Palm commented the closest park is Lakewood Villages to the west. She explained when this area was preliminary platted, it was the City's plan in the Master Park Plan, to do some sort of park development on the City's property to the north of the Veteran's Home. Councilman Shannon questioned when this would be coming. Mrs. Palm stated that is dependent on the City.

Mayor Hike inquired if the development is contributing to the park fund. Mrs. Palm replied yes.

Councilman Cook mentioned there is a City Park Committee in place now, which was recently established by Councilman Burns. Discussion occurred on the development of the parks in the area.

Motion made by Cook, seconded by Preister, to approve the request to final plat Lots 94 through 170, and Outlot B, Liberty, for the purpose of single-family residential development. Applicant: Liberty Land, LLC. General Location: Daniell Road and Chennault Street. of the Liberty Phase 2 Subdivision Agreement. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Motion made by Welch, seconded by Cook to approve the Liberty Phase 2 Subdivision Agreement. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

RESOLUTIONS:

Resolution No. 2019-38: Approval Resolution authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance for the NE Board of Public Roads Classifications and Standards for 2019. (City Clerk)

Motion made by Cook, seconded by Burns, to Approve Resolution No. 2019-38: Approval Resolution authorizing the Mayor to sign the Municipal Annual Certification of Program Compliance for the NE Board of Public Roads Classifications and Standards for 2019. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

CURRENT BUSINESS:

Approval of the MOU and Agreement with Pilgrim Landing Garden Club for the purpose of providing for the maintenance of the plantings in the public areas within the City right-of-way within the Pilgrim Landing Subdivision, formerly SID 183. (Administration)

Motion made by Stinson, seconded by Shannon, to Approval of the MOU and Agreement with Pilgrim Landing Garden Club for the purpose of providing for the maintenance of the plantings in the public areas within the City right-of-way within the Pilgrim Landing Subdivision, formerly SID 183. . Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Authorize the City Attorney to initiate eminent domain proceedings for Tract C14, 36th Street - Bline to Sheridan. (City Attorney)

Motion by Cook, seconded by Welch, to approve initiate eminent domain proceedings for Tract C14, 36th Street - Bline to Sheridan.

Ms. Robbins commented her remarks pertain to both 16b. and 16g. There have been negotiations with the land owners regarding the 36th Street Widening Project. Deals have not gone through; therefore, the next step is eminent domain in the County Court. She would need to receive authorization to file if needed.

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

Approve the Proposal with Heimes Corp. for the 36th Street Emergency Culvert repair, not to exceed $47,600. (Public Works Director)

Motion made by Cook, seconded by Welch, to approve the Proposal with Heimes Corp. for the 36th Street Emergency Culvert repair, not to exceed $47,600. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Approve the Acquisitions, Permanent and Temporary Easements for the 36th Street Improvement Project, not to exceed $67,226. (Public Works Director)

Motion made by Stinson, seconded by Cook, to approve the Acquisitions, Permanent and Temporary Easements for the 36th Street Improvement Project, not to exceed $67,226. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Approve the Memorandum of Understanding restructuring the Bellevue Professional Management Association (BPMA) job classification due to reorganization in the Planning Department. (Human Resources Director)

Motion made by Welch, seconded by Cook, to approve the Memorandum of Understanding restructuring the Bellevue Professional Management Association (BPMA) job classification due to reorganization in the Planning Department.

Councilman Shannon requested a chart be displayed showing the restructuring of the Planning Department. He requested clarification on the terms and titles of the positions. Mr. Ristow explained the intent is to create a Community Development Director position. This position will oversee Permits and Inspections, Planning, Code Enforcement, Community Relations, and Media Coordinator. There have been discussions with developers to be more business friendly. Within restructuring the Planning Director position was eliminated. The Planning Manager will report directly to the Community Development Director. A director

cannot report to another director. With the Planning Department Director position eliminated, Mrs. Palm is now the Planning Manager. Under the Planning Manager will be an Assistant Planning Manager, and Planning Secretary. Mrs. Palm will assume a large portion of the duties of the eliminated Planning Director position and the Community Development Director will assume other pieces of that position.

Councilman Shannon inquired if changing the title from Planning Director to Planning Manager require rewriting of Planning Ordinances. Mr. Ristow advised there will be general clean-up of the language. Ms. Robbins commented those can be revised.

Councilwoman Welch questioned if the Community Developer Director is a liaison between developers and the City Departments underneath the director. Mr. Ristow replied yes. This position will also help with disconnects between entities.

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

Approve the Memorandum of Understanding (MOU) restructuring the Civilian Employees Association of Bellevue (CEAB) job classification due to reorganization in the Planning Department (Human Resources Director)

Motion made by Welch, seconded by Cook, to approve the Memorandum of Understanding (MOU) restructuring the Civilian Employees Association of Bellevue (CEAB) job classification due to reorganization in the Planning Department. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Authorize the City Attorney to initiate eminent domain proceeding for Tracts A10, A39, B21, and C8 in the event timely responses are not received or an impasse is reached regarding the tracts (City Attorney)

Motion made by Cook, seconded by Stinson, to approve initiate eminent domain proceeding for Tracts A10, A39, B21, and C8 in the event timely responses are not received or an impasse is reached regarding the tracts. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Approve and authorize the execution of the Interlocal Agreement for the Contribution and Allocation of Omaha Public Power District Payments in Lieu of Taxes. (Administration)

Motion made by Cook, seconded by Burns, to Approve and authorize the execution of the Interlocal Agreement for the Contribution and Allocation of Omaha Public Power District Payments in Lieu of Taxes. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

ADMINISTRATION REPORTS:
Mayor Hike asked if there were any questions for the City Administrator or any of the Directors on the report presented. Councilman Shannon referred to Mr. Ristow's report regarding river levels throughout the fall. Mr. Ristow explained some of the discussion was about what levels the City will be experiencing through the fall, currently the levels have not dropped. A secondary concern is not what comes in from the Missouri River but what the City can't get out. There has been discussion with the NRD in regards to a permanent pumping solution where the Brown River is located. The industrial and business district has a large issue with water retention. As the water is pumped, it keeps coming up. With putting the water into the Brown River, which has the gates closed, it cannot get into the Missouri. The City is trying to find a solution to move the water to the Missouri.

CLOSED SESSION: None

ADJOURNMENT:
There being no further business to come before the Council at this time, on motion by Burns, seconded by Preister, the meeting adjourned at 9:27 p.m. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: 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 November 5, 2019; 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

*5b.2
11/19/19

City of Bellevue
Office of the City Administrator

MEMORANDUM

To: Mayor and City Council Members

From: Jim Ristow
City Administrator

Subject: December / January Council Meetings

Date: November 15, 2019

The December City Council Meetings are scheduled for the 3rd and 17th. Past practice was to only hold the first meeting in December and suspend the second meeting.

With the change in meeting dates we are proposing to keep our current December meetings and cancel the 1st January Council meeting which is scheduled for the 7th of January.

I have placed an item on the Agenda for the November 21, 2019 meeting authorizing the cancellation of the January 7th Council meeting and authorizing staff to pay bills that cannot be held over until the January 21, 2019 Council meeting.

If an item arises that would require the Council's action prior to the January 21st meeting, a special meeting could be called.

MINUTE RECORD

*6a.
11/19/19

CLAIMS FOR NOVEMBER 19, 2019

MAYOR

CENTURY LINK	MONTHLY SERVICE-2019-10-22	14.04
		$ **14.04**

CITY ADMINISTRATION

BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	82.18
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	117.31
CENTURY LINK	MONTHLY SERVICE-2019-10-22	27.17
COMMERCIAL SOLUTIONS	NOTARY BOND-RYBAR	40.00
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	62.26
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	131.23
		$ **460.15**

CITY COUNCIL

METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	145.69
		$ **145.69**

LEGAL SERVICES

CENTURY LINK	MONTHLY SERVICE-2019-10-22	27.62
CROKER, HUCK, KASHER, DeWITT	SID 177 ANNEX EXP-CONSULTING FEES TO 2019-9-30	3,339.13
LATIMER REPORTING	DEPOSITION TRANSCRIPTION	123.70
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	62.26
SARPY COUNTY COURT	LEGAL FEES	34.00
VALERIE A KOCHEVAR	DEPOSITION TRANSCRIPTION	101.50
		$ **3,688.21**

CABLE ADVISORY

BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	69.85
CENTURY LINK	MONTHLY SERVICE-2019-10-22	9.36
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	62.26
		$ **141.47**

CITY CLERK

BELLEVUE LEADER	RENEW SUBSCRIPTION	158.95
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	61.64
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	53.53
CENTURY LINK	MONTHLY SERVICE-2019-10-22	14.04
COMMERCIAL SOLUTIONS	NOTARY BOND-HARBIN	40.00
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	62.26
MICROFILM IMAGING SYSTEMS	SERVER FOR SQL	534.00
		$ **924.42**

FINANCE/RISK MANAGEMENT

BELLEVUE PRINTING COMPANY	ENVELOPES	531.25
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	106.84
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	81.06
CENTURY LINK	MONTHLY SERVICE-2019-10-22	68.03
HANEY SHOE STORE	SAFETY SHOES PER CONTRACT-5 EMP	1,466.94
INDOFF	OFFICE SUPPLIES	77.50

MINUTE RECORD

CLAIMS FOR NOVEMBER 19, 2019

FINANCE/RISK MANAGEMENT (cont'd)

INFOSAFE SHREDDING	SHREDDING SERVICE-NOV 2019		30.00
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019		186.78
RED WING BUSINESS ADVANTAGE ACCOUNT	SAFETY SHOES PER CONTRACT-9 EMP		1,735.95
STANDARD PRINTING COMPANY	AP LASER CHECKS		429.01
THE CURE	SAFETY GLASSES, MESH VESTS PER CONTRACT		269.99
		$	**4,983.35**

LIBRARY

BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1		98.05
CAPITAL BUSINESS SYSTEMS	COPIER SERVICE		89.39
CENTURY LINK	MONTHLY SERVICE-2019-10-22		46.80
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019		107.39
INDOFF	PRINTER SUPPLIES, OFFICE SUPPLIES		561.00
INGRAM LIBRARY SERVICES	BOOKS		3,149.20
MATRIX BUSINESS SYSTEMS	COPIER EXPENSE		12.70
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019		280.17
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1		241.02
OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25		1,692.07
RUFF WATERS	AQUARIUM MAINTENANCE		154.89
		$	**6,432.68**

ADMINISTRATIVE SERVICES

BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1		90.40
CENTURY LINK	MONTHLY SERVICE-2019-10-22		65.40
INFOSAFE SHREDDING	SHREDDING SERVICE-NOV 2019		30.00
MATRIX	COPIER EXPENSE		100.55
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019		280.17
ONE SOURCE	BACKGROUND CHECKS		98.10
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES		2,351.64
		$	**3,016.26**

PUBLIC WORKS

AMERICAN COUNCIL OF ENGINEERING CO	NDOT CONFERENCE REGISTRATION		25.00
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1		53.09
CENTURY LINK	MONTHLY SERVICE-2019-10-22		56.16
HDR ENGINEERING, INC	BELLEVUE SOUTH LIFT STATION		1,713.58
INDOFF	OFFICE SUPPLIES		237.16
MATRIX BUSINESS SYSTEMS	COPIER EXPENSE		158.15
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019		155.65
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1		13.53
MICHAEL MURRAY	REFUND FOR PLUMBING PERMIT		48.15
ONE CALL CONCEPTS	DIGGERS HOTLINE FOR LOCATE		685.65
OVERHEAD DOOR COMPANY	INSTALL NEW GARAGE DOOR-SIGLER FIELD		650.00
SARPY CO REGISTER OF DEEDS	RECORDING FEES		114.00
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES		135.71
		$	**4,045.83**

MINUTE RECORD

CLAIMS FOR NOVEMBER 19, 2019

PARKS

442-PRAXAIR DISTRIBUTION	CYLINDER RENTAL	60.18
ALEXANDER LAWN & LANDSCAPE, INC	ROW MOWING-CYCLE 11	9,146.90
A-RELIEF SERVICES	PORTABLE RESTROOMS-BALDWIN	160.00
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	41.20
CENTURY LINK	MONTHLY SERVICE-2019-10-22	42.12
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019	107.39
DAY ELECTRIC SERVICE, INC	REPLACE PANEL-BALDWIN	5,239.00
LINDEN TREE LANDSCAPING & LAWN CARE	MOWING-SEPT 2019	760.00
LM LANDSCAPE LLC	FALL CLEANUP-OCT 2019	250.00
MARCO TECHNOLOGIES, LLC	COPIER EXPENSE	85.07
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	280.17
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	779.48
METROPOLITAN UTILITIES DIST	SID 147 ANNEX EXP-MONTHLY SVC-2019-6-3	1,828.49
MILLARD SPRINKLER	WINTERIZE SPRINKLER SYSTEM	110.00
OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25	1,504.46
OMAHA PUBLIC POWER DISTRICT	SID 147 ANNEX EXP-MONTHLY SVC-2019-6-5	45.51
PAPILLION SANITATION	CODE DUMPSTER	1,486.57
PLATTEVIEW TURF, INC	MOWING SERVICE-SID 265, SID 197	2,500.00
PRECISE MRM LLC	POOLED DATA PLAN	18.79
TAB CONSTRUCTION	AMERICAN HEROES PARK-PHASE 6	32,849.50
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	3,640.06
VOGEL WEST	PAINT	414.98
WALKERS UNIFORM RENTAL	UNIFORM SERVICE	13.42
WESTLAKE ACE HARDWARE	OIL FOR TOOLS	74.93
	$	**61,438.22**

RECREATION

CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	7.02
CENTURY LINK	MONTHLY SERVICE-2019-10-22	59.13
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019	88.39
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	62.26
MIDWEST IMPRESSIONS	T-SHIRTS	809.50
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	207.14
	$	**1,233.44**

BUILDING MAINTENANCE

AMERICAN UNDERGROUND SUPPLY, LLC	SPRINKLER SYSTEM PARTS	114.15
AQUA-CHEM	CPO TRAINING	300.00
BIG RED LOCKSMITHS	KEYS, REKEY, CHANGE CYLINDER COMBINATION	532.00
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	836.60
CARPENTER PAPER CO	JANITORIAL SUPPLIES	337.80
CENTURY LINK	MONTHLY SERVICE-2019-10-22	4.68
CODY PEST MANAGEMENT	PEST CONTROL	99.00
DAY ELECTRIC SERVICE, INC	REPAIR OUTSIDE LIGHTS-CEDAR ISLAND RD	866.93
FIRE PROTECTION SERVICES, LLC	SEMI ANNUAL FIRE ALARM INSPECTION	355.00
HILLYARD	JANITORIAL SUPPLIES	78.24
IDEAL PURE WATER COMPANY	BOTTLED WATER	35.00
JACKSON SERVICES, INC	DOOR MAT SERVICE	178.18
KB BUILDING SERVICES	JANITORIAL SERVICE-NOV 2019	10,708.50

MINUTE RECORD

CLAIMS FOR NOVEMBER 19, 2019

BUILDING MAINTENANCE

MENARDS	THERMOSTAT, LUMBER, BUCKETS, SNOW SHOVELS, GLOVES, ELEC SUPPLIES	1,073.55
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	217.91
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	731.47
O'KEEFE ELEVATOR COMPANY	ELEVATOR MAINTENANCE	455.92
OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25	2,158.53
SECURITY EQUIPMENT	SECURITY MONITORING TO 2020-1-31	2,346.00
SIGNIT	SYMBOLS FOR HANDICAP	60.00
THE HOME DEPOT PRO-SUPPLY WORKS	JANITORIAL SUPPLIES	778.61
VOSS LIGHTING	JANITORIAL SUPPLIES	298.10
WESTLAKE ACE HARDWARE	SUPPLIES, MULCH, PUMPKINS, LEAF BLOWER, PAILS	502.31
	$	**23,068.48**

CEMETERY

BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	20.60
CENTURY LINK	MONTHLY SERVICE-2019-10-22	4.68
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019	83.39
DONALD ROUBINEK	SELL BACK PLOTS	600.00
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	62.26
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	88.44
OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25	399.00
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	239.17
	$	**1,497.54**

STREETS

AMERICAN CONCRETE PRODUCTS CO	INLET TOPS	5,800.00
ASPHALT & CONCRETE MATERIALS	ASPHALT	3,195.65
AVERY RENTS	PROPANE	73.92
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	80.14
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	29.98
CENTRAL SALT	DEICING SALT	16,858.50
CENTURY LINK	MONTHLY SERVICE-2019-10-22	42.12
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019	274.17
E&A CONSULTING GROUP	SID 186 ANNEX EXP-CONSULTING FEES-2019-8	1,470.80
FLATBED EXPRESS, INC	WEIGH TRUCKS FOR CALIBRATION	75.00
GUARD RAIL SYSTEMS CO	MOBILIZATION, TRAFFIC CONTROL	5,000.00
INDEPENDENT SALT CO	ICE CONTROL SALT	23,589.47
LOGAN CONTRACTORS SUPPLY	CRAFCO SEALANT	18,495.00
MARTIN PRODUCTS SALES, LLC	BULK OIL	621.60
MENARDS	BUSHINGS, CLAMPS, HOES	24.08
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	892.79
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	771.32
MID AMERICA CLEANING SYSTEMS, INC	HOSE, ELBOW	120.49
MID-AMERICAN SIGNAL	RACK MOUNT, CONTROLLER CPU, POWER SUPPLIES	111,876.00
MIDWEST RIGHT OF WAY SERVICES, INC	ROW SERVICE #545	13,158.30

MINUTE RECORD

CLAIMS FOR NOVEMBER 19, 2019

STREETS (con'd)

OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25	14,624.17
OMAHA PUBLIC POWER DISTRICT	MONTHLY STREET LIGHTING-2019-10-29	74,156.38
OMAHA PUBLIC POWER DISTRICT	SID 147 ANNEX EXP-MONTHLY SVC-2019-5-24	2,145.41
OMAHA PUBLIC POWER DISTRICT	SID 177 ANNEX EXP-MONTHLY SVC-2019-9-27	618.02
OMAHA PUBLIC POWER DISTRICT	SID 186 ANNEX EXP-MONTHLY SVC-2019-10-29	3,719.14
OMAHA PUBLIC POWER DISTRICT	SID 197 ANNEX EXP-MONTHLY SVC-2019-9-27	3,467.49
OMAHA PUBLIC POWER DISTRICT	SID 280-MONTHLY SERVICE-2019-10-29	3,118.21
OMNI	ASPHALT	2,161.24
PRECISE MRM LLC	POOLED DATA PLAN	114.74
READY MIXED CONCRETE COMPANY	CONCRETE	16,353.71
SMITH FERTILIZER & GRAIN CO, INC	BEET 55	7,011.62
TRADE WELL PALLET	WOOD PLANKS	238.00
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	4,843.40
VOGEL WEST	BLACK PAINT TO COVER BIKE LANES SYMBOLS	1,451.30
WALKERS UNIFORM RENTAL	UNIFORM SERVICE-2019-10-30	13.42
WESTLAKE ACE HARDWARE	CONNECTORS	9.99
	$	**336,495.57**

FLEET MAINTENANCE

911 CUSTOM, LLC	AMBER LIGHTS, CUSTOM CABINET	2,997.32
A&L HYDRAULICS, INC	REBUILD STEERING CYLINDER	265.60
ACTION BATTERIES UNLIMITED	BATTERIES FOR SANDERS	26.55
ALBERT TOOL & DIE, INC.	HANDLE FOR LIFT CONTROL	885.00
ALLIED OIL & TIRE COMPANY	OIL	848.99
ASPEN EQUIPMENT CO	SPROCKET	81.73
AUTO VALUE PARTS - SOUTH OMAHA	RAZOR BLADES	4.29
AUTOMOTIVE WAREHOUSE DIST, INC	AIR HOSE, BLACKJACK, THREADLOCKER, EXHAUST, PARTS	2,590.55
AVERY RENTS	PROPANE	54.78
BAUER BUILT	TIRES FOR SNOW PLOWS AND FIRE TRUCKS	8,192.60
BAXTER CHRYSLER DODGE JEEP	ACTUATOR, LOWER ARM, RACK AND PINION	2,436.87
BAXTER FORD	LAMP ASSEMBLY, SCREWS, BRACKETS, CONNECTORS, PARTS	1,038.44
BELLEVUE TIRE & AUTO SERVICE	TIRES	1,877.00
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	167.75
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	29.24
CENTURY LINK	MONTHLY SERVICE-2019-10-22	32.76
CORNHUSKER INTERNATIONAL TRUCKS	CLAMPS, GASKETS, HEAD KIT, PARTS, ENGINE HEATER, SENSORS, OIL	2,549.11
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019	107.39
DANIELSON / TECH SUPPLY	LEAD WHEEL WEIGHTS	63.87
DIESEL SPECIALITIES OF OMAHA	REMAN INJECTOR, LABOR CHARGE	2,348.48
DILLON BROTHERS H-D BUELL	BATTERY	174.95
DULTMEIER SALES LLC	3-WAY VALVE BOTTOM	198.00
EDWARDS CHEVROLET-CADILLAC	PAD, COVER	483.69
ELKHART BRASS MFG CO	REBUILD PISTON VALVES	1,247.56
FACTORY MOTOR PARTS CO	VALVE ASSEMBLY, RESISTORS, SHOCK	174.13
FARM PLAN	TURNBUCKLES, STRAINER, BRISTLES, PARTS	1,731.07
FORCE AMERICA, INC	SENSOR, RUBBER STRAP, AMPLIFIER	4,432.56

MINUTE RECORD

CLAIMS FOR NOVEMBER 19, 2019

FLEET MAINTENANCE (con'd)

GCR TIRES & SERVICE	TIRES	789.86
INLAND TRUCK PARTS CO	BRAKE DRUM BALANCE, LINED SHOES, DUST SHIELDS	518.55
INTERSTATE BATTERIES	BATTERIES	1,924.83
JIM HAWK TRUCK TRAILERS	CARTRIDGE	151.61
JONES AUTOMOTIVE	DOME LENSES	364.29
KELLY SUPPLY COMPANY	DISPOSABLE GLOVES	62.73
KRIHA FLUID POWER CO	COUPLERS, ELBOWS, FITTINGS	1,518.22
LIONS AUTOMOTIVE, I NC	REPAIR SEAT	35.00
LOGAN CONTRACTORS SUPPLY	AIR FILTER	22.00
MATHESON TRI-GAS INC	WELDING SUPPLIES	190.45
MENARDS	SHOVELS, WINDSHIELD WASH, BROOMS, DOLLY FOR TRASH CANS, PAINT	819.04
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	466.95
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	120.62
MIDLANDS AUTO REPAIR	ALIGNMENT	140.00
MITCHELL 1	RENEW SUBSCRIPTION	1,728.00
NAPA AUTO PARTS	FILTERS, HEATER HOSES, EXHAUST PIPE, CLAMPS, PARTS	1,959.86
NEBRASKA IOWA INDUSTRIAL FASTENERS	LOCK NUTS, TERMINALS, SUPPLIES, DRILL BITS, BOLTS	467.33
NORTH CENTRAL AMBULANCE	DOOR HANDLE	71.37
OFFICEMAX CONTRACT	LAMINATE MAPS	28.68
OMAHA GLASS PRO LLC	WINDOW TINTING	134.00
OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25	1,089.85
O'REILLY AUTOMOTIVE PARTS	AIR HOSE, PARTS, CLAMPS	31.75
P&M HARDWARE	BEARINGS, FILTERS, BUSHINGS, BELTS, REMAN CLUTCH	1,482.58
POWERPLAN	WINDOW, REPAIR DONE BY MURPHY TRACTOR	2,364.65
READY MIXED CONCRETE COMPANY	RUBBER MATERIAL FOR SNOW PLOWS	200.00
SEAGRAVES FIRE APPARATUS, LLC	STOP ENGINE RED LENS	131.71
SPARTAN MOTORS USA, INC	AIR HORN	696.42
STATE STEEL	HOT ROLLED STEEL	693.13
SUPERIOR SIGNALS	LED AMBER	408.00
SWAN ENGINEERING	O-RINGS, DUROMETER	23.03
TOOL SHED	DRILL DRIVE SET, AUTO EJECT,CARBIDE TIP HOLE SAW	134.60
TOYNE, INC	AUTO EJECT	1,064.07
TRI-V TOOL & MFG CO	MOLD BOARD BRACKET	708.00
TY'S OUTDOOR POWER & SERVICE	GASKET, SWITCH	25.86
UPS STORE	FREIGHT FOR RADAR REPAIR	27.73
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	848.92
WALKERS UNIFORM RENTAL	UNIFORM SERVICE	79.40
WAYTEK, INC	ELECTRICAL SUPPLIES	447.42
WICK'S STERLING TRUCKS	RELAY, BLOWER SWITCH, THERMOSTAT, MUFFLER STRAPS, DRAG LINK ARMS	1,628.02
WILLARD AUTO MACHINE INC	LABOR TO REBUILD HEAD FOR ST149	1,550.16
WOODHOUSE LINCOLN MERCURY, INC	PINS	24.00
	$	**60,212.97**

MINUTE RECORD

CLAIMS FOR NOVEMBER 19, 2019

PLANNING

BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	47.78
CENTURY LINK	MONTHLY SERVICE-2019-10-22	14.04
MARCO TECHNOLOGIES, LLC	COPIER EXPENSE	138.45
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	62.26
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	12.24
		$ 274.77

PERMITS & INSPECTIONS

BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	63.71
CENTURY LINK	MONTHLY SERVICE-2019-10-22	23.40
HARRIS COMPUTER SYSTEMS	SUPPORT AND MAINTENANCE-BLUEPRINCE SOFTWARE	5,000.00
MARCO TECHNOLOGIES, LLC	COPIER EXPENSE	126.81
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	249.04
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	16.35
SHELL SUPER STORE	CAR WASH	11.25
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	912.47
		$ 6,403.03

POLICE/CODE ENFORCEMENT

AUTO BODY AUTHORITY	TOW CHARGES	173.20
BELLEVUE ANIMAL HOSPITAL	VET SERVICE	577.12
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	1,162.74
CAPITAL BUSINESS SYSTEMS, INC	COPIER EXPENSE	163.90
CENTURY LINK	MONTHLY SERVICE-2019-10-22	428.48
CITY OF OMAHA	OFF SITE BILLING FOR INCINERATION-JUL/SEP	1,800.12
CITY TREASURER	2 FULL DAYS USE OF RANGE	240.00
CONSOLIDATED MANAGEMENT CO	MEALS FOR TRAINING AT ACADEMY	123.08
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019	83.39
CULLIGAN OF OMAHA	BOTTLED WATER	521.60
DILLON BROTHERS H-D BUELL	SWITCHPACK	336.58
DOUGLAS COUNTY SHERIFF OFFICE	FORENSIC FEE	25.00
ENTERPRISE FM TRUST	DEA VEHICLE LEASE	521.58
GALLO PROFESSIONAL POLYGRAPH SERVICES,	POLYGRAPH SERVICE	700.00
HOLLY CLARK	REIMB PER DIEM FOR TRAINING	178.50
INFOSAFE SHREDDING	SHREDDING SERVICE-NOV 2019	210.00
JACKSON SERVICES, INC	DOOR MAT SERVICE-1510 WALL ST	65.31
JASON CVITANOV	REIMBURSE PER DIEM FOR TRAINING	127.50
LP POLICE	MONTHLY LOCATE PLAN-OCT 2019	129.95
MATRIX	COPIER EXPENSE	485.44
MATT GREGURICH	REIMB FOR CDL LICENSE	63.50
MATTHEW BISHOP	REIMB FOR MEMBERSHIP DUES	15.00
MENARDS	CLEANING SUPPLIES, BATTERIES	74.11
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	3,612.25
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	297.77
MILLER DISTRIBUTORS, INC	BATTERIES	270.44
NORTH AMERICAN RESCUE	MEDICAL SUPPLIES FOR TRAUMA KITS	1,198.15
PLIBRICO REFRACTORY CONSTRUCTION	AC NOT COOLING	1,588.58
POLICE OFFICERS ASSOCIATION OF NEBRASKA	MEMBERSHIP DUES-2020	1,200.00
ROGER'S TOWING	TOW CHARGE-DODGE DURANGO	85.60

MINUTE RECORD

CLAIMS FOR NOVEMBER 19, 2019

POLICE/CODE ENFORCEMENT (cont'd)

SECURITY EQUIPMENT	SECURITY MONITORING TO 2020-1-31	102.00
SIOUX SALES COMPANY	HOLSTERS FOR NEW OFFICERS	254.30
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	13,307.13
VERIZON WIRELESS	MONTHLY SERVICE-2019-10-23	120.03
WESTLAKE ACE HARDWARE	KEYS	5.98
		$ 30,248.33

FIRE & RESCUE

AIRGAS USA, LLC	MEDICAL SUPPLIES	59.83
AVERY RENTS	PROPANE	34.20
AVI SYSTEMS	SYSTEM SUPPORT AGREEMENT	1,300.00
BLACK HILLS NEBRASKA GAS UTILITY	MONTHLY SERVICE-2019-11-1	287.99
BLUE CROSS BLUE SHIELD OF NEBRASKA	REFUND PAYMENT 186752	97.83
BOUND TREE MEDICAL, LLC	MEDICAL SUPPLIES	3,460.91
CENTURY LINK	MONTHLY SERVICE-2019-10-22	119.28
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019	576.95
ED M FELD EQUIPMENT CO	BATTERY ASSEMBLY	110.00
GEORGE LEE	REIMB FOR SAFETY BOOTS	130.00
KIDDE FIRE TRAINERS	SMOKE FLUID	3,491.92
LAURIE PACE	REIMBURSEMENT-19-2408	57.84
MARCO TECHNOLOGIES, LLC	COPIER EXPENSE	427.20
MENARDS	CLEANING SUPPLIES	10.76
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019	1,961.19
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	2,582.93
OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25	7,236.05
SANDRY FIRE SUPPLY, LLC	HELMET	270.65
TELEFLEX FUNDING LLC	MEDICAL SUPPLIES	2,735.00
THE NEBRASKA MEDICAL CENTER	MEDICAL DIRECTOR-JUL TO SEP 2019	10,392.26
U.S. CELLULAR	MONTHLY SERVICE-2019-10-10	469.11
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES	6,894.13
WPS-MAC J5 PART B	REFUND PAYMENT 186752	383.52
ZOLL MEDICAL CORPORATION	HOSTED BILLING PRO	492.80
		$ 43,582.35

NON-DEPARTMENTAL/CONTRACTS

CENTURY LINK	MONTHLY SERVICE-2019-10-19	1,167.08
CORE BANK TRUST	SID 197 WARRANTS	30,048.34
CORE BANK TRUST	SID 279 WARRANTS	190,930.20
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019	686.84
EHRHART GRIFFIN & ASSOCIATES	SID 171-TREGARON-DIST MAINTENANCE	1,122.85
EHRHART GRIFFIN & ASSOCIATES	SID 171-TREGARON-STORM SEWER REPAIR	2,720.69
EHRHART GRIFFIN & ASSOCIATES	SID 171-TREGARON-STREET REPAIRS	749.50
EHRHART GRIFFIN & ASSOCIATES	SID 186-DIST MAINTENANCE-JUL-AUG 2019	1,033.40
EHRHART GRIFFIN & ASSOCIATES	SID 186-STREET RECONSTRUCTION	437.40
LUTZ & COMPANY, PC	SID 280-CONSULTING FEE	220.00
METRO AREA TRANSIT	MAT SERVICE-SEPT 2019-1987 MILES	4,220.00
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-1	100.10
METROPOLITAN UTILITIES DIST	SID 171-MONTHLY SERVICE TO OCT 7-2019	239.70
METROPOLITAN UTILITIES DIST	SID 186-MONTHLY SERVICE TO OCT 4-2019	122.45
NEBRASKA DEPARTMENT OF REVENUE	SALES TAX-OCT 2019	77.06
OMAHA PUBLIC POWER DISTRICT	SID 171-MONTHLY SERVICE TO OCT 4-2019	1,405.41
OMAHA PUBLIC POWER DISTRICT	SID 186-ENTRANCE LIGHTS-2019-10-4	91.39
PREMIER WASTE SOLUTIONS, LLC	SID 186-OAKHURST-ACCT 1805409	30.00
		$ 235,402.41

MINUTE RECORD

CLAIMS FOR NOVEMBER 19, 2019

INFORMATION TECHNOLOGY			
CORE TECHNOLOGIES, INC	TELEPHONE SUPPORT		72.00
GRAYBAR ELECTRIC	COMMUNICATION PARTS		153.20
MOTOROLA SOLUTIONS, INC	EARPIECES		401.10
TESSCO	COMMUNICATION PARTS		247.29
		$	**873.59**
WASTEWATER			
BARCO MUNICIPAL PRODUCTS	BARRICADE BATTERIES FLASHERS		488.08
CENTURY LINK	MONTHLY SERVICE-2019-10-22		56.78
COX BUSINESS SERVICES	MONTHLY SERVICE-OCT 23 TO NOV 22, 2019		83.39
ELLIOTT EQUIPMENT CO	CLAMPS, BLADE CUTTER CHUCK		365.77
GLENN SHANNON	REIMB FOR CDL LICENSE		63.50
HANEY SHOE STORE	SAFETY SHOES-BAILEY		871.97
HEIMES CORPORATION	PIPE BEDDING		385.76
J & J SMALL ENGINE SERVICE	PUSH MOWER, AIR CLEANER, SPARK PLUG		1,063.46
MATRIX BUSINESS SYSTEMS	COPIER EXPENSE		40.47
MENARDS	TEAM MEETING SUPPLIES, CONDUIT, TOOL BOX		100.38
METLIFE-GROUP BENEFITS	DENTAL INSURANCE-NOV 2019		363.58
METROPOLITAN UTILITIES DIST	MONTHLY SERVICE-2019-11-4		283.30
MUNICIPAL SERVICE & SUPPLY	SUBMERSIBLE PUMP FOR LIFT STATION		9,016.48
NEUVIRTH CONSTRUCTION, INC	SEWER REPAIR-SOCCER FIELD		41,973.83
OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25		2,809.33
SARPY ENVIRONMENTAL SERVICES	USAGE FEE		610.86
U.S. CELLULAR	MONTHLY SERVICE-2019-10-10		281.17
US BANK VOYAGER FLEET SYSTEMS	FUEL FOR CITY VEHICLES		1,760.82
		$	**60,618.93**
BELLEVUE MUNICIPAL BUILDING CORPORATION			
BAE SYSTEMS	REIMB BAE FACILITY DAMAGE		18,841.71
MARK VII ENTERPRISES	BAE WALL REPAIR		29,529.00
		$	**48,370.71**
COMMUNITY BETTERMENT			
OMAHA PUBLIC POWER DISTRICT	MONTHLY SERVICE-2019-10-25		100.21
		$	**100.21**
COMMUNITY DEVELOPMENT			
ABBY HIGHLAND	CDBG CONSULTANT FEE-SEPT 2019		3,911.47
HEARTLAND FAMILY SERVICE	CDBG 2017-2018 HOUSING NAVIGATOR		5,711.34
		$	**9,622.81**
GENERAL OBLIGATION BONDS			
BANK OF OKLAHOMA	BOND PAYMENT		404,260.00
FIRST NATIONAL BANK	BOND PAYMENT		9,460.00
		$	**413,720.00**
	TOTAL CLAIMS FOR NOVEMBER 19, 2019	$	**1,357,015.46**
	TOTAL PAYROLL FOR NOVEMBER 1, 2019	$	**943,516.73**

Bellevue Branding & Imaging Initiative

Overview

Bellevue is excited to claim the reputation as a vital community within the Omaha-metro area with a big and bright future. Bellevue has many positive, unique characteristics that set us apart from our neighboring communities and make Bellevue the best place to live, raise a family, work and even retire.

Bellevue has a population of over 86,000 and is located on the eastern edge of Sarpy County—the fastest growing county in Nebraska. We are a short 15-20-minute drive to the heart of the Omaha/Council Bluffs Metro Area, and we offer an affordable community with nationally recognized schools and plenty of recreational amenities, including scenic walking and biking trails, Fontenelle Forest and American Heroes Park. In 2018, *Money Magazine* ranked Bellevue as the #1 best place to live in Nebraska!

The Bellevue community also has a growing and diverse economy, with an eclectic mix of retail business, military defense industry, banking, health care, education and restaurants. The Bellevue business sector is comprised of over 1,300 businesses that employ over 23,000 people with a combined annual payroll of $700 million. We are home to several major employers, including Offutt Air Force Base, the Bellevue Medical Center and Bellevue University.

Due in large part to our growing economy, Bellevue has been able to maintain a relatively low cost-of-living in comparison to our neighboring cities, making us an attractive community for young professionals, families and entrepreneurs. In fact, the overall cost of living index in Bellevue is 9 percent lower than the national average.

Yet, despite the many great things Bellevue has in its favor, we are faced with challenges that impede our ability to attract new businesses and residents to our community. Bellevue has been unable to convey a positive, cohesive brand image that relays a common mission and vision for our community. We've also struggled to unify our many diverse residents, businesses and community groups that make Bellevue so unique.

In response to these challenges, the City of Bellevue, the Greater Bellevue Area Chamber of Commerce, and a core group of community stakeholders have joined together to define a common vision for Bellevue, develop a positive brand that can be embraced community-wide, and build a plan that allows us to attract new residents and businesses to support long-term economic growth.

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

11a.
11/19/19

COUNCIL MEETING DATE:	October 15, 2019	AGENDA ITEM TYPE:			
		SPECIAL PRESENTATION			
SUBMITTED BY:		ORDINANCE	✓	PUBLIC HEARING REQUIRED	✓
Tammi Palm, Land Use Planner		RESOLUTION		PUBLIC HEARING REQUIRED	
		CURRENT BUSINESS		PUBLIC HEARING REQUIRED	
		CONSENT			
		OTHER (SEE CLERK)			

SUBJECT:

Request to Annex Lot 37, Orchard Valley. Applicant City of Bellevue.

SYNOPSIS:

This annexation is part of the City of Bellevue's ongoing annexations.

BACKGROUND

Lot 37 is part of Orchard Valley that was previously annexed by the City of Bellevue. Lot 37 was inadvertently omitted in Ordinance No. 3971 approved on October 1, 2019 by City Council. The Planning Commission has recommended approval of this annexation.

FISCAL IMPACT: $ 0.00 **BUDGETED FUNDS?** N/A **GRANT/MATCHING FUNDS?** N/A

TRACKING INFORMATION FOR CONTRACTS & PROJECTS

IS THIS A CONTRACT? N/A	COUNTER-PARTY:		INTERLOC N/A		
CONTRACT DESCRIPTION:					
CONTRACT EFFECTIVE DATE:		CONTRACT TERM:		CONTRACT END DATE:	
PROJECT NAME:					
START DATE:		END DATE:		PAYMENT DATE:	INSURANCE REQUIRED
CIP PROJECT NAME:		CIP PROJECT NUMBER:			
MAPA NAME(S):		MAPA NUMBER(S):			
STREET DISTRICT NAME(S):		STREET DISTRICT NUMBER(S):			
ACCOUNTING DISTRIBUTION CODE:		ACCOUNT NUMBER:			

RECOMMENDATION:

To approve ordinance to annex to the City of Bellevue, Sarpy County, Nebraska, Lot 37, Orchard Valley.

ATTACHMENTS:

1. Ordinance No. 3976
2.
3.
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Bae Rogers

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL TO SUBMIT:

ORDINANCE NO. 3976

AN ORDINANCE TO ANNEX TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, CERTAIN LANDS, LOTS AND REAL ESTATE LYING WITHIN THE BELOW DESCRIBED BOUNDARIES, TO THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA, AND DESIGNATING AN EFFECTIVE DATE

WHEREAS, ALL OF THE LOTS, LANDS, AND REAL ESTATE LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS, TO WIT:

Lot 37, Orchard Valley

AND ALL ABUTTING COUNTY ROAD RIGHTS-OF-WAY

ARE CONTINGUOUS AND ADJACENT TO THE CITY OF BELLEVUE, NEBRASKA, AND ARE URBAN OR SUBURBAN IN CHARACTER, AND

WHEREAS, SAID REAL ESTATE WILL RECEIVE MATERIAL BENEFITS AND ADVANTAGES FROM ANNEXATION TO THE SAID CITY.

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

Section 1. All of the real estate lying within the area heretofore described be and the same hereby is included within the boundaries and territory of the City of Bellevue, Nebraska, and said lands and the persons residing thereon shall hereafter be subject to all of the rules, regulations, ordinances, taxes, and all other burdens and benefits of other persons and territory included with the City of Bellevue, Nebraska

Section 2. This ordinance shall become effective on December 6, 2019.

ADOPTED by the Mayor and City Council this _____ day of _____, 2019.

APPROVED AS TO FORM:

_____
City Attorney

ATTEST

_____
City Clerk

_____
Mayor

First Reading: 10/15/2019
Second Reading: 11/5/2019
Third Reading: _____

Lot 37, Orchard Valley

Location

Legend

Road Centerlines

1: 3,321

0 138 277 554

Feet

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.

Sarpy County GIS

sarpy county GIS

1210 Golden Gate Dr.
Suite 1130
Papillion, NE 68046
maps.sarpy.com

11b. - 11b3.
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 11/05/2019	SUBMITTED BY: Tammi Palm	
AGENDA ITEM:	CONSENT AGENDA ☐	SPECIAL PRESENTATION ☐
LIQUOR LICENSE ☐	ORDINANCE ☑	PUBLIC HEARING ☐
RESOLUTION ☐	CURRENT BUSINESS ☐	OTHER ☐

SUBJECT:

Request to rezone Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, from RS-50-PS and RG-28-PS to RG-8-PS for the purpose of a multifamily residential development with site plan approval; preliminary plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1; final plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, and approval of the Second Amendment to the Belle Lago Subdivision Agreement. Applicant: HRC Belle Lago, LLC. General Location: Southeast corner of 48th Street and Capehart Road.

SYNPOSIS/BACKGROUND:

HRC Belle Lago, LLC is requesting approval of a change of zone from RG-50-PS and RG-28-PS to RG-8-PS with site plan approval, preliminary plat, final plat, and approval of the Second Amendment to the Belle Lago Subdivision Agreement for Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1. This property was previously approved for a 120-unit apartment complex. The applicant desires to build 72 townhome units. Each unit will be placed on its own lot and sold individually.

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:	YES				
CIP PROJECT NAME:		CIP PROJECT NUMBER:			
STREET DISTRICT NAME (S):		STREET DISTRICT NUMBER (S):			
ACCOUNTING DISTRUBUTION CODE:		ACCOUNT NUMBER:			

RECOMMENDATION:

The Planning Department recommended approval of this request. The Planning Commission also recommended approval of this request.

ATTACHMENTS:

1. PC recommendation	2. Planning Department staff report	3. Change of Zone Ordinance
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: R.J. Roberts

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

ORDINANCE NO. 3979

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 THE SOUTHEAST CORNER OF 48th STREET AND CAPEHART ROAD, MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THE ORDINANCE AND TO PROVIDE AN EFFECTIVE DATE.

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

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

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

> Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, being a replat of Lot 81, and Outlot F, Belle Lago, and a platting of the Northwest ¼, all located in Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska
>
> From RG-50-PS (General Residential, 5,000 Square Foot Zone, - Planned Subdivision) and RG-28-PS (General Residence, 2,800 Square Foot Zone, - Planned Subdivision) to RG-8-PS (General Residence, 800 Square Foot Zone, - Planned Subdivision)
>
> (HRC Belle Lago, LLC)

Section 2. This ordinance shall not take effect until such time as the final plat of Belle Lago Replat 1 is filed with the Sarpy County Register of Deeds in accordance with Sections 4-10 and 4-11 of the City of Bellevue Subdivision Regulations.

Section 3. Except as amended herein, the official zoning map and the classification shown therein shall remain as heretofore existing.

Section 4. This ordinance shall take affect and be in force from and after its adoption and publication according to law.

ADOPTED by the Mayor and City Council this _____ day of _____, 2019.

APPROVED AS TO FORM:

_____
City Attorney

ATTEST

_____ _____
City Clerk Mayor

First Reading: 10/15/2019
Second Reading: 11/5/2019
Third Reading: _____

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: HRC Belle Lago, LLC

LOCATION: Southeast corner of 48th and Capehart Road

CITY COUNCIL HEARING DATE: November 5, 2019

REQUEST: to rezone Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, being a replat of Lot 81, and Outlot F, Belle Lago, from RG-50-PS and RG-28-PS, to RG-8-PS for the purpose of multi-family residential development, with site plan approval; preliminary plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1; and final plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, for the purpose of multi-family residential development.

On September 26, 2019, the City of Bellevue Planning Commission voted eight yes, zero no, zero abstained, and one absent to recommend:

APPROVAL of the application based upon conformance with the zoning ordinance, subdivision regulations, and lack of perceived negative impact to the surrounding area, contingent however upon the satisfaction of the technical deficiency referenced in item F on page 5 of the application summary.

VOTE:

Yes:	Eight:	No:	Zero:	Abstain:	Zero:	Absent:	One:
	Casey						Jacobson
	Perrin						
	Cain						
	Aerni						
	Ackley						
	Hankins						
	Cutsforth						
	Ritz						

Planning Commission Hearing (s) was held on: September 26, 2019

CITY OF BELLEVUE
PLANNING DEPARTMENT

RECOMMENDATION REPORT # 3

CASE NUMBERS: Z-1907-06
S-1907-05
S-1907-06

FOR HEARING OF:
REPORT #1: August 22, 2019
REPORT #2: September 26, 2019
REPORT #3: November 5, 2019

I. GENERAL INFORMATION

A. APPLICANT:

HRC Belle Lago, LLC
6900 Westown Parkway
Des Moines, IA 50266

B. PROPERTY OWNER:

HRC Belle Lago, LLC
6900 Westown Parkway
Des Moines, IA 50266

C. GENERAL LOCATION:

Southeast corner of 48th Street and Capehart Road

D. LEGAL DESCRIPTION:

Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, being a replat of Lot 81, and Outlot F, Belle Lago, located in the Northwest ¼ of Section 8, T13N, R13E of the 6th P.M., Sarpy County, NE.

E. REQUESTED ACTIONS:

1. Rezone Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, from RG-50-PS and RG-28-PS to RG-8-PS for the purpose of multi-family residential development

2. Preliminary plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1.

3. Final plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1.

F. EXISTING ZONING AND LAND USE:

RG-50-PS and RG-28-PS, Vacant

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a change in zone, preliminary plat, and final plat approval to enable multi- family townhome residential development.

H. SIZE OF SITE:

The site is approximately 8.7 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

The site is presently vacant.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Capehart Road and Schilling Drive rights-of-way
2. **East:** Single Family Residential, RG-50-PS
3. **South:** Single Family Residential, RS-50-PS
4. **West:** 48th Street right-of-way

C. REVELANT CASE HISTORY:

1. On March 23, 2017, the Planning Commission recommended approval of a request to rezone Lots 1 through 75, and Outlots A through F, Belle Lago, being a platting of Tax Lot 15, except the irregular 400; located in the Northwest ¼ of Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to RG-50; and preliminary plat Lots 1 through 75, and Outlots A through F, Belle Lago. On April 24, 2017 the City Council approved the aforementioned request.

2. On August 24, 2017, the Planning Commission recommended approval of a request to rezone Lots 1 through 107, and Outlots A through H, Belle Lago, being a platting of Tax Lot 14 and Tax Lot 15, located in part of the North ½ of the Northwest ¼, Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to RE, RG-50-PS, and RG-28-PS; site plan approval for the purpose of single family residential and multi-family residential development; and preliminary plat Lots 1 through 107, and Outlots A through H, Belle Lago. On October 9, 2017, the City Council approved the aforementioned request.

3. On October 19, 2017, the Planning Commission recommended approval of a request to final plat Lots 1 through 81, and Outlots A through H, Belle Lago, being a

platting of Tax Lots 14 and 15, located in the Northwest ¼ of Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska. On November 13, 2017, the City Council approved the aforementioned request.

4. On December 20, 2018, the Planning Commission recommended approval of a request to rezone Lots 1 through 121, and Outlots A through G, Belle Lago South, being a replat of Lots 20 through 22, and Outlots B, G, and H, Belle Lago, and a platting of the Southwest ¼ of the Northwest ¼, all located in Section 8, T13N, R13E of the 6th P.M., Sarpy County, Nebraska from AG to RG-50-PS to RG-50-PS for residential development; and preliminary plat Lots 1 through 121, and Outlots A through G, Belle Lago South.

5. On August 22, 2019, the Planning Commission continued a request to rezone Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, being a replat of Lot 81, and Outlot F, Belle Lago, from RG-50-PS and RG-28-PS, to RG-8-PS for the purpose of multi-family residential development, with site plan approval; preliminary plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1; and final plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, to the September 26, 2019 Planning Commission meeting.

6. On September 26, 2019, the Planning Commission recommended approval of a request to rezone Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, being a replat of Lot 81, and Outlot F, Belle Lago, from RG-50-PS and RG-28-PS, to RG-8-PS for the purpose of multi-family residential development, with site plan approval; preliminary plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1; and final plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1.

D. APPLICABLE REGULATIONS:

1. Section 5.15, Zoning Ordinance, regarding RG-8 uses and requirements.

2. Section 5.17, Zoning Ordinance, regarding -PS uses and requirements.

3. Chapter 3, Subdivision Regulations, regarding Preliminary Plats.

4. Chapter 6, Subdivision Regulations, regarding Minimum Design Standards.

5. Chapter 7, Subdivision Regulations, regarding Capital Improvements.

III. <u>ANALYSIS</u>

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. MAPA does not show interchange volume for this area.

2. Access will be from newly created private streets off of Lawnwood Drive. There will be no direct access to 48th Street from this development.

D. UTILITES:

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

E. ANALYSIS:

1. Dave Vogtman, on behalf of HRC Belle Lago, LLC has submitted a request to preliminary plat and final plat Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1.

2. In conjunction with the platting, the applicant is also requesting a change of zone with site plan approval for Lots 1 through 72, and Outlots A through C, Belle Lago Replat 1, from RG-50-PS and RG-28-PS to RG-8-PS, for the purpose of multi-family townhome residential development.

The setbacks in the RG-8-PS zone would be as follows:

Front Yard	15 feet
Rear Yard	10 feet
Side Yard	3 feet
Street Side Yard	5 feet

This is a reduction from the typical RG-8 front yard zoning setback; the standard RG-8 lot has a 25 foot front yard setback.

3. The applicant is proposing four-plex townhome units, with each unit on its own lot. Proposed elevations have been provided by the applicant and are attached to this report.

4. This property was previously approved for a 120 unit apartment complex with RG-28-PS zoning. The current application is a reduction in density from the previously approved site plan.

5. The private streets and common areas will be maintained by a Home Owner's Association and will not be the responsibility of the city. There is a note on the site

plan stating such. This will also be laid out in an amendment to the Subdivision Agreement, which has been reviewed by the City Attorney and is attached to this report.

6. This application was sent out to the following departments/individuals for review: Public Works, Permits and Inspections, Chief of Police, Offutt Air Force Base, Fire Inspector, Sarpy County Planning Director, Sarpy County Public Works Department, Sarpy County IS/GIS/Public Safety, Metro Area Planning Agency, Metropolitan Utilities District, CenturyLink, Omaha Public Power District, Black Hills Energy, Cox Communications, 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.

The Public Works Department requested technical revisions to the preliminary plat, paving exhibit and profiles, grading exhibit, storm sewer, and sanitary sewer. The applicant's engineer has since satisfied these comments.

No other comments were received on this case.

7. The access for this development will be from two newly created private street connections off of Lawnwood Drive. This development will have no direct access to South 48th Street or Capehart Road.

8. A landscape plan has been submitted and is in conformance with the Zoning Ordinance regulations.

9. Staff believes this development is compatible with the surrounding neighborhood.

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

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

V. PLANNING COMMISSION RECOMMENDATION

APPROVAL based upon conformance with the Zoning Ordinance, Subdivision Regulations, and lack of perceived negative impact to the surrounding area; subject to satisfaction of the technical deficiency.

VI. ATTACHMENTS TO REPORT

1. Zoning Map
2. 2018 GIS aerial photo of the property
3. Preliminary plat received October 7, 2019
4. Final plat received October 7, 2019
5. Site plan received October 7, 2019
6. Landscape plan received October 7, 2019
7. Elevations received July 22, 2019
8. Amendment to the Subdivision Agreement received October 8, 2019

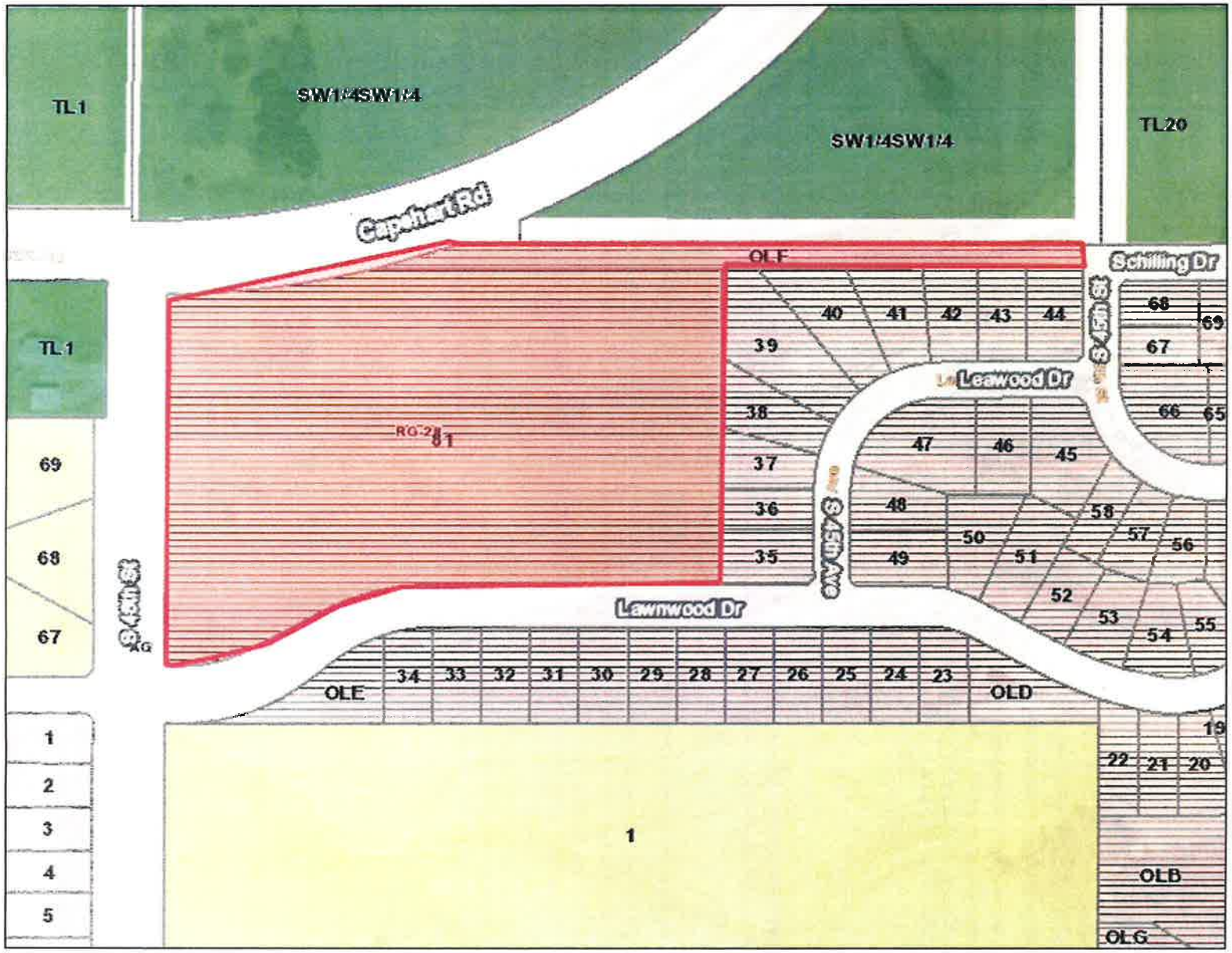
VII. COPIES OF REPORT TO:

1. HRC Belle Lago, LLC (Dave Vogtman)
2. E & A Consulting Group, Inc. (Mark Westergard)
3. Fullenkamp, Doyle, and Jobeun (Larry Jobeun)
4. Public Upon Request

Tammi L Palm 10/08/19

Prepared by: Date of Report

Belle Lago Replat 1 Zoning Map



Location

Legend

Road Centerlines

2018 Aerial Photo

- Red: Band_1
- Green: Band_2
- Blue: Band_3

N

1: 2,400

0 100 200 400

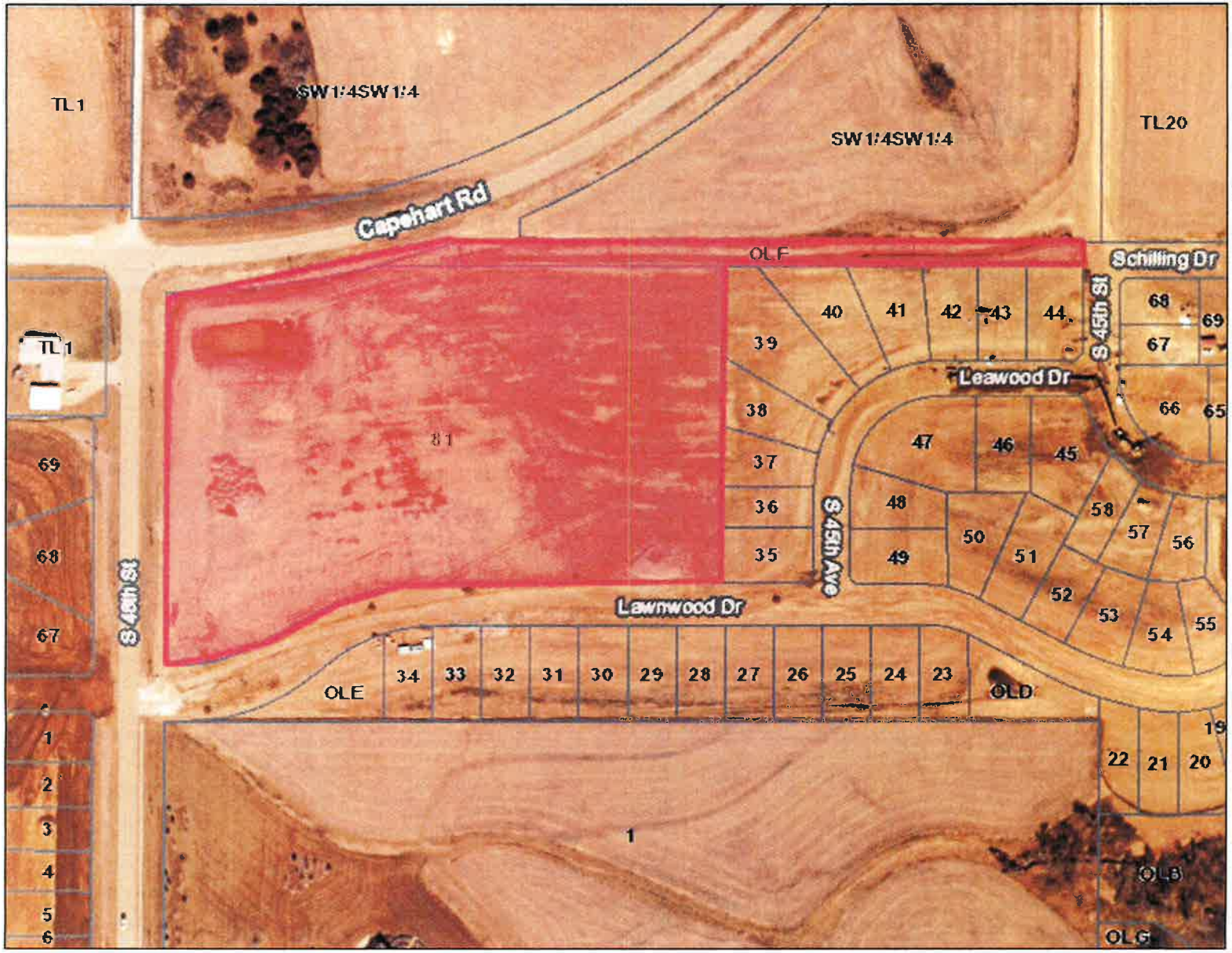
Feet

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.

Sarpy County GIS

1210 Golden Gate Dr.
Suite 1130
Papillion, NE 68046
maps.sarpy.com

Belle Lago Replat 1



Location

Legend

Road Centerlines

2018 Aerial Photo

- Red: Band_1
- Green: Band_2
- Blue: Band_3

1: 2,400

0 100 200 400

Feet

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Sarpy County GIS

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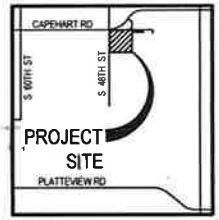
BELLE LAGO REPLAT 1

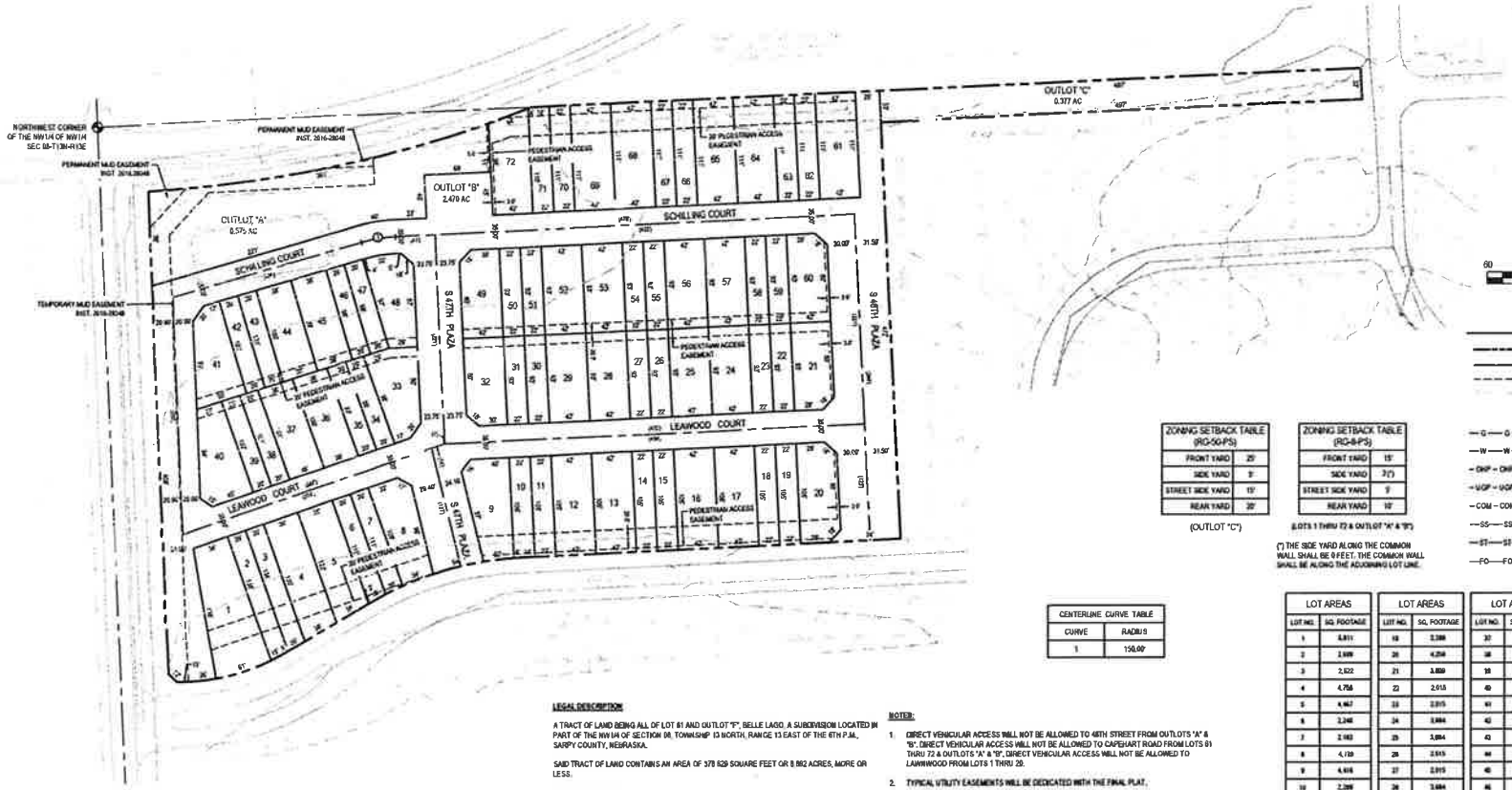
LOTS 1 THRU 72 INCLUSIVE & OUTLOTS "A" THRU "C"

BEING A REPLATTING OF ALL OF LOT 81 AND OUTLOT "F", BELLE LAGO, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

RECEIVED
OCT 07 2019
PLANNING DEPT



VICINITY MAP



60 0 60
1 inch = 60 ft.

LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENTS
- EXIST. MAJOR CONTOURS
- EXIST. MINOR CONTOURS
- —G—G— GAS LINE
- —W—W— WATER LINE
- —OHP—OHP— POWER LINE (OVERHEAD)
- —UGP—UGP— POWER LINE (UNDER GROUND)
- —COM—COM— COMMUNICATION LINE (TELEPHONE, TV)
- —SS—SS— SANITARY SEWER LINE
- —ST—ST— STORM SEWER LINE
- —FO—FO— FIBER OPTICS LINE

ZONING SETBACK TABLE (RG-50-PS)	
FRONT YARD	25'
SIDE YARD	5'
STREET SIDE YARD	15'
REAR YARD	20'

(OUTLOT "C")

ZONING SETBACK TABLE (RG-8-PS)	
FRONT YARD	15'
SIDE YARD	3(*)
STREET SIDE YARD	5'
REAR YARD	10'

(LOTS 1 THRU 72 & OUTLOT "A" & "B")

(*) THE SIDE YARD ALONG THE COMMON WALL SHALL BE 0 FEET. THE COMMON WALL SHALL BE ALONG THE ADJOINING LOT LINE.

CENTERLINE CURVE TABLE	
CURVE	RADIUS
1	150.00'

LOT AREAS		LOT AREAS		LOT AREAS		LOT AREAS	
LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE	LOT NO.	SQ. FOOTAGE
1	5,811	18	2,386	37	3,779	55	2,814
2	2,609	20	4,254	38	2,865	56	2,862
3	2,522	21	3,859	39	2,014	57	2,862
4	4,756	22	2,015	40	4,255	58	2,814
5	4,467	23	2,015	41	4,168	59	2,814
6	2,246	24	3,884	42	2,301	60	2,866
7	2,162	25	3,884	43	1,882	61	4,624
8	4,139	26	2,015	44	3,754	62	2,466
9	4,616	27	2,015	45	3,718	63	2,461
10	2,209	28	3,884	46	1,344	64	4,625
11	2,208	29	3,884	47	1,935	65	4,636
12	4,416	30	2,015	48	3,879	66	2,463
13	4,416	31	2,015	49	3,022	67	2,464
14	2,208	32	2,023	50	2,014	68	4,631
15	2,208	33	4,575	51	2,014	69	4,635
16	4,416	34	1,948	52	2,862	70	2,466
17	4,416	35	1,957	53	2,862	71	2,464
18	2,208	36	3,743	54	2,814	72	4,701

LEGAL DESCRIPTION:

A TRACT OF LAND BEING ALL OF LOT 81 AND OUTLOT "F", BELLE LAGO, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

SAID TRACT OF LAND CONTAINS AN AREA OF 378 629 SQUARE FEET OR 8.682 ACRES, MORE OR LESS.

DEVELOPER / OWNER
KRC BELLE LAGO, LLC
6900 WESTOWN PKWY
WEST DES MOINES, IA 50266

ZONING:

EXISTING: RG-50-PS (OUTLOT F), RG-28-PS (LOT 81)

PROPOSED:	RG-50-PS	OUTLOT "C"	0.377 ACRES
	RG-8-PS	LOTS 1 THRU 72	5.270 ACRES
		OUTLOTS "A" & "B"	3.045 ACRES

NOTES:

1. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO 48TH STREET FROM OUTLOTS "A" & "B". DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO CAPEHART ROAD FROM LOTS 61 THRU 72 & OUTLOTS "A" & "B". DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO LAWWOOD FROM LOTS 1 THRU 20.
2. TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.
3. OUTLOT "B" SHALL BE DESIGNATED AS A PRIVATE STREET. OUTLOT "B" SHALL GRANT VEHICULAR AND PEDESTRIAN ACCESS TO LOTS 1 THRU 72 AND OUTLOTS "A" & "C". OUTLOT "B" SHALL BE MAINTAINED BY THE TOWNHOME ASSOCIATION.
4. THE FRONT OF EACH LOT SHALL BE DEFINED AS THE LOT LINE ADJACENT TO THE EAST-WEST LEGS OF OUTLOT "B" FOR EASEMENT AND SETBACK PURPOSES.

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
10909 MAR Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
www.ea-g.com
E & A CONSULTING GROUP, INC. Engineering Answers

BELLE LAGO REPLAT 1
LOTS 1 THRU 72 INCLUSIVE & OUTLOTS "A" THRU "C"
BELLEVUE, NEBRASKA

PRELIMINARY PLAT

No.	Date	Description
1	08/13/19	REVISED PER CITY COMMENTS
2	10/07/19	REVISED PER CITY COMMENTS

Proj. No. P2016-541-001
Date 07-11-2016
Designed By JRS
Drawn By RP
Scale 1" = 60'
Sheet 1 of 1

BELLE LAGO REPLAT 1

LOTS 1 THRU 72 INCLUSIVE & OUTLOTS "A" THRU "C"

BEING A REPLATTING OF ALL OF LOT 81 AND OUTLOT "F", BELLE LAGO, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

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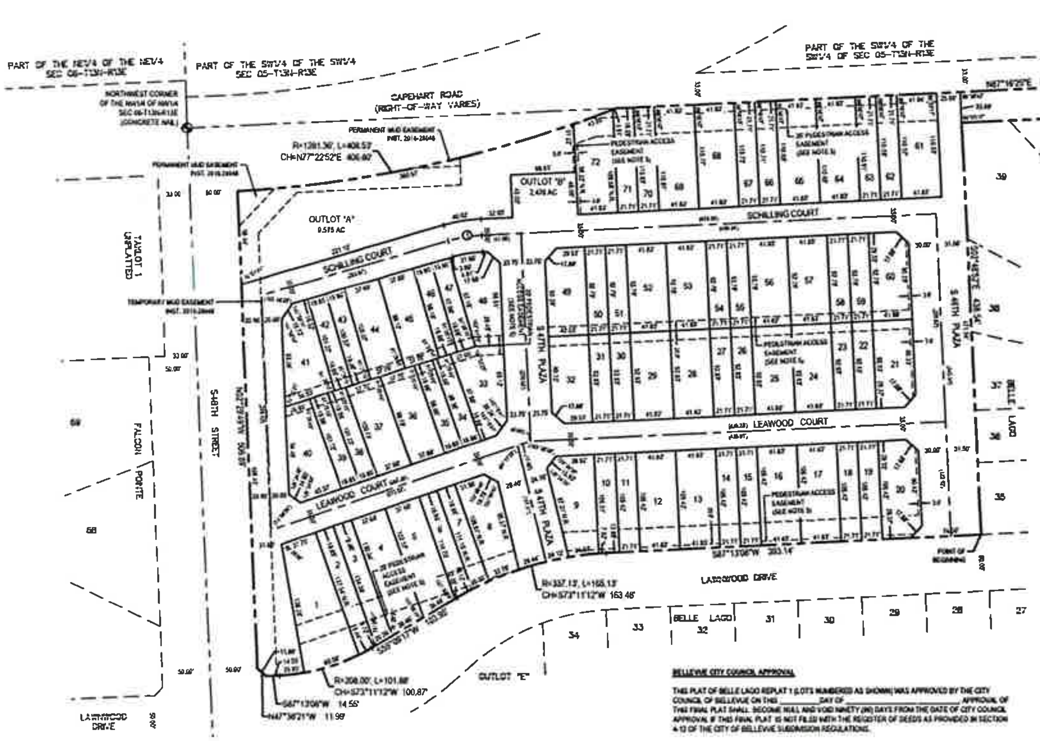


ZONING SETBACK TABLE (RG-50-PS)	
FRONT YARD	20'
SIDE YARD	5'
STREET SIDE YARD	15'
REAR YARD	20'

(OUTLOT "C")

ZONING SETBACK TABLE (RG-8-PS)	
FRONT YARD	15'
SIDE YARD	7(*)
STREET SIDE YARD	5'
REAR YARD	10'

(LOTS 1 THRU 72 & OUTLOT "A" & "B")

(*) THE SIDE YARD ALONG THE COMMON WALL SHALL BE 0 FEET. THE COMMON WALL SHALL BE ALONG THE ADJOINING LOT LINE.

60 0 60
1 inch = 60 ft.

LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENTS
- EXIST. SECTION CORNER
- EXIST. SECTION LINES
- EXIST. PROPERTY LINES

LOT NO.	SQ. FOOTAGE
1	4,611
2	2,644
3	2,602
4	4,756
5	4,467
6	2,290
7	2,182
8	4,170
9	4,418
10	2,299
11	2,298
12	4,416
13	4,418
14	2,298
15	2,299
16	4,418
17	4,418
18	2,298

LOT AREAS

LOT NO.	SQ. FOOTAGE
19	2,298
20	4,258
21	3,948
22	2,615
23	2,615
24	3,984
25	3,484
26	2,615
27	2,615
28	3,984
29	3,984
30	2,615
31	2,673
32	3,433
33	4,079
34	1,948
35	1,857
36	3,790

LOT AREAS

LOT NO.	SQ. FOOTAGE
37	3,779
38	1,885
39	2,914
40	4,255
41	4,366
42	2,951
43	1,882
44	3,754
45	3,738
46	1,944
47	1,835
48	3,378
49	3,022
50	2,614
51	2,614
52	3,882
53	3,882
54	2,914

LOT AREAS

LOT NO.	SQ. FOOTAGE
55	2,914
56	3,882
57	3,882
58	2,914
59	2,914
60	5,548
61	4,624
62	2,469
63	2,461
64	4,628
65	4,836
66	2,462
67	2,469
68	4,633
69	4,635
70	2,468
71	2,464
72	4,301

CENTERLINE CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	DELTA
1	150.00'	35.84'	18.01'	13°41'25"

NOTES:

1. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO 48TH STREET FROM OUTLOTS "A" & "B". DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO CAPEHART ROAD FROM LOTS 61 THRU 72 & OUTLOTS "A" & "B". DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO LAWNWOOD FROM LOTS 1 THRU 20.
2. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
3. ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).
4. ALL DIMENSIONS SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF CENTERLINE.
5. ALL EASEMENTS THAT ARE NOT LABELED WITH ANY RECORDING INFORMATION WILL BE RECORDED BY A SEPARATE DOCUMENT.
6. OUTLOT "B" SHALL BE DESIGNATED AS A PRIVATE STREET. OUTLOT "B" SHALL GRANT VEHICULAR AND PEDESTRIAN ACCESS TO LOTS 1 THRU 72 AND OUTLOTS "A" & "C". OUTLOT "B" SHALL BE MAINTAINED BY THE TOWNHOME ASSOCIATION.
7. THE FRONT OF EACH LOT SHALL BE DEFINED AS THE LOT LINE ADJACENT TO THE EAST-WEST LEGS OF OUTLOT "B" FOR EASEMENT AND SETBACK PURPOSES.

BELLEVUE CITY COUNCIL APPROVAL

THIS PLAT OF BELLE LAGO REPLAT 1 (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF BELLEVUE ON THIS ________ DAY OF ____________________. APPROVAL OF THIS FINAL PLAT SHALL BECOME NULL AND VOID NINETY (90) DAYS FROM THE DATE OF CITY COUNCIL APPROVAL IF THIS FINAL PLAT IS NOT FILED WITH THE REGISTER OF DEEDS AS PROVIDED IN SECTION 4-12 OF THE CITY OF BELLEVUE SUBDIVISION REGULATIONS.

____
MAYOR

ATTEST______________________________

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER OF HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS BELLE LAGO REPLAT 1 (LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT. WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT (OPPD), COX COMMUNICATIONS, AND CENTURYLINK ACROSS FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS, AND A SIXTEEN (16) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION. THE SIXTEEN (16) FOOT WIDE EASEMENT MAY BE REDUCED TO EIGHT (8) FEET WIDE WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED. THE SUBDIVIDER SHALL GRANT PERPETUAL EASEMENTS TO METROPOLITAN UTILITIES DISTRICT AND/OR BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID OR RIGHTS HEREIN GRANTED.

HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY
BY: HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER

____
DAVID VOGTMAN, DATE
ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARPY)

ON THIS ________ DAY OF ____________________, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME DAVID VOGTMAN, ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY OF HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER OF HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

____
NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

____
COUNTY TREASURER DATE

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED ON THE BOUNDARY OF THE WITHIN PLAT AND STAKES AT ALL CORNERS OF ALL LOTS, STREETS AND ANGLE POINTS IN BELLE LAGO REPLAT 1 (THE LOTS NUMBERED AS SHOWN). A TRACT OF LAND BEING ALL OF LOT 81 AND OUTLOT "F", BELLE LAGO, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 81, BELLE LAGO, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 35, SAID BELLE LAGO, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF LAWNWOOD DRIVE; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 81, BELLE LAGO, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF LAWNWOOD DRIVE ON THE FOLLOWING SIX (6) DESCRIBED COURSES: (1) THENCE S87°13'08"W (ASSUMED BEARING), A DISTANCE OF 393.14 FEET; (2) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 337.13 FEET, A DISTANCE OF 165.13 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S73°11'12"W, A DISTANCE OF 163.48 FEET; (3) THENCE S59°09'17"W, A DISTANCE OF 123.92 FEET; (4) THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 208.00 FEET, A DISTANCE OF 101.88 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S73°11'12"W, A DISTANCE OF 100.87 FEET; (5) THENCE S87°13'08"W, A DISTANCE OF 14.55 FEET; (6) THENCE N47°38'21"W, A DISTANCE OF 11.99 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 81, BELLE LAGO, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF LAWNWOOD DRIVE AND THE EASTERLY RIGHT-OF-WAY LINE OF S 48TH STREET; THENCE N02°29'40"W ALONG THE WEST LINE OF SAID LOT 81, BELLE LAGO, SAID LINE ALSO BEING SAID EASTERLY RIGHT-OF-WAY LINE OF S 48TH STREET, A DISTANCE OF 506.89 FEET TO THE NORTHWEST CORNER OF SAID LOT 81, BELLE LAGO, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF S 48TH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF CAPEHART ROAD; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 81, BELLE LAGO, SAID LINE ALSO BEING THE WESTERLY LINE OF OUTLOT "F", BELLE LAGO, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAPEHART ROAD ON A CURVE TO THE LEFT WITH A RADIUS OF 1281.36 FEET, A DISTANCE OF 408.53 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N77°22'52"E, A DISTANCE OF 406.80 FEET TO THE NORTHWEST CORNER OF SAID OF OUTLOT "F", BELLE LAGO, SAID POINT ALSO BEING A POINT ON THE NORTH LINE OF SAID NW1/4 OF SECTION 08; THENCE N87°16'25"E ALONG SAID NORTH LINE OF OUTLOT "F", BELLE LAGO, SAID LINE ALSO BEING SAID NORTH LINE OF SAID NW1/4 OF SECTION 08, A DISTANCE OF 858.06 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "F", BELLE LAGO, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF S 45TH STREET; THENCE S02°31'30"E ALONG THE EAST LINE OF SAID OUTLOT "F", BELLE LAGO, SAID LINE ALSO BEING SAID WESTERLY RIGHT-OF-WAY LINE OF S 45TH STREET, A DISTANCE OF 33.00 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT "F", BELLE LAGO, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 44, SAID BELLE LAGO; THENCE S87°16'25"W ALONG THE SOUTH LINE OF SAID OUTLOT "F", BELLE LAGO, SAID LINE ALSO BEING THE NORTH LINE OF LOTS 39 THRU 44, SAID BELLE LAGO, A DISTANCE OF 496.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 81, BELLE LAGO, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 39, BELLE LAGO; THENCE S02°46'52"E ALONG SAID EAST LINE OF SAID LOT 81, BELLE LAGO, SAID LINE ALSO BEING THE WEST LINE OF LOTS 35 THRU 39, SAID BELLE LAGO, A DISTANCE OF 438.54 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 378826 SQUARE FEET OR 8.697 ACRES, MORE OR LESS.

______________________________ ______________________________
ERIC A. SCHABEN LS-608 DATE

APPROVAL OF BELLEVUE CITY PLANNING COMMISSION

THIS PLAT OF BELLE LAGO REPLAT 1 (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE BELLEVUE CITY PLANNING COMMISSION.

____
CHAIRMAN OF CITY PLANNING COMMISSION DATE

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF BELLE LAGO REPLAT 1 WAS REVIEWED BY THE THE SARPY COUNTY SURVEYOR'S OFFICE THIS ________ DAY OF ______________, 20______.

____
COUNTY SURVEYOR / ENGINEER

E & A CONSULTING GROUP, INC.
Engineering • Planning • Environmental & Field Services
10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone: 402.895.4700 • Fax: 402.895.3599
www.eacg.com
E & A CONSULTING GROUP, INC. Engineering Answers

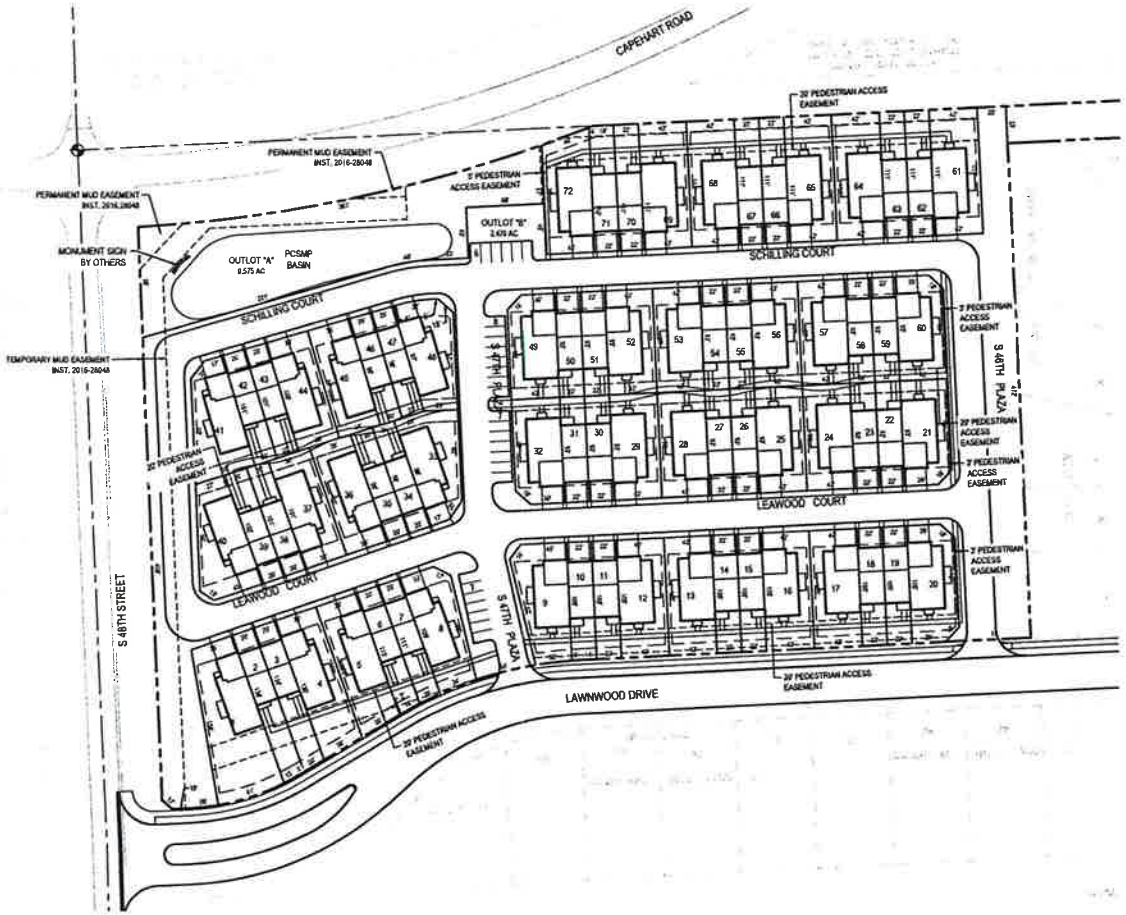
BELLE LAGO REPLAT 1
LOTS 1 THRU 72 INCLUSIVE & OUTLOTS "A" THRU "C"
BELLEVUE, NEBRASKA

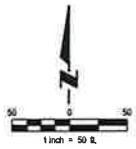
FINAL PLAT

Revisions		
#	Date	Description
1	09/13/19	REVISED PER CITY COMMENTS
2	10/07/19	REVISED PER CITY COMMENTS

Proj. No.: P2018.541.001
Date: 07/18/2018
Designed By: [illegible]
Drawn By: [illegible]
Scale: 1" = 60'
Sheet: 1 of 1

RECEIVED
OCT 07 2019
PLANNING DEPT.





LEGEND

- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT
- SETBACK

ZONING REGULATIONS TABLE (RG-8-PS)	
FRONT YARD	10'
SIDE YARD	7'(*)
STREET SIDE YARD	5'
REAR YARD	10'
LOT WIDTH	18' MIN.
LOT AREA	1,500 S.F. MIN.

@ LOTS 1 THRU 72 & OUTLOT "A" & "B")

(*) THE SIDE YARD ALONG THE COMMON WALL SHALL BE 0 FEET, THE COMMON WALL SHALL BE ALONG THE ADJOINING LOT LINE.

ZONING:

EXISTING: RG-34-PS (OUTLOT F), RG-26-PS (LOT 91)

PROPOSED: RG-8-PS LOTS 1 THRU 72 5.270 ACRES
OUTLOTS "A" & "B" 3.046 ACRES

NOTES:

1. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO 48TH STREET FROM OUTLOTS "A" & "B". DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO CAPEHART ROAD FROM LOTS 61 THRU 72 & OUTLOTS "A" & "B". DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO LAWNWOOD FROM LOTS 1 THRU 20.
2. TYPICAL UTILITY EASEMENTS WILL BE DEDICATED WITH THE FINAL PLAT.
3. OUTLOT "B" SHALL BE DESIGNATED AS A PRIVATE STREET. OUTLOT "B" SHALL GRANT VEHICULAR AND PEDESTRIAN ACCESS TO LOTS 1 THRU 72 AND OUTLOTS "A" & "C". OUTLOT "B" SHALL BE MAINTAINED BY THE TOWNHOME ASSOCIATION.
4. THE FRONT OF EACH LOT SHALL BE DEFINED AS THE LOT LINE ADJACENT TO THE EAST-WEST LEGS OF OUTLOT "B" FOR EASEMENT AND SETBACK PURPOSES.

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Engineering • Planning • Environmental & Field Services
10909 Mill Valley Road, Suite 100 • Omaha, NE 68154
Phone 402.895.4700 • Fax 402.895.3599
www.eacg.com
E & A CONSULTING GROUP, INC. Engineering Answers

BELLE LAGO
BELLEVUE, NEBRASKA

PLANNED SUBDIVISION
SITE PLAN

Revisions		
	Date	Description

Proj. No. P2018.041.00
Date 10/07/2019
Designed By MAG
Drawn By MAG
Scale AS SHOWN
Sheet 1 of 1

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OCT 07 2019
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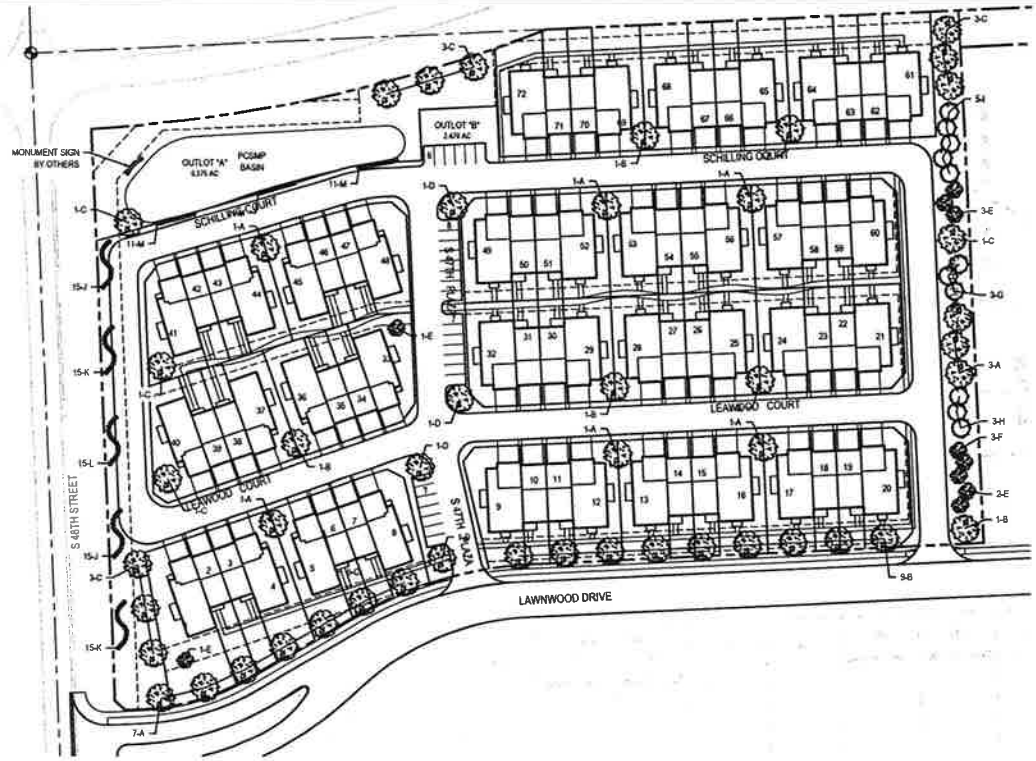
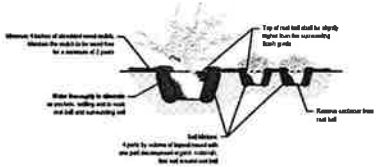
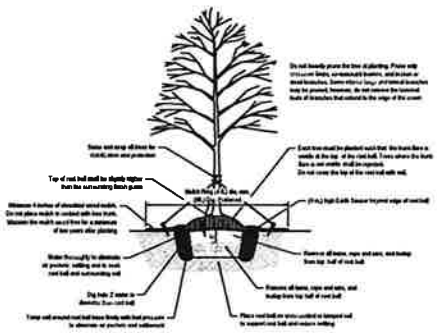


PLANT SCHEDULE

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
A	16	Gleditsia triacanthos 'Skyline'	Skyline Honeylocust	2"	B&B
B	15	Acer freemanii 'Jeffersred'	Autumn Blaze Maple	2"	B&B
C	13	Quercus rubrum	Red Oak	2"	B&B
D	4	Celtis occidetalis	Hackberry	2"	B&B
E	7	Malus 'Spring Snow'	Spring Snow Crabapple	2"	B&B
F	3	Malus x 'Prairifire'	Prairifire Crabapple	2"	B&B
G	3	Pinus flexilis 'Vanderwolf Pyramid'	Vanderwolf Pine	7'-8'	B&B
H	3	Picea pungens 'Glauca'	Colorado Blue Spruce	7'-8'	B&B
I	5	Picea abies	Norway Spruce	7'-8'	B&B
J	30	Juniperus cheninsis 'Sea Green'	Sea Green Juniper	3 Gal.	Cont.
K	30	Viburnum lantana 'Mohican'	Mohican Viburnum	3 Gal.	Cont.
L	15	Euonymus alatus compactus	Dwarf Burning Bush	3 Gal.	Cont.
M	33	Aronia melanocarpa	Black Chokeberry	3 Gal.	Cont.



SHRUB & PERENNIAL PLANTING DETAIL
NOT TO SCALE



TREE PLANTING DETAIL - B & B TREE
NOT TO SCALE

LANDSCAPE NOTES:

1. Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
2. All plant material shall be of good quality and sizes shall meet required size specifications.
3. All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
4. All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (trees) and one full growing season (perennials & shrubs) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
5. Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop inlet conflict). All adjustments must be approved by the landscape architect.
6. The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
7. Provide commercially available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth unless otherwise noted. Mulch ring to extend 1'-0" minimum beyond planting pit. Mulch shall be reasonably free of leaves, twigs, sawdust, toxic substances, or other foreign materials. Minor site grading to be included if needed.
8. All trees are to be staked for a period of not less than one year from time of planting.
9. Contractor to coordinate work with other amenities contractors.

IRRIGATION NOTES:

1. Irrigation bid to include meter pit and MUD fees.
2. Irrigate all sodded areas.
3. Irrigation controller to be mounted in a steel utility box with hasp for padlock.
4. Irrigation system to be guaranteed for 1 year. Written guarantee to be supplied prior to final payment.
5. Irrigation contractor responsible to winterize system one time.
6. Irrigation contractor to furnish as built drawing of the system and catalogue cuts of the installed equipment prior to final payment.
7. Irrigation contractor to provide owner and engineer an irrigation plan shop drawing and equipment catalog cuts for approval prior to installation.
8. Contractor to coordinate work with other amenities contractors.

SEEDING NOTES

1. Seeding shall be (Superturf 8 no rye (sod grower) blend spread tall fescue kentucky bluegrass mixture from United Seeds, Inc. Planting method and seeding rate shall be 10 lbs per 1,000 sq ft. Seeding dates: March-June, dormant seeding: December-March.
2. Mulching shall be installed over all seeding areas (3/4 - NAG Single Net Straw Mulling OR EQUIVALENT).

SODDING NOTES

1. The contractor shall notify the architect at least forty-eight hours in advance of the time he intends to begin sodding and shall not proceed with such work until permission to do so have been granted. No frozen sod shall be placed. No sodding shall be done on frozen earth.
2. Care shall be exercised at all times to retain the native soil on the roots of the sod during the process of transplanting. Dumping from vehicles will not be permitted. The sod shall be planted within eighteen (18) hours from the time it is harvested unless it is tightly rolled or stored mode-to-mode in a satisfactory manner. All sod in stacks shall be kept moist and shall be protected from exposure to the sun and from freezing. No storage longer than three (3) days will be permitted. Sod which becomes dried out or does not meet the specifications will be rejected.
3. There shall be a minimum of six inches, after tamping, of topsoil under all sod. Excavations or trenching shall be made to a sufficient depth below the finished grade of the sod to accommodate the depth of topsoil as specified and the thickness of sod as specified. Fertilizer shall be applied at a rate to provide 100 pounds of nitrogen per acre unless fertilizer has been applied under another item in the contract to the topsoil in the sod bed. Fertilizer applied under this item shall be incorporated with the topsoil to a depth of at least two inches before the sod is laid, unless otherwise specified or approved. Incorporation shall be accomplished by disking, harrowing, tilling, raking or other approved means.
4. The soil on which the sod is laid shall be reasonably moist and shall be watered, if so directed. The sod shall be laid smoothly, edge to edge, and all openings shall be plugged with sod. Immediately after the sod is laid, it shall be pressed firmly into contact with the soil bed by tamping, rolling, or by other approved methods so as to eliminate all air pockets, provide true and even surfaces, secure sinking and protect all exposed sod edges but without displacement of the sod or deformation of the surface of the sodded areas and watered at the rate of five gallons per square yard of sodded area unless otherwise directed.
5. The contractor shall take care of the sodded areas until all work on the entire contract has been completed, and sod has been mowed twice and then accepted. Such care shall consist of providing protection against traffic by approved warning signs or barricades and the mowing of grass to the height of two inches when the growth attains a maximum height of four inches.
6. Sod shall also be watered. When the sod is watered, sufficient water shall be applied to wet the sod at least two inches deep in the sod bed. Watering shall be done in a manner which will not cause erosion or other damage to the finished surfaces. Any surfaces which become gulled or otherwise damaged shall be repaired to reestablish the grade and conditions of the soil prior to sodding and shall then be re-fertilized and re-sodded as specified under this item.
7. In drainage-ways or slopes, the sod shall be laid with their longest dimensions parallel to the contours. Such sodding shall begin at the base of slopes or grades and the sodding progress in continuous parallel lines working upward. Vertical joints between such sodding shall be staggered. All sod shall be laid to the grades specified and the grades formed with special care at the junction of drainage-ways.
8. Sod shall be held in place by stakes in all drainage-ways, on all slopes steeper than 4:1 and elsewhere where specified or as directed. Pegging shall be done immediately after tamping. At least one stake shall be driven through each sod to be staked, and the stakes shall not be more than two feet apart. Stakes shall have their flat sides against the slope and be driven flush. Stakes for pegging sod shall be of wood, approximately one inch by two inches and of sufficient length to penetrate the sod, the topsoil and to a minimum depth of two inches of subsoil.
9. The contractor shall keep all sodded areas thoroughly watered for a period of thirty (30) calendar days after the initial laying and as often as required thereafter until sod has been fully established (two mowings) and accepted by the engineer and owner. Contractor to use temporary irrigation for the watering of the sod. Contractor to supply all necessary hoses, fittings and sprinklers for all watering needs.
10. All sod must be fully established (two mowings) and growing at the time of inspection and acceptance.

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Engineering Answers

BELLE LAGO
BELLEVUE NEBRASKA

PLANNED SUBDIVISION
LANDSCAPE PLAN

Proj. No.	PFS 18 SAT 001
Date	04/17/2018
Drawn By	MMW
Chkd By	MMW
Scale	AS SHOWN
Sheet	2 of 4

Revisions		
	Date	Description
1		

UNIT A	UNIT B	UNIT C	UNIT D
1323 SE WILLIAMS CT	1327 SE WILLIAMS CT	1333 SE WILLIAMS CT	1337 SE WILLIAMS CT
1.41	1.42	1.43	1.44

Bradford-Radcliffe (1242/1982) (1490) (1490) (1242/1982) - 3BR 2C FD

Revision Schedule

Revision Date	Revision Description	Revision Number

Area Schedule (Plateau)

Area	Name
1147 SF	Unit A Basement
412 SF	Unit A Garage
37 SF	Unit A Patio
29 SF	Unit A Porch
478 SF	Unit B Basement
407 SF	Unit B Garage
46 SF	Unit B Porch
478 SF	Unit C Basement
407 SF	Unit C Garage
46 SF	Unit C Porch
1147 SF	Unit D Basement
412 SF	Unit D Garage
37 SF	Unit D Patio
29 SF	Unit D Porch

Area Schedule (Gross Building)

Area	Name
120 SF	LAMINATE
58 SF	LAMINATE
178 SF	
1274 SF	Unit A Main Level
1284 SF	Unit A Finished Lower Level
2558 SF	
437 SF	Unit A Garage
Not Placed	Unit A Unfinished Lower Level
437 SF	
960 SF	Unit B Second Level
530 SF	Unit B Main Level
1490 SF	
430 SF	Unit B Garage
530 SF	Unit B Unfinished Lower Level
960 SF	
960 SF	Unit C Second Level
530 SF	Unit C Main Level
1490 SF	
430 SF	Unit C Garage
530 SF	Unit C Unfinished Lower Level
960 SF	
434 SF	Unit D Garage
494 SF	Unit D Unfinished Lower Level
929 SF	
1242 SF	Unit D Main Level
740 SF	Unit D Finished Lower Level

NOTE:
ALL SQUARE FOOTAGES CALCULATED ACCORDING TO HUBBELL METHODOLOGY

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Date
Client
Drawn By
Preliminary Set

Prairie Trail

SHEET DESCRIPTION
Bradford - Radcliffe
COVER PAGE

A0.0

Revision Schedule		
Revision Date	Revision Description	Revision Number

Index

NO.	NAME
A0.0	Cover Page
A1.0	General Notes
A2.0	Site Plan
A2.1	Site Plan
A3.0	Elevations
A3.1	Elevations
A3.2	Roof Plan
A4.0	Lower Level Floor Plan
A4.1	Main Level Floor Plan
A4.2	Second Level Floor Plan
A4.3	Enlarged Lower Level Plan
A4.4	Enlarged Main Level Floor Plan
A4.5	Enlarged Second Level Floor Plan
A5.0	Kitchen Plans & Elevations
A5.1	Enlarged Plans & Elevations
A6.1	Main Level Finish Plan
A6.2	Second Level Finish Plan
E1.1	Lower Level Electrical Plan
E1.2	Main Level Electrical Plan
E1.3	Second Level Electrical Plan
S1.0	Foundation Plan
S3.0	Stair Section & Framing Details
S3.1	Common Wall Details

Unit A
1161 S. 91st St

Unit B
1159 S. 91st St

Unit C
1155 S. 91st St

Unit D
1151 S. 91st St

Randalia 4-Plex 1658/1635/1635/1658 3BR FD 2C

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Area Schedule (Footprint)	
Area	Name
672 SF	A - Basement Stair
136 SF	A - Porch Slab
341 SF	A - Garage Slab
571 SF	B - Basement Stair
134 SF	B - Garage Slab
34 SF	B - Front Slab
576 SF	C - Basement Stair
404 SF	C - Garage Slab
97 SF	C - Porch Slab
672 SF	D - Basement Stair
344 SF	D - Garage Slab
136 SF	D - Porch Slab

Area Schedule (Gross Building) - Area	
Name	Area
A Garage	436 SF
A Main Floor	927 SF
A Porch	136 SF
A Unfinished Basement	931 SF
A Upper Floor	1010 SF
B Garage	429 SF

Area Schedule (Gross Building) - Area	
Name	Area
B Main Floor	925 SF
B Porch	97 SF
B Unfinished Basement	931 SF
B Upper Floor	1010 SF
C Garage	429 SF
C Upper Floor	925 SF

Area Schedule (Gross Building) - Area	
Name	Area
C Porch	97 SF
C Unfinished Basement	931 SF
C Upper Floor	1010 SF
D Garage	436 SF
D Main Floor	927 SF
D Porch	136 SF

Area Schedule (Gross Building) - Area	
Name	Area
D Unfinished Basement	931 SF
D Upper Floor	1010 SF

NOTE: MAIN FLOOR SQUARE FOOTAGE IS TO OUTSIDE MATERIAL PER ANSI Z765 2011

SHEET DESCRIPTION
RANDALIA 4 PLEX
Cover Page
Construction Set 3-21-18

Plat 2 Lots 32, 33, 34, 35
1151 - 1155 (1159 - 1161)
S 91st St
West Des Moines IA
Mill Ridge TH

A0.0

Fairbrook HOMES
We Give You MORE!

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Client: _____ Date: _____

Drawn By: RDG

Construction Set

Revision Schedule		
Revision Date	Revision Description	Revision Number

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Hubbell HOMES
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Date _____

Drawn By: rob

Construction Set

Plat 2 Lots 32, 33, 34, 35
1151, 1155, 1159, 1161
S 91st St
West Fort Morrow
Mill Ridge Th

SHEET DESCRIPTION
RANCHLA 4 PLEX
Elevations
Construction Set 3-21-18

A3.0

SECOND AMENDMENT TO SUBDIVISION AGREEMENT
OF BELLE LAGO

This Second Amendment to Subdivision Agreement ("Amendment") is made this _____ day of _____, 2019 ("Effective Date"), by and among HRC Belle Lago, LLC, an Iowa limited liability company ("Developer"), Sanitary and Improvement District No. 325 of Sarpy County, Nebraska, a Nebraska political subdivision ("District"), and The City of Bellevue, a municipal corporation of the first class ("City").

W I T N E S S E T H:

WHEREAS, the Parties hereto entered into a Subdivision Agreement ("Agreement") for the Belle Lago subdivision on the ____ day of _____, 2019, and also entered into a First Amendment to the Subdivision Agreement on the _____ day of _____, 2019.

WHEREAS, the District and Developer desire to replat Lot 81 and Outlot "F", Belle Lago, to be known as Lots 1-72 and Outlots "A"- "C", Belle Lago Replat 1. The area to be replatted is within the boundaries of SID 325. Developer shall construct, install and locate certain private improvements within the development area; and

WHEREAS, the development area is outside the incorporated limits of City but within the City's zoning and platting jurisdiction thereby necessitating City's review and approval of the desired improvements.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Agreement shall be amended by adding to the following exhibits, to-wit:

Exhibit "A-1", Final Plat, Belle Lago Replat One
Exhibit "B" Paving Exhibit
Exhibit "B-1", Storm Sewer Exhibit
Exhibit "B-3", Water Exhibit
Exhibit "C", Sanitary Sewer Exhibit

2. Park Development Fund fees have already been paid for Lot 81 and Outlot "F", Belle Lago and no additional park fees are due for Replat 1.

3. As all internal improvements to Lots 1-71 and Outlots "A"-"C" are private no additional City plan review fees are due for Belle Lago Replat 1.

4. All improvements located within Belle Lago Replat 1 shall be paid for privately.

5. Developer shall provide to the City Engineer along with the final plat GIS deliverables for the area to be developed conforming to the requirements of the Sarpy County GIS Department. All pertinent GIS information for storm and

sanitary sewer infrastructure shall be provided including, but not limited to: manhole type, diameter, rim and invert elevations, inlet type, size, rim/intake and invert elevations, pipe type, size, invert elevations, slope, and stubout locations, etc. Once the construction of the infrastructure is complete, as-built information shall be provided including mylars, CAD drawings, Adobe PDF files, and updated GIS information.

All other terms and conditions of the Agreement shall remain in full force and effect.

CITY OF BELLEVUE

Date: _____

By:_____
Mayor

ATTEST:

APPROVED AS TO FORM:

_____
City Clerk

By:_____
Attorney for City of Bellevue

SANITARY AND IMPROVEMENT DISTRICT NO. 325 OF SARPY COUNTY, NEBRASKA

Date: _____

By:_____
Chairman

ATTEST:

APPROVED AS TO FORM:

_____
Clerk

By:_____
Attorney for SID #325

HRC BELLE LAGO, LLC
By: HRC DEVELOPMENT, LLC, Its sole Member

Date: _____

By:_____
Dave Vogtman, A.V.P AND Ass't Secretary.

APPROVED AS TO FORM

By:_____

Attorney for Developer

BELLE LAGO REPLAT 1

LOTS 1 THRU 72 INCLUSIVE & OUTLOTS "A" THRU "C"

BEING A REPLATTING OF ALL OF LOT 81 AND OUTLOT "F", BELLE LAGO, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

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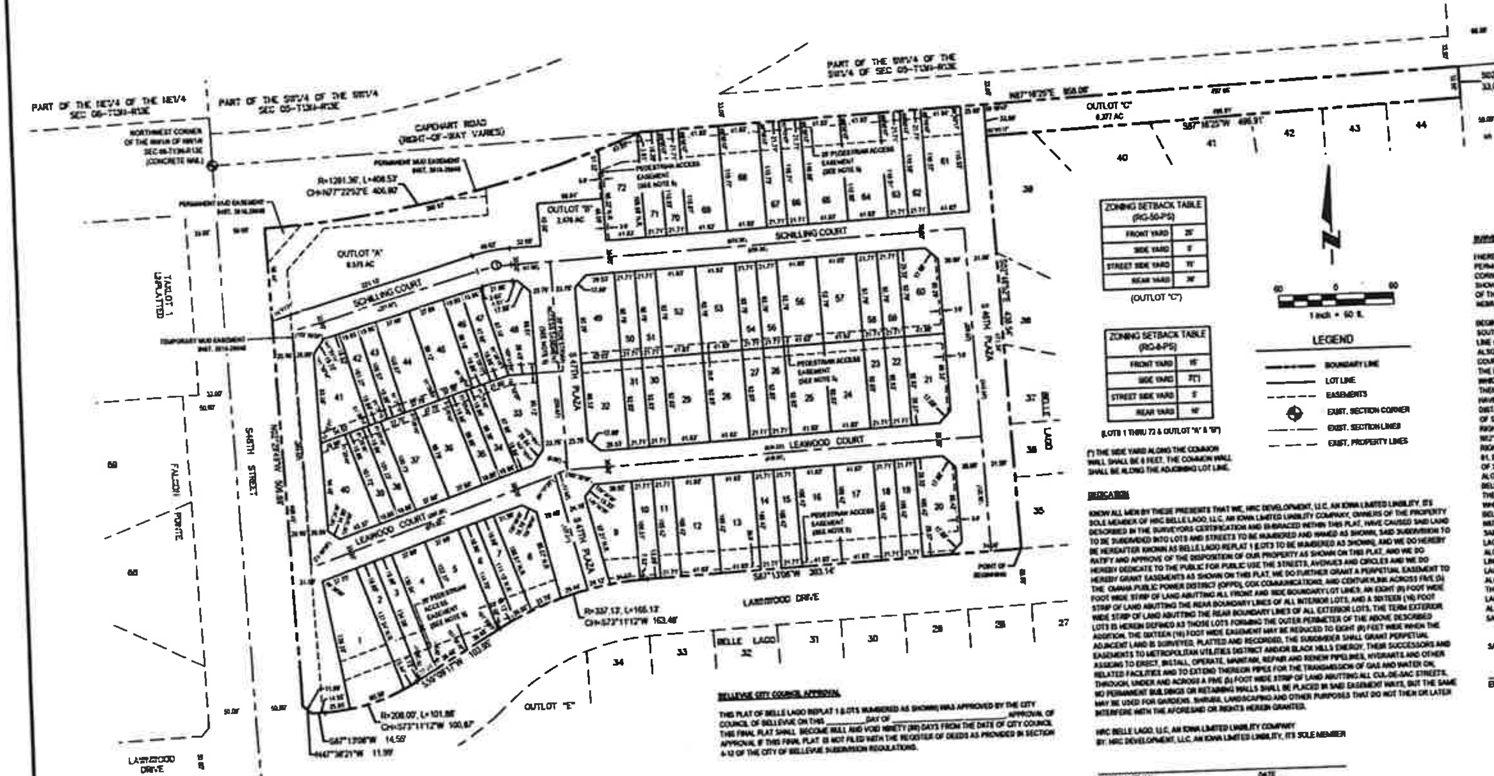

ZONING SETBACK TABLE (RG-50-PS)	
FRONT YARD	25'
SIDE YARD	5'
STREET SIDE YARD	15'
REAR YARD	25'

(OUTLOT "C")

ZONING SETBACK TABLE (RG-8-PS)	
FRONT YARD	15'
SIDE YARD	5'(*)
STREET SIDE YARD	5'
REAR YARD	10'

(LOTS 1 THRU 72 & OUTLOT "A" & "B")

(*) THE SIDE YARD ALONG THE COMMON WALL SHALL BE 0 FEET. THE COMMON WALL SHALL BE ALONG THE ADJOINING LOT LINE.

LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENTS
- EXIST. SECTION CORNER
- EXIST. SECTION LINES
- EXIST. PROPERTY LINES

LOT AREAS	
LOT NO.	SQ. FOOTAGE
1	4,611
2	2,669
3	3,932
4	4,704
5	4,467
6	2,246
7	2,142
8	4,138
9	4,416
10	2,398
11	2,209
12	4,418
13	4,418
14	2,230
15	2,230
16	4,416
17	4,416
18	2,230

LOT AREAS	
LOT NO.	SQ. FOOTAGE
19	2,396
20	4,284
21	3,868
22	2,015
23	2,015
24	3,884
25	3,004
26	2,015
27	2,015
28	3,884
29	3,004
30	2,015
31	2,013
32	2,623
33	4,634
34	1,946
35	1,957
36	2,142

LOT AREAS	
LOT NO.	SQ. FOOTAGE
37	3,776
38	2,665
39	2,914
40	4,250
41	[illegible]
42	2,661
43	1,682
44	3,754
45	3,710
46	1,944
47	1,620
48	3,579
49	3,022
50	2,014
51	2,014
52	3,882
53	3,862
54	2,014

LOT AREAS	
LOT NO.	SQ. FOOTAGE
55	2,914
56	3,993
57	3,882
58	2,014
59	2,014
60	3,989
61	4,026
62	2,468
63	2,447
64	4,623
65	4,636
66	2,402
67	2,404
68	4,633
69	4,635
70	2,404
71	2,404
72	4,391

CENTERLINE CURVE TABLE				
CURVE	RADIUS	LENGTH	TANGENT	DELTA
1	150.00'	35.84'	18.01'	13°41'25"

NOTES:

1. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO 48TH STREET FROM OUTLOTS "A" & "B". DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO CAPEHART ROAD FROM LOTS 61 THRU 72 & OUTLOTS "A" & "B". DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO LAWNWOOD FROM LOTS 1 THRU 20.
2. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.
3. ALL LOT LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS NONRADIAL (N.R.).
4. ALL DIMENSIONS SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF CENTERLINE.
5. ALL EASEMENTS THAT ARE NOT LABLED WITH ANY RECORDING INFORMATION WILL BE RECORDED BY A SEPARATE DOCUMENT.
6. OUTLOT "B" SHALL BE DESIGNATED AS A PRIVATE STREET. OUTLOT "B" SHALL GRANT VEHICULAR AND PEDESTRIAN ACCESS TO LOTS 1 THRU 72 AND OUTLOTS "A" & "C". OUTLOT "B" SHALL BE MAINTAINED BY THE TOWNHOME ASSOCIATION.
7. THE FRONT OF EACH LOT SHALL BE DEFINED AS THE LOT LINE ADJACENT TO THE EAST-WEST LEGS OF OUTLOT "B" FOR EASEMENT AND SETBACK PURPOSES.

BELLEVUE CITY COUNCIL APPROVAL

THIS PLAT OF BELLE LAGO REPLAT 1 (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE CITY COUNCIL OF BELLEVUE ON THIS ________ DAY OF ______________________ APPROVAL OF THIS FINAL PLAT SHALL BECOME NULL AND VOID NINETY (90) DAYS FROM THE DATE OF CITY COUNCIL APPROVAL IF THIS FINAL PLAT IS NOT FILED WITH THE REGISTER OF DEEDS AS PROVIDED IN SECTION 4-12 OF THE CITY OF BELLEVUE SUBDIVISION REGULATIONS.

____
MAYOR

ATTEST ______________________________

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER OF HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY, OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATION AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS BELLE LAGO REPLAT 1 (LOTS TO BE NUMBERED AS SHOWN), AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THE STREETS, AVENUES AND CIRCLES AND WE DO HEREBY GRANT EASEMENTS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT (OPPD), COX COMMUNICATIONS, AND CENTURYLINK ACROSS FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS, AND A SIXTEEN (16) FOOT WIDE STRIP OF LAND ABUTTING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION. THE SIXTEEN (16) FOOT WIDE EASEMENT MAY BE REDUCED TO EIGHT (8) FEET WIDE WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED. THE SUBDIVIDER SHALL GRANT PERPETUAL EASEMENTS TO METROPOLITAN UTILITIES DISTRICT AND/OR BLACK HILLS ENERGY, THEIR SUCCESSORS AND ASSIGNS TO ERECT, INSTALL, OPERATE, MAINTAIN, REPAIR AND RENEW PIPELINES, HYDRANTS AND OTHER RELATED FACILITIES AND TO EXTEND THEREON PIPES FOR THE TRANSMISSION OF GAS AND WATER ON, THROUGH, UNDER AND ACROSS A FIVE (5) FOOT WIDE STRIP OF LAND ABUTTING ALL CUL-DE-SAC STREETS. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID OR RIGHTS HEREIN GRANTED.

HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY
BY: HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER

____
DAVID VOOTMAN, DATE
ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF SARPY)

ON THIS ________ DAY OF ______________________ BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME DAVID VOOTMAN, ASSISTANT VICE PRESIDENT AND ASSISTANT SECRETARY OF HRC DEVELOPMENT, LLC, AN IOWA LIMITED LIABILITY, ITS SOLE MEMBER OF HRC BELLE LAGO, LLC, AN IOWA LIMITED LIABILITY COMPANY, WHO IS PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT AND ACKNOWLEDGED THE SAME TO BE HIS VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR LAST ABOVE WRITTEN.

____
NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

____
COUNTY TREASURER DATE

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT I HAVE MADE A GROUND SURVEY OF THE SUBDIVISION DESCRIBED HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN PLACED ON THE BOUNDARY OF THE WITHIN PLAT AND STAKES AT ALL CORNERS OF ALL LOTS, STREETS AND ANGLE POINTS IN BELLE LAGO REPLAT 1 (THE LOTS NUMBERED AS SHOWN). A TRACT OF LAND BEING ALL OF LOT 81 AND OUTLOT "F", BELLE LAGO, A SUBDIVISION LOCATED IN PART OF THE NW1/4 OF SECTION 08, TOWNSHIP 13 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 81, BELLE LAGO, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 35, SAID BELLE LAGO, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF LAWNWOOD DRIVE; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 81, BELLE LAGO, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF LAWNWOOD DRIVE ON THE FOLLOWING SIX (6) DESCRIBED COURSES; (1) THENCE S87°13'06"W (ASSUMED BEARING), A DISTANCE OF 203.14 FEET; (2) THENCE ON A CURVE TO THE LEFT WITH A RADIUS OF 337.13 FEET, A DISTANCE OF 165.13 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S73°11'12"W, A DISTANCE OF 163.48 FEET; (3) THENCE S59°09'17"W, A DISTANCE OF 103.95 FEET; (4) THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 208.00 FEET, A DISTANCE OF 101.88 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S73°11'12"W, A DISTANCE OF 100.87 FEET; (5) THENCE S87°13'06"W, A DISTANCE OF 14.58 FEET; (6) THENCE N47°38'21"W, A DISTANCE OF 11.99 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 81, BELLE LAGO, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID NORTHERLY RIGHT-OF-WAY LINE OF LAWNWOOD DRIVE AND THE EASTERLY RIGHT-OF-WAY LINE OF S 48TH STREET; THENCE N02°29'49"W ALONG THE WEST LINE OF SAID LOT 81, BELLE LAGO, SAID LINE ALSO BEING SAID EASTERLY RIGHT-OF-WAY LINE OF S 48TH STREET, A DISTANCE OF 508.98 FEET TO THE NORTHWEST CORNER OF SAID LOT 81, BELLE LAGO, SAID POINT ALSO BEING THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF S 48TH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF CAPEHART ROAD; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF SAID LOT 81, BELLE LAGO, SAID LINE ALSO BEING THE WESTERLY LINE OF OUTLOT "F", BELLE LAGO, SAID LINE ALSO BEING SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAPEHART ROAD ON A CURVE TO THE LEFT WITH A RADIUS OF 1291.36 FEET, A DISTANCE OF 408.53 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N77°22'52"E, A DISTANCE OF 406.86 FEET TO THE NORTHWEST CORNER OF SAID OF OUTLOT "F", BELLE LAGO, SAID POINT ALSO BEING A POINT ON THE NORTH LINE OF SAID NW1/4 OF SECTION 08; THENCE N87°18'25"E ALONG SAID NORTH LINE OF OUTLOT "F", BELLE LAGO, SAID LINE ALSO BEING SAID NORTH LINE OF SAID NW1/4 OF SECTION 08, A DISTANCE OF 858.08 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT "F", BELLE LAGO, SAID POINT ALSO BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF S 45TH STREET; THENCE S02°31'39"E ALONG THE EAST LINE OF SAID OUTLOT "F", BELLE LAGO, SAID LINE ALSO BEING SAID WESTERLY RIGHT-OF-WAY LINE OF S 45TH STREET, A DISTANCE OF 33.00 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT "F", BELLE LAGO; SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 44, SAID BELLE LAGO; THENCE S87°18'25"W ALONG THE SOUTH LINE OF SAID OUTLOT "F", BELLE LAGO, SAID LINE ALSO BEING THE NORTH LINE OF LOTS 39 THRU 44, SAID BELLE LAGO, A DISTANCE OF 496.91 FEET TO THE NORTHEAST CORNER OF SAID LOT 81, BELLE LAGO, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 39, BELLE LAGO; THENCE S02°48'52"E ALONG SAID EAST LINE OF SAID LOT 81, BELLE LAGO, SAID LINE ALSO BEING THE WEST LINE OF LOTS 35 THRU 39, SAID BELLE LAGO, A DISTANCE OF 438.54 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 378829 SQUARE FEET OR 8.682 ACRES, MORE OR LESS.

______________________________ ______________________
ERIC A. SCHABEN LS-608 DATE

APPROVAL OF BELLEVUE CITY PLANNING COMMISSION

THIS PLAT OF BELLE LAGO REPLAT 1 (LOTS NUMBERED AS SHOWN) WAS APPROVED BY THE BELLEVUE CITY PLANNING COMMISSION.

____
CHAIRMAN OF CITY PLANNING COMMISSION DATE

REVIEW BY SARPY COUNTY PUBLIC WORKS

THIS PLAT OF BELLE LAGO REPLAT 1 WAS REVIEWED BY THE THE SARPY COUNTY SURVEYOR'S OFFICE THIS ________ DAY OF ______________ 20________

____
COUNTY SURVEYOR / ENGINEER

E & A CONSULTING GROUP, INC.
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Engineering Answers

BELLE LAGO REPLAT 1
LOTS 1 THRU 72 INCLUSIVE & OUTLOTS "A" THRU "C"
BELLEVUE, NEBRASKA

FINAL PLAT

Revisions		
#	Date	Description
1	09/13/19	REVISED PER CITY COMMENTS
2	10/03/19	REVISED PER CITY COMMENTS

Proj. No.	P2018.541.001
Date	07/30/2019
Designed By	[illegible]
Drawn By	[illegible]
Scale	1" = 60'
Sheet	1 of 1

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OCT 07 2019

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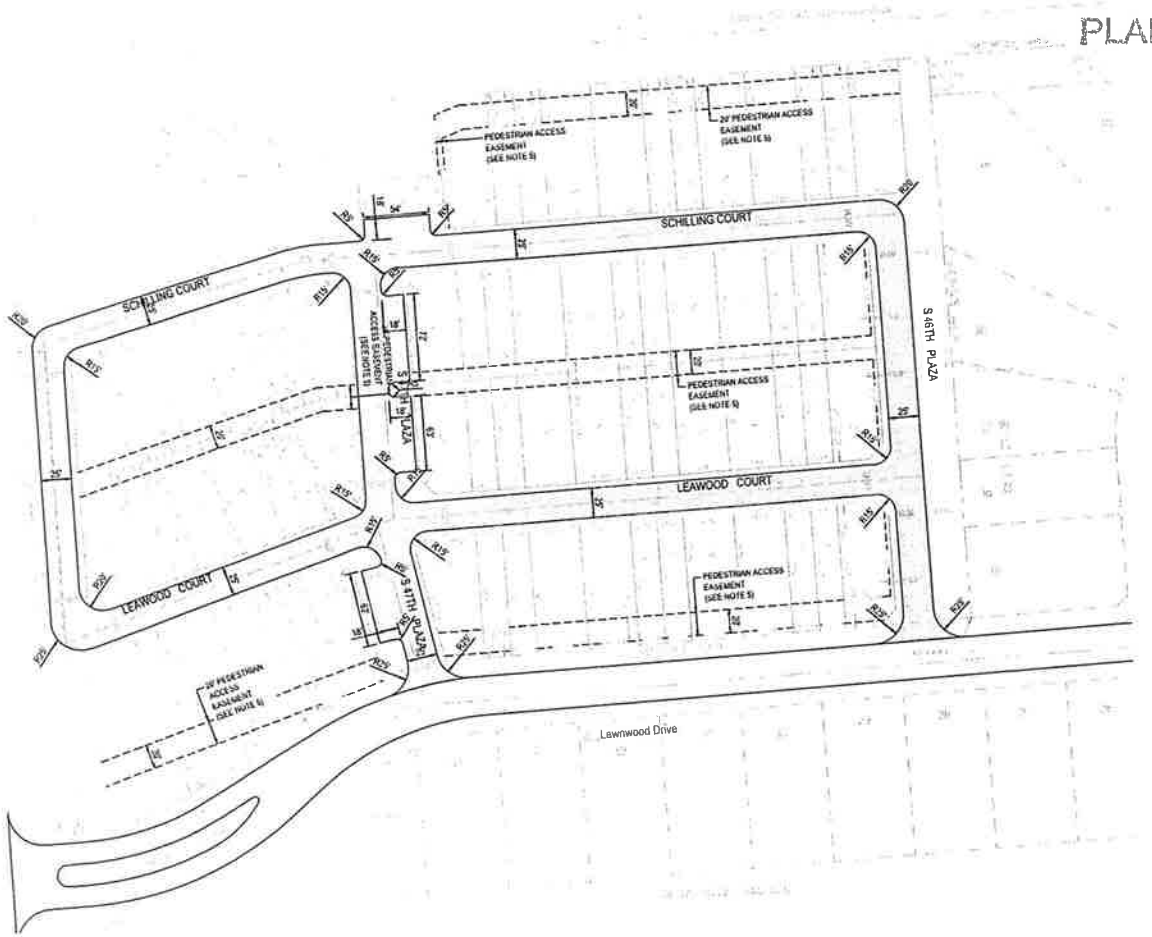
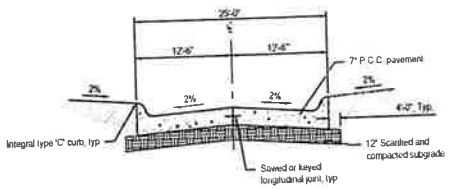


LEGEND

Proposed Pavement

Existing Pavement



25' STREET - TYPICAL SECTION

NOT TO SCALE

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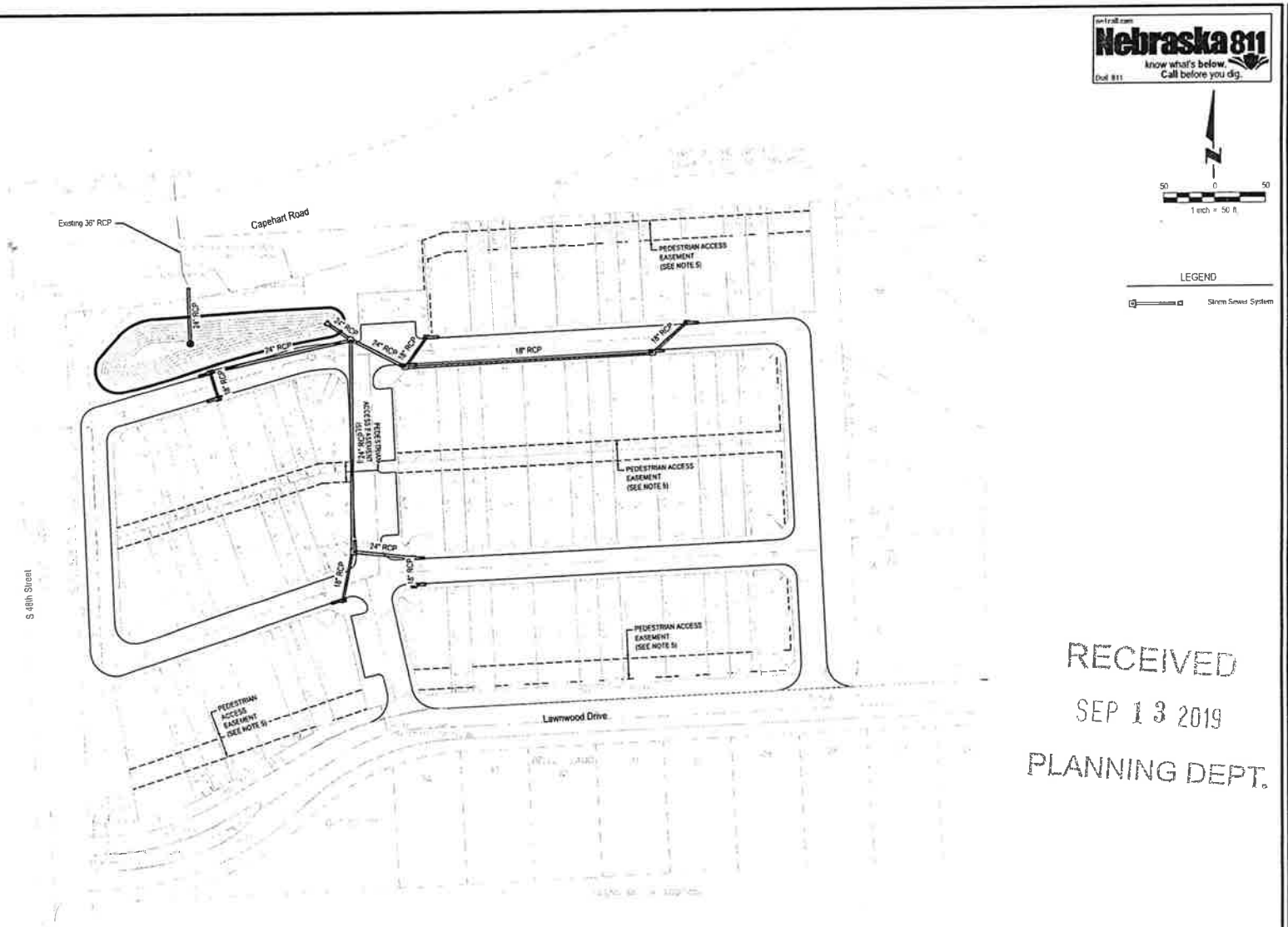
BELLE LAGO REPLAT 1
LOTS 1 THRU 72 INCLUSIVE &
OUTLOTS "A" THRU "C"
BELLEVUE, NEBRASKA

PAVING EXHIBIT

Job No.	PA15-0010			
Date	Effective	No.	Date	Description
Designed By	MA			
Drawn By	MA			
Scale	As Indicated			
Sheet	1 of 1			



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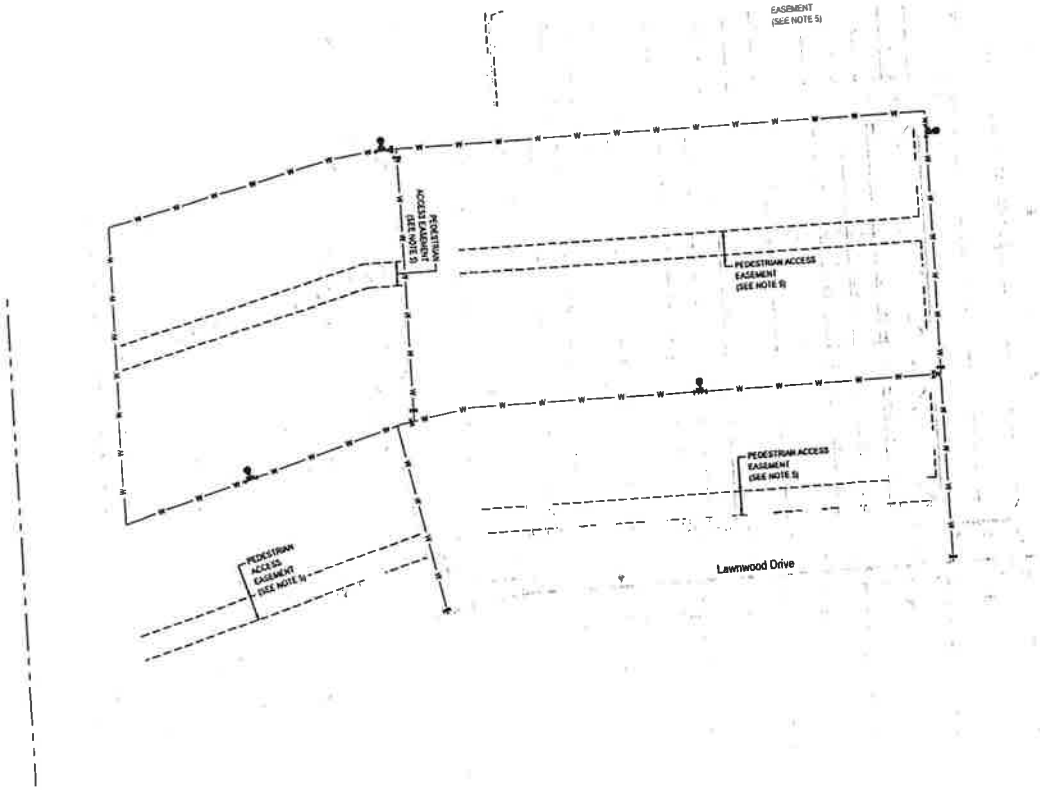
BELLE LAGO REPLAT 1
LOTS 1 THRU 12 INCLUSIVE &
OUTLOTS "A" THRU "C"
BELLEVUE, NEBRASKA

STORM SEWER EXHIBIT

	Date	Description

Drawn By: MAS
Checked By: MAS
Date: 8.13.2019
Sheet: 1 of 1



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N

50 0 50
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LEGEND

—W—W—W—	Water Network
	Existing Water Network
	Fire Hydrant and Valve

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& OUTLOTS "A" THRU "C"
BELLEVUE, NEBRASKA

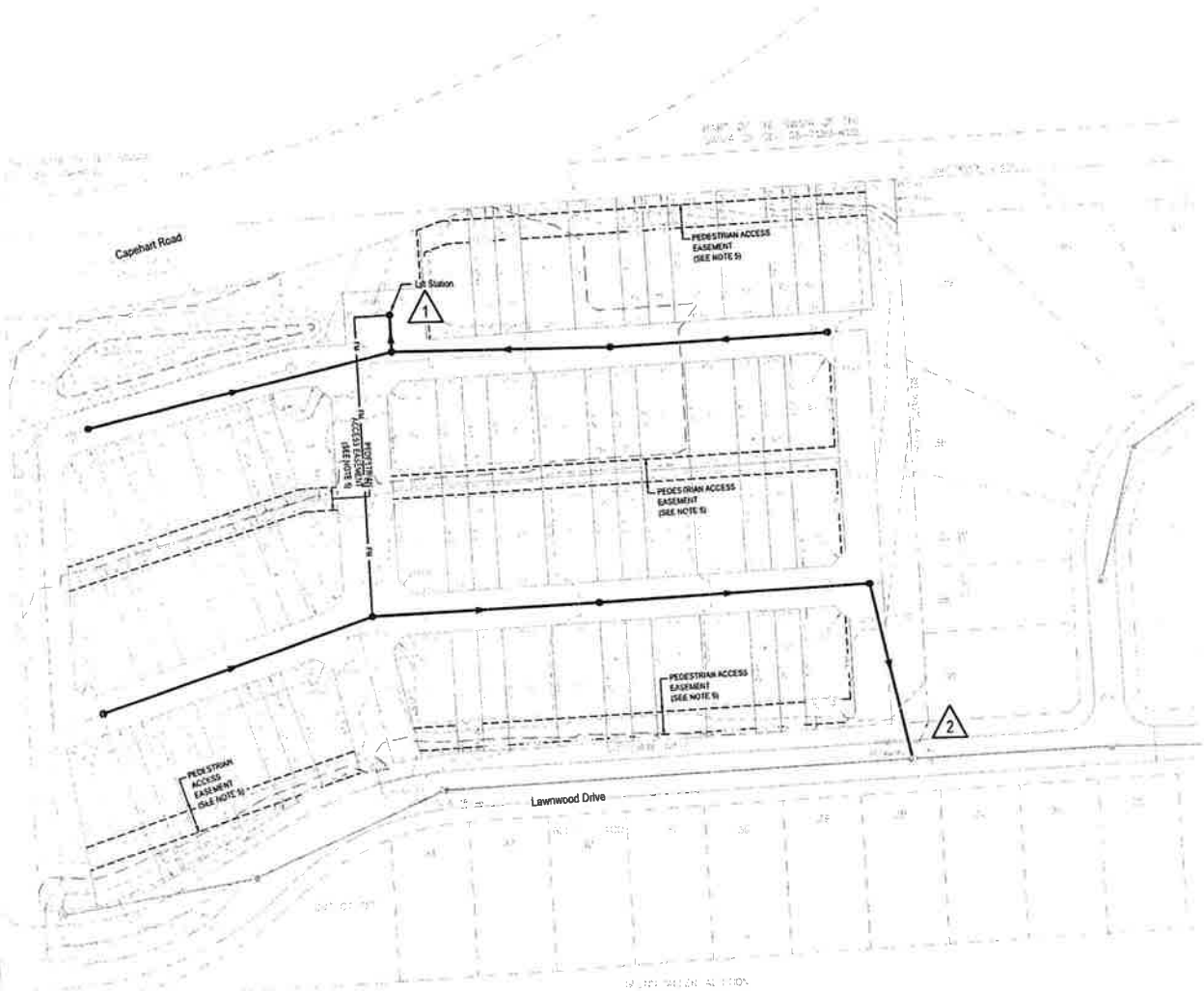
WATER MAIN EXHIBIT

Proj. No.	2703.141.00	A	Revisions
Date	09/12/2019		Date / Description
Designed By	MA		
Drawn By	MA		
Scale	1" = 50'		
Sheet	1 of 1		

RECEIVED

SEP 13 2019

PLANNING DEPT.



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LEGEND

- Sanitary Sewer System
- FM — Force Main
- Existing Sanitary Sewer

SANITARY SEWER IMPACT TABLE

IMPACT POINT 1	CONTRIBUTING AREA TYPE	AC	UNITS	CAPITA	BASELINE FLOW (GPCD)	PEAKING FACTOR	PEAK FLOW* (GPCD)	PEAK FLOW* (GPD)	TOTAL PEAK FLOW (CFS)	COMMENTS
1	Lift Station	-	32	83	124	3.54	438.96	36,434	0.056	
2	Total Area	-	72	186	124	3.37	417.29	77,616	0.120	

* Includes Calculated Peaking Factor (PF x 100 GPCD)

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LOTS 1 THRU 72 INCLUSIVE &
OUTLOTS 'A' THRU 'C'
BELLEVUE NEBRASKA

SANITARY SEWER EXHIBIT

No.	Date	Revisions
1		Description

File No. 2016-54.100
Date 8/19/2019
Designed By MKL
Drawn By MKL
Scale AS SHOWN
Sheet 1 of 1

11c. - 11c2.
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 11/05/2019		SUBMITTED BY: Tammi Palm, Planning Department			
AGENDA ITEM:		CONSENT AGENDA	☐	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☑	PUBLIC HEARING	☐
RESOLUTION	☐	CURRENT BUSINESS	☐	OTHER	☐

SUBJECT:

Request to rezone Lot 1, South Woods Replat 3, from MH, BGH, and RG-8 to RG-8 for the purpose of an elementary school; conditional use permit for Lot 1, South Woods Replat 3; and small subdivision plat Lot 1, South Woods Replat 3. Applicant: Kenneth Hahn Architects. General Location: Fort Crook Road and Childs Road West.

SYNPOSIS/BACKGROUND:

Kenneth Hahn Architects, on behalf of Omaha Public Schools, is requesting approval of a change of zone for Lot 1, South Woods Replat 3, from MH, BGH, and RG-8 to RG-8 for the purpose of a new elementary school. Along with the change of zone request, the applicant is also requesting a conditional use permit and small subdivision plat for Lot 1, South Woods Replat 3, to facilitate the construction of the elementary school.

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:	YES				
CIP PROJECT NAME:		CIP PROJECT NUMBER:			
STREET DISTRICT NAME (S):		STREET DISTRICT NUMBER (S):			
ACCOUNTING DISTRUBUTION CODE:		ACCOUNT NUMBER:			

RECOMMENDATION:

The Planning Department recommended approval of this request. The Planing Commission recommended denial of this request.

ATTACHMENTS:

1. PC recommendation
2. Planning Department staff report
3. Change of Zone Ordinance
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Brett Robbins

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

ORDINANCE NO. 3980_

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 FORT CROOK ROAD AND CHILDS ROAD WEST 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:

> Request to rezone Lot 1, South Woods Replat 3, being a replat of Lot 2, Pendleton and Lots 7 and 8 South Woods, located in the Southwest ¼ of Section 14, and the Southeast ¼ of Section 15, all located in T14N, R13E of the 6th P.M., Sarpy County, Nebraska
>
> From MH (Heavy Manufacturing Zone), BGH (Heavy General Business Zone) and RG-8 (General Residence, 800 Square Foot Zone) to RG-8 (General Residence, 800 Square Foot Zone)
>
> (Kenneth Hahn Architects)

Section 2. This ordinance shall not take effect until such time as the final plat of South Woods Replat 3 is filed with the Sarpy County Register of Deeds in accordance with Sections 4-10 and 4-11 of the City of Bellevue Subdivision Regulations.

Section 3. Except as amended herein, the official zoning map and the classification shown therein shall remain as heretofore existing.

Section 4. This ordinance shall take affect and be in force from and after its adoption and publication according to law.

ADOPTED by the Mayor and City Council this _____ day of _____, 2019.

APPROVED AS TO FORM:

_____
City Attorney

ATTEST

_____ _____
City Clerk Mayor

First Reading: 10/15/2019
Second Reading: 11/5/2019
Third Reading: _____

City of Bellevue

PLANNING COMMISSION RECOMMENDATION

APPLICANT: Kenneth Hahn Architects

LOCATION: Fort Crook Road and Childs Road West

CITY COUNCIL HEARING DATE: November 5, 2019

REQUEST: to rezone Lot 1, South Woods Replat 3, being a replat of Lot 2, Pendleton, and Lots 7 and 8, South Woods, from MH, BGH, and RG-8 to RG-8 for the purpose of an elementary school; conditional use permit for Lot 1, South Woods Replat 3; and small subdivision plat Lot 1, South Woods Replat 3, for the purpose of an elementary school.

On September 26, 2019, the City of Bellevue Planning Commission voted six yes, one no, one abstained, and one absent to recommend:

DENIAL of the request based upon lack of safety in terms of the potential issues with Fort Crook Road, which has been recognized by the applicant and City to discourage crossing an 8 lane intersection and 2 railroad tracks. Denial also based upon lack of plans for infrastructure beyond the boundaries of the proposed site.

VOTE:

Yes:	Six:	No:	One:	Abstain:	One:	Absent:	One:
	Casey		Aerni		Ritz		Jacobson
	Perrin						
	Cain						
	Ackley						
	Hankins						
	Cutsforth						

Planning Commission Hearing (s) was held on: September 26, 2019

PLANNING DEPARTMENT

RECOMMENDATION REPORT # 3

CASE NUMBERS: Z-1906-04
S-1906-02
CUP-1906-02

FOR HEARING OF:
REPORT #1: July 25, 2019
REPORT #2: August 22, 2019
REPORT #3: September 26, 2019
REPORT #4: November 5, 2019

I. GENERAL INFORMATION

A. APPLICANT:

Kenneth Hahn Architects
1343 South 75th Street
Omaha, NE 68135

B. PROPERTY OWNER:

Douglas County School District 00001
3215 Cumming Street
Omaha, NE 68131

C. GENERAL LOCATION:

Fort Crook Road and Childs Road West

D. LEGAL DESCRIPTION:

Lot 1, South Woods Replat 3, being a replat of Lot 2, Pendleton, and Lots 7 and 8 South Woods, located in the Southwest ¼ of Section 14, and the Southeast ¼ of Section 15, all located in T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

E. REQUESTED ACTIONS:

1. Rezone Lot 1, South Woods Replat 3, from MH, BGH, and RG-8 to RG-8

2. Small Subdivision Plat Lot 1, South Woods Replat 3

3. Conditional Use Permit for Lot 1, South Woods Replat 3

F. EXISTING ZONING AND LAND USE:

MH, BGH, RG-8, Vacant/Industrial

G. PURPOSE OF REQUEST:

The purpose of this request is to obtain a rezoning, small subdivision plat, and conditional use permit to allow for the construction of an elementary school.

H. SIZE OF SITE:

The site is approximately 14.48 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE:

A portion of the site contains a building once housed by Pendleton Mills. The remainder of the site is vacant and presently covered in vegetation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

1. **North:** Vacant/Industrial, RG-8 and MH
2. **East:** Fort Crook Road right-of-way/Industrial, MH
3. **South:** Single Family Residential, RS-84 and RD-60 (across Childs Road West)
4. **West:** Vacant, RG-8 (across Nebraska Drive)

C. REVELANT CASE HISTORY:

1. On July 25, 2019, the Planning Commission continued a request to rezone Lot 1, South Woods Replat 3, being a replat of Lot 2, Pendleton, and Lots 7 and 8, South Woods, from MH, BGH, and RG-8 to RG-8 for the purpose of an elementary school; conditional use permit for Lot 1, South Woods Replat 3, and small subdivision plat Lot 1, South Woods Replat 3. Continuation for the purpose of Omaha Public Schools working with the city on a safe route to school.

2. On August 22, 2019, the Planning Commission continued a request to rezone Lot 1, South Woods Replat 3, being a replat of Lot 2, Pendleton, and Lots 7 and 8, South Woods, from MH, BGH, and RG-8 to RG-8 for the purpose of an elementary school; conditional use permit for Lot 1, South Woods Replat 3, and small subdivision plat Lot 1, South Woods Replat 3. Continuation for the purpose of Omaha Public Schools working with the city on a safe route to school.

3. On September 26, 2019, the Planning Commission recommended denial of a request to rezone Lot 1, South Woods Replat 3, being a replat of Lot 2, Pendleton, and Lots 7 and 8, South Woods, from MH, BGH, and RG-8 to RG-8 for the purpose of an elementary school; conditional use permit for Lot 1, South Woods Replat 3, and small subdivision plat Lot 1, South Woods Replat 3.

D. APPLICABLE REGULATIONS:

1. Section 5.15, Zoning Ordinance, regarding RG-8 uses and requirements.

2. Chapter 5, Subdivision Regulations, regarding small subdivisions.

3. Article 6, Zoning Ordinance, regarding Conditional Use Permits.

III. ANALYSIS

A. COMPREHENSIVE PLAN:

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

B. OTHER PLANS:

None

C. TRAFFIC AND ACCESS:

1. The most recent MAPA traffic data estimates approximately 18,800 vehicles per day along the north leg of the intersection of Fort Crook Road and Childs Road West, approximately 1,400 vehicles per day along the east leg, approximately 19,300 vehicles per day along the south leg, and approximately 2,800 vehicles per day along the west leg of this intersection.

2. The property will have two access points: one from Nebraska Drive, and one from Childs Road West.

D. UTILITES:

All utilities are available to service this development.

E. ANALYSIS:

1. Kenneth Hahn, on behalf of Kenneth Hahn Architects, is requesting approval of a rezoning, small subdivision plat, and conditional use permit for Lot 1, South Woods Replat 3, for the purpose of a new Omaha Public Schools elementary school.

2. A portion of the site contains a building once housed by Pendleton Mills, which will be demolished under this plan. The remainder of the site is vacant.

3. 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 Sarpy County Public Works. The cover letter indicated a deadline to send

comments back to the Planning Department, and also stated if the requested department did not have comments pertaining to the application, no response was needed.

Public Works Engineering Manager Dean Dunn requested a copy of the Traffic Impact Study, which was provided.

Captain Dave Stukenholz, Bellevue Police Department, expressed concerns for the safety of students crossing Fort Crook Road on foot. These concerns were passed along to the applicant, as well as their engineer and architect.

No other comments were received on this case.

4. The site plan shows an elementary school building with room for potential future portables, two playgrounds, a basketball court, as well as two outdoor learning areas.

5. The Zoning Ordinance requires one parking space per employee, and one space per 100 square feet of seating space in the auditorium or multi-purpose room (whichever is greater). The site plan shows 130 parking stalls, which is the number required by the ordinance.

6. The proposed landscape plan has been reviewed by staff and meets the requirements of the zoning ordinance.

7. A copy of the current and proposed Omaha Public Schools elementary school boundaries are attached. The applicant has indicated the proposed boundaries are subject to change, and are currently being reviewed with the community.

8. The proposed OPS elementary school boundaries have raised the question concerning the transportation of children to and from this school; specifically in regards to crossing Fort Crook Road.

Staff met with OPS and their construction team on August 14, 2019 in order to discuss this issue. OPS is proposing to bus the students who live on the ***east*** side of Fort Crook Road who attend this school, regardless of their proximity to the school building. School staff is proposing this as a solution to students walking to school and having to cross Fort Crook Road and the railroad tracks on foot. Please see the attached letter from OPS Chief Operations Officer Lisa Sterba regarding this matter.

Staff (including Public Works Director Jeff Roberts and Engineering Manager Dean Dunn) met with OPS and their construction team again on August 29, 2019 to discuss transportation issues. Although a crosswalk along Fort Crook Road was discussed, staff is not recommending this be done. The railroad tracks pose an issue as far as safety and connectivity. Additionally, the Public Works Department has indicated a crosswalk could encourage children to cross Fort Crook Road, and provide a false sense of security in doing so. As a result, staff is not recommending a crosswalk along

Fort Crook Road or a sidewalk connection to the railroad tracks. OPS has agreed to have buses transport students to the school via Chandler Road East to Nebraska Drive in order to avoid buses stacking across the railroad tracks adjacent to school property. Language has been added to the conditional use permit agreement to reflect this. Additionally, language has been added regarding bus driver training.

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

6.06.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
6.06.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
6.06.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
6.06.04 Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
6.06.05 Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6.06.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
6.06.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
6.06.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
6.06.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
6.06.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.

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

F. TECHNICAL DEFICIENCIES:

None

IV. DEPARTMENT RECOMMENDATION

APPROVAL based on conformance with the requirements of the zoning ordinance and lack of perceived negative impact on the surrounding neighborhood.

V. PLANNING COMMISSION RECOMMENDATION

DENIAL based upon lack of safety in terms of the potential issues with Fort Crook Road, which has been recognized by the applicant and City to discourage crossing an eight lane intersection and two railroad tracks. DENIAL also based upon the lack of plans for infrastructure beyond the boundaries of the proposed site.

VI. ATTACHMENTS TO REPORT

1. Vicinity map/Zoning Map
2. GIS aerial photo of the property
3. Justification Letter from Kenneth Hahn received June 21, 2019
4. Small Subdivision plat received June 21, 2019
5. Site Plan received July 16, 2019
6. Landscape Plan received August 14, 2019
7. Current and Proposed OPS Elementary and Middle School boundaries received July 16, 2019
8. Letter from Lisa Sterba received September 11, 2019
9. Conditional Use Permit Agreement

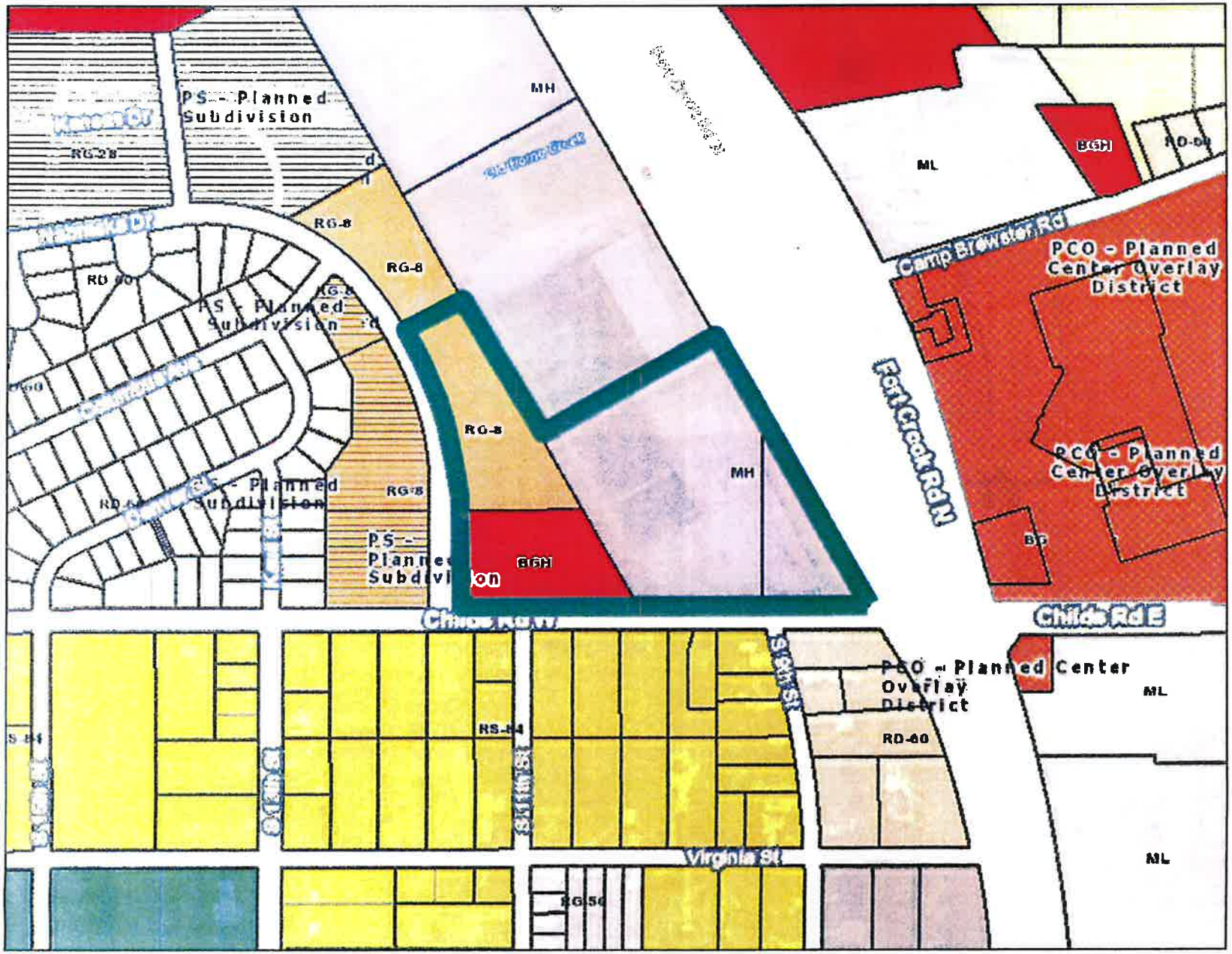
VII. COPIES OF REPORT TO:

1. Kenneth Hahn Architects
2. Omaha Public Schools
3. RW Engineering and Surveying
4. Public Upon Request

Jammi L Pilm 10/08/19

Prepared by:

OPS Elementary School Site



Location

Legend

Road Centerlines

2018 Aerial Photo

- Red: Band_1
- Green: Band_2
- Blue: Band_3

N

1: 4,800

0 200 400 800

Feet

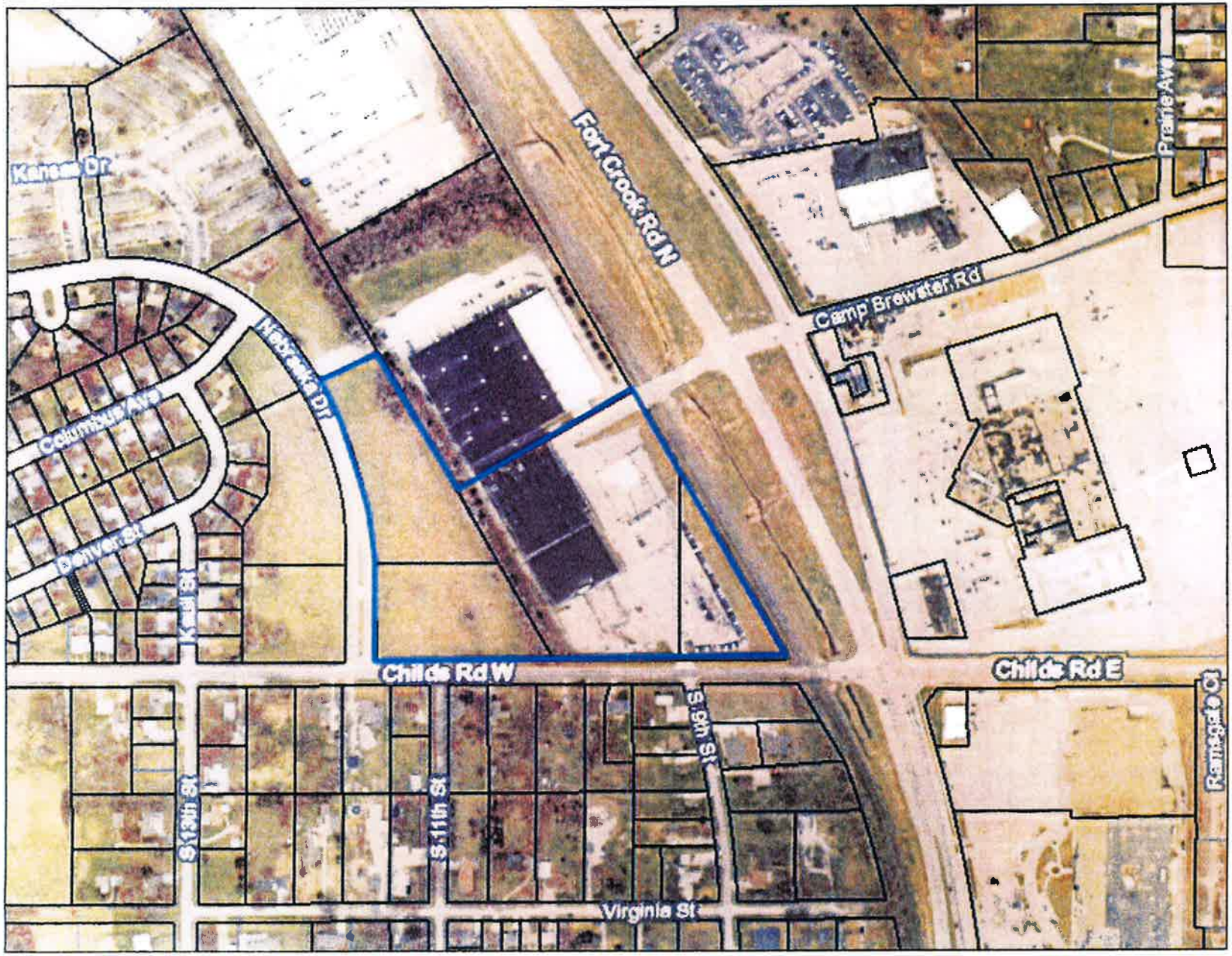
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the source records and information sources to ascertain the usability of the information.

Sarpy County GIS

sarpy county GIS

1210 Golden Gate Dr.
Suite 1130
Papillion, NE 68046
maps.sarpy.com

OPS Elementary School Site



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Sarpy County GIS

1210 Golden Gate Dr.
Suite 1130
Papillion, NE 68046
maps.sarpy.com

Kenneth Hahn
Architects

1043 South 75th Street
Omaha, NE 68124-1610
402-391-2111
FAX 391-2605

20 June 2019

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

Dear Planning Commission,

On behalf of the Owner, Douglas County School District 00001 (Omaha Public Schools), we request a change of zone from MH to RG-8 for the purpose of constructing an elementary school in conjunction with the replat of the property. The current zone MH does not allow schools. The proposed RG-8 zone was recommended to us by the City of Bellevue Planning Department.

Thank you for your consideration.

Regards,

Kenneth J. Hahn, AIA

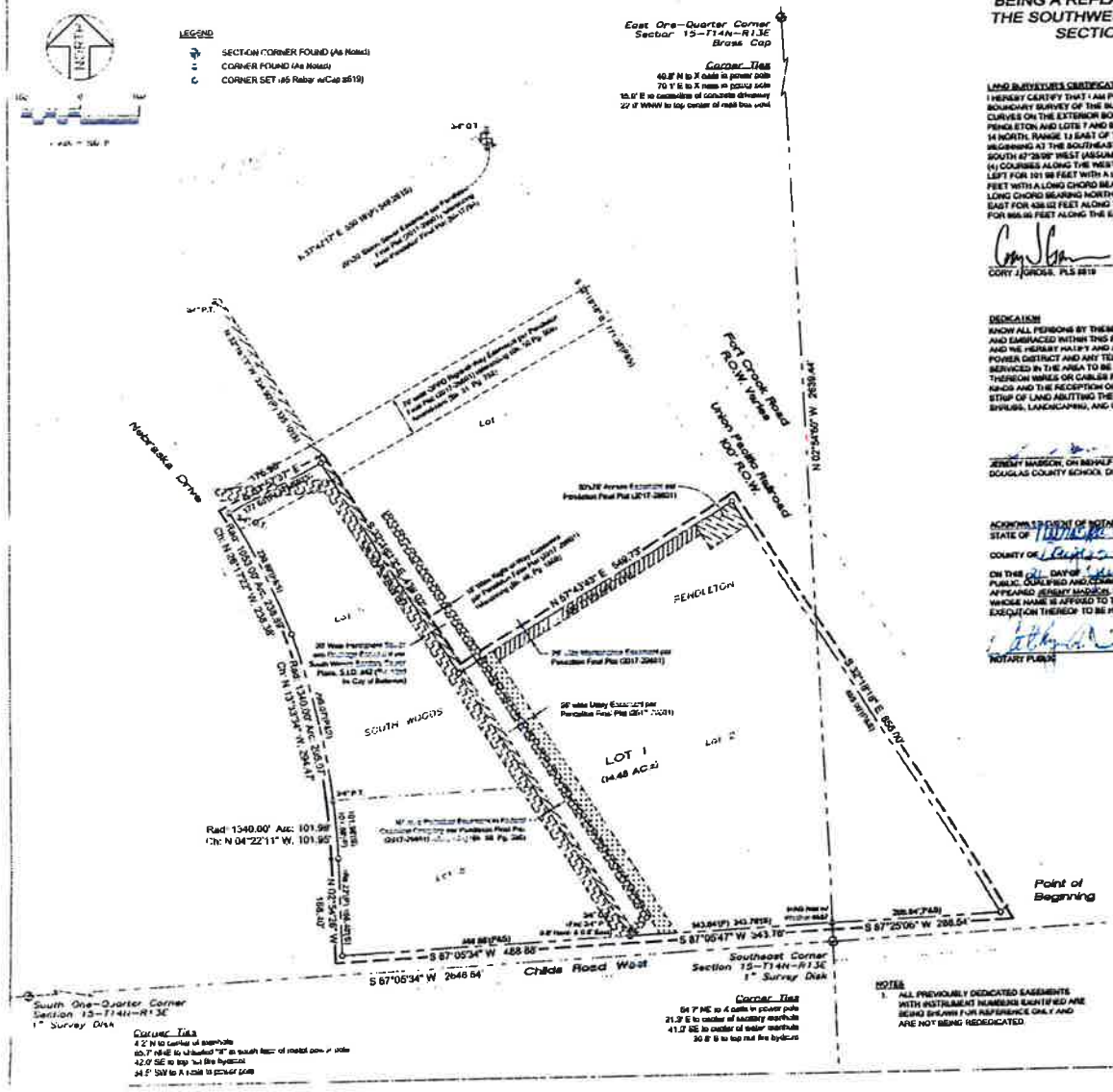
Kenneth J. Hahn, AIA

RECEIVED
21 JUN
PLANNING DEPT

SOUTH WOODS REPLAT 3

LOT 1

BEING A REPLAT OF LOT 2, PENDLETON AND LOTS 7 AND 8, SOUTH WOODS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 14 AND THE SOUTHEAST ONE-QUARTER OF SECTION 15, ALL IN TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE 6th P.M. SARPY COUNTY, NEBRASKA



NOTES

1. ALL PREVIOUSLY DEDICATED EASEMENTS WITH INSTRUMENT NUMBERS SHOWN ARE BEING SHOWN FOR REFERENCE ONLY AND ARE NOT BEING REDEDICATED.

LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROFESSIONAL LAND SURVEYOR REGISTERED IN COMPLIANCE WITH THE LAWS OF THE STATE OF NEBRASKA. I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION SHOWN HEREIN AND THAT PERMANENT MONUMENTS HAVE BEEN FOUND OR WILL BE SET AT ALL CORNERS, ANGLE POINTS AND ENDS OF CURVES ON THE EXTERIOR BOUNDARY OF THE SUBDIVISION AND ANY INTERIOR LOTS. SAID SUBDIVISION TO BE KNOWN AS SOUTH WOODS REPLAT 3, BEING A REPLAT OF LOT 2, PENDLETON AND LOTS 7 AND 8, SOUTH WOODS, LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 14 AND THE SOUTHEAST ONE-QUARTER OF SECTION 15, ALL IN TOWNSHIP 14 NORTH, RANGE 13 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, PENDLETON, THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTH LINE OF SAID LOT 2 AND SAID LOT 8: (1) SOUTH 87°25'06" WEST (ASSUMED BEARING) FOR 298.54 FEET (2) SOUTH 87°05'47" WEST FOR 243.70 FEET (3) SOUTH 87°05'34" WEST FOR 488.88 FEET; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE WEST LINE OF SAID LOT 7 AND SAID LOT 8: (1) NORTH 02°54'53" WEST FOR 168.40 FEET (2) NORTHWESTERLY ALONG A 1340.00 FOOT RADIUS CURVE TO THE LEFT FOR 101.98 FEET WITH A LONG CHORD BEARING NORTH 04°22'11" WEST FOR 101.95 FEET (3) NORTHWESTERLY ALONG A 1340.00 FOOT RADIUS CURVE TO THE LEFT FOR 295.07 FEET WITH A LONG CHORD BEARING NORTH 13°22'24" WEST FOR 294.47 FEET (4) NORTHWESTERLY ALONG A 1053.00 FOOT RADIUS CURVE TO THE LEFT FOR 236.98 FEET WITH A LONG CHORD BEARING NORTH 22°37'22" WEST FOR 236.38 FEET; THENCE NORTH 81°57'37" EAST FOR 176.88 FEET ALONG THE NORTH LINE OF SAID LOT 2; THENCE NORTH 57°42'43" EAST FOR 548.73 FEET ALONG THE NORTH LINE OF SAID LOT 2; THENCE SOUTH 32°18'18" EAST FOR 855.70 FEET ALONG THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING. ABOVE DESCRIBED TRACT CONTAINS 14.48 ACRES, MORE OR LESS.

CORY J. GROSS, PLS #619 — DATE

NEBRASKA REGISTERED LAND SURVEYOR LS-619 CORY J. GROSS

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: THAT WE, DOUGLAS COUNTY SCHOOL DISTRICT 0001 BEING THE OWNER OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID PROPERTY TO BE SUBDIVIDED AS SHOWN HEREON. SAID SUBDIVISION TO BE HEREAFTER KNOWN AS "SOUTH WOODS REPLAT 3", AND WE HEREBY HALLOW AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO HEREBY GRANT A PERPETUAL EASEMENT TO OMAHA PUBLIC POWER DISTRICT AND ANY TELECOMMUNICATIONS ENTITY OR OTHER CORPORATION AND THEIR SUCCESSORS AND ASSIGNS, WHICH HAVE BEEN GRANTED A FRANCHISE TO PROVIDE SERVICES IN THE AREA TO BE SUBDIVIDED, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW POLES, WIRES, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, POWER AND FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION ON, OVER, THROUGH, UNDER AND ACROSS A FIVE FOOT (5') WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE LOT LINES AND AN EIGHT FOOT (8') WIDE STRIP OF LAND ABUTTING THE REAR LOT LINES. NO PERMANENT BUILDINGS OR RETAINING WALLS SHALL BE PLACED IN SAID EASEMENTS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT, THEN OR LATER, INTERFERE WITH THE RIGHTS AND USES HEREIN GRANTED.

JEREMY MADSEN, ON BEHALF OF DOUGLAS COUNTY SCHOOL DISTRICT 0001 — DATE 6/21/19

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
COUNTY OF Douglas)

ON THIS 21 DAY OF June, 2019, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, DULY SWORN AND COMMISSIONED IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JEREMY MADSEN, PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE PLAT DEDICATION AND HE DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC

COUNTY TREASURER'S CERTIFICATION

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.

COUNTY TREASURER

DATE

REVIEW OF SARPY COUNTY PUBLIC WORKS

THIS FINAL PLAT OF SOUTH WOODS REPLAT 3 WAS REVIEWED BY THE SARPY COUNTY SURVEYOR'S OFFICE.

SARPY COUNTY SURVEYOR / ENGINEER

DATE

APPROVAL OF THE BELLEVUE CITY COUNCIL

THIS FINAL PLAT OF SOUTH WOODS REPLAT 3 WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF BELLEVUE, NEBRASKA ON THIS _____ DAY OF _____, 20__.

APPROVAL OF THIS PLAT WILL BE NULL AND VOID IF NOT RECORDED WITHIN NINETY (90) DAYS OF THE ABOVE DATE

MAYOR

ATTEST _____ CITY CLERK

APPROVAL OF THE BELLEVUE PLANNING COMMISSION

THIS FINAL PLAT OF SOUTH WOODS REPLAT 3 WAS APPROVED BY THE BELLEVUE PLANNING COMMISSION.

CHAIRPERSON, PLANNING COMMISSION

DATE

ACCEPTANCE OF SARPY COUNTY REGISTER OF DEEDS

THIS FINAL PLAT OF SOUTH WOODS REPLAT 3 WAS RECORDED AT THE SARPY COUNTY REGISTER OF DEEDS OFFICE.

SARPY COUNTY REGISTER OF DEEDS

DATE

Consultant

Owner

RW ENGINEERING & SURVEYING
R.W. Engineering & Surveying, Inc.
8224 North 90th Street, Suite 2, Omaha, NE 68122
Tel: 402-313-2250 www.RWengineering.com

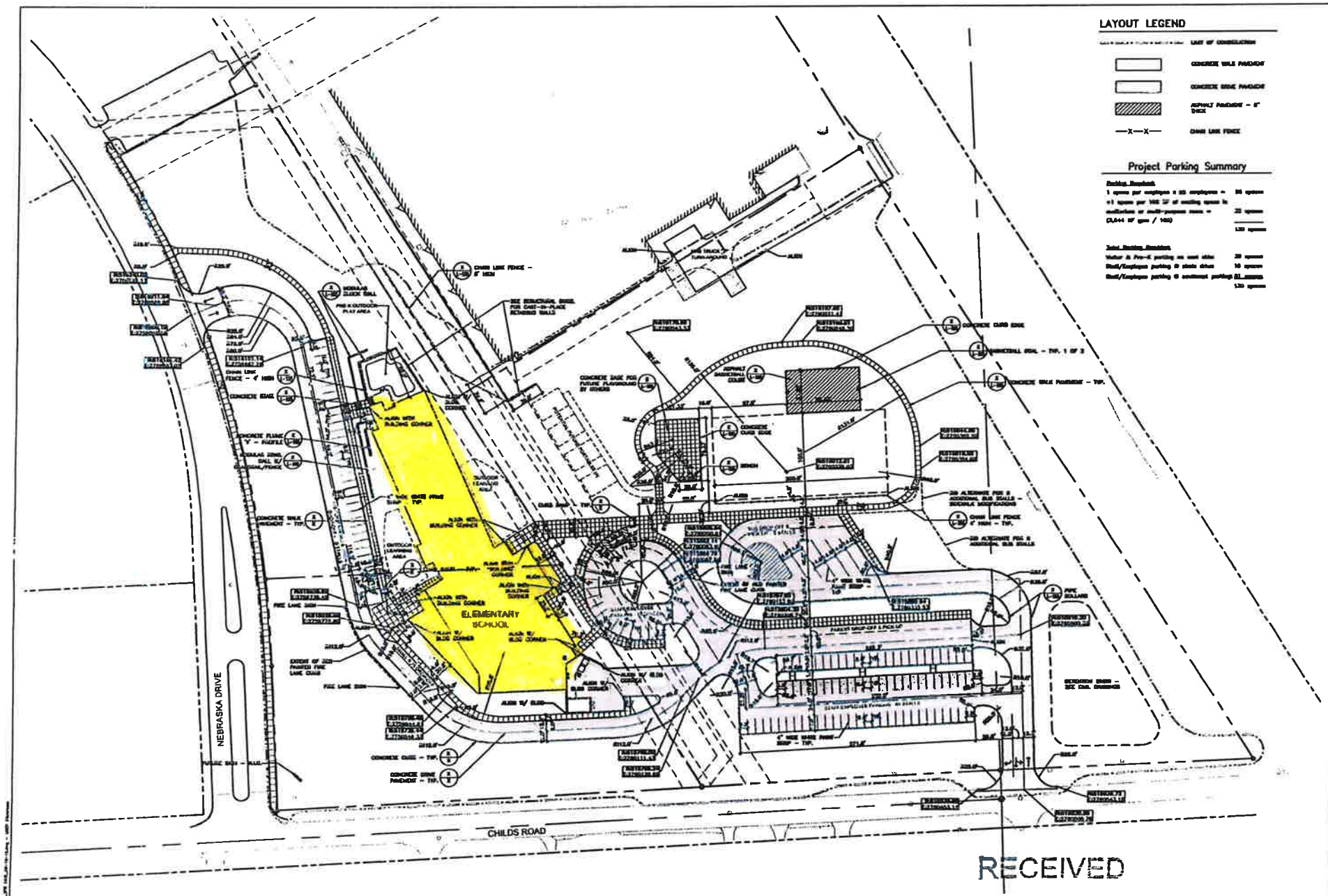
SOUTH WOODS REPLAT 3

SARPY COUNTY, NEBRASKA

FINAL PLAT

PROJECT NO 10-1247
DATE 06.18.2019
DESIGNED BY
DRAWN BY CJG
CHECKED BY: RBW

RECEIVED
JUN 21 2019
PLANNING DEPT.



RECEIVED
JUL 16 2019
PLANNING DEPT.

1 L-101 SITE LAYOUT PLAN
SCALE: 1" = 40'-0"

KIVA Kenneth Hahn Architects
1343 South 75th Street
Omaha, NE 68124-1610

BIG MUDDY Workshop

CONDITIONAL USE PERMIT SUBMITTAL

Project number 169-612
Date 16 JULY 2019
Drawn by BJG
Checked by RF

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

OMAHA PUBLIC SCHOOLS
FORT CROOK ROAD ELEMENTARY SCHOOL

SITE LAYOUT PLAN

SHEET NO.
L-101

Project Landscape Requirements

Proposed parcel zoning: RG-6

Nebraska Drive – Street Yard Landscaping

Required: 15 FT. deep; trees 40 FT. O.C. and 3 shrubs/40 LN. FT street frontage

Street Yard – 15 FT. deep, 700 LN. FT. frontage

Required: 18 Trees, 57 shrubs

Provided: 18 Trees, 60 shrubs

Childs Road – Buffaryard Landscaping

Required: 20 FT. deep (2 required with intervening street; trees 40 FT. O.C. and continuous 6 FT. evergreen hedge)

Buffaryard – 15 FT. deep, 1100 LN. FT. frontage

Required: 28 Trees, 330 shrubs

Provided: 28 Trees, 355 shrubs

Visitor Parking – Interior Parking Lot Landscaping

Minimum required – 18 S.F./parking space; 1 Tree/200 S.F.

Parking lot including drives – 30 parking spaces.

Required area – 570 S.F./3 trees

Provided – 686 S.F./4 trees

Staff/Employee Parking – Interior Parking Lot Landscaping

Minimum required – 18 S.F./parking space; 1 Tree/200 S.F.

Parking lot including drives – 100 parking spaces.

Required – 1,800 S.F./7 trees

Provided: 8,535 S.F./9 trees

Bus Drop-off & Pick-up – Interior Parking Lot Landscaping

Minimum required – 18 S.F./parking space; 1 Tree/300 S.F.

Parking lot including drives – 6 parking spaces.

Required area – 114 S.F./1 tree

Provided – 5.5 S.F./1 tree

PLANT SCHEDULE

COMMON NAME	BOTANICAL NAME	QTY.	SIZE	ROOT CONDITION	SPACING
CANOPY TREES					
New Horizon Elm	Ulmus 'New Horizon'	8	2" Cal.	B&B	As Shown
Sun Valley Red Maple	Acer rubrum 'Sun Valley'	11	2" Cal.	B&B	As Shown
Prairie Pride Hackberry	Celtis occidentalis 'Prairie Pride'	8	2" Cal.	B&B	As Shown
Streetscaper Honeylocust	Gleditsia triacanthos var. inermis 'Shademaster'	12	2" Cal.	B&B	As Shown
Swamp White Oak	Quercus bicolor	8	2" Cal.	B&B	As Shown
UNDERSTORY TREES					
Eastern Redbud	Cercis canadensis	7	1-1/2" Cal.	B&B	As Shown
Flame Amur Maple	Acer ginnala 'Flame'	8	7' Ht. Multi-Stem	B&B	As Shown
Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'	11	1-1/2" Cal.	B&B	As Shown
CONIFER TREES					
Black Hills Spruce	Picea glauca var. densata	11	6' Ht.	B&B	As Shown
Concolor Fir	Abies concolor	3	6' Ht.	B&B	As Shown
DECIDUOUS SHRUBS					
Anthony Waterer Spirea	Spiraea x bumalda 'Anthony Waterer'	67	12" Ht. - 3 Gal.	Cont.	As Shown
Compact Oregon Grape Holly	Mahonia aquifolium 'Compactum'	63	18" Ht. - 5 Gal.	Cont.	As Shown
Mondo Juniper	Juniperus chinensis 'Mondo'	81	18" Ht. - 5 Gal.	Cont.	As Shown
Dwarf Korean Lilac	Syringa meyeri 'Palibin'	55	18" Ht. - 3 Gal.	Cont.	As Shown
Kobold Japanese Barberry	Berberis thunbergii 'Kobold'	30	18" Ht. - 3 Gal.	Cont.	As Shown
Little Quick Fire Oakleaf Hydrangea	Hydrangea quercifolia 'Little Quick Fire'	41	18" Ht. - 3 Gal.	Cont.	As Shown
Sabina Juniper	Juniperus sabina	55	18" Ht. - 5 Gal.	Cont.	As Shown
Mint Julip Juniper	Juniperus chinensis 'Mintjul'	62	18" Ht. - 3 Gal.	Cont.	As Shown
Sea Green Juniper	Juniperus x pfitzeriana 'Sea Green'	80	18" Ht. - 5 Gal.	Cont.	As Shown
Gwenchimmel Spirea	Spiraea nipponica 'Snowmound'	14	18" Ht. - 5 Gal.	Cont.	As Shown
ORNAMENTAL GRASSES, PERENNIALS & GROUNDCOVER					
Dwarf Little Bluestem	Schizachyrium scoparium 'Shenandoah'	301	1 Gal.	Cont.	30" O.C.
Walker Purple Coneflower	Echinacea purpurea 'Magnus'	104	1 Gal.	Cont.	18" O.C.
Purpleleaf Waterscreen	Euonymus fortunei 'Colorata'	114	1 Gal.	Cont.	18" O.C.
Shenandoah Switch Grass	Panicum virgatum 'Shenandoah'	88	1 Gal.	Cont.	30" O.C.

PLANTING LEGEND

- EXISTING DECIDUOUS TREE TO REMAIN
- PROPOSED DECIDUOUS CANOPY TREE
- PROPOSED UNDERSTORY TREE
- PROPOSED CONIFER TREE
- PROPOSED DECIDUOUS SHRUB
- PROPOSED CONIFER SHRUB
- PROPOSED PERENNIALS
- PROPOSED ORNAMENTAL GRASSES
- EXTENTS OF TURFGRASS SOD
- METAL EDGING – TYP.

NORTH 20' 40' 80' 160'

1 L-103 SITE PLANTING PLAN
SCALE: 1" = 40'-0"

KKA Kenneth Hahn Architects
1343 South 73th Street
Omaha, NE 68124-1610

BIG MUDDY Workshop

RECEIVED
AUG 14 2019
PLANNING DEPT.

CONDITIONAL USE PERMIT SUBMITTAL

No.	Description	Date

Project Number 109-015
Date 14 AUG 2019
Drawn By SJG
Checked by BF

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

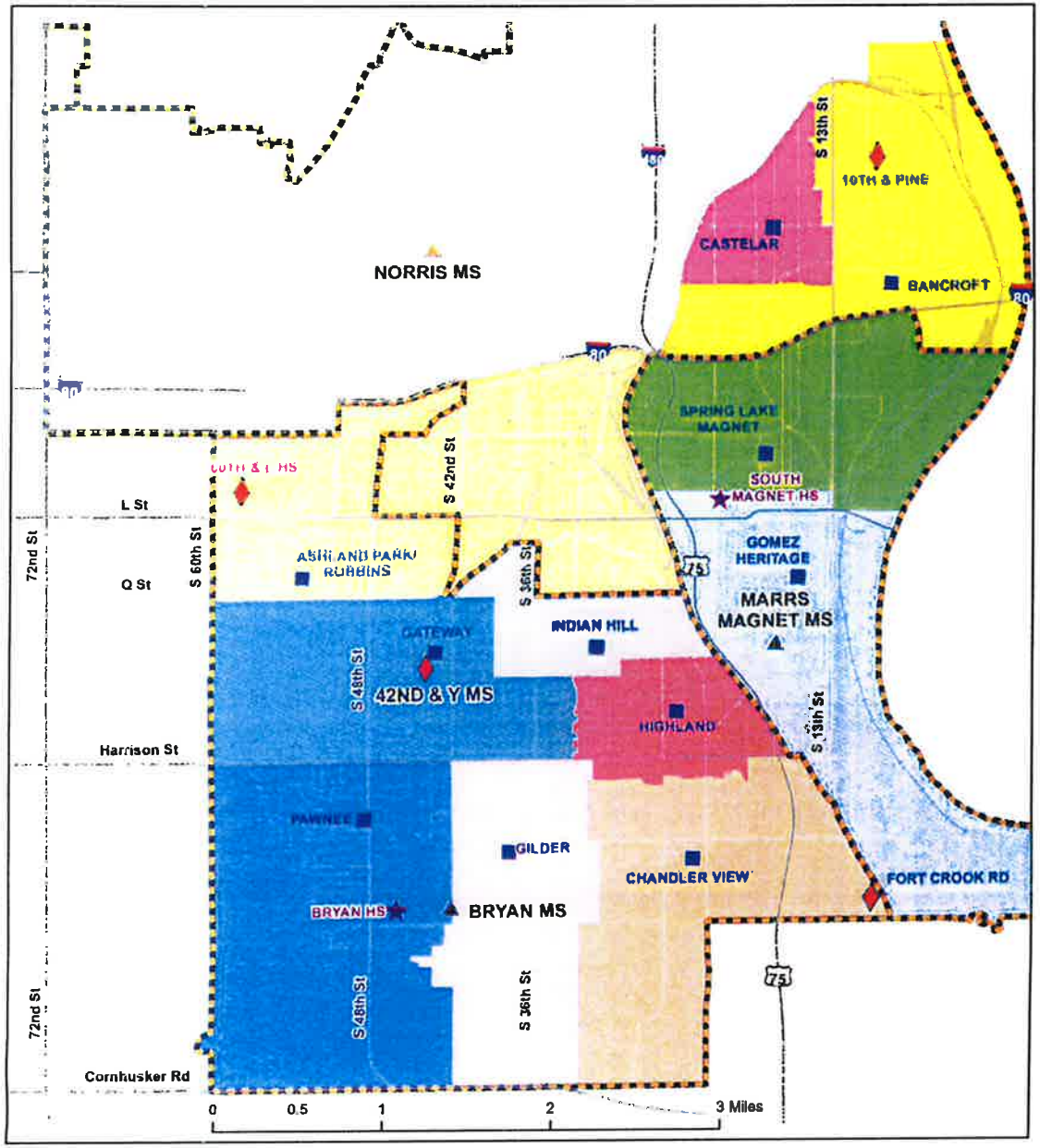
OMAHA PUBLIC SCHOOLS
FORT CROOK ROAD ELEMENTARY SCHOOL

SITE PLANTING PLAN

SHEET NO.
L-103

RECEIVED
JUL 16 2019
PLANNING DEPT.

Current South Omaha Elementary and Middle School Boundaries



Current Boundary Overview

- The map and tables below show the student counts, utilization, and demographics of OPS students living in the current elementary and middle school boundaries in South Omaha.
- All numbers shown are based on a change to a K-5, 6-8 grade configuration, allowing for a more consistent pathway for students.
- All building capacity numbers do not include PK rooms or portables, and account for any planned renovations.
- The Current MS Feeder % table shows where, and at what percentage, each elementary school feeds to the middle school level. Currently 1 elementary school splits at the middle school level.

School	After Bond Capacity (PK Rooms Removed - No Portables)	Proposed Grade Config.	Current K-5 Live-In	Current K-5 Live-In Utilization
Ashland Park/Robbins	817	K-5	684	83.7%
Bancroft	646	K-5	757	117.2%
Castelar	494	K-5	650	131.6%
Chandler View	551	K-5	384	69.7%
Gateway	722	K-5	752	104.2%
Gilder	456	K-5	224	49.1%
Gomez Heritage	741	K-5	971	131.0%
Highland	494	K-5	429	86.8%
Indian Hill	760	K-5	683	89.9%
New ES #1 (Fort Crook Rd)	551	K-5		
New ES #2 (10th & Pine)	551	K-5		
Pawnee	323	K-5	292	90.4%
Spring Lake Magnet	779	K-5	785	100.8%
Total	7,885		6,611	83.8%

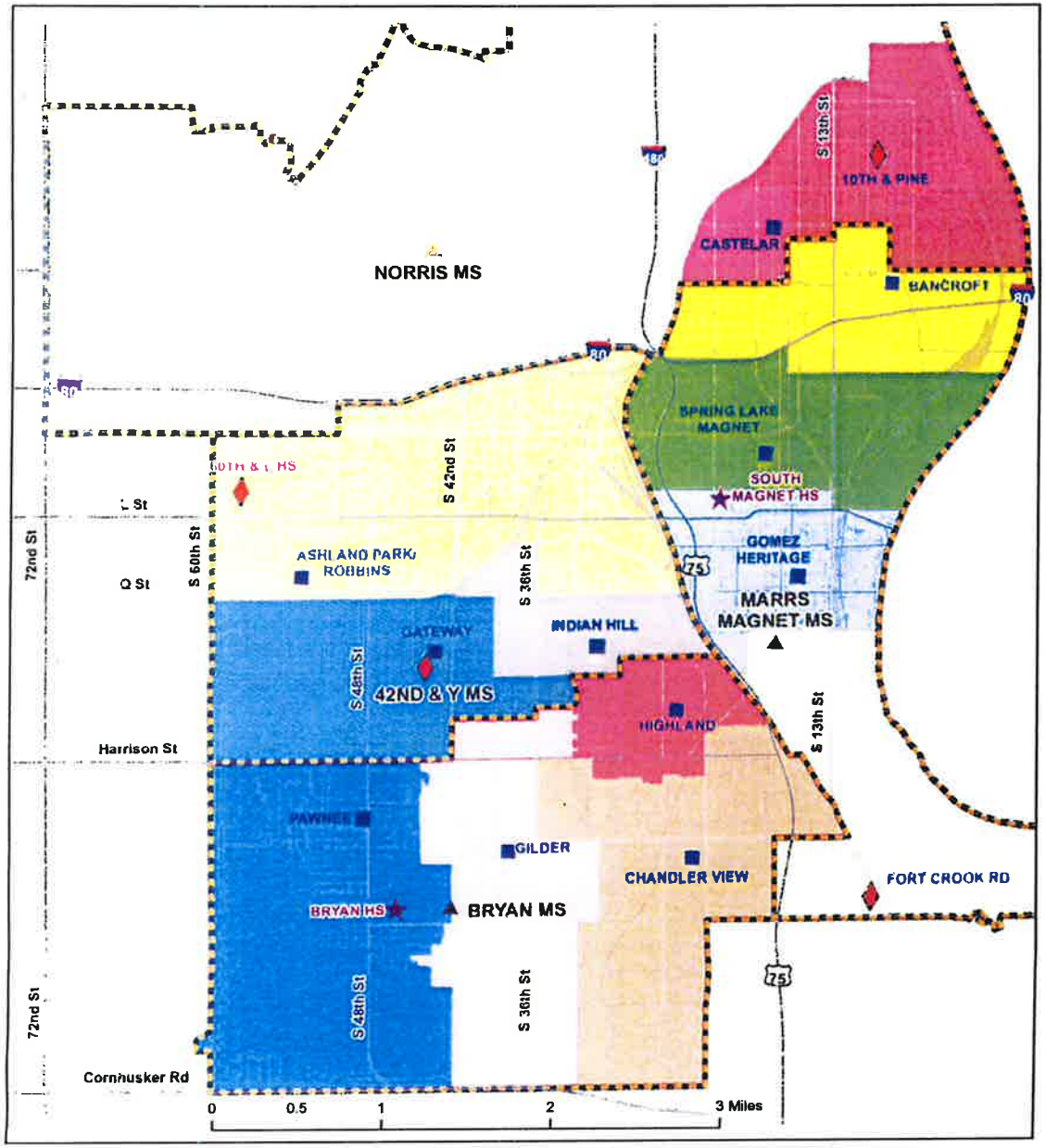
Middle School	After Bond Capacity (No Portables)	Proposed Grade Config.	Current Live-In	Current Live-In Utilization
Bryan	720	6-8	1,383	192.1%
Marrs	1,152	6-8	841	73.0%
Norris	1,260	6-8/7-8	1,596	126.7%
New Middle School	954	6-8		
Total	4,086		3,820	93.5%

Current MS Feeder %				
	Bryan	Marrs	Norris	New MS
Ashland Park/Robbins	32%	0%	68%	0%
Bancroft	0%	0%	100%	0%
Castelar	0%	0%	100%	0%
Chandler View	100%	0%	0%	0%
Gateway	100%	0%	0%	0%
Gilder	100%	0%	0%	0%
Gomez Heritage	0%	100%	0%	0%
Highland	100%	0%	0%	0%
Indian Hill	100%	0%	0%	0%
Pawnee	100%	0%	0%	0%
Spring Lake Magnet	0%	100%	0%	0%

Schools
- New School
- ES
- MS
- HS
- Railroad
- Current MS Boundaries

Current ES Boundaries
- Ashland Park-Robbins
- Bancroft Elementary
- Castelar Elementary
- Chandler View Elementary
- Gateway Elementary
- Gilder Elementary
- Edward Babe Gomez Heritage Elem
- Highland Elementary
- Indian Hill Elementary
- Pawnee Elementary
- Spring Lake Magnet Center

Option 1 - South Omaha Elementary and Middle School Boundaries



Option 1 Overview

- All elementary schools feed 100% to one middle school
- All schools below 90% live-in utilization except for Spring Lake Magnet
- Middle school live-in utilization ranges from a low of 87.3% to a high of 98.7%
- 1,350 K-5 students change home attendance area
- 1,234 6-8 students change home attendance area

School	After Bond Capacity (PK Rooms Removed - No Portables)	Proposed Grade Config.	Current K-5 Live-In	Current K-5 Live-In Utilization	Proposed Live-In K-5	Proposed Live-In Utilization
Ashland Park/Robbins	817	K-5	684	83.7%	684	83.7%
Bancroft	646	K-5	757	117.2%	560	86.7%
Castelar	494	K-5	650	131.6%	408	82.6%
Chandler View	551	K-5	384	69.7%	374	67.9%
Gateway	722	K-5	752	104.2%	583	80.7%
Gilder	456	K-5	224	49.1%	341	74.8%
Gomez Heritage	741	K-5	971	131.0%	619	83.5%
Highland	494	K-5	429	86.8%	380	76.9%
Indian Hill	760	K-5	683	89.9%	683	89.9%
New ES #1 (Fort Crook Rd)	551	K-5			473	85.8%
New ES #2 (10th & Pine)	551	K-5			474	86.0%
Pawnee	323	K-5	292	90.4%	282	87.3%
Spring Lake Magnet	779	K-5	785	100.8%	750	96.3%
Total	7,885		6,611	83.8%	6,611	83.8%

Middle School	After Bond Capacity (No Portables)	Proposed Grade Config.	Current Live-In	Current Live-In Utilization	Proposed Live-In	Proposed Live-In Utilization
Bryan	720	6-8	1,383	192.1%	645	89.6%
Marrs	1,152	6-8	841	73.0%	1,133	98.4%
Norris	1,260	6-8/7-8	1,596	126.7%	1,100	87.3%
New Middle School	954	6-8			942	98.7%
Total	4,086		3,820	93.5%	3,820	93.5%

	Proposed MS Feeder %			
	Bryan	Marrs	Norris	New MS
Ashland Park/Robbins	0%	0%	0%	100%
Bancroft	0%	100%	0%	0%
Castelar	0%	0%	100%	0%
Chandler View	100%	0%	0%	0%
Gateway	0%	0%	0%	100%
Gilder	100%	0%	0%	0%
Gomez Heritage	0%	100%	0%	0%
Highland	100%	0%	0%	0%
Indian Hill	0%	0%	0%	100%
New ES #1 (Fort Crook Rd)	0%	100%	0%	0%
New ES #2 (10th & Pine)	0%	0%	100%	0%
Pawnee	100%	0%	0%	0%
Spring Lake Magnet	0%	100%	0%	0%

Schools
- New School
- ES
- MS
- HS
- Railroad
- Proposed MS Boundaries

Proposed ES Boundaries
- Ashland Park-Robbins
- Bancroft Elementary
- Castelar Elementary
- Chandler View Elementary
- Edward Babe Gomez Heritage Elem
- Gateway Elementary
- Gilder Elementary
- Highland Elementary
- Indian Hill Elementary
- New ES (10th & Pine)
- New ES (Fort Crook Rd.)
- Pawnee Elementary
- Spring Lake Magnet Center

OMAHA Public Schools

DISTRICT OPERATIONAL SERVICES
3215 Cuming St. Omaha, NE 68131
(531) 299-9842 Fax 531-299-0412

Chris Shewchuk, Planning Director
City of Bellevue: Planning Department
1510 Wall Strret
Bellevue, NE 68005

RE: OPS Fort Crook Road Elementary School

Mr. Shewchuk,

To help facilitate concerns of students crossing Fort Crook Road, the Omaha Public Schools will provide transportation to students living within the one mile walk zone on the east side of Fort Crook Road. Students outside of the one mile walk zone are provided transportation through our Student Assignment Plan. Buses will transport students to the school via Chandler Road east to Nebraska Drive to drop them off at the main entrance of the school.

Respectfully,

Dr. Lisa Sterba
Chief Operations Officer

RECEIVED
SEP 11 2019
PLANNING DEPT.

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

CITY OF BELLEVUE
CONDITIONAL USE PERMIT
LOT 3, SOUTH WOODS REPLAT 3,
LOCATED IN THE SOUTHWEST ¼ OF SECTION 14, AND THE SOUTHEAST ¼ OF SECTION 15,
T14N, R13E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA

Conditional Use Permit for Douglas County School District 00001

This Conditional Use Permit issued this _____ day of _____, 2019 by the City of Bellevue, a municipal corporation in the County of Sarpy County, Nebraska ("City") to Douglas County School District 00001, ("Applicant"), pursuant to the Bellevue Zoning Ordinance.

WHEREAS, Douglas County School District 00001, is the legal owner of Lot 1, South Woods Replat 3, located in the Southwest ¼ of Section 14 and the Southeast ¼ of Section 15, Township 14 North, Range 13 East of the 6th P.M., Sarpy County, Nebraska, consisting of approximately 14.48 acres, more or less ("Property"). Applicant desires to use the Property for the purpose of an elementary school; and

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

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

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

Conditions of Permit

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

1. Development and operation on the Property is governed by this Permit. The rights granted by this Permit are transferable and any breach of any terms hereof shall cause Permit to expire and terminate, subject to the rights of the Applicant to cure such default or deficiency as set forth in this Permit.

2. In respect to the proposed Use:
   a. A site plan showing the Property's boundaries, proposed structures, parking, access points, and drives, is attached hereto and incorporated herein as Exhibit "A." A landscape plan is attached as Exhibit "B."

b. The Property shall be developed and maintained in accordance with the site plan (Exhibit "A") and all other exhibits, if any, of this Agreement. Any modifications to the site plan must be submitted to the Planning Department for approval. Modifications of any other document or exhibit shall be subject to approval of the City, as directed by the City Administrator, unless otherwise expressly provided in the document or exhibit to be modified.

c. Applicant hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court costs) arising out of or resulting from the acts, omissions or negligence of the Applicant or its agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violations of any applicable environmental or safety law, rule or regulation relating to the Applicant's Use of the Property.

3. The Applicant's right to maintain the Use of the Property, as contemplated by this Permit, shall be based on the following conditions:

a. A periodic inspection to determine compliance with the conditions of this Permit. The Permit may be revoked only upon a finding by the City that there is a material violation of the material terms of this Permit if the violation occurs after written notice from the City to Applicant and opportunity to cure in the time and manner described below.

b. Construction of the Use authorized by this Permit must be initiated within 24 months after the date of the approval of this Permit otherwise such Permit shall become void.

c. Applicant may maintain an elementary school facility on the Property.

d. Applicant shall provide transportation to all students living on the east side of Fort Crook Road.

e. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed from the Property at Applicant's expense within twelve (12) months of cessation of the Use of the Property.

f. All signage on Property related to Use shall be in conformance with the City Zoning Ordinance.

g. Applicant shall record this Permit with the Sarpy County Register of Deeds at Applicant's expense.

h. Applicant shall ensure that its transportation practices avoid stacking busses across the railroad tracks adjacent to the Property by primarily utilizing Nebraska Drive to Chandler Road for its bus routing. Applicant shall also require appropriate training of its bus drivers and its contractor's bus drivers regarding such stacking practices.

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

a. Applicant's abandonment of the Permitted Use. There shall be a presumption that the project on the Property has been abandoned if the Applicant fails to use the Property for the Permitted Uses for any twelve (12) consecutive month period.

b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use, and such cancellation, revocation, denial or failure to maintain any federal, state or local rights are provided under laws, rules and regulations governing said permit.

c. Applicant's breach of other terms hereof and its failure to cure such breach in the time and manner set forth below.

5. In the event the Applicant fails to promptly remove any safety, environmental or other hazard or nuisance from the Property, or upon the expiration or termination of this Permit the Applicant fails to

promptly remove any remaining safety, environmental or other hazard or nuisance, the City may at its option (but without any obligation to the Applicant or any third party to exercise said option) cause the same to be removed at Applicant's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable in connection with the removal thereof) and the Applicant shall reimburse the City the costs incurred to remove the same. Applicant hereby irrevocably grants the City, its agents and employees, the rights, provided notice is furnished to the Applicant along with a reasonable time to remove or cure such hazard, to enter the Property and to take whatever action as is necessary or appropriate to remove any such hazards, nuisances in accordance with the terms of this Permit, and the right of the City to enter the Property as may be necessary or appropriate to carry out any other provision of this Permit.

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

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

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

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

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

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

Douglas County School District 00001
3215 Cuming Street
Omaha, NE 68131

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

Effective Date:

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

The City of Bellevue

By: _____
Rusty Hike, Mayor

ATTEST:

_____
Susan Kluthe, City Clerk

STATE OF NEBRASKA)
)SS:
COUNTY OF SARPY)

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

Witness my hand and notarial seal this ____ day of _____, 2019.

_____
Notary Public

_____
Dr. Cheryl Logan, Superintendent
Douglas County School District 00001

STATE OF NEBRASKA)
)SS:
COUNTY OF _____)

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

Witness my hand and notarial seal this ____ day of _____, 2019.

_____
Notary Public

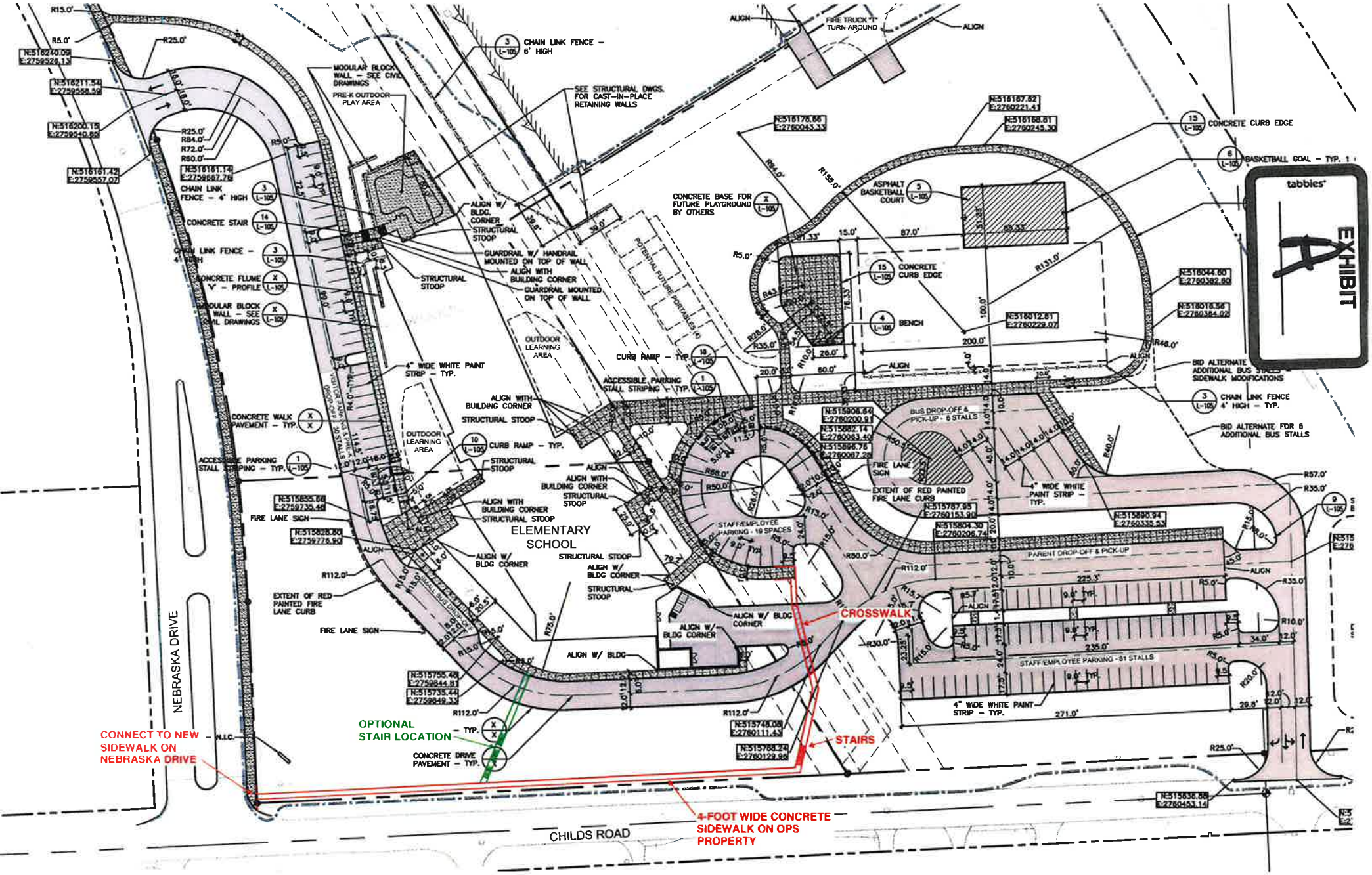
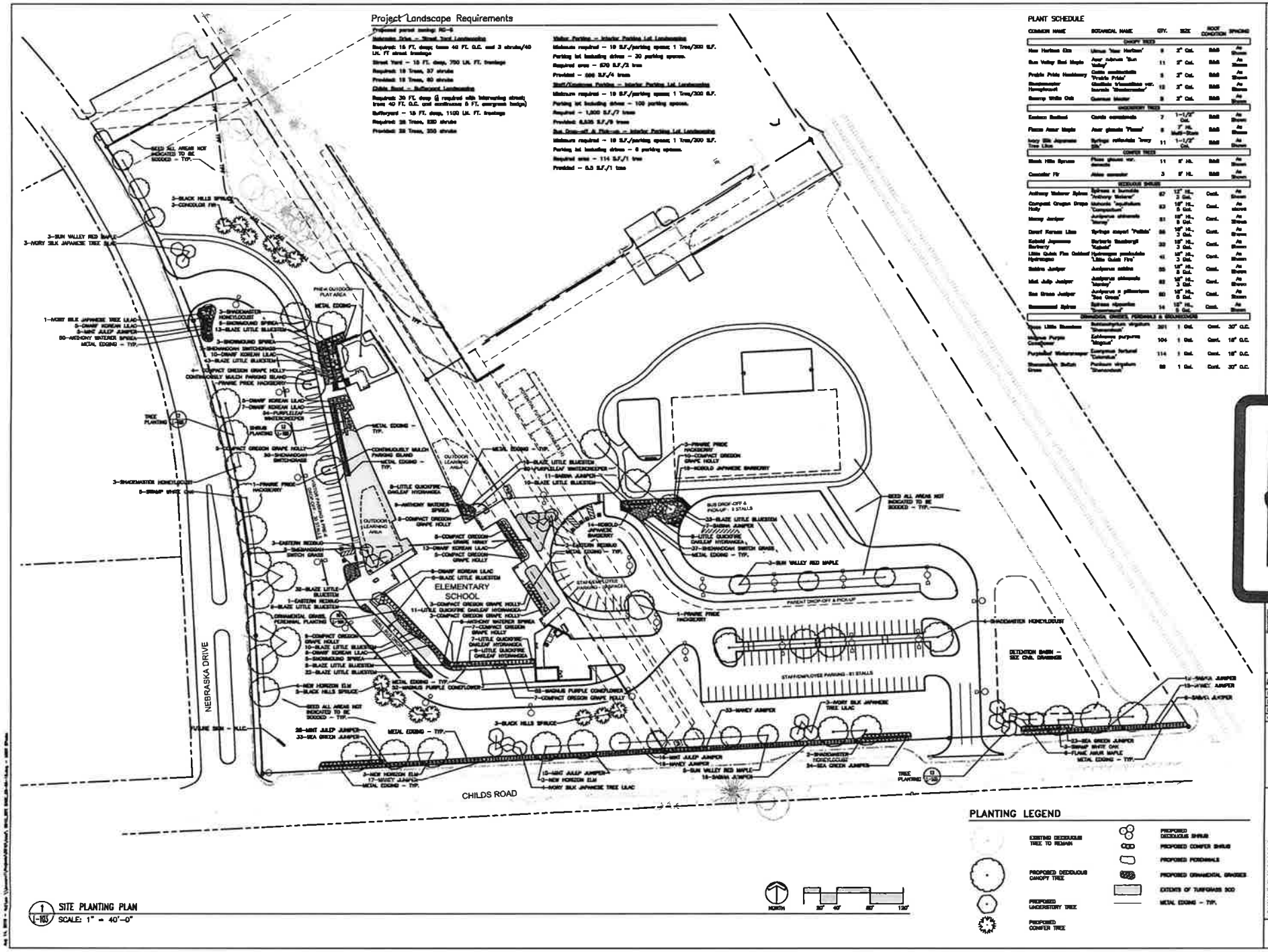


EXHIBIT
A
tabbies
ELEMENTARY SCHOOL
NEBRASKA DRIVE
CHILDS ROAD
CROSSWALK
STAIRS
OPTIONAL STAIR LOCATION
CONNECT TO NEW SIDEWALK ON NEBRASKA DRIVE
4-FOOT WIDE CONCRETE SIDEWALK ON OPS PROPERTY
FIRE TRUCK "T" TURN-AROUND
CHAIN LINK FENCE - 6' HIGH
MODULAR BLOCK WALL - SEE CIVIL DRAWINGS
PRE-K OUTDOOR PLAY AREA
SEE STRUCTURAL DWGS. FOR CAST-IN-PLACE RETAINING WALLS
CONCRETE CURB EDGE
BASKETBALL GOAL - TYP.
ASPHALT BASKETBALL COURT
CONCRETE BASE FOR FUTURE PLAYGROUND BY OTHERS
BENCH
POTENTIAL FUTURE PORTABLES
OUTDOOR LEARNING AREA
CURB RAMP - TYP.
ACCESSIBLE PARKING STALL STRIPING - TYP.
4" WIDE WHITE PAINT STRIP - TYP.
CONCRETE WALK PAVEMENT - TYP.
CONCRETE STAIR
CHAIN LINK FENCE - 4' HIGH
CONCRETE FLUME "V" - PROFILE
STRUCTURAL STOOP
GUARDRAIL W/ HANDRAIL MOUNTED ON TOP OF WALL
GUARDRAIL MOUNTED ON TOP OF WALL
ALIGN WITH BUILDING CORNER
ALIGN W/ BLDG. CORNER
ALIGN W/ BLDG CORNER
ALIGN W/ BLDG
FIRE LANE SIGN
EXTENT OF RED PAINTED FIRE LANE CURB
BUS DROP-OFF & PICK-UP - 6 STALLS
PARENT DROP-OFF & PICK-UP
STAFF/EMPLOYEE PARKING - 19 SPACES
STAFF/EMPLOYEE PARKING - 81 STALLS
BID ALTERNATE ADDITIONAL BUS STALLS - SIDEWALK MODIFICATIONS
BID ALTERNATE FOR 8 ADDITIONAL BUS STALLS
CHAIN LINK FENCE 4' HIGH - TYP.
CONCRETE DRIVE PAVEMENT - TYP.



Project Landscape Requirements

Proposed parcel zoning: RC-5

Nebraska Drive – Street Yard Landscaping

Required: 15 FT. deep; trees 40 FT. O.C. and 3 shrubs/40 LN. FT street frontage

Street Yard – 15 FT. deep, 700 LN. FT. frontage

Required: 18 Trees, 57 shrubs

Provided: 18 Trees, 60 shrubs

Childs Road – Buffeyard Landscaping

Required: 30 FT. deep (1 required with intervening street; trees 40 FT. O.C. and continuous 5 FT. evergreen hedge)

Buffeyard – 15 FT. deep, 1100 LN. FT. frontage

Required: 28 Trees, 220 shrubs

Provided: 28 Trees, 250 shrubs

Visitor Parking – Interior Parking Lot Landscaping

Minimum required – 10 S.F./parking spaces; 1 Tree/200 S.F.

Parking lot including drives – 30 parking spaces.

Required area – 570 S.F./2 trees

Provided – 600 S.F./4 trees

Staff/Employee Parking – Interior Parking Lot Landscaping

Minimum required – 10 S.F./parking spaces; 1 Tree/200 S.F.

Parking lot including drives – 100 parking spaces.

Required – 1,000 S.F./7 trees

Provided: 8,535 S.F./9 trees

Bus Drop-off & Pick-up – Interior Parking Lot Landscaping

Minimum required – 10 S.F./parking spaces; 1 Tree/200 S.F.

Parking lot including drives – 8 parking spaces.

Required area – 114 S.F./1 tree

Provided – 5.5 S.F./1 tree

PLANT SCHEDULE

COMMON NAME	BOTANICAL NAME	QTY.	SIZE	ROOT CONDITION	SPACING
CANOPY TREES					
New Horizon Elm	Ulmus 'New Horizon'	9	2" Cal.	B&B	As Shown
Sun Valley Red Maple	Acer rubrum 'Sun Valley'	11	2" Cal.	B&B	As Shown
Prairie Pride Hackberry	Celtis occidentalis 'Prairie Pride'	5	2" Cal.	B&B	As Shown
Shademaster Honeylocust	Gleditsia triacanthos var. inermis 'Shademaster'	12	2" Cal.	B&B	As Shown
Swamp White Oak	Quercus bicolor	8	2" Cal.	B&B	As Shown
UNDERSTORY TREES					
Eastern Redbud	Cercis canadensis	7	1-1/2" Cal.	B&B	As Shown
Paperbark Maple	Acer griseum 'Paperbark'	8	7' Ht. Multi-Stem	B&B	As Shown
Ivory Silk Japanese Tree Lilac	Syringa reticulata 'Ivory Silk'	11	1-1/2" Cal.	B&B	As Shown
CONIFER TREES					
Black Hills Spruce	Picea glauca var. densata	11	8' Ht.	B&B	As Shown
Concolor Fir	Abies concolor	3	8' Ht.	B&B	As Shown
DECIDUOUS SHRUBS					
Anthony Waterer Spirea	Spiraea x bumalda 'Anthony Waterer'	67	12" Ht. 3 Gal.	Cont.	As Shown
Compact Oregon Grape Holly	Mahonia aquifolium 'Compactum'	63	18" Ht. 5 Gal.	Cont.	As shown
Mugo Juniper	Juniperus chinensis 'Mugo'	81	18" Ht. 5 Gal.	Cont.	As Shown
Dwarf Korean Lilac	Syringa meyeri 'Palibin'	86	18" Ht. 3 Gal.	Cont.	As Shown
Rubrum Japanese Barberry	Berberis thunbergii 'Rubrum'	33	18" Ht. 3 Gal.	Cont.	As Shown
Little Quick Fire Oakleaf Hydrangea	Hydrangea quercifolia 'Little Quick Fire'	41	18" Ht. 3 Gal.	Cont.	As Shown
Sabina Juniper	Juniperus sabina	35	18" Ht. 5 Gal.	Cont.	As Shown
Mint Julip Juniper	Juniperus chinensis 'Mintjulip'	63	18" Ht. 3 Gal.	Cont.	As Shown
Sea Green Juniper	Juniperus x pfitzeriana 'Sea Green'	80	18" Ht. 5 Gal.	Cont.	As Shown
Bumalda Spirea	Spiraea x bumalda 'Bumalda'	14	12" Ht. 5 Gal.	Cont.	As Shown
ORNAMENTAL GRASSES, PERENNIALS & GROUNDCOVER					
Dwarf Little Bluestem	Schizachyrium scoparium 'Standing Ovation'	201	1 Gal.	Cont.	30" O.C.
Magnus Purple Coneflower	Echinacea purpurea 'Magnus'	104	1 Gal.	Cont.	18" O.C.
Purpurflow Wintergreen	Euonymus fortunei 'Colorata'	114	1 Gal.	Cont.	18" O.C.
Shenandoah Switch Grass	Panicum virgatum 'Shenandoah'	88	1 Gal.	Cont.	30" O.C.

PLANTING LEGEND

- EXISTING DECIDUOUS TREE TO REMAIN
- PROPOSED DECIDUOUS CANOPY TREE
- PROPOSED UNDERSTORY TREE
- PROPOSED CONIFER TREE
- PROPOSED DECIDUOUS SHRUB
- PROPOSED CONIFER SHRUB
- PROPOSED PERENNIALS
- PROPOSED ORNAMENTAL GRASSES
- EXTENTS OF TURFGRASS SOD
- METAL EDGING – TYP.

1 L-103 SITE PLANTING PLAN
SCALE: 1" = 40'-0"

KKA
Kenneth Hahn Architects
1343 South 70th Street
Omaha, NE 68124-1610

BIG MUDDY Workshop

SUBMITTAL

EXHIBIT B

tabbies

Project Number	129-010
Date	14 AUG 2019
Drawn by	G.G.
Checked by	SP

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

OMAHA PUBLIC SCHOOLS
FORT CROOK ROAD ELEMENTARY SCHOOL

SITE PLANTING PLAN

SHEET NO.
L-103

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

12a.
11/19/19

COUNCIL MEETING DATE:	October 15, 2019	AGENDA ITEM TYPE:			
		SPECIAL PRESENTATION			
SUBMITTED BY:		ORDINANCE	✓	PUBLIC HEARING REQUIRED	✓
Legal Department		RESOLUTION		PUBLIC HEARING REQUIRED	
		CURRENT BUSINESS		PUBLIC HEARING REQUIRED	
		CONSENT			
		OTHER (SEE CLERK)			

SUBJECT:

Amend Section 2-28 of the Bellevue City Code pertaining to executive sessions.

SYNOPSIS:

An Ordinance to Amend section 2-28 of the Bellevue City Code pertaining to executive sessions of the City Council.

BACKGROUND

There are several policy resolutions that require to be updated. Section 2-28 of the Bellevue City Code should be updated to assign a consequence in the event a person disseminates confidential information that was discussed in executive session.

FISCAL IMPACT: $ 0.00 **BUDGETED FUNDS?** N/A **GRANT/MATCHING FUNDS?** N/A

TRACKING INFORMATION FOR CONTRACTS & PROJECTS

IS THIS A CONTRACT? N/A	COUNTER-PARTY:		INTERLOC N/A		
CONTRACT DESCRIPTION:					
CONTRACT EFFECTIVE DATE:		CONTRACT TERM:		CONTRACT END DATE:	
PROJECT NAME:					
START DATE:		END DATE:		PAYMENT DATE:	INSURANCE REQUIRED
CIP PROJECT NAME:		CIP PROJECT NUMBER:			
MAPA NAME(S):		MAPA NUMBER(S):			
STREET DISTRICT NAME(S):		STREET DISTRICT NUMBER(S):			
ACCOUNTING DISTRIBUTION CODE:		ACCOUNT NUMBER:			

RECOMMENDATION:

Approve Ordinance to amend section 2-28 of the Bellevue City Code pertaining to executive sessions.

ATTACHMENTS:

1. Red-lined Section 2-28
2. Clean-Section 2-28
3. Ordinance # 3977
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Bree Rollins

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL TO SUBMIT:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 2-28 OF THE BELLEVUE MUNICIPAL CODE PERTAINING TO EXECUTIVE SESSIONS OF THE CITY COUNCIL; TO REPEAL SUCH SECTION AS HERETOFORE EXISTING; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That Section 2-28 of the Bellevue Municipal Code is hereby amended to read as follows:

Sec. 2-28. – Public, except for executive sessions.

(a) All regular and special meetings of the city council shall be public; provided, that the city council may hold executive sessions during a regular or special meeting from which the public may be excluded for the purpose of considering matters which are not of a nature of public dissemination, but no formal action may be taken at the executive session.

(b) No member of the city council, employee of the city or any other person present during an executive session of the council shall disclose to any person the content or substance of any discussion which took place during such executive session unless the city council shall authorize the disclosure of such information by majority vote.

(c) Any dissemination or disclosure of information that was discussed or disclosed during executive session may result in an allegation of misconduct towards any elected official or disciplinary action being initiated for any employee of the city. Any individual attending an executive session whom is neither an elected official or a city employee will be required to sign a confidentiality agreement in order to participate in said executive session.

Section 2. That Section 2-28 of the Bellevue Municipal Code as heretofore existing is hereby repealed in its entirety.

Section 3. This Ordinance shall take effect and be in full force November 30, 2019.

ADOPTED by the Mayor and City Council this ___ day of _____, 2019.

ATTEST:

_____
Mayor, Rusty Hike

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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

ORDINANCE NO. 3977

AN ORDINANCE TO AMEND SECTION 2-28 OF THE BELLEVUE MUNICIPAL CODE PERTAINING TO EXECUTIVE SESSIONS OF THE CITY COUNCIL; TO REPEAL SUCH SECTION AS HERETOFORE EXISTING; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That Section 2-28 of the Bellevue Municipal Code is hereby amended to read as follows:

Sec. 2-28. – Public, except for executive sessions.

(a) All regular and special meetings of the city council shall be public; provided, that the city council may hold executive sessions during a regular or special meeting from which the public may be excluded for the purpose of considering matters which are not of a nature of public dissemination, but no formal action may be taken at the executive session.

(b) No member of the city council, employee of the city or any other person present during an executive session of the council shall disclose to any person the content or substance of any discussion which took place during such executive session unless the city council shall authorize the disclosure of such information by majority vote.

(c) Any dissemination or disclosure of information that was discussed or disclosed during executive session may result in an allegation of misconduct towards any elected official or disciplinary action being initiated for any employee of the city. Any individual attending an executive session whom is neither an elected official or a city employee will be required to sign a confidentiality agreement in order to participate in said executive session.

Section 2. That Section 2-28 of the Bellevue Municipal Code as heretofore existing is hereby repealed in its entirety.

Section 3. This Ordinance shall take effect and be in full force November 30, 2019.

ADOPTED by the Mayor and City Council this ___ day of _____, 2019.

ATTEST:

_____
Mayor, Rusty Hike

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

First Reading: 10/15/2019
Second Reading: _____
Third Reading: _____

12b.
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 11/05/2019	SUBMITTED BY: Legal	
AGENDA ITEM:	CONSENT AGENDA ☐	SPECIAL PRESENTATION ☐
LIQUOR LICENSE ☐	ORDINANCE ☑	PUBLIC HEARING ☑
RESOLUTION ☐	CURRENT BUSINESS ☐	OTHER ☐

SUBJECT:

Add section 2-208 to the City Code pertaining to conduct.

SYNPOSIS/BACKGROUND:

There are several codes that require to be updated. Pursuant to Section 16-217 & 35-568(3) of the Neb. Rev. Stats. allows for an ordinance for removal of elected officials for misconduct. It is the request that Article IV, Chapter 2, of the Bellevue City Code be amended by adding a new section 2-208 regarding removal of elected officials for misconduct.

FISCAL IMPACT:: 0.00 BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?: NO	COUNTER-PARTY:	INTERLOCAL AGREEMENT: NO	
CONTRACT DESCRIPTION:			
CONTRACT EFFECTIVE DATE:	CONTRACT TERM:	CONTRACT END DATE:	
PROJECT NAME:			
START DATE:	END DATE:	PAYMENT DATE:	INSURANCE REQUIRED: NO
CIP PROJECT NAME:	CIP PROJECT NAME:		
STREET DISTRICT NAME (S):	STREET DISTRICT NUMBER (S):		
ACCOUNTING DISTRUBUTION CODE:	ACCOUNT NUMBER:		

RECOMMENDATION:

To approve an ordinance to amend Article IV, Chapter 2, of the Bellevue City Code by adding a new section 2-208 regarding removal of elected officials for misconduct.

ATTACHMENTS:

1. Red-lined-Ord 3978	2. Clean-Ord 3978	3. Amended-Ord. 3978
4. Clean-Amended-Ord. 3978	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Bree Robbins

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ARTICLE IV, CHAPTER 2. OF THE BELLEVUE MUNICIPAL CODE BY ADDING A NEW SECTION 2-208 REGARDING REMOVAL OF ELECTED OFFICIAL FOR MISCONDUCT AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That Section 2-208 of Chapter 2, Article IV of the Bellevue Municipal Code is hereby added to read as follows:

Sec. 2-208. Removal of Elected Official for Misconduct.

Any elected official of the City may be removed from office for misconduct. Misconduct has been outlined in Policy Resolution 35, however said misconduct is not an exhaustive list of misconduct. Removal from office for misconduct may be initiated as follows:

a. Upon the filing of written charges signed and verified by the person(s) making the claim(s) and provided to the City Clerk within sixty (60) days of the alleged incident. The City Clerk shall then provide a copy of the written charges to the City Administrator who shall have a Resolution created for the next regularly scheduled City Council meeting. The Resolution shall set a time and place for hearing on the written charges and shall attach the written charges to the Resolution. The Resolution shall set the time for hearing on the charges not less than five (5) days nor more than fourteen (14) days subsequent to the passage of such Resolution.
b. At such hearing, the official whose conduct shall have been called into question shall have the right to be present to interrogate witnesses, to be represented by counsel, and either in person or by counsel make a statement or argument to the council regarding the allegations made against him or her. These matters may be held in closed session upon the majority vote and approval of the remaining council members and mayor.
c. The city attorney shall act as prosecuting attorney and shall have the right to examine or cross examine each witness presented and to make any statement or argument to the council.
d. If upon such hearing, the council shall by a three-fourths vote of all the council members (with the exception of the official who is charged with the misconduct), find or determine that the official in question is guilty of misconduct rendering him or her an unfit person to hold such office, then the city council may declare such office vacant and such office shall then be vacant forthwith. The City Council may impose sanctions as outlined in Policy Resolution 35 other than removal of office if they deem a lesser sanction is appropriate or warranted.
e. If there is a vacancy on the city council or a vacancy of the Mayor, such vacancy shall be filled pursuant to Neb. Rev. Stat. § 35-568(3).

Section 3. This Ordinance shall take effect and be in full force October 30, 2019.

(State law reference: Neb. Rev. Stat. 16-217, 35-568(3))

ADOPTED by the Mayor and City Council this ____ day of _____, 2019.

ATTEST:

_____
City Clerk

_____
Mayor, Rusty Hike

APPROVED AS TO FORM:

_____
City Attorney

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

REVISED 10.16.19

ORDINANCE NO. 3978

AN ORDINANCE TO AMEND ARTICLE IV, CHAPTER 2, OF THE BELLEVUE MUNICIPAL CODE BY ADDING A NEW SECTION 2-208 REGARDING REMOVAL OF ELECTED OFFICIAL FOR MISCONDUCT AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That Section 2-208 of Chapter 2, Article IV of the Bellevue Municipal Code is hereby added to read as follows:

Sec. 2-208. Removal of Elected Official for Misconduct.

Any elected official of the City may be removed from office for misconduct. Misconduct has been outlined in Policy Resolution 35, however said misconduct is not an exhaustive list of misconduct. Removal from office for misconduct may be initiated as follows:

a. Upon the filing of written charges signed and verified (in front of a notary public) by the person(s) making the claim(s) and provided to the City Clerk within sixty (60) days of the alleged incident. If the written charge is filed by a citizen, the citizen must be a resident of Bellevue and must list their home address in the written charge. The City Clerk shall then provide a copy of the written charges to the City Administrator.
    i. The City Administrator, after receiving the written charges from the City Clerk will review the written charge to ensure that 1) it was timely filed, 2) that the written charge was signed and verified, 3) that if it was filed by a citizen that their home address is listed in the written charge and that they are a resident of Bellevue, and 4) that the written charges specifically identify misconduct as outlined in Policy Resolution 35.
    ii. If after review those requirements are not met, the matter will be administratively closed by the City Administrator and said closure will be documented and kept in the City Clerk's office and the individual filing the written charge will be notified by mail (if mailing address was listed) by the City Clerk.
    iii. If after review, those requirements are met the City Administrator will review the file of the council member or Mayor who is charged with the misconduct to determine the history, consider progressive sanctions, and determine the severity of said written charge.
        a. If after review the City Administrator determines that only a written reprimand would be appropriate, the City Administrator will meet with the charged council member or Mayor, explain the charges, hear the council member or Mayor's position, and decide whether a written reprimand

should be issued or whether no action should be taken. The decision of the City Administrator will be provided to the council member or Mayor and placed in the file of the charged member. All members of the City Council and the Mayor will be notified in writing if a written reprimand is placed in another member's file. The individual(s) filing the written charge will be notified in writing that the matter has been handled internally.

b. If after review the City Administrator feels said written charge could warrant a public reprimand, removal from a committee, loss in seniority, or removal from office, the City Administrator shall have a Resolution created for the next regularly scheduled City Council meeting. The Resolution shall set a time and place for hearing on the written charges and shall attach the written charges to the Resolution. The Resolution shall set the time for hearing on the charges not less than five (5) days nor more than fourteen (14) days subsequent to the passage of such Resolution. The City Clerk shall notify the individual who filed the written charges of the time and place of said hearing by mailing notification to them at the address stated in their written charges, or if the charges were filed by a city official, employee, or city staff, notice may be sent via e-mail.

1. At such hearing, the official whose conduct shall have been called into question shall have the right to be present to interrogate witnesses, to be represented by counsel, and either in person or by counsel make a statement or argument to the council regarding the allegations made against him or her. The individual(s) submitting the written charge shall be present at the hearing in order for the hearing to proceed. These matters may be held in closed session upon the majority vote and approval of the remaining council members and mayor. All hearings will be recorded via audio recording.
2. The city attorney shall act as prosecuting attorney and shall have the right to examine or cross examine each witness presented and to make any statement or argument to the council.
3. If upon such hearing, the council shall by a unanimous vote of all the council members (with the exception of the official who is charged with the misconduct), find or determine that the official in question is guilty of misconduct rendering him or her an unfit person to hold such office, then the city council may then determine the appropriate sanction to be applied, including declaring such office vacant. If the office is declared vacant, such office shall then be vacant forthwith. The City Council may impose sanctions as outlined in Policy Resolution 35 other than removal of office if they deem a lesser sanction is appropriate or warranted. The determination after hearing and any sanction applied shall be made during an open meeting and not in closed session.

b. If there is a vacancy on the city council or a vacancy of the Mayor, such vacancy shall be filled pursuant to Neb. Rev. Stat. § 35-568(3).

Section 3. This Ordinance shall take effect and be in full force November 30, 2019.

(State law reference: Neb. Rev. Stat. 16-217, 35-568(3))

ADOPTED by the Mayor and City Council this ___ day of _____, 2019.

ATTEST:

_____
Mayor, Rusty Hike

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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

ORDINANCE NO. 3978

AN ORDINANCE TO AMEND ARTICLE IV, CHAPTER 2, OF THE BELLEVUE MUNICIPAL CODE BY ADDING A NEW SECTION 2-208 REGARDING REMOVAL OF ELECTED OFFICIAL FOR MISCONDUCT AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That Section 2-208 of Chapter 2, Article IV of the Bellevue Municipal Code is hereby added to read as follows:

Sec. 2-208. Removal of Elected Official for Misconduct.

Any elected official of the City may be removed from office for misconduct. Misconduct has been outlined in Policy Resolution 35, however said misconduct is not an exhaustive list of misconduct. Removal from office for misconduct may be initiated as follows:

a. Upon the filing of written charges signed and verified (in front of a notary public) by the person(s) making the claim(s) and provided to the City Clerk within sixty (60) days of the alleged incident. If the written charge is filed by a citizen, the citizen must be a resident of Bellevue and must list their home address in the written charge. The City Clerk shall then provide a copy of the written charges to the City Administrator.
    i. The City Administrator, after receiving the written charges from the City Clerk will review the written charge to ensure that 1) it was timely filed, 2) that the written charge was signed and verified, 3) that if it was filed by a citizen that their home address is listed in the written charge and that they are a resident of Bellevue, and 4) that the written charges specifically identify misconduct as outlined in Policy Resolution 35.
    ii. If after review those requirements are not met, the matter will be administratively closed by the City Administrator and said closure will be documented and kept in the City Clerk's office and the individual filing the written charge will be notified by mail (if mailing address was listed) by the City Clerk.
    iii. If after review, those requirements are met the City Administrator will review the file of the council member or Mayor who is charged with the misconduct to determine the history, consider progressive sanctions, and determine the severity of said written charge.
        a. If after review the City Administrator determines that only a written reprimand would be appropriate, the City Administrator will meet with the charged council member or Mayor, explain the charges, hear the council member or Mayor's position, and decide whether a written reprimand should be issued or whether no action should be taken. The decision of the City Administrator will be provided to the council member or Mayor and

placed in the file of the charged member. All members of the City Council and the Mayor will be notified in writing if a written reprimand is placed in another member's file. The individual(s) filing the written charge will be notified in writing that the matter has been handled internally.

b. If after review the City Administrator feels said written charge could warrant a public reprimand, removal from a committee, loss in seniority, or removal from office, the City Administrator shall have a Resolution created for the next regularly scheduled City Council meeting. The Resolution shall set a time and place for hearing on the written charges and shall attach the written charges to the Resolution. The Resolution shall set the time for hearing on the charges not less than five (5) days nor more than fourteen (14) days subsequent to the passage of such Resolution. The City Clerk shall notify the individual who filed the written charges of the time and place of said hearing by mailing notification to them at the address stated in their written charges, or if the charges were filed by a city official, employee, or city staff, notice may be sent via e-mail.

1. At such hearing, the official whose conduct shall have been called into question shall have the right to be present to interrogate witnesses, to be represented by counsel, and either in person or by counsel make a statement or argument to the council regarding the allegations made against him or her. The individual(s) submitting the written charge shall be present at the hearing in order for the hearing to proceed. These matters may be held in closed session upon the majority vote and approval of the remaining council members and mayor. All hearings will be recorded via audio recording.
2. The city attorney shall act as prosecuting attorney and shall have the right to examine or cross examine each witness presented and to make any statement or argument to the council.
3. If upon such hearing, the council shall by a unanimous vote of all the council members (with the exception of the official who is charged with the misconduct), find or determine that the official in question is guilty of misconduct rendering him or her an unfit person to hold such office, then the city council may then determine the appropriate sanction to be applied, including declaring such office vacant. If the office is declared vacant, such office shall then be vacant forthwith. The City Council may impose sanctions as outlined in Policy Resolution 35 other than removal of office if they deem a lesser sanction is appropriate or warranted. The determination after hearing and any sanction applied shall be made during an open meeting and not in closed session.

b. If there is a vacancy on the city council or a vacancy of the Mayor, such vacancy shall be filled pursuant to Neb. Rev. Stat. § 35-568(3).

Section 3. This Ordinance shall take effect and be in full force November 30, 2019.

(State law reference: Neb. Rev. Stat. 16-217, 35-568(3))

ADOPTED by the Mayor and City Council this ____ day of _____, 2019.

ATTEST:

_____
Mayor, Rusty Hike

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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

October 21, 2019

Honorable Bellevue Mayor Rusty Hike
Honorable Bellevue City Council Member Paul Cook
Honorable Bellevue City Council Member Don Priester
Honorable Bellevue City Council Member Pat Shannon
Honorable Bellevue City Council Member Bob Stinson
Honorable Bellevue City Council Member Kathy Welch
Bellevue City Administrator Jim Ristow

Media of Nebraska strongly opposes recently proposed amendments to Bellevue Ordinance #3978 and Policy Resolution 35.

Media of Nebraska is a non-profit 501(c)(6) corporation that was formed in 1977 by members of the Nebraska broadcast and print media to pursue freedom of information through open meetings and public records as mandated by Nebraska law. As journalists, we have a responsibility to the citizens of our state to serve as a watchdog on these matters.

It is our opinion that adding language that provides harsh penalties, including removal from office, for violating these arbitrary rules of conduct does not serve the interests of the citizens of Bellevue. These proposals would have a chilling effect on the release of information to which the citizens are entitled.

While the Nebraska Open Meetings Act provides very restrictive guidelines for the use of executive session – and criminal sanctions for violating the law – it has been our experience that executive sessions are sometimes used when they are not warranted. Not every contract, real estate purchase or personnel matter needs to be discussed in secrecy. The public interest is often better served with open discussion. Additionally, participants during an executive session may discuss matters outside the narrowly specified reasons for that session, and they should feel free to talk publicly about those matters.

We don't believe that members of the Bellevue City Council should be allowed to remove a lawfully elected official from office for speaking publicly on any matter. That is a decision for voters as provided in the recall statutes.

When attempts are made to silence open discussion, the public may well ask: "What are you hiding?" At a time when there is great public distrust of government, we would hope that the Bellevue City Council would work toward greater transparency – not less.

Respectfully,

Members of the Media of Nebraska Steering Committee:

Allen Beermann
Executive Director, Nebraska Press Association

Dave Bundy
Executive Editor, Lincoln Journal Star

Paul Goodsell
Executive Editor, Omaha World-Herald

Jim Timm
President/Executive Director, Nebraska Broadcasters Association

Cc: State Senator Carol Blood
State Senator Sue Crawford

Media of Nebraska is a non-profit 501(c)(6) corporation that was formed in 1977 by members of the broadcast and print media to purely and jointly pursue freedom of information through open meetings and public records as mandated by the statutes of Nebraska law. Our work is focused on supporting our member journalists' task of serving as a watchdog for the citizens of Nebraska by monitoring and acting on legislative matters that may impact freedom of information through state, county and municipal government entities and political subdivisions. We are a nonpolitical organization and make no contributions to the campaigns of any person running for any elected office nor to any organized parties that may support candidates for elected office.

12C

Memorandum

To: Council Members

Mayor Rusty Hike

Jim Ristow

From: City of Bellevue Legal Department

RE: Code of Conduct Ordinance/ Omaha World Herald 11-02-19 Article

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Issue/Misconceptions:

1. "Only voters should have the power to remove someone from his or her elected office."

Facts:

1. The statement is an opinion and there is nothing to substantiate this opinion in case law or statutes that states that "only voters should have the power to remove someone from his or her elected office."

Neb. Rev. Stat. 16-217 specifically states that a "city of the first class by ordinance may provide for the removal of elective officers of the city for misconduct. The city may create any office that it deems necessary for the good government and interest of the city. The city may provide for filling vacancies which occur in any elective office, except the mayor or member of the city council, by appointment by the mayor with the consent of the city council to hold his or her office for the unexpired term. Whenever the city council fails to consent to any appointment made under this section by the mayor by the close of the second regular city council meeting following the announcement of the appointment, the vacancy shall be filled by a special election to be held as prescribed by ordinance in the ward in which such vacancy exists. A vacancy in the office of the mayor or on the city council shall be filled as provided in section 32-568."

Current Administration is simply exercising its rights afforded to a city of the first class pursuant to the statute that our Legislatures enacted in 1994 and did not modify in 2016 when reviewed.

Issue/Misconceptions:

2. "Punishing officials for sharing private city information could deter them from highlighting abuses of power."

Facts:

2. This is false statement and the logic is flawed. If the ordinance is enacted, it affords a councilperson an opportunity to bring abuses of power to forefront to include citizens in open forum. Closed sessions are a normal and necessary function of any public body and items that are

not made public by a vote or action item should remain confidential, otherwise it impairs the functioning of the public body and the entire intent and purpose of a closed session. Our City Code 2-28 already outlines the procedure for executive sessions and already stated that no party to a closed session shall disclose to any person the content or substance of any discussion which took place during such executive session unless the city council shall authorize the disclosure of such information by a majority vote. If there is fear of a crime or "whistleblowing" there are laws that would protect any member if that information were disclosed, the ordinances proposed currently before the council would not infringe on any rights afforded by law. The City has and maintains decorum and misconduct rules as outlined in Policy Resolution 35, but there was no enforcement of the same should they be violated. Nebraska law specifically allows a city of the first class to implement an ordinance that calls for the removal of an elected official for misconduct, these ordinances comply with Nebraska Law. They are not designed to ousts individuals who are not liked or hinder a member's ability to vote and voice their opinion and concerns, that will remain encouraged. These are meant to set up a standard of decorum and hold individuals accountable for continually violating the same.

Issue/Misconceptions:

3. "Current Administration shutting down the voice of citizens of Bellevue." "Current Administration came into office and immediately shut down the voice of the citizens of Bellevue with Ordinance 3928."

Facts:

3. The statement is an opinion and there is nothing to substantiate this opinion in case law or statutes. Section 16-217 allows the citizens of Bellevue and City officials an avenue aside from recall to hold an elected official accountable for his/her actions that constitute misconduct. In other words, Section 16-217 affords the people, the voters, the taxpayers, as the constituents of this great City the opportunity for greater transparency of the government and to alleviate any concerns of distrust of the government. It holds a person accountable his/her actions/choice both positive or negative. It creates the opposite… a larger voice for the citizens.

Statements made regarding Ordinance 3928 are simply not true. On February 11, 2019, citizens came forward in opposition and some spoke in favor as with city officials. On February 26, 2019, the following took place regarding Ordinance 3928 pursuant to our official Minute Record: Ordinance No. 3928: Amending Section 2-30 of the City Code pertaining to City Council Order of Business (Third Reading) Ordinance No. 3928, an ordinance to amend Sections 2-30 of the Bellevue Municipal Code pertaining to the City Council's order of business; to repeal such section as heretofore existing; and to provide for the effective date of this Ordinance, was read by title only for the third and final reading.

Motion was made by Welch, seconded by Shannon, that Ordinance No. 3928 be adopted.

Motion was made by Shannon, seconded by Welch, to amend Ordinance 3928, which includes striking Public Requests to be heard and adding Approved Citizen Communication to the Order of Business set in code.

Council discussion ensued. Councilman Burns left Council Chambers at 7:27 p.m. and returned at 7:29 p.m.

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

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

Motion was made by Shannon, seconded by Welch, to approve Council Policy Resolution 39. Roll call vote on the motion was as follows: Stinson, Cook, Shannon, Preister, Burns, and Welch voted yes; voting no: none. Motion carried.

Issue/Misconceptions:

4. What is misconduct and malfeasance? How are they defined?

Facts:

4. Neb. Rev. Stat. 28-924 provides a definition of misconduct as "(1) A public servant commits official misconduct if he knowingly violates any statute or lawfully adopted rule or regulation relating to his official duties. (2) Official misconduct is a Class II misdemeanor."

Black's Law Dictionary defines misconduct as, "Any unlawful conduct on the part of a person concerned in the administration of justice which is prejudicial to the rights of parties or to the right determination of the cause; as "misconduct of jurors," "misconduct of an arbitrator." The term is also used to express a dereliction from duty, injurious to another, on the part of one employed in a professional capacity, as an attorney at law, (Stage v. Stevens, 1 Denio [N. Y.] 267,) or a public officer, (State v. Leach, 60 Me. 58, 11 Am. Rep. 172.)

Black's Law Dictionary defines malfeasance as, "the wrongful or unjust doing of some act which the doer has no right to perform, or which he has stipulated by contract not to do. It differs from "misfeasance" and "non-feasance," (which titles see.) See 1 Chit. Pr. 9; 1 Chit. PI. 134; Dudley v. Flemingsburg, 115 Ky. 5, 72 S. W. 327, 00 L. R. A. 575, 103 Am. St. Rep. 253; Coite v. Lynes, 33 Conn. 115; Bell v. Josse- lyn, 3 Gray (Mass.) 311, 63 Am. Dec. 741."

The terms misconduct and malfeasance cannot be considered vague as these terms are clearly defined and will be followed. Further, it is known that we follow Robert's Rule of Order for our council meeting sessions.

12C

CITY OF BELLEVUE

OFFICE OF THE CITY ADMINISTRATOR
1500 Wall Street ▯ Bellevue, NE 68005 ▯ (402) 293-3023

October 30, 2019

Members of Media of Nebraska Steering Committee

Allen Beerman. Executive Director
Nebraska Press Association

Dave Bundy, Executive Editor
Lincon Journal Star

Paul Goodsell, Executive Editor
Omaha World Herald

Jim Timm, President/Executive Editor
Nebraska Broadcasters Association

VIA US Mail

Dear Committee Members:

The City of Bellevue is in receipt of your written correspondence dated October 21, 2019, and received by our offices on October 25, 2019. The hereinafter is our response.

Thank you for the time and talent you have shown to the City of Bellevue in drafting your correspondence in opposition to Policy Resolution 35 and Ordinance #3978. It is our hopes that after the committee members review our response, it will dispel any rumors, misunderstandings and show that both the ordinance and policy resolution allow the opportunity to show more transparency with this current administration than has ever been shown with past administration.

Nebraska Revised Statute § 16-217 specifically states that "A city of the first class by ordinance may provide for the removal of elective officials of the city for misconduct." It then explains that any vacancy in the office of the mayor or the city council shall be filled as provided in section 32-568. We also have statutes that explain how an official commits official misconduct, how an official is removed from office and how an official violates his/her oath of office.

Section 16-217 allows the citizens of Bellevue and City officials an avenue aside from recall to hold an elected official accountable for his/her actions that constitute misconduct. In other words, Section 16-217 affords the people, the voters, the taxpayers, as the constituents of this great City the opportunity for greater transparency of the government and to alleviate any concerns of distrust of the government. It holds a person accountable his/her actions/choice both positive or negative. Accountability as a virtue, is seen as a quality in which a person displays a willingness to accept responsibility, a desirable trait that we as citizens require in all elected officials, public officials and government agencies; hence, in this use, accountability is a positive feature. As a mechanism, accountability is when that desirable trait also creates an obligation of elected officials to explain his/her actions; hence in this use, most times it is seen as positive, but also creates a negative for those officials who do not want to be held accountable for what could be considered wrongful actions, i.e. misconduct and malfeasance.

The City of Bellevue is not the only City and has chosen the option to enact a City Code to show more transparency. Fremont has a city code that specifically states that any elected official of the city may be removed from office for misconduct of malfeasance. Their process outlines that written charges may be filed, a hearing before the council will be set, the charged member has the right to present their side of the story at the hearing and be questioned by the City Attorney. If after hearing the council by three-fourths vote finds that the officer is guilty of misconduct rendering him or her unfit to hold office, the council may declare such office vacant and the office would then be vacant. Grand Island has an identical ordinance. The differences between their ordinances and the ones proposed before this council are essentially that we have outlined what constitutes misconduct, have outlined a progressive sanction standard, and are requiring a unanimous vote for removal of office.

The City has and maintains decorum and misconduct rules as outlined in Policy Resolution 35, but there was no enforcement of the same should they be violated. Nebraska law specifically allows a city of the first class to implement an ordinance that calls for the removal of an elected official for misconduct, these ordinances comply with Nebraska Law. They are not designed to ousts individuals who are not liked or hinder a member's ability to vote and voice their opinion and concerns, that will remain encouraged. These are meant to set up a standard of decorum and hold individuals accountable for continually violating the same.

Further, closed sessions are allowed pursuant to Nebraska Revised Statute § 84-1410 and are often utilized by public bodies. Closed sessions can be utilized to protect the public interest or for the prevention of needless injury to the reputation of an individual. Closed sessions can be held for strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent. It can be utilized to discuss deployment of security personnel or devices, for evaluation of the job performance of a person and other items as outlined in the statute. There must be a vote to go into closed session. The discussions in closed session are restricted to the matters set forth in the motion for going into closed session.

The meeting will be reconvened in open session BEFORE any formal action may be taken. No votes or discussion on how individuals will vote can take place in closed session. If a matter is an action item (i.e. voting on the purchase agreement) the vote will occur during open session and members of the council are free to discuss the matter during the discussion period, there would be

no sanctions for them discussing items that become public by a vote on the item. There are already rules in place in Neb. Rev. Stat. 84-1410 that state that any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion, the challenge and disposition shall be recorded in the minutes. The ordinances currently proposed would not hinder a member's ability to do this as it is a right afforded pursuant to law. If there is fear of a crime or "whistleblowing" there are laws that would protect any member if that information were disclosed, the ordinances proposed currently before the council would not infringe on any rights afforded by law.

Closed sessions are a normal and necessary function of any public body and items that are not made public by a vote or action item should remain confidential, otherwise it impairs the functioning of the public body and the entire intent and purpose of a closed session. Our City Code 2-28 already outlined the procedure for executive sessions and already stated that no party to a closed session shall disclose to any person the content or substance of any discussion which took place during such executive session unless the city council shall authorize the disclosure of such information by a majority vote. This is in the code, the issue is, there was nothing in the code to account for a situation wherein this code was violated. The new 2-28 before the council outlines that any dissemination or disclosure could be considered misconduct and then handled according to 2-208. If there is a rule that specifies how things should operate, it means nothing if there is no enforcement ability.

In summary, we invite the entire committee to attend our upcoming City Council meeting scheduled for November 5th at 6:00 p.m. At this meeting, the public is encouraged to attend and voice any concerns, so that we may make clear the transparency that this affords the citizens of Bellevue of their current and future administration of elected officials.

Sincerely,

Jim Ristow,
City Administrator

November 5, 2019

Bellevue City Council
210 West Mission Avenue
Bellevue, NE 68005

Dear Honorable Councilmembers,

ACLU
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
Nebraska

134 S. 13th St. #1010
Lincoln, NE 68508
(402) 476-8091
aclunebraska.org

For over 50 years in Nebraska, the ACLU has worked in courts, legislatures, and communities to protect the constitutional and individual rights of all people. With a nationwide network of offices and millions of members and supporters, we take up the toughest civil liberties fights. Beyond one person, party, or side — we the people dare to create a more perfect union.

The First Amendment to the U.S. Constitution creates a bedrock for American values and the ACLU's mission. Additionally, voting is the cornerstone of our democracy and the fundamental right upon which all our civil liberties rest. As such, I am writing today in response to recent media reports[1] concerning proposed measures before you which may implicate fundamental rights regarding free expression and voting rights.

We urge the council to exercise caution and conduct additional analysis before advancing these measures. We respectfully ask that our opposition be included in your consideration of these measures and in the public record. We believe the proposals utilize extreme remedies- including removal from office- that may be suspect from a legal and policy perspective, address matters that already have sufficient remedies at hand under law, and that may chill permissible free expression and vital whistleblower activity in advance of the public interest.

Thank you in advance for your ongoing commitment to public service and for your time and consideration of these important matters. Please let us know if we can be of any additional assistance.

Sincerely,

Danielle Conrad, J.D.
Executive Director

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[1] Reece Ristau, It's an abuse of power, critics say. But Bellevue says no — plan targets bad behavior, Omaha, World Herald, November 2, 2019, https://www.omaha.com/news/local/it-s-an-abuse-of-power-critics-say-but-bellevue/article_fd024a13-5fc6-5bcf-9bf7-25d568aef2e9.html

Lisa Rybar

From: rhardebeck@cox.net
Sent: Tuesday, November 5, 2019 2:17 PM
To: Web Info; Pat Shannon
Subject: New contact request from bellevue.net

Name: Roxanne Hardebeck
Email: rhardebeck@cox.net
Phone: 4022926974
Message: Dear Mr. Shannon,
I sincerely hope you will be able to read my comments at the meeting this evening. I have several other family activities that require my presence during the Council meeting's time frame. My husband is out of town on business, so he could not attend.
Thank you. Roxanne Hardebeck

To the Bellevue Nebraska City Council members,
One of your latest autocratic behaviors suggests some you are unfit for your seats on the council. I agree that if the Council members have not had their salaries raised for the time period noted, then a raise could be in order. However, it should have been done in increments. The Founding Fathers did not envision SERVICE to your community as a means to financially enrich yourselves. Yet, one of your first actions was to substantially raise your salaries. You were more than aware of the salary when You SOUGHT the job. Is not that action a rather self-serving action?
Now, you seek to enact proposals that are beyond the scope of your authority. First, the voters put council members in their positions, and the VOTERS should be the ones to remove them. After all, they are the ones paying the bills. Second, your last little "private sessions" resulted in unethical practices and (maybe potential illegal) behavior. The Council does not need private sessions if they are acting in the people's best interest instead of their own. Third, you want to penalize a member for "derogatory comments"? What? Are you trying to act like some Elementary School children? Last time I checked there was an inconvenient thing called Freedom of Speech.
Lastly, you have departed from a long-established practice of not annexing areas with too high a debt ratio; yet, that is what you have done for the convenience of some board members. I might add over the objections of those living in those areas. These are busy times for most families, so attending your meetings are often a real strain that increases their stress. I guess it would have been contrary to your ultimate objectives to actually poll the residents of those areas. Incidentally, I am missing this meeting for that exact reason.
So, in summary:
1. You have given yourselves a hefty raise for limited time allocation.,
2. You want private sessions meant to exclude voters from knowing what is transpiring.
3. Some of your recent board members have displayed a lack of integrity and honesty.
4. You want to limit a person's right to freedom of speech.
5. You have displayed a disregard for people living in areas that did not want to annexed.
I applaud the World Herald and the Bellevue Leader for holding you accountable for your questionable actions.
Roxanne Hardebeck

REVISED 11.14.19

ORDINANCE NO. 3978

AN ORDINANCE TO AMEND ARTICLE IV, CHAPTER 2, OF THE BELLEVUE MUNICIPAL CODE BY ADDING A NEW SECTION 2-208 REGARDING REMOVAL OF AN ELECTED OFFICIAL FOR MISCONDUCT AND OTHER SANCTIONS TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That Section 2-208 of Chapter 2, Article IV of the Bellevue Municipal Code is hereby added to read as follows:

Sec. 2-208. Removal of Elected Official for Misconduct.

Any member of the Bellevue City Council or the Mayor (hereinafter referred to as "elected official") ~~elected official~~ of the City may be removed from office for misconduct or receive other sanctions as outlined herein. Misconduct has been outlined in Policy Resolution 35, however said misconduct is not an exhaustive list of misconduct and other misconduct may be identified pursuant to City Code or State Law. Sanctions, including removal from office for misconduct, shall be ~~Removal from office for misconduct may be~~ initiated as follows:

a. Upon the filing of written charges signed and verified (in front of a notary public) by the person(s) making the claim(s) and provided to the City Clerk within sixty (60) days of the alleged incident. If the written charge is filed by a citizen, the citizen must be a resident of Bellevue and must list their home address in the written charge. The City Clerk shall then provide a copy of the written charges to the City Administrator and copy all elected officials.

   i. The City Administrator, after receiving the written charges from the City Clerk will review the written charge to ensure that 1) it was timely filed, 2) that the written charge was signed and verified, 3) that if it was filed by a citizen that their home address is listed in the written charge and that they are a resident of Bellevue, and 4) that the written charges specifically identify misconduct. ~~as outlined in Policy Resolution 35.~~

   ii. If after review the ~~those~~ requirements in a(i) are not met, the matter will be administratively closed by the City Administrator and said closure will be documented and kept in the City Clerk's office and the individual filing the written charge will be notified by mail (if mailing address was listed) by the City Clerk. All elected officials will be notified of this action. If any elected official contests the closure of the complaint, they may have a Resolution created as outlined in a(iii)

and the Resolution shall be set for the next regularly scheduled City Council meeting.

iii. If after review, the ~~those~~ requirements in a(i) are met the City Administrator ~~will review the file of the council member or Mayor who is charged with the misconduct to determine the history, consider progressive sanctions, and determine the severity of said written charge.~~ shall have a Resolution created for the next regularly scheduled City Council meeting. The Resolution shall set a time and place for hearing on the written charges and shall attach the written charges to the Resolution as Exhibit "A". The Resolution shall be placed on the next regularly scheduled meeting for council consideration. At said council meeting, the council shall decide by majority vote whether the written charge shall move forward for a formal hearing before the Council or whether it should be dismissed. The accused elected official shall abstain from the vote. If the Council votes to approve the Resolution, the written charge shall be set for hearing not less than seven (7) days nor more than forty-five (45) days subsequent to the passage of the Resolution. Said hearing may be set for special hearing. If the Council does not approve the Resolution, the matter will be deemed dismissed and the City Clerk will notify the individual filing the written charge via mail (if mailing address was listed).

~~If after review the City Administrator determines that only a written reprimand would be appropriate, the City Administrator will meet with the charged council member or Mayor, explain the charges, hear the council member or Mayor's position, and decide whether a written reprimand should be issued or whether no action should be taken. The decision of the City Administrator will be provided to the council member or Mayor and placed in the file of the charged member. All members of the City Council and the Mayor will be notified in writing if a written reprimand is placed in another member's file. The individual(s) filing the written charge will be notified in writing that the matter has been handled internally.~~

~~If after review the City Administrator feels said written charge could warrant a public reprimand, removal from a committee, loss in seniority, or removal from office, the City Administrator shall have a Resolution created for the next regularly scheduled City Council meeting. The Resolution shall set a time and place for hearing on the written charges and shall attach the written charges to the Resolution. The Resolution shall set the time for hearing on the charges not less than five (5) days nor more than fourteen (14) days subsequent to the passage of such Resolution. The City Clerk shall notify the individual who filed the written charges of the time and place of said hearing by mailing notification to them at the address stated in their written charges, or if the charges were filed by a city official, employee, or city staff, notice may be sent via e-mail.~~

iv. If the City Council approves the Resolution and sets the matter for hearing, the City Clerk shall notify the individual who filed the written charges of the time and place of said hearing by mailing notification to them at the address stated in their written charges, or if the charges were filed by a city official, employee, other elected official, or city staff, notice may be sent via e-mail. The City Clerk shall also email the approved Resolution to the accused elected official and notify him or her of the date and time of the scheduled hearing.

v. If the matter is set for hearing, ~~At such hearing,~~ the elected official whose conduct shall have been called into question shall have the right to be present to interrogate witnesses, to be represented by counsel at his or her cost, and either in person or by counsel make a statement or argument to the council regarding the allegations made against him or her. The individual(s) bringing forth the alleged misconduct ~~submitting the written charge~~ shall be present at the hearing in order for the hearing to proceed. ~~These matters may be held in closed session upon the majority vote and approval of the remaining council members and mayor.~~ The accused, either personally or through counsel if represented, shall have the right to confront and cross-examine their accuser. All hearings will be recorded via audio recording.

vi. The city attorney shall act as prosecuting attorney and shall have the right to examine or cross examine each witness presented or call witnesses and to make any statement or argument to the council.

vii. The hearing shall be limited to the charges as outlined in the written charge only.

viii. If the hearing is not concluded prior to 10:00 p.m., the council may, by motion to continue and majority vote, end the hearing and re-schedule the hearing for the next regularly scheduled meeting or special meeting.

ix. If upon such hearing, the council shall by a ~~unanimous~~ majority vote ~~of all the council members~~ (with the exception of the elected official who is charged with the misconduct), find or determine that the elected official in question is guilty of misconduct ~~rendering him or her an unfit person to hold such office, then~~ the city council may then determine the appropriate sanction to be applied. ~~including declaring such office vacant.~~ The sanction to be applied shall be made by motion and voted upon ~~by the council~~ in a separate motion apart from the finding(s) and shall be agreed upon by a majority vote ~~of all the council members~~ (with the exception of the elected official who is charged with the misconduct). If removal from office is the sanction proposed, the vote shall be unanimous (with the exception of the elected official who is charged with the misconduct). The determination after hearing and any sanction applied shall be made during an open meeting on the record and shall be memorialized in writing by a Resolution. The City Council is committed to following a model of progressive sanctions for allegations of misconduct. When deemed appropriate the City Attorney shall disclose any prior sanctions. The following sanctions may be imposed by the City Council if there is a finding that the elected official in question is guilty of misconduct as charged.

a. Written reprimand – This sanction would include a written letter outlining the misconduct violation, date of occurrence, and that the elected official was counseled on said matter. A written reprimand may be administered by ~~the City Administrator as outlined in City Code 2-208 or by~~ the City Council after hearing. A copy of the written reprimand will be provided to the accused ~~member~~ elected official and to all other members of the council and the Mayor. A written reprimand should be used as a corrective step or warning to the elected official ~~member~~ for specific misconduct allegations that are not severe in nature but that are violations of City Code or this policy. ~~State Law or Policy Resolution 35.~~

b. Public reprimand – This sanction would include a verbal admonishment during an open meeting of the City Council and would outline the reason for the reprimand. A public reprimand may only be administered by ~~the City Administrator, council, or Mayor~~ the City Council after a hearing ~~as outlined in City Code 2-208 and a unanimous vote on the matter~~. The date, time, and nature of said public reprimand will be memorialized in writing ~~and contained in the member's file with the City~~. A public reprimand should be used for corrective action if prior written reprimands were not effective or when the severity of the misconduct warrants a public admonishment due to the nature of the complaint.

c. Removal from committee assignment(s) and/or Loss of Seniority – This sanction would include a finding after a hearing ~~as outlined in City Code 2-208~~ that the elected official's ~~member's~~ behavior warrants action greater than a written reprimand or public reprimand and that due to the elected official's ~~member's~~ behavior he or she should be removed from specific committee(s) or lose seniority within the council. The removal from a committee or loss of seniority may only be administered by the ~~City Administrator, council, or Mayor~~ City Council after hearing ~~as outlined in City Code 2-208 and a unanimous vote on the matter~~. The date, time and sanction outlined herein will be memorialized in writing ~~and contained in the member's file with the City~~. Removal from a committee or committees and loss of seniority should be used if the misconduct would lose public trust or council trust for the elected official ~~member~~ to remain on the committee or keep the seniority position, if the misconduct impacts the operations of the committee or the offense was committed during a committee meeting or directed toward another committee member or member addressing that committee.

d. Removal from Office –This sanction should not be imposed unless progressive sanctions were previously implemented or when the elected official's ~~member's~~ misconduct is determined to be severe or egregious. This sanction would include a finding after hearing ~~as outlined in City Code 2-208~~ that the elected official's ~~member's~~ behavior warrants removal from office and that due to the elected official's ~~member's~~ behavior he or she

should be removed from office ~~and that due to the member's behavior he or she should be removed from office~~. This sanction may only be administered by the ~~City Administrator, council, or Mayor~~ City Council after hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time, and findings will be memorialized in writing ~~and contained in the member's file with the City~~. Removal from office should be used if the misconduct is so severe or egregious that it loses the public's trust or council's trust in the elected official's ~~member's~~ ability to continuing serving the City of Bellevue in their current capacity or when the elected official's ~~member~~'s misconduct has already been addressed through progressive sanctions but continues to be repeated.

x. If the council votes to remove the charged elected official from office, the office shall be declared vacant and such office shall be vacant forthwith. ~~If the office is declared vacant, such office shall then be vacant forthwith. The City Council may impose sanctions as outlined in Policy Resolution 35 other than removal of office if they deem a lesser sanction is appropriate or warranted. The determination after hearing and any sanction applied shall be made during an open meeting and not in closed session.~~

xi. If there is a vacancy on the city council or a vacancy of the Mayor, such vacancy shall be filled pursuant to Neb. Rev. Stat. § 35-568(3).

Section 3. This Ordinance shall take effect and be in full force ~~November 30, 2019~~ fifteen (15) days after it is passed and signed by the Mayor.

(State law reference: Neb. Rev. Stat. 16-217, 35-568(3))

ADOPTED by the Mayor and City Council this ____ day of _____, 2019.

ATTEST:

_____
Mayor, Rusty Hike

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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

POLICY RESOLUTION 35

PRINCIPLES OF CONDUCT AND DECORUM

It is the belief of the members of the Bellevue City Council that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that public deliberations and actions be conducted in an atmosphere free from personal animosity and hostility; that governmental decisions and policy be made in proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, the City Council adopts the following principles of conduct and decorum for meetings of the City Council, which rules may be amended and/or rescinded at any time. If any portion of these rules of conduct and decorum are found to conflict with any City ordinance or State law, the provisions of City ordinance or State law shall be followed.

Principles of Conduct and Decorum for Meetings of the City Council.

The principles of conduct and decorum shall consist of the following:

(a) The Mayor, members of the City Council, City officials and employees shall (i) respect and adhere to the American ideals of government, rule of law, principles of public administration and high ethical conduct in the performance of public duties; (ii) represent and work for the common good of the City and not for any private interest; (iii) refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action; and (iv) provide fair and equal treatment for all persons and matters coming before the City Council. Any such violation may be considered misconduct and such person may be subject to removal from office.

(b) Any statements made during City Council meetings by the Mayor, members of the City Council, City officials and employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so

attacked is an elected official, a city official or employee, or a member of the general public. Any such violation may be considered misconduct and such person may be subject to removal from office.

(c) During City Council meetings, the Mayor, members of the City Council, City officials and employees, or members of the general public shall not, by conversation or otherwise, delay, interrupt, or disrupt the proceedings of the City Council nor disturb any individual while speaking, or refuse to obey the orders of the presiding officer regarding the rules of conduct and decorum. Any such violation may be considered misconduct and such person may be subject to removal from office.

(d) Any issue presented for consideration by the Mayor, members of the City Council, City officials and employees, or members of the general public, shall be made to the City Council as a body through the presiding officer and shall not be directed solely to the Mayor, any particular member of the City Council, any City official or employee or any member of the general public.

(e) The use of profane, vulgar, inflammatory, threatening, abusive or disparaging language or racial or ethnic slurs directed at the Mayor, any particular member of the City Council, any City official or employee or any member of the general public shall not be tolerated. Any such violation may be considered misconduct and such person may be subject to removal from office.

(f) The Mayor, members of the City Council and City officials shall not knowingly violate any statute or lawfully adopted rule or regulation relating to his/her official duties. Any such violation may be considered misconduct and such person may be subject to removal from office.

(g) The Mayor, members of the City Council and City officials shall not commit a wrongful or unjust doing of some act in which the doer has no right to perform, or which he/she has stipulated by contract not to do. Any such violation may be considered misconduct and such person may be subject to removal from office.

SANCTIONS.

Sanctions permissible to be imposed shall consist of the following:

(a) A vacancy may exist on the City Council if a Council member is absent more than a third of the regular meetings, and a vacancy shall exist on the City Council if a Council member is absent more than five consecutive regular meetings, unless the absences are excused by a majority vote of the remaining members. This procedure, by law, requires notice and a hearing be provided to the Council member pursuant to Neb. Rev. Stat. § 19-3101.

(b) Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council chambers.

(c) City Council members or the mayor who intentionally or repeatedly do not follow proper decorum may be reprimanded, formally censured by the Council and/or lose seniority or other committee assignments. Serious infractions of the code of conduct could lead to other sanctions as deemed appropriate by the City Council, including removal of the elected official for misconduct as outlined in Section 2-208 of the City Code.

(d) It is the responsibility of the City Administrator to initiate action if an elected official's behavior may warrant sanction or if a complaint is brought against an elected official.

(e) If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the City Administrator who will then investigate on the report and take the next appropriate action.

(f) These actions can be, but are not limited to: discussing and counseling the individual on violations; recommending sanction to the full City Council to consider in a public meeting; filing of written charges pursuant to Sec. 2-208 of the Bellevue City Code, or

recommend any other sanction options for Council consideration as he/she deems fit.

Adopted:	4/28/03
Reviewed:	10/07
	3/09
	1/11
	1/13
Revised:	09/19

POLICY RESOLUTION 35

PRINCIPLES OF CONDUCT AND DECORUM

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(d) Any issue presented for consideration by the Mayor, members of the City Council, City officials and employees, or members of the general public, shall be made to the City Council as a body through the presiding officer and shall not be directed solely to the Mayor, any particular member of the City Council, any City official or employee or any member of the general public.

(e) The use of profane, vulgar, inflammatory, threatening, abusive or disparaging language or racial or ethnic slurs directed at the Mayor, any particular member of the City Council, any City official or employee or any member of the general public shall not be tolerated. Any such violation may be considered misconduct and such person may be subject to removal from office.

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(g) The Mayor, members of the City Council and City officials shall not commit a wrongful or unjust doing of some act in which the doer has no right to perform, or which he/she has stipulated by contract not to do. Any such violation may be considered misconduct and such person may be subject to removal from office.

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(b) Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council chambers.

(c) City Council members or the mayor who intentionally or repeatedly do not follow proper decorum may be reprimanded, formally censured by the Council and/or lose seniority or other committee assignments. Serious infractions of the code of conduct could lead to other sanctions as deemed appropriate by the City Council, including removal of the elected official for misconduct as outlined in Section 2-208 of the City Code.

(d) It is the responsibility of the City Administrator to initiate action if an elected official's behavior may warrant sanction or if a complaint is brought against an elected official.

(e) If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the City Administrator who will then investigate on the report and take the next appropriate action.

(f) These actions can be, but are not limited to: discussing and counseling the individual on violations; recommending sanction to the full City Council to consider in a public meeting; filing of written charges pursuant to Sec. 2-208 of the Bellevue City Code, or

recommend any other sanction options for Council consideration as he/she deems fit.

Adopted:	4/28/03
Reviewed:	10/07
	3/09
	1/11
	1/13
Revised:	09/19

REVISED 10.16.19

POLICY RESOLUTION 35

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(b) Any statements made during City Council meetings **or when conducting city business,** by the Mayor, members of the City Council, City officials and employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a city official or employee, or a member of the general public. Any such violation may be considered misconduct and such person may be subject to removal from office as outlined in City Code 2-208.

(c) During City Council meetings **and while conducting city business**, the Mayor, members of the City Council, City officials and employees, or members of the general public shall not, by conversation or otherwise, delay, interrupt, or disrupt the proceedings of the City Council nor disturb any individual while speaking, or refuse to obey the orders of the presiding officer regarding the rules of conduct and decorum. Any such violation may be considered misconduct and such person may be subject to removal from office as outlined in City Code 2-208.

(d) Any issue presented for consideration by the Mayor, members of the City Council, City officials and employees, or members of the general public, shall be made to the City Council as a body through the presiding officer and shall not be directed solely to the Mayor, any particular member of the City Council, any City official or employee or any member of the general public.

(e) The use of profane, vulgar, inflammatory, threatening, abusive or disparaging language or racial or ethnic slurs directed at the Mayor, any particular member of the City Council, any City official or employee or any member of the general public shall not be tolerated. Any such violation may be considered misconduct and such person may be subject to removal from office as outlined in City Code 2-208.

(f) The Mayor, members of the City Council and City officials shall not knowingly violate any statute or lawfully adopted rule or regulation relating to his/her official duties. Any such violation may be considered misconduct and such person may be subject to removal from office as outlined in City Code 2-208.

(g) The Mayor, members of the City Council and City officials shall not commit a wrongful or unjust doing of some act in which the doer has no right to perform, or which he/she has stipulated by contract not to do. Any such violation may be considered misconduct and such person may be subject to removal from office as outlined in City Code 2-208.

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(a) A vacancy may exist on the City Council if a Council member is absent more than a third of the regular meetings, and a vacancy shall exist on the City Council if a Council member is absent more than five consecutive regular meetings, unless the absences are excused by a majority vote of the remaining members. This procedure, by law, requires notice and a hearing be provided to the Council member pursuant to Neb. Rev. Stat. § 19-3101.

(b) Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council chambers.

(c) City Council members or the Mayor who intentionally or repeatedly do not follow proper decorum as outlined herein may be reprimanded by:

i. Written reprimand;
ii. Public reprimand;
iii. Removal from committee assignment(s);
iv. Loss of seniority; or
v. Removal from office.

(d) It is the responsibility of the City Administrator to initiate action if an elected official's behavior may warrant sanction or if a complaint is brought against an elected official. This process should be followed as outlined in City Code 2-208.

(e) If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the City Administrator who will then investigate on the report and take the next appropriate action as outlined in City Code 2-208.

(f) The City of Bellevue is committed to following a model of progressive sanctions for allegations of misconduct. Misconduct violations may be addressed by:

i. Written reprimand - This sanction would include a written letter in the council member or Mayor's file outlining the misconduct violation, date of occurrence, and that the council member or Mayor was counseled on said matter. A written reprimand may be administered by the City Administrator as outlined in City Code 2-208 or by the City Council after hearing. A copy of the written reprimand will be provided to the accused member and to all members of the council and the Mayor. A written reprimand should be used as a corrective step or warning to the member for specific misconduct allegations that are not severe in nature but that are violations of City Code or this policy.

ii. Public reprimand - This sanction would include a verbal admonishment during an open meeting of the City Council and would outlined the reason for the reprimand. A public reprimand may only be administered by the City Administrator, council, or Mayor after a hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time, and nature of said public reprimand will be memorialized in writing and contained in the member's file with the City. A public reprimand should be used for corrective action if prior written reprimands were not effective or when the severity of the misconduct

warrants a public admonishment due to the nature of the complaint.

iii. Removal from committee assignment(s) and/or Loss of Seniority - This sanction would include a finding after a hearing as outlined in City Code 2-208 that the member's behavior warrants action greater than a written reprimand or public reprimand and that due to the member's behavior he or she should be removed from specific committee(s) or lose seniority within the council. The removal from a committee or loss of seniority may only be administered by the City Administrator, council, or Mayor after hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time and sanction outlined herein will be memorialized in writing and contained in the member's file with the City. Removal from a committee or committees and loss of seniority should be used if the misconduct would lose public trust or council trust for the member to remain on the committee or keep the seniority position, if the misconduct impacts the operations of the committee or the offense was committed during a committee meeting or directed toward another committee member.

iv. Removal from Office -This sanction should not be imposed unless progressive sanctions were previously implemented or when the member's misconduct is determined to be severe or egregious. This sanction would include a finding after hearing as outlined in City Code 2-208 that the member's behavior warrants removal from office and that due to the member's behavior he or she should be removed from office. This sanction may only be administered by the City Administrator, council, or Mayor after hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time, and findings will be memorialized in writing and contained in the member's file with the City. Removal from office should be used if the misconduct is so severe or egregious that it loses the public's trust or council's trust in the member's ability to continuing serving the City of Bellevue in their current capacity or when the member's

misconduct has already been addressed through progressive sanctions but continues to be repeated.

Adopted:	4/28/03
Reviewed:	10/07
	3/09
	1/11
	1/13
Revised:	11/19

POLICY RESOLUTION 35

PRINCIPLES OF CONDUCT AND DECORUM

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shall not knowingly violate any statute or lawfully adopted rule or regulation relating to his/her official duties. Any such violation may be considered misconduct and such person may be subject to removal from office as outlined in City Code 2-208.

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(d) It is the responsibility of the City Administrator to initiate action if an elected official's behavior may warrant sanction or if a complaint is brought against an elected official. This process should be followed as outlined in City Code 2-208.

(e) If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the City Administrator who will then investigate on the report and take the next appropriate action as outlined in City Code 2-208.

(f) The City of Bellevue is committed to following a model of progressive sanctions for allegations of misconduct. Misconduct violations may be addressed by:

i. Written reprimand - This sanction would include a written letter in the council member or Mayor's file outlining the misconduct violation, date of occurrence, and that the council member or Mayor was counseled on said matter. A written reprimand may be administered by the City Administrator as outlined in City Code 2-208 or by the City Council after hearing. A copy of the written reprimand will be provided to the accused member and to all members of the council and the Mayor. A written reprimand should be used as a corrective step or warning to the member for specific misconduct allegations that are not severe in nature but that are violations of City Code or this policy.

ii. Public reprimand - This sanction would include a verbal admonishment during an open meeting of the City Council and would outlined the reason for the reprimand. A public reprimand may only be administered by the City Administrator, council, or Mayor after a hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time, and nature of said public reprimand will be memorialized in writing and contained in the member's file with the City. A public reprimand should be used for corrective action if prior written reprimands were not effective or when the severity of the misconduct

warrants a public admonishment due to the nature of the complaint.

iii. Removal from committee assignment(s) and/or Loss of Seniority - This sanction would include a finding after a hearing as outlined in City Code 2-208 that the member's behavior warrants action greater than a written reprimand or public reprimand and that due to the member's behavior he or she should be removed from specific committee(s) or lose seniority within the council. The removal from a committee or loss of seniority may only be administered by the City Administrator, council, or Mayor after hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time and sanction outlined herein will be memorialized in writing and contained in the member's file with the City. Removal from a committee or committees and loss of seniority should be used if the misconduct would lose public trust or council trust for the member to remain on the committee or keep the seniority position, if the misconduct impacts the operations of the committee or the offense was committed during a committee meeting or directed toward another committee member.

iv. Removal from Office -This sanction should not be imposed unless progressive sanctions were previously implemented or when the member's misconduct is determined to be severe or egregious. This sanction would include a finding after hearing as outlined in City Code 2-208 that the member's behavior warrants removal from office and that due to the member's behavior he or she should be removed from office. This sanction may only be administered by the City Administrator, council, or Mayor after hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time, and findings will be memorialized in writing and contained in the member's file with the City. Removal from office should be used if the misconduct is so severe or egregious that it loses the public's trust or council's trust in the member's ability to continuing serving the City of Bellevue in their current capacity or when the member's

misconduct has already been addressed through progressive sanctions but continues to be repeated.

Adopted:	4/28/03
Reviewed:	10/07
	3/09
	1/11
	1/13
Revised:	11/19

REVISED 11.13.19

POLICY RESOLUTION 35

PRINCIPLES OF CONDUCT AND DECORUM

It is the belief of the members of the Bellevue City Council that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that public deliberations and actions be conducted in an atmosphere free from personal animosity and hostility; that governmental decisions and policy be made in proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, the City Council adopts the following principles of conduct and decorum for meetings of the City Council and when conducting city business, which rules may be amended and/or rescinded at any time. If any portion of these rules of conduct and decorum are found to conflict with any City ordinance or State law, the provisions of City ordinance or State law shall be followed.

Principles of Conduct and Decorum for Meetings of the City Council.

The principles of conduct and decorum shall consist of the following:

(a) The Mayor, members of the City Council, City officials and employees shall (i) respect and adhere to the American ideals of government, rule of law, principles of public administration and high ethical conduct in the performance of public duties; (ii) represent and work for the common good of the City and not for any private interest; (iii) refuse to accept gifts of favors or promises of future benefits which might compromise or tend to impair independent judgment or action; and (iv) provide fair and equal treatment for all persons and matters coming before the City Council. Any such violation may be considered misconduct and such person may be subject to ~~removal from office~~ sanctions as outlined in City Code 2-208.

(b) Any statements made during City Council meetings or when conducting city business, by the Mayor, members of the City Council, City officials and employees, or members of the general public shall not involve personal, ~~impertinent~~, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a city official or employee, or a member of the general public. Any such violation may be considered misconduct and such person may be subject to sanctions as outlined in City Code 2-208.

(c) During City Council meetings and while conducting city business, the Mayor, members of the City Council, City officials and employees, or members of the general public shall not, by conversation or otherwise, delay, interrupt, or disrupt the proceedings of the City Council, ~~nor disturb any individual while speaking,~~ or refuse to obey the orders of the presiding officer regarding the rules of conduct and decorum. Any such violation may be considered misconduct and such person may be subject ~~removal from office~~ sanctions as outlined in City Code 2-208.

(d) Any issue presented for consideration by the Mayor, members of the City Council, City officials and employees, or members of the general public, shall be made to the City Council as a body through the presiding officer and shall not be directed solely to the Mayor, any particular member of the City Council, any City official or employee or any member of the general public.

(e) The use of ~~profane,~~ vulgar, ~~inflammatory,~~ threatening, abusive or disparaging language, or inappropriate sexual behavior or remarks or racial or ethnic slurs, directed at the Mayor, any particular member of the City Council, any City official or employee or any member of the general public shall not be tolerated. Any such violation may be considered misconduct and such person may be subject to ~~removal from office~~ sanctions as outlined in City Code 2-208.

(f) The Mayor, members of the City Council and City officials shall not knowingly violate any statute or lawfully adopted rule or regulation relating to his/her official duties. Any such violation may be considered misconduct and such person may be subject to ~~removal from office~~ sanctions as outlined in City Code 2-208.

(g) The Mayor, members of the City Council and City officials shall not commit a wrongful or unjust doing of some act in which the doer has no right to perform, or which he/she has stipulated by contract not to do. Any such violation may be considered misconduct and such person may be subject to ~~removal from office~~ sanctions as outlined in City Code 2-208.

(h) Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council chambers.

~~SANCTIONS.~~

~~Sanctions permissible to be imposed shall consist of the following:~~

~~(a) A vacancy may exist on the City Council if a Council member is absent more than a third of the regular meetings, and a vacancy shall exist on the City Council if a Council member is absent more than five consecutive regular meetings, unless the absences are excused by a majority vote of the remaining members. This procedure, by law, requires notice and a hearing be provided to the Council member pursuant to Neb. Rev. Stat. § 19-3101.~~

~~(b) Members of the public who do not follow proper decorum after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council chambers.~~

~~(c) City Council members or the Mayor who intentionally or repeatedly do not follow proper decorum as outlined herein may be reprimanded by:~~

~~i. Written reprimand;~~
~~ii. Public reprimand;~~
~~iii. Removal from committee assignment(s);~~
~~iv. Loss of seniority; or~~
~~v. Removal from office.~~

~~(d) It is the responsibility of the City Administrator to initiate action if an elected official's behavior may warrant sanction or if a complaint is brought against an elected official. This process should be followed as outlined in City Code 2-208.~~

~~(e) If a violation is outside the observed behaviors of the Mayor or City Council, the alleged violation should be reported to the City Administrator who will then investigate on the report and take the next appropriate action as outlined in City Code 2-208.~~

~~(f) The City of Bellevue is committed to following a model of progressive sanctions for allegations of misconduct. Misconduct violations may be addressed by:~~

~~i. Written reprimand – This sanction would include a written letter in the council member or Mayor's file outlining the misconduct violation, date of occurrence, and that the council member or Mayor was counseled on said matter. A written reprimand may be administered by the City Administrator as outlined in City Code 2-208 or by the City Council after hearing. A copy of the written reprimand will be provided to the accused member and to all members of the council and the Mayor. A written reprimand should be used as a corrective step or warning to the member for specific misconduct allegations that are not severe in nature but that are violations of City Code or this policy.~~

~~ii. Public reprimand – This sanction would include a verbal admonishment during an open meeting of the City Council and would outlined the reason for the reprimand. A public reprimand may only be administered by the City Administrator, council, or Mayor after a hearing as outlined in~~

~~City Code 2-208 and a unanimous vote on the matter. The date, time, and nature of said public reprimand will be memorialized in writing and contained in the member's file with the City. A public reprimand should be used for corrective action if prior written reprimands were not effective or when the severity of the misconduct warrants a public admonishment due to the nature of the complaint.~~

~~iii. Removal from committee assignment(s) and/or Loss of Seniority – This sanction would include a finding after a hearing as outlined in City Code 2-208 that the member's behavior warrants action greater than a written reprimand or public reprimand and that due to the member's behavior he or she should be removed from specific committee(s) or lose seniority within the council. The removal from a committee or loss of seniority may only be administered by the City Administrator, council, or Mayor after hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time and sanction outlined herein will be memorialized in writing and contained in the member's file with the City. Removal from a committee or committees and loss of seniority should be used if the misconduct would lose public trust or council trust for the member to remain on the committee or keep the seniority position, if the misconduct impacts the operations of the committee or the offense was committed during a committee meeting or directed toward another committee member.~~

~~iv. Removal from Office –This sanction should not be imposed unless progressive sanctions were previously implemented or when the member's misconduct is determined to be severe or egregious. This sanction would include a finding after hearing as outlined in City Code 2-208 that the member's behavior warrants removal from office and that due to the member's behavior he or she should be removed from office. This sanction may only be administered by the City Administrator, council, or Mayor after hearing as outlined in City Code 2-208 and a unanimous vote on the matter. The date, time, and findings~~

~~will be memorialized in writing and contained in the member's file with the City. Removal from office should be used if the misconduct is so severe or egregious that it loses the public's trust or council's trust in the member's ability to continuing serving the City of Bellevue in their current capacity or when the member's misconduct has already been addressed through progressive sanctions but continues to be repeated.~~

Adopted:	4/28/03
Reviewed:	10/07
	3/09
	1/11
	1/13
Revised:	11/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

12b.1
11/19/19

COUNCIL MEETING DATE:	October 15, 2019	AGENDA ITEM TYPE:			
		SPECIAL PRESENTATION			
SUBMITTED BY:		ORDINANCE		PUBLIC HEARING REQUIRED	
Legal Department		RESOLUTION		PUBLIC HEARING REQUIRED	
		CURRENT BUSINESS		PUBLIC HEARING REQUIRED	
		CONSENT	X		
		OTHER (SEE CLERK)			

SUBJECT:

Amend Policy Resolution 35 regarding Principles of Conduct & Decorum.

SYNOPSIS:

There are several policy resolutions that require to be updated. Policy Resolution 35 should be updated to include sanctions should the policy not be followed.

BACKGROUND

There are several policy resolutions that require to be updated. Policy Resolution 35 should be updated to include sanctions should the policy not be followed.

FISCAL IMPACT: $ 0.00 BUDGETED FUNDS? N/A GRANT/MATCHING FUNDS? N/A

TRACKING INFORMATION FOR CONTRACTS & PROJECTS

IS THIS A CONTRACT? N/A		COUNTER-PARTY:		INTERLOC N/A	
CONTRACT DESCRIPTION:					
CONTRACT EFFECTIVE DATE:		CONTRACT TERM:		CONTRACT END DATE:	
PROJECT NAME:					
START DATE:		END DATE:		PAYMENT DATE:	INSURANCE REQUIRED
CIP PROJECT NAME:		CIP PROJECT NUMBER:			
MAPA NAME(S):		MAPA NUMBER(S):			
STREET DISTRICT NAME(S):		STREET DISTRICT NUMBER(S):			
ACCOUNTING DISTRIBUTION CODE:		ACCOUNT NUMBER:			

RECOMMENDATION:

Approve Policy Resolution 35.

ATTACHMENTS:

1. Red-lined Policy Resolution 35
2. Clean-Policy Resolution 35
3.
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Brey Robline

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL TO SUBMIT:

12c.
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE:	SUBMITTED BY: Admin	
AGENDA ITEM:	CONSENT AGENDA ☐	SPECIAL PRESENTATION ☐
LIQUOR LICENSE ☐	ORDINANCE ☑	PUBLIC HEARING ☐
RESOLUTION ☐	CURRENT BUSINESS ☐	OTHER ☐

SUBJECT:

Approval of this ordinance will redefine ward boundaries due to the recent annexations.

SYNPOSIS/BACKGROUND:

The ward boundaries were last changed in 2014 by ORD 3756. According to State Statute §32-552, "At least five months prior to an election, the governing board of any political subdivision requesting the adjustment of the boundaries of election districts shall provide written notification to the election commissioner or county clerk of the need and necessity of his or her office to perform such adjustments." The Election Commissioner must receive the revised ward boundaries no later than December 11, 2019, for the new boundaries to be in effect for the May 12, 2020, Primary Election. Per State Statute §32-602, the first day for a citizen to file for a City Council seat is December 1st, 2019.

FISCAL IMPACT:: 0.00 BUDGETED FUNDS?: NO GRANT/MATCHING FUNDS?: NO

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

IS THIS A CONTRACT?:	NO	COUNTER-PARTY:		INTERLOCAL AGREEMENT:	NO
CONTRACT DESCRIPTION:					
CONTRACT EFFECTIVE DATE:		CONTRACT TERM:		CONTRACT END DATE:	
PROJECT NAME:					
START DATE:		END DATE:		PAYMENT DATE:	
INSURANCE REQUIRED:	NO				
CIP PROJECT NAME:		CIP PROJECT NAME:			
STREET DISTRICT NAME (S):		STREET DISTRICT NUMBER (S):			
ACCOUNTING DISTRUBUTION CODE:		ACCOUNT NUMBER:			

RECOMMENDATION:

To approve an ordinance to redefine ward boundaries due to recent annexations.

ATTACHMENTS:

1. Red-Lined Ordinance	2. Current Ward Map of City	3. Detailed Ward Map for Each Proposed Ward
4. Clean Ordinance	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM:

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

ORDINANCE NO. 3981

AN ORDINANCE TO AMEND SECTION 9-3 OF THE BELLEVUE MUNICIPAL CODE TO PROVIDE FOR REVISED CITY COUNCIL WARD BOUNDARIES; TO REPEAL SECTION 9-3 OF THE BELLEVUE MUNICIPAL CODE AS HERETOFORE EXISTING; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND T0 PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section I. That Section 9-3 of the Bellevue Municipal Code is hereby amended to read as follows:

There shall continue to exist within the city five wards for the election of members to the city council, each ward to continue to be represented by one member whose term shall commence and expire as previously established by the city. Pursuant to section 32-553 of the laws of the State of Nebraska, the boundaries for each ward are hereby revised as set forth in this chapter.

(1) Ward One.

a. Ward 1 shall contain the part of the City of Bellevue ~~beginning at the intersection of Fort Crook Road and Harlan Drive, east on Harlan Drive to Galvin Road, south on Galvin Road to Lincoln Road, north on Lincoln Road to Marian Avenue, east and north on Marian Avenue to Douglas Drive, east and north on Douglas Drive to Marie Drive, east on Marie Drive to Bellevue Boulevard South, south on Bellevue Boulevard South to Hidden Hills Drive, east and north on Hidden Hills Drive to Canyon Road, north on Canyon Road to Combs Road, east on Combs Road to Washington Street, north on Washington Street to the east Bellevue city limits, south on the east Bellevue city limits to the south Bellevue city limits, west on the south Bellevue city limits to Fort Crook Road, north on Fort Crook Road to the point of beginning~~; beginning at the intersection of Lincoln Road and Jewell Avenue, east and north along Jewell Avenue to Jewell Road, east on Jewell Road to Bellevue Boulevard South, north on Bellevue Boulevard South to Forest Drive, north and east on Forest Drive to the east Bellevue city limit, south along the east Bellevue city limit to the south Bellevue city limit, west along the south Bellevue city limit to Lincoln Road, north on Lincoln Road to the point of beginning; and

b. The part of the City of Bellevue to the south of Offutt Air Force Base and east of Fort Crook Road; and

c. The part of the City of Bellevue beginning at the intersection of Capehart Road and 25th Street, east along Capehart Road to the north Bellevue city limit to Schilling Drive, east along Schilling Drive to the east Bellevue city limit, south along the east Bellevue city limit to the south Bellevue city limit, west along the south Bellevue city limit to 25th Street, north along 25th Street to the point of beginning; and

d. Excluding tax lot 2A2 36-14-13.

(2) Ward Two.

a. Ward 2 shall contain the part of the City of Bellevue beginning ~~at the south side of the intersection of 25th Street and Capehart Road, then east along the Bellevue city limits to Fort Crook Road, north along Fort Crook Road to Harlan Drive, east on Harlan Drive to Galvin Road, south on Galvin Road to Lincoln Road, north on Lincoln Road to Marian Avenue, east and north on Marian Avenue to Douglas Drive, east and north on Douglas Drive to Marie Drive, east on Marie Drive to Bellevue Boulevard South, south on Bellevue Boulevard South to Hidden Hills Drive, east and north on Hidden Hills Drive to Canyon Road, north on Canyon Road to Combs Road, east on Combs Road to Washington Street, north on Washington Street to the east Bellevue city limits, north on the east Bellevue city limits to the intersection with the extended right-of-way of Zinsmaster Court, south along Zinsmaster Court and Camp Gifford Road to the intersection with the east-west segment of Camp Gifford Road, west on Camp Gifford Road to Bellevue Boulevard North, south on Bellevue Boulevard North to Gregg Road, west on Gregg Road to Kayleen Drive, south on Kayleen Drive to Cascio Drive, west on Cascio Drive to Galvin Road, south on Galvin Road to Harvell Drive, west on Harvell Drive/Cornhusker Road to 25th Street, then south along the Bellevue city limits to the Union Pacific Railroad track, then east and northeast along the Bellevue city limits to Cornhusker Road, east on Cornhusker Road to the Bellevue city limits on the east side of the Union Pacific Railroad main line, the southerly along the Bellevue city limits to Schilling Drive, west along the Bellevue city limits to the intersection of 25th Street and Capehart Road, then south across Capehart Road to the Bellevue city limits and the point of beginning~~; the intersection of US 75 and Cornhusker Road, east along Cornhusker Road to Harvell Drive, east along Harvell Drive to Chateau Drive, north and east along Chateau Drive to Casdo Drive, north and east along Cascio Drive to Kayleen Drive, north along Kayleen Drive to Gregg Road, east along Gregg Road to Lorraine Drive, south and east along Lorraine Drive to Lorraine Avenue, east along Lorraine Avenue to Bellevue Boulevard South, east, north, and south along Bellevue Boulevard South to Jewell Road, west along Jewell Road to Jewell Avenue, south and west along Jewell Avenue to Lincoln Road, south along Lincoln Road to the south Bellevue city limit, west along the south Bellevue city limit to Fort Crook Road, south along Fort Crook Road to Schilling Drive, west along Schilling Drive to the west Bellevue city limit, north along the west Bellevue city limit to Harlan Drive, west along Harlan Drive to US 75, north along US 75 to the point of beginning; and

b. The part of the City of Bellevue beginning at ~~the intersection of 36th Street and Bline Avenue, east on Bline Avenue to Golden Boulevard, east on Golden Boulevard to 31st Street, south on 31st Street to Bellevue city limits, east on Bellevue city limits to 25th Street, north on Bellevue city limits to Nebraska Highway 370, west on Bellevue city limits to 36th Street, south on 36th Street to the point of beginning~~.

Maass Road and the west Bellevue city limit, north along the west Bellevue city limit to 36th Street, south along 36th Street to the north Bellevue city limit, east along the north Bellevue city limit to the east Bellevue city limit, south along the east Bellevue city limit to the south Bellevue city limit, west along the south Bellevue city limit to 36th Street, north along 36th Street to Hwy 370, west along Hwy 370 to 42nd Street,

south along 42nd Street to Maass Road, west and south along Maass Road to the point of beginning.

(3) Ward Three.

Ward 3 shall contain the part of the City of Bellevue ~~lying within the area described as follows: beginning at the intersection of 36th Street and Schneekloth Road, then beginning in a westerly direction along the south Bellevue city limits to Capehart Road, east along Capehart Road to 25th Street, north across Capehart Road to its northerly right-of-way line, west along Capehart Road to 36th Street, then northerly along the Bellevue city limits to 31st Street, north on 31st Street to Golden Boulevard, west on Golden Boulevard to Bline Avenue, west on Bline Avenue to 36th Street, north on 36th Street to its intersection with the Bellevue city limits, then beginning in a westerly direction along the west Bellevue city limits to its intersection with 36th Street and continuing southward along the east Bellevue city limits to its intersection with Schneekloth Road and the point of beginning.~~

a. beginning at the intersection of Maass Road and the west Bellevue city limit, north and east along Maass Road to 42nd Street, north along 42nd Street to Hwy 370, east along Hwy 370 to 36th Street, south along 36th Street to Capehart Road, east along Capehart Road to 25th Street, south along 25th Street to the south Bellevue city limit, west along the south Bellevue city limit to Schneekloth Road, west along Schneekloth Road to the west Bellevue city limit, north along the west Bellevue city limit to the south Bellevue city limit, west along the south Bellevue city limit to the east Bellevue city limit, south along the east Bellevue city limit to Schneekloth Road, west along Schneekloth Road to 36th Street, north along 36th Street to the south Bellevue city limit, west along the south Bellevue city limit to the west Bellevue city limit, north along the west Bellevue city limit to the north Bellevue city limit, east along the north Bellevue city limit to the west Bellevue city limit, north along the west Bellevue city limit to 36th Street to Capehart Road, west along Capehart Road to the south Bellevue city limit, west along the south Bellevue city limit to Maass Road, north along Maass Road to the point of beginning; and

b. Excluding S1/2 SW1/4 4-13-13, tax lots 7B & 8 4-13-13, and tax lots 1 & 2B2 9-13-13.

(4) Ward Four.

Ward 4 shall contain the part of the City of Bellevue ~~lying within the area described as follows: beginning at the intersection of 25th Street and Harrison Street, then east along the north Bellevue city limits to the east Bellevue city limits (Missouri River), south along the east Bellevue city limits to the intersection with the extended right-of-way of Zinsmaster Court, south along Zinsmaster Court and Camp Gifford Road to the intersection with the east-west segment of Camp Gifford Road, west on Camp Gifford Road to Bellevue Boulevard North, south on Bellevue Boulevard North to Gregg Road, west on Gregg Road to Kayleen Drive, south on Kayleen Drive to Cascio Drive, west on Cascio Drive to Galvin Road, south on Galvin Road to Harvell Drive, west on Harvell Drive/Cornhusker Road to 25th Street, then beginning in a northerly direction along the Bellevue city limits to its intersection with 36th Street, then beginning in a northerly direction along the Bellevue city limits to its~~

~~intersection with Childs Road being the south line of Section 16-14-13, then east along said south section line to 25th Street, then north on 25th Street to Harrison Street and the point of beginning.~~

beginning at the intersection of Georgia Avenue and 25th Street, north along 25th Street to Harrison Street, east along Harrison Street to the east Bellevue city limit, south along the east Bellevue city limit to Forest Drive, south and west along Forest Drive to Bellevue Boulevard South, west and south along Bellevue Boulevard South to Lorraine Avenue, west along Lorraine Avenue to Lorraine Drive, north and west along Lorraine Drive to Gregg Road, west along Gregg Road to Kayleen Drive, south along Kayleen Drive to Cascio Drive, south and west along Cascio Drive to Harvell Drive, north and west along Harvell Drive to Cornhusker Road, north and west along Cornhusker Road to US 75, south along US 75 to the south Bellevue city limit, west along the south Bellevue city limit to the west Bellevue city limit, north along the west Bellevue city limit to Cornhusker Road, west along Cornhusker Road to Cedar Island Road, north along Cedar Island Road to Georgia Avenue, east along Georgia Avenue to the point of beginning.

(5) Ward Five.

Ward 5 shall contain the part of the City of Bellevue beginning at the ~~intersection of 25th Street and Harrison Street, south on 25th Street to Childs Road, being the south line of Section 16-14-13, then west along said south section line to its intersection with the Bellevue city limits, then beginning in a northerly direction along the Bellevue city limits to its intersection with Harrison Street, then east on Harrison Street to the point of beginning.~~

west Bellevue city limits and Harrison Street, east along Harrison Street to 25th Street, south along 25th Street to Georgia Avenue, west along Georgia Avenue to Cedar Island Road, south along Cedar Island Road to Cornhusker Road, west along Cornhusker Road to the south Bellevue city limit, west along the south Bellevue city limit to the west Bellevue city limit, north along the west Bellevue city limit to the point of beginning.

Section 2. That Section 9-3 of the Bellevue Municipal Code as heretofore existing is hereby repealed in its entirety

Section 3. This Ordinance shall take effect and be in full force from and after its passage approval and publication in pamphlet form.

ADOPTED by the Mayor and City Council this ____ day of _____, 2019.

ATTEST:

_____
Mayor, Rusty Hike

_____
City Clerk

APPROVED AS TO FORM:

First Reading: _____

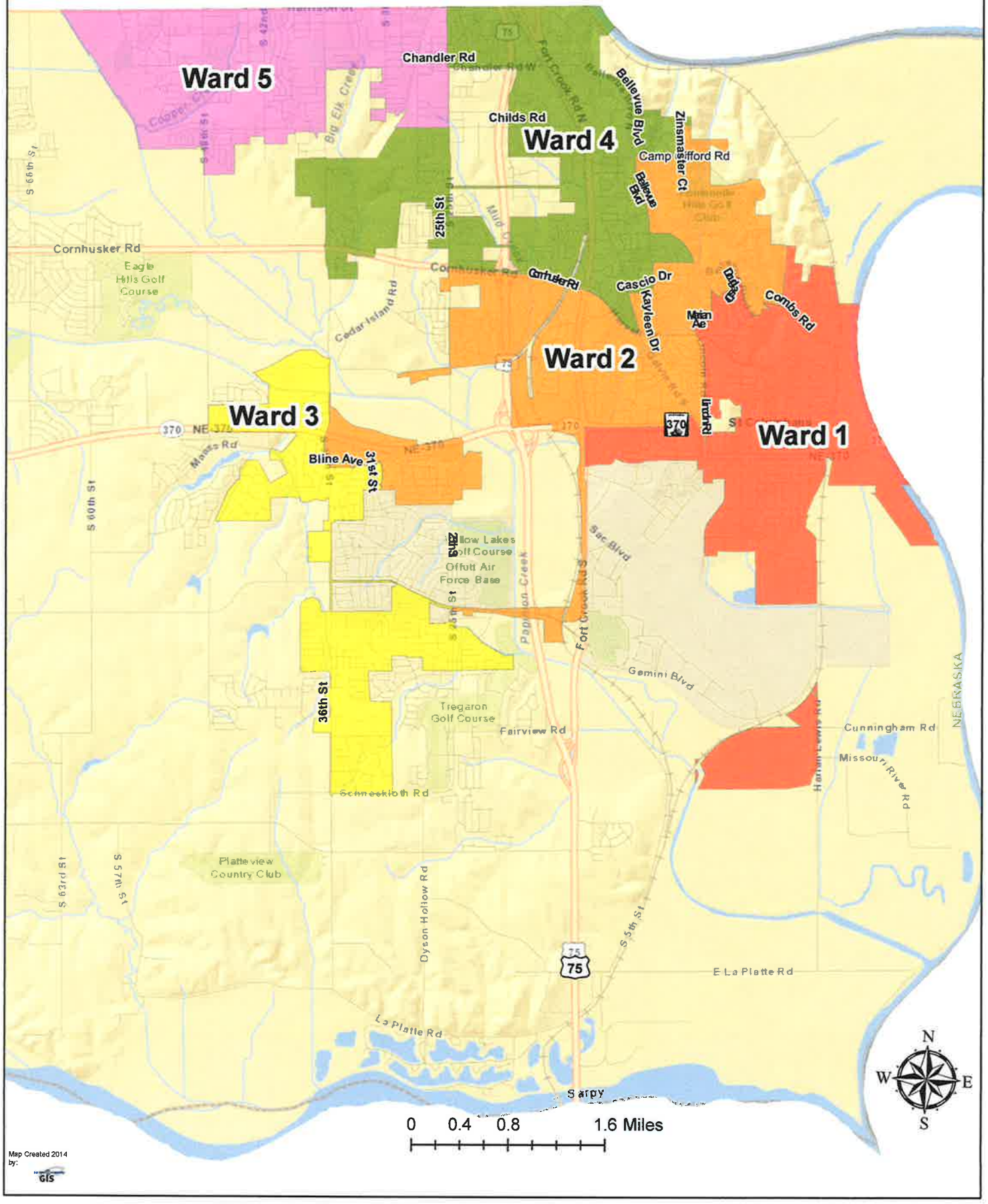
Second Reading: _____

Third Reading: _____

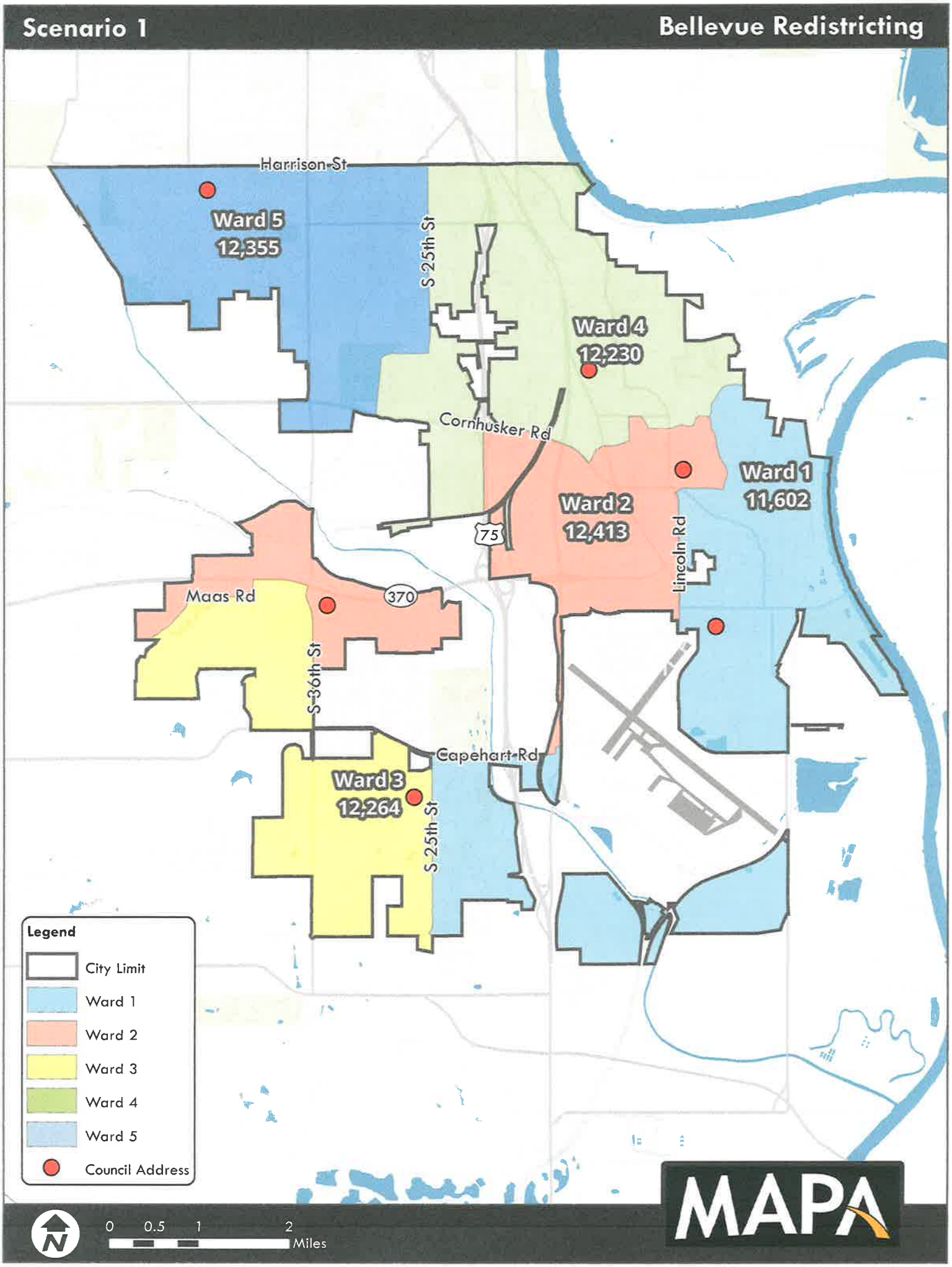
_____

City Attorney

City Council Districts
Bellevue, Nebraska



Map Created 2014 by:


Scenario 1
Bellevue Redistricting
Harrison St
Ward 5
12,355
S 25th St
Ward 4
12,230
Cornhusker Rd
Ward 1
11,602
Ward 2
12,413
75
Lincoln Rd
Maas Rd
370
S 36th St
Capehart Rd
Ward 3
12,264
S 25th St
Legend
City Limit
Ward 1
Ward 2
Ward 3
Ward 4
Ward 5
Council Address
0 0.5 1 2
Miles
MAPA

ORDINANCE NO. 3981

AN ORDINANCE TO AMEND SECTION 9-3 OF THE BELLEVUE MUNICIPAL CODE TO PROVIDE FOR REVISED CITY COUNCIL WARD BOUNDARIES; TO REPEAL SECTION 9-3 OF THE BELLEVUE MUNICIPAL CODE AS HERETOFORE EXISTING; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND T0 PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section I. That Section 9-3 of the Bellevue Municipal Code is hereby amended to read as follows:

There shall continue to exist within the city five wards for the election of members to the city council, each ward to continue to be represented by one member whose term shall commence and expire as previously established by the city. Pursuant to section 32-553 of the laws of the State of Nebraska, the boundaries for each ward are hereby revised as set forth in this chapter.

(1) Ward One.

a. Ward 1 shall contain the part of the City of Bellevue beginning at the intersection of Lincoln Road and Jewell Avenue, east and north along Jewell Avenue to Jewell Road, east on Jewell Road to Bellevue Boulevard South, north on Bellevue Boulevard South to Forest Drive, north and east on Forest Drive to the east Bellevue city limit, south along the east Bellevue city limit to the south Bellevue city limit, west along the south Bellevue city limit to Lincoln Road, north on Lincoln Road to the point of beginning; and

b. The part of the City of Bellevue to the south of Offutt Air Force Base and east of Fort Crook Road; and

c. The part of the City of Bellevue beginning at the intersection of Capehart Road and 25th Street, east along Capehart Road to the north Bellevue city limit to Schilling Drive, east along Schilling Drive to the east Bellevue city limit, south along the east Bellevue city limit to the south Bellevue city limit, west along the south Bellevue city limit to 25th Street, north along 25th Street to the point of beginning; and

d. Excluding tax lot 2A2 36-14-13.

(2) Ward Two.

a. Ward 2 shall contain the part of the City of Bellevue at the intersection of US 75 and Cornhusker Road, east along Cornhusker Road to Harvell Drive, east along Harvell Drive to Chateau Drive, north and east along Chateau Drive to Casdo Drive, north and east along Cascio Drive to Kayleen Drive, north along Kayleen Drive to Gregg Road, east along Gregg Road to Lorraine Drive, south and east along Lorraine Drive to Lorraine Avenue, east along Lorraine Avenue to Bellevue Boulevard South, east, north, and south along Bellevue Boulevard South to Jewell Road, west along Jewell

Road to Jewell Avenue, south and west along Jewell Avenue to Lincoln Road, south along Lincoln Road to the south Bellevue city limit, west along the south Bellevue city limit to Fort Crook Road, south along Fort Crook Road to Schilling Drive, west along Schilling Drive to the west Bellevue city limit, north along the west Bellevue city limit to Harlan Drive, west along Harlan Drive to US 75, north along US 75 to the point of beginning; and

b. The part of the City of Bellevue beginning at Maass Road and the west Bellevue city limit, north along the west Bellevue city limit to 36th Street, south along 36th Street to the north Bellevue city limit, east along the north Bellevue city limit to the east Bellevue city limit, south along the east Bellevue city limit to the south Bellevue city limit, west along the south Bellevue city limit to 36th Street, north along 36th Street to Hwy 370, west along Hwy 370 to 42nd Street, south along 42nd Street to Maass Road, west and south along Maass Road to the point of beginning.

(3) Ward Three.

a. Ward 3 shall contain the part of the City of Bellevue beginning at the intersection of Maass Road and the west Bellevue city limit, north and east along Maass Road to 42nd Street, north along 42nd Street to Hwy 370, east along Hwy 370 to 36th Street, south along 36th Street to Capehart Road, east along Capehart Road to 25th Street, south along 25th Street to the south Bellevue city limit, west along the south Bellevue city limit to Schneekloth Road, west along Schneekloth Road to the west Bellevue city limit, north along the west Bellevue city limit to the south Bellevue city limit, west along the south Bellevue city limit to the east Bellevue city limit, south along the east Bellevue city limit to Schneekloth Road, west along Schneekloth Road to 36th Street, north along 36th Street to the south Bellevue city limit, west along the south Bellevue city limit to the west Bellevue city limit, north along the west Bellevue city limit to the north Bellevue city limit, east along the north Bellevue city limit to the west Bellevue city limit, north along the west Bellevue city limit to 36th Street to Capehart Road, west along Capehart Road to the south Bellevue city limit, west along the south Bellevue city limit to Maass Road, north along Maass Road to the point of beginning; and

b. Excluding S1/2 SW1/4 4-13-13, tax lots 7B & 8 4-13-13, and tax lots 1 & 2B2 9-13-13.

(4) Ward Four.

Ward 4 shall contain the part of the City of Bellevue beginning at the intersection of Georgia Avenue and 25th Street, north along 25th Street to Harrison Street, east along Harrison Street to the east Bellevue city limit, south along the east Bellevue city limit to Forest Drive, south and west along Forest Drive to Bellevue Boulevard South, west and south along Bellevue Boulevard South to Lorraine Avenue, west along Lorraine Avenue to Lorraine Drive, north and west along Lorraine Drive to Gregg Road, west along Gregg Road to Kayleen Drive, south along Kayleen Drive to Cascio Drive, south and west along Cascio Drive to Harvell Drive, north and west along Harvell Drive to Cornhusker Road, north and west along Cornhusker Road to US 75, south along US 75 to the south Bellevue city limit, west along the south Bellevue city limit to the west Bellevue city limit, north along the west Bellevue city limit to Cornhusker

Road, west along Cornhusker Road to Cedar Island Road, north along Cedar Island Road to Georgia Avenue, east along Georgia Avenue to the point of beginning.

(5) Ward Five.

Ward 5 shall contain the part of the City of Bellevue beginning at the west Bellevue city limits and Harrison Street, east along Harrison Street to 25th Street, south along 25th Street to Georgia Avenue, west along Georgia Avenue to Cedar Island Road, south along Cedar Island Road to Cornhusker Road, west along Cornhusker Road to the south Bellevue city limit, west along the south Bellevue city limit to the west Bellevue city limit, north along the west Bellevue city limit to the point of beginning.

Section 2. That Section 9-3 of the Bellevue Municipal Code as heretofore existing is hereby repealed in its entirety

Section 3. This Ordinance shall take effect and be in full force from and after its passage approval and publication in pamphlet form.

ADOPTED by the Mayor and City Council this ___ day of _____, 2019.

ATTEST:

_____
Mayor, Rusty Hike

_____
City Clerk

APPROVED AS TO FORM:

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

_____
City Attorney

14a.
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 11/19/2019		SUBMITTED BY: Susan Kluthe, City Clerk			
AGENDA ITEM:		CONSENT AGENDA	☐	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☐	PUBLIC HEARING	☑
RESOLUTION	☐	CURRENT BUSINESS	☐	OTHER	☐

SUBJECT:

Public Hearing on the request of the Bellevue Chamber of Commerce, Lighting of Bellevue, and City of Bellevue (assisting) to hold Christmas in Olde Towne, on Franklin Avenue and at Washington Park on Saturday, November 30, 2019, from 2:00 p.m. - 7:00 p.m. (Actual event takes place from 4:00 p.m. - 7:00 p.m. with the Ceremonial Lighting of Lights at 6:30 p.m.).

SYNPOSIS/BACKGROUND:

Event Application for an Event License shall have a public hearing before the City Council. Christmas in Olde Towne will be held on Franklin Avenue and at Washington Park, where a Ceremonial Park Lighting will be held at 6:30 p.m. There will be vendors set up on Franklin Avenue.

FISCAL IMPACT:: N/A 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 NAME:			
STREET DISTRICT NAME (S):		STREET DISTRICT NUMBER (S):			
ACCOUNTING DISTRUBUTION CODE:		ACCOUNT NUMBER:			

RECOMMENDATION:

Approval request for Bellevue Chamber of Commerce, Light Up Bellevue, along with assistance from the City of Bellevue to hold the Christmas in Olde Towne, on Franklin Street and Washington Park on Saturday, November 30, 2019, from 2:00 p.m. - 7:00 p.m. (Actual event takes place from 4:00 p.m. - 7:00 p.m. with the Ceremonial Lighting of Lights at 6:30 p.m.)

ATTACHMENTS:

1. Event Application for Christmas in Olde Towne	2. Comments from Police, Parks, & Streets	3.
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Bree Robbins

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

CITY OF BELLEVUE APPLICATION FOR EVENT LICENSE

The undersigned hereby makes application to conduct or operate a carnival, show, temporary amusement park, or music concert in the City of Bellevue, Nebraska, under the provisions of City Code Sections 5-36 thru 5-40, and hereby submits the following facts in support thereof:

Date: 11/13/2019

APPLICANT NAME: Bellevue Chamber/LightupBellevue/City of Bellevue ADDRESS: 1036 Bruin Blvd Suite 119

PHONE #: 402 898-3000 EMAIL ADDRESS: president@bellevueNebraska.com

CORPORATION (Name/Address): Bellevue Chamber
1036 Bruin Blvd Suite 119

CORPORATION OFFICERS: Kevin Hensel, Bellevue Chamber
Dave Compton, Light up Bellevue, Jim Ristow City of Bellevue

PROPOSED ACTIVITY: Christmas in Olde Towne

DAY/DATE OF PROPOSED ACTIVITY: Nov 30, 2019

LOCATION OF PROPOSED ACTIVITY: Washington Park, Franklin Ave

HOURS OF OPERATION: 2 - 7 with actual event taking place from 4-7

WHAT PROVISIONS, IF APPLICABLE, HAVE BEEN MADE FOR THE FOLLOWING:

1. Sanitary Facilities: Port a Potties have been rented
2. Running Water: —
3. Power: generators + Washington Park out lets
4. Parking: Mission Middle school has been contacted
5. Insurance: American Family Insurance - Bellevue Chamber

(Please provide Certificate of Insurance Naming City of Bellevue as Additional Insured)

Please address any specific requests of the Police/Parks/Streets Departments on the 2nd page.

I guarantee to the City of Bellevue that the premises will be cleaned and inspected following the above listed event on the day(s) indicated and, after inspection by the City, we will meet any additional responsible requests of the City of Bellevue as to the cleaning of the premises. For equal opportunity enjoyment for all individuals, I guarantee that all events will meet the legal requirements outlined in the American with Disabilities Act (ADA) and its amendments to prevent discrimination and enable individuals with disabilities to participate fully in all aspects of the event.

Signature of Applicant: Faith Morrison

FOR CITY OFFICE USE ONLY:

Notice of Hearing published in a legal newspaper on _____, _____.
City Council hearing date: _____
License Fee of $50 paid on: _____ **Receipt #:** _____

Police Department Requests: LARRY LANDRAUM has been contacted regarding traffic control

Parks Department Requests: N/A

Street Department Requests: Block of Franklin Street from Mission Ave to 18th street from 2pm - 7pm

Susan Kluthe

From: Bobby Riggs
Sent: Thursday, November 14, 2019 7:04 AM
To: Susan Kluthe
Cc: Larry Lampman
Subject: Re: Attached Image

We will work with PD to provide barricading for the event

-------- Original message --------
From: Susan Kluthe <Susan.Kluthe@bellevue.net>
Date: 11/13/19 2:59 PM (GMT-06:00)
To: Dave Stukenholtz <Dave.Stukenholtz@bellevue.net>, Larry Lampman <Larry.Lampman@bellevue.net>, Bobby Riggs <Bobby.Riggs@bellevue.net>, Jim Shada <Jim.Shada@bellevue.net>
Subject: FW: Attached Image

Please review application and send me your comments. Let me know if you have any questions.

Thank you!

Susan Kluthe
City Clerk
City of Bellevue
1500 Wall Street
Bellevue, NE 68005
402.293.3007
susan.kluthe@bellevue.net

From: clerkcolorcopier@bellevue.net <clerkcolorcopier@bellevue.net>
Sent: Wednesday, November 13, 2019 2:37 PM
To: Susan Kluthe <Susan.Kluthe@bellevue.net>
Subject: Attached Image

Susan Kluthe

From: Jim Shada
Sent: Thursday, November 14, 2019 8:34 AM
To: Susan Kluthe; Dave Stukenholtz; Larry Lampman; Bobby Riggs
Subject: Re: Attached Image

Parks Department - We will assist as needed
Recreation Department - Olde Church will be open upon request and staffing will be provided
Thanks,
Jim

From: Susan Kluthe
Sent: Wednesday, November 13, 2019 2:59:55 PM
To: Dave Stukenholtz; Larry Lampman; Bobby Riggs; Jim Shada
Subject: FW: Attached Image

Please review application and send me your comments. Let me know if you have any questions.

Thank you!

Susan Kluthe
City Clerk
City of Bellevue
1500 Wall Street
Bellevue, NE 68005
402.293.3007
susan.kluthe@bellevue.net

From: clerkcolorcopier@bellevue.net <clerkcolorcopier@bellevue.net>
Sent: Wednesday, November 13, 2019 2:37 PM
To: Susan Kluthe <Susan.Kluthe@bellevue.net>
Subject: Attached Image

Susan Kluthe

From: Dave Stukenholtz
Sent: Thursday, November 14, 2019 9:43 AM
To: Susan Kluthe; Larry Lampman
Cc: Mark Elbert
Subject: RE: Attached Image

This event will require significant Police resources, both on duty and overtime, to safely accomplish.

From: Susan Kluthe
Sent: Wednesday, November 13, 2019 3:00 PM
To: Dave Stukenholtz <Dave.Stukenholtz@bellevue.net>; Larry Lampman <Larry.Lampman@bellevue.net>; Bobby Riggs <Bobby.Riggs@bellevue.net>; Jim Shada <Jim.Shada@bellevue.net>
Subject: FW: Attached Image

Please review application and send me your comments. Let me know if you have any questions.

Thank you!

Susan Kluthe
City Clerk
City of Bellevue
1500 Wall Street
Bellevue, NE 68005
402.293.3007
susan.kluthe@bellevue.net

From: clerkcolorcopier@bellevue.net <clerkcolorcopier@bellevue.net>
Sent: Wednesday, November 13, 2019 2:37 PM
To: Susan Kluthe <Susan.Kluthe@bellevue.net>
Subject: Attached Image

15a.
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 11/19/2019		SUBMITTED BY: Susan Kluthe, City Clerk			
AGENDA ITEM:		CONSENT AGENDA	☐	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☐	PUBLIC HEARING	☐
RESOLUTION	☑	CURRENT BUSINESS	☐	OTHER	☐

SUBJECT:

Year-End Certification of City Street Superintendent form is the basis for determining the city's calendar year 2019 Incentive funds, verifying Bobby Riggs as the City Street Superintendent

SYNPOSIS/BACKGROUND:

Each year municipalities are required to annually certify the City Street Superintendent and shall be signed by Mayor, and to include copy of Resolution authorizing the signing of the Year-End Certification of City Street Superintendent Form by the Mayor.

FISCAL IMPACT: N/A 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:	N/A				
CONTRACT EFFECTIVE DATE:		CONTRACT TERM:	N/A	CONTRACT END DATE:	
PROJECT NAME:	N/A				
START DATE:		END DATE:		PAYMENT DATE:	
INSURANCE REQUIRED:	YES				
CIP PROJECT NAME:	N/A	CIP PROJECT NUMBER:	N/A		
STREET DISTRICT NAME (S):	N/A	STREET DISTRICT NUMBER (S):	N/A		
ACCOUNTING DISTRUBUTION CODE:	N/A	ACCOUNT NUMBER:	N/A		

RECOMMENDATION:

Approve Resolution No. 2019-39: A Resolution authorizing the Mayor to sign the Annual Year-End Certification of City Street Superintendent Form for 2019, verifying Robert Joseph Riggs as the City Street Superintendent from January 1, 2019 to December 31, 2019

ATTACHMENTS:

1. Resolution No. 2019-39	2. Annual Year-End Certification Form	3.
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Bree Robbins

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

RESOLUTION

SIGNING OF THE
YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT FORM
2019

Resolution No. 2019-39

Whereas: State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment;

Whereas: The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent form;

Whereas: The NDOT requires that such certification shall also include a copy of the meeting minutes showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

Whereas: The NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

Be it resolved that the Mayor ☒ Village Board Chairperson ☐ of Bellevue
(Check one box) *(Print Name of Municipality)*
is hereby authorized to sign the attached Year-End Certification of City Street Superintendent form.

Adopted this _____ day of _____, 20_____ at _____, Nebraska.
(Month)

City Council/Village Board Members

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

City Council/Village Board Member_____
Moved the adoption of said resolution
Member _____ Seconded the Motion
Roll Call: _____ Yes _____ No _____ Abstained _____ Absent
Resolution adopted, signed and billed as adopted.

Attest:

_____
(Signature of Clerk)

Year-End Certification of City Street Superintendent

For Determining Incentive Payment

January 1, 2019 to December 31, 2019

*This certifies that Robert Joseph Riggs, License Number S-1359 Class A
(Print name of Superintendent as appears on license card) (A or B)

was the appointed City Street Superintendent of Bellevue
(Print name of City or Village)

from January 1, 2019 to December 31, 2019
Month Date Month Date

and actually performed all of the following duties:

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units;
2. Developing an annual program for design, construction, and maintenance;
3. Developing an annual budget based on programmed projects and activities;
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets.

And further certifies that the superintending services of the above listed individual were provided by: *(Check one)*

- [x] Employment with this Municipality
- [ ] Contract (consultant) with this Municipality
- [ ] Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)

_____

_____
Signature of Mayor ☐ *Village Board Chairperson* ☐

* **If more than one individual or the City Council or Village Board provided superintending services during the calendar year, list each successive superintendent on a separate form.** The amount will be computed based on (a) your most recent Federal Census as certified by the Tax Commissioner; (b) whether or not your municipality appointed a licensed City Street Superintendent for all 12 months; (c) class of license, A or B; and (d) whether or not the Superintendent performed all of the duties listed. *Reference Neb. Rev. Stat. §§39-2511 through 39-2515.* **If your city or village did not have an appointed City Street Superintendent, write "City Council" or "Village Board" as the name of "Superintendent." Failure to return the certification, meeting minutes and resolution may result in your municipality not receiving an Incentive Payment for Calendar Year 2019.**

* * * * *

Note: *In addition to this annual, Year-End certification of superintendent to the Nebraska Department of Transportation, (**due December 31st**), the municipality is also responsible for filing the "Municipal Annual Certification of Program Compliance" form with the Board of Public Roads Classifications and Standards (due October 31st). Reference Neb. Rev. Stat. §§39-2115, 39-2119, 39-2120, 39-2121 and 39-2520(2).*

Return the completed original certification, meeting minutes and resolution by December 31, 2019 to:

Highway Local Liaison Coordinator
Boards-Liaison Services Section
Local Assistance Division
Nebraska Department of Transportation
PO Box 94759
Lincoln NE 68509-4759

16a.
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 11/19/2019		SUBMITTED BY: Jeff Roberts, Public Works Director			
AGENDA ITEM:		CONSENT AGENDA	☑ NO	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☐	PUBLIC HEARING	☐
RESOLUTION	☐	CURRENT BUSINESS	☑	OTHER	☐

SUBJECT:

Acquisitions, Permanent and Temporary Easements for 36th Street Improvement Project.

SYNPOSIS/BACKGROUND:

Midwest Right-of-Way has provided documentation for the requested acquisitions, easements and cost breakdown for the 36th Street Improvement Project. The complete documentation is available upon request. This is the next round of requests for acquisitions and easements. This is an 80/20 split with NDOT.

FISCAL IMPACT: $60,175.00 BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?: YES

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:	36th Street Improvement Project				
START DATE:		END DATE:		PAYMENT DATE:		INSURANCE REQUIRED:	YES
CIP PROJECT NAME:	ROW Acquisition 36th Street	CIP PROJECT NUMBER:	ST 20(1)		
STREET DISTRICT NAME (S):	36th Street - 370 to Platteview	STREET DISTRICT NUMBER (S):	2011-3		
ACCOUNTING DISTRUBUTION CODE:	10-15	ACCOUNT NUMBER:	6243		

RECOMMENDATION:

Approve the Acquisitions, Permanent and Temporary Easements for the 36th Street Improvement Project.

ATTACHMENTS:

1. Letters from Midwest Right-of-Way	2.	3.
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Brey Rollins

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

MIDWEST
Right of Way Services, Inc. www.midwestrow.com

August 16, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue-36th Street-Bline to Sheridan
Project # MAPA-5601(5)
Tract # A36

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the, Permanent Easement, and Temporary Easement Contracts for Tract A36, Elisa Weaver. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

The Permanent Easement needs to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an original executed, Permanent Easement, and Temporary Easement Contract, and a check in amount of $2,840.00 made payable to:

Elisa Carol Weaver
13216 South 35th Avenue
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded documents, and a copy of the payment to AbbottJ@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,

Jim Abbott
Acquisition Agent

Enclosures

13425 "A" Street • Omaha, Nebraska 68144 • *Phone* 402-955-2900 • 866-955-2901 • *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc.
www.midwestrow.com

November 12, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: A10

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the Warranty Deed, Permanent Easement, and Temporary Easement Contracts for Tract A10, Kevin and Christine Snook. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

The Warranty Deed and Permanent Easement need to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an original executed Permanent Easement, and Temporary Easement Contract, and a copy of the recorded documents, and a check in amount of $780.00 made payable to:

Kevin and Christine Snook
3511 Blackhawk Drive
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded deeds, 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,

Maria Rodriguez
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc.
www.midwestrow.com

November 5, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: A 38

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the Warranty Deed, Permanent Easement, and Temporary Easement Contracts for Tract A38, Arthur and Donna Wegworth. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

The Warranty Deed and Permanent Easement need to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an original executed Permanent Easement, and Temporary Easement Contract, and a copy of the recorded documents, and a check in amount of $2,730.00 made payable to:

Arthur L. and Donna Wegworth
13212 South 35th Avenue
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded deeds, 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,

Maria Rodriguez
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc.
www.midwestrow.com

November 12, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue - 36th Street - Bline to Sheridan
Project #MAPA-5601(5)
Tract #A39

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the Warranty Deed, Permanent Easement, and Temporary Easement Contracts for Tract A39, Khristina Ladd. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

The Warranty Deed and Permanent Easement need to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an original executed Partial Acquisition, Permanent Easement, and Temporary Easement Contract, and a copy of the recorded documents, and a check in amount of $2,680.00 made payable to:

Khristina Ladd
13210 South 35th Avenue
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded deeds, 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,

Maria Rodriguez
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc. www.midwestrow.com

November 11, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: B10

Dear Mr. Roberts:

Enclosed are one original, and one copy, of the fully executed Permanent Easement, and Temporary Easement Contracts for Tract B23, Greater Omaha Investments, LLC. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second copy should be sent with payment to the property owner.

The Permanent Easement needs to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an executed, Permanent Easement, and Temporary Easement Contract, and a copy of the recorded document, and a check in amount of $3,825.00 made payable to:

David L. Davis, MD
436 North Bedford Drive, Suite 207
Beverly Hills, California 90210-4312

Please e-mail copies of the signed contracts, recorded deeds, and a copy of the payment to mininod@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,

Dave Minino

Dave Minino
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc. www.midwestrow.com

November 12, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: B21

Dear Mr. Roberts:

Enclosed are original, executed copies of the Warranty Deed, the Partial Acquisition Contract, and the Temporary Easement Contract for Tract B21, Gwendolyn Kay Sly. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

The Warranty Deed needs to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an original executed Partial Acquisition Contract, Temporary Easement Contract, a copy of the recorded Warranty Deed, and a check in amount of $27,280.00 made payable to:

Gwendolyn Kay Sly
3516 Leawood Drive
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded deeds, and a copy of the payment to blissd@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,

Denny Bliss
Acquisition Agent

Enclosures

13425 "A" Street • Omaha, Nebraska 68144 • *Phone* 402-955-2900 • 866-955-2901 • *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc.
www.midwestrow.com

November 11, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue. Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: B23

Dear Mr. Roberts:

Enclosed are one original, and one copy, of the fully executed Permanent Easement, and Temporary Easement Contracts for Tract B23. Greater Omaha Investments, LLC. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second copy should be sent with payment to the property owner.

The Permanent Easement needs to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an executed, Permanent Easement, and Temporary Easement Contract, and a copy of the recorded document, and a check in amount of $7,245.00 made payable to:

David L. Davis, MD
436 North Bedford Drive, Suite 207
Beverly Hills, California 90210-4312

Please e-mail copies of the signed contracts, recorded deeds, and a copy of the payment to mininod@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,

Dave Minino

Dave Minino
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc. www.midwestrow.com

November 6, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: C1C

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the Permanent Easement, and Temporary Easement Contracts and one Permanent Easement Deed for Tract C1C, Labart Holdings, LLC. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

The Permanent Easement needs to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an original executed, Permanent Easement, and Temporary Easement Contract, and a copy of the recorded document, and a check in amount of $5,000.00 made payable to:

Labart Holdings, LLC, a Nebraska Limited Liability Company
413 Dowding Court
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded deeds, and a copy of the payment to mininod@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,

Dave Minino

Dave Minino
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc.
www.midwestrow.com

November 12, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: C8

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the Warranty Deed, Permanent Easement, and Temporary Easement Contracts for Tract C8, Linda L. Loseke f/k/a Linda L. Roth, Trustee. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

The Warranty Deed and Permanent Easement need to be recorded at the Sarpy County Register of Deeds office. The original, recorded documents should be kept in the completed file.

Please send an original executed Permanent Easement, and Temporary Easement Contract, and a copy of the recorded documents, and a check in amount of $3,375.00 made payable to:

Linda L. Loseke f/k/a Linda L. Roth, Trustee
27611 Woodside Drive
Columbus, Nebraska 68601

Please e-mail copies of the signed contracts, recorded deeds, 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,

Maria Rodriguez
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc.
www.midwestrow.com

November 11, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: D6

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the Temporary Easement Contracts for Tract D6, Twin Cities Baptist Church. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

Please send an original executed Temporary Easement Contract and a check in amount of $1,960.00 made payable to:

Twin Cities Baptist Church
11825 South 36th Street
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded deeds, 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,

Maria Rodriguez
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc. www.midwestrow.com

November 11, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: D7

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the Temporary Easement Contracts for Tract D7, Daniel and Ashley Nye. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

Please send an original Temporary Easement Contract and a check in amount of $110.00 made payable to:

Daniel and Ashley Nye
11725 South 36th Street
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded deeds, 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,

Maria Rodriguez
Acquisition Agent

Enclosures

13425 "A" Street · Omaha, Nebraska 68144 · *Phone* 402-955-2900 · 866-955-2901 · *Fax* 402-955-2903

MIDWEST
Right of Way Services, Inc.
www.midwestrow.com

November 5, 2019

Jeff Roberts
City of Bellevue Public Works
1510 Wall Street
Bellevue, Nebraska 68005

RE: City of Bellevue, Nebraska
36th Street - Bline to Sheridan
Project Number: MAPA-5061(5)
Tract: A33

Dear Mr. Roberts:

Enclosed are two, original, executed copies of the Temporary Easement Contracts for Tract A33, Juan Rodriguez and Elizabeth Lopez. The authorized representative of the City of Bellevue will need to sign all copies of each contract. One signed original is to be kept by the City of Bellevue and placed in the completed file. The second original should be sent with payment to the property owner.

Please send an original executed Temporary Easement Contract and a check in amount of $2,350.00 made payable to:

Juan Rodriguez and Elizabeth Lopez
13308 South 35th Avenue
Bellevue, Nebraska 68123

Please e-mail copies of the signed contracts, recorded deeds, 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,

Maria Rodriguez
Acquisition Agent

Enclosures

16b.
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 11/19/2019		SUBMITTED BY: CDBG/Finance			
AGENDA ITEM:		CONSENT AGENDA	☑ NO	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☐	PUBLIC HEARING	☐
RESOLUTION	☐	CURRENT BUSINESS	☑	OTHER	☐

SUBJECT:

Approve and execute the CDBG Grant Agreement and Funding Approval for FY-19 funding in the amount of $355,531

SYNPOSIS/BACKGROUND:

The City of Bellevue submitted the 2019 Action Plan outlining the proposed projects to be funded with the allocation to HUD for approval following City Council approval in July 2019. Following a review, HUD has approved the plan and provided a funding agreement for the City's approval. To receive the CDBG funding for FY-19, the City of Bellevue must execute and return the funding agreement to HUD. Once the agreement is executed and the environmental review is complete, the 2019 funds will be released to the City for expenditure.

FISCAL IMPACT:: $355,531 BUDGETED FUNDS?: YES GRANT/MATCHING FUNDS?: YES

TRACKING INFORMATION FOR CONTRACTS AND PROJECTS:

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

CONTRACT DESCRIPTION: HUD FY-19 Grant B-19-MC-31-0003

CONTRACT EFFECTIVE DATE: CONTRACT TERM: CONTRACT END DATE:

PROJECT NAME: FY-19 HUD Projects

START DATE: 10/01/2019 END DATE: 09/30/2021 PAYMENT DATE: INSURANCE REQUIRED: YES

CIP PROJECT NAME: CIP PROJECT NAME:

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

ACCOUNTING DISTRUBUTION CODE: HUD FY-19 ACCOUNT NUMBER: 4720

RECOMMENDATION:

Approve and execute the agreement.

ATTACHMENTS:

1. HUD Letter - 2019 Plan Approval
2. Funding Agreement Form HUD-7082
3.
4.
5.
6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Blair Rollins

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

ATTACHMENT 1 (1 OF 2)

U.S. Department of Housing and Urban Development
Omaha Field Office
Edward Zorinsky Building
1616 Capitol Avenue, Suite 329
Omaha, Nebraska 68102-4908

October 23, 2019

Honorable Rusty Hike
Mayor of Bellevue
1500 Wall Street
Bellevue, NE 68005

Dear Mayor Hike:

This is to inform you that a review of your 2019 Consolidated Plan Annual Action Plan has been completed. The grant assistance which you are receiving is Community Development Block Grant (CDBG) funds in the amount of $355,531.

Enclosed are the Grant Agreements and Funding Approvals (three copies), which constitute the contract between the Department of Housing and Urban Development and the City of Bellevue, Nebraska.

You should note particularly the special conditions included in the Grant Agreement. If you are planning to charge any expenses as indirect costs to the grant, you must complete the indirect cost chart for the grant before returning the agreement. Also, of particular note are the requirements for compliance with the Universal Numbering System and System for Award Management (SAM) and the Federal Funding Accountability and Transparency Act (FFATA). Other special conditions regard period of performance; selling, trading or transferring CDBG funds; review of activities providing CDBG to for-profit entities; and the restrictions on using eminent domain for CDBG activities. It is also important to understand the date you may begin to obligate grant funds for eligible activities. Please contact your HUD program representative if you have any questions regarding your agreement.

In order to establish a line of credit for these grant funds, you must execute and return two copies of the Grant Agreement. Retain one copy of the Grant Agreement for your files. If there is a need to establish or change the depository account to which these grant funds are to be wired, a Direct Deposit Sign-Up Form (SF-1199A) must be completed by you and your financial institution and mailed to this office.

You are reminded that certain activities are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures for the CDBG Program). Funds for such activities may not be obligated or expended unless HUD has approved the release of funds in writing. A request for the release of funds must be accompanied by an environmental certification.

The special condition in your Grant Agreement and Funding Approval concerning the review procedures under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52 restricts the obligation or expenditure of

funds for the planning or construction of water or sewer facilities until the completion of the review process and receipt of written notification of release of funds from HUD. Since you have not submitted your final statement for review under E.O. 12372, we assume you do not propose to use funds for activities subject to review. However, the condition requires that in the event you amend or otherwise revise your final statement to use funds for the planning or construction of water or sewer facilities, you must receive written release of funds from HUD before obligating or expending funds for such activities.

A primary goal of the Department is to reduce housing discrimination, affirmatively further fair housing through CPD programs and promote diverse, inclusive communities. To that end, we encourage your community to take all measures necessary to ensure compliance with the Fair Housing requirements associated with these funds. A copy of your Consolidated Plan/Annual Action Plan was provided to the Office of Fair Housing and Equal Opportunity for review. No comments were received.

You are encouraged to continue to vigorously promote full partnerships between the City of Bellevue and its non-profit service providers, neighborhood organizations, the economic community and private citizens as you implement your Consolidated Plan. In the process of transforming plan elements into projects, the quality of success will depend in large part on the closeness of cooperation among all the Consolidated Plan partners. We offer our continued support and technical assistance during the coming year to help forward the objectives of the Consolidated Plan.

If you have any questions regarding the information in this letter, please contact Ms. Terry Inserra, Senior Community Planning and Development Representative, at (402) 492-3141.

Sincerely,

Tim Severin
Director
Community Planning and
Development Division

Enclosures

ATTACHMENT 2 (1 of 3)

Funding Approval/Agreement

Title I of the Housing and Community Development Act (Public Law 930383)
HI-00515R of 20515R

U.S. Department of Housing and Urban Development
Office of Community Planning and Development
Community Development Block Grant Program

OMB Approval No. 2506-0193
exp 5/31/2018

1. Name of Grantee (as shown in item 5 of Standard Form 424) Bellevue	3a. Grantee's 9-digit Tax ID Number 476006099	3b. Grantee's 9-digit DUNS Number 054156260
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) ~~210 West Mission Avenue~~ 1500 WALL ST Bellevue, NE 68005	4. Date use of funds may begin (mm/dd/yyyy) 10/01/2019	
	5a. Project/Grant No. 1 B-19-MC-31-0003	6a. Amount Approved $355,531.00
	5b. Project/Grant No. 2	6b. Amount Approved

Grant Agreement: This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Francis T. Severin		Grantee Name (Contractual Organization) Bellevue (City Of Bellevue)	
Title Director, Community Planning and Development Division		Title	
Signature X	Date (mm/dd/yyyy) 10/23/2019	Signature	Date (mm/dd/yyyy)

7. Category of Title I Assistance for this Funding Action: Entitlement, Sec 106(b)	8. Special Conditions (check one) ☐ None ☒ Attached	9a. Date HUD Received Submission (mm/dd/yyyy) 07/30/2019 9b. Date Grantee Notified (mm/dd/yyyy) 10/23/2019 9c. Date of Start of Program Year (mm/dd/yyyy) 10/01/2019	10. check one ☒ a. Orig. Funding Approval ☐ b. Amendment Amendment Number

11. Amount of Community Development Block Grant	FY (2019)	FY (2018)	FY (2017)
a. Funds Reserved for this Grantee	$355,443.00	$ 88.00	$ .00
b. Funds now being Approved			
c. Reservation to be Cancelled (11a minus 11b)			

12a. Amount of Loan Guarantee Commitment now being Approved
N/A

Loan Guarantee Acceptance Provisions for Designated Agencies:
The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

12b. Name and complete Address of Public Agency

12c. Name of Authorized Official for Designated Public Agency

Title

Signature

HUD Accounting use Only Region 7, Field Office 26, Appropriation 869/10162, PAS Code EC1, Source Year 2019 (2)
Region 7, Field Office 26, Appropriation 868/00162, PAS Code EC1, Source Year 2018 (1)

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153 176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By

8. Special Conditions.

(a) The period of performance for the funding assistance specified in the Funding Approval ("Funding Assistance") shall begin on the date specified in item 4 and shall end on September 1, 2026. The Grantee shall not incur any obligations to be paid with such assistance after September 1, 2026.

(b) The Recipient shall attach a schedule of its indirect cost rate(s) in the format set forth below to the executed Agreement that is returned to HUD. The Recipient shall provide HUD with a revised schedule when any change is made to the rate(s) described in the schedule. The schedule and any revisions HUD receives from the Recipient shall be incorporated herein and made a part of this Agreement, provided that the rate(s) described comply with 2 CFR part 200, subpart E.

Administering Department/Agency	Indirect cost rate	Direct Cost Base
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____
_____	_____%	_____

Instructions: The Recipient must identify each agency or department of the Recipient that will carry out activities under the grant, the indirect cost rate applicable to each department/agency (including if the de minimis rate is used per 2 CFR §200.414(f)), and the type of direct cost base to which the rate will be applied (for example, Modified Total Direct Costs (MTDC)). Do not include indirect cost rates for subrecipients.

(c) In addition to the conditions contained on form HUD 7082, the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS); the System for Award Management (SAM.gov.); the Federal Funding Accountability and Transparency Act as provided in 2 CFR part 25, Universal Identifier and General Contractor Registration; and 2 CFR part 170, Reporting Subaward and Executive Compensation Information.

(d) The grantee shall ensure that no CDBG funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or

highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

(e) The Grantee or unit of general local government that directly or indirectly receives CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.

(f) E.O. 12372-Special Contract Condition - Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.

(g) CDBG funds may not be provided to a for-profit entity pursuant to section 105(a)(17) of the Act unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR 570 - "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements." (Source - P.L. 113-235, Consolidated and Further Continuing Appropriations Act, 2015, Division K, Title II, Community Development Fund).

*16c
11/19/19

CITY OF BELLEVUE, NEBRASKA
AGENDA ITEM COVER SHEET

COUNCIL MEETING DATE: 11/19/2019	SUBMITTED BY: Susan Kluthe, City Clerk				
AGENDA ITEM:		CONSENT AGENDA	☑	SPECIAL PRESENTATION	☐
LIQUOR LICENSE	☐	ORDINANCE	☐	PUBLIC HEARING	☐
RESOLUTION	☐	CURRENT BUSINESS	☑	OTHER	☐

SUBJECT:

Approval of Waiver Hunting Regulations - Lt. Kurt Stroeher and Sgt. Don Pleiss reviewed information, either approving or denying the application and then it is submitted to Council for approval.

SYNPOSIS/BACKGROUND:

Hunters wishing to bow hunt within the City of Bellevue during archer season of 9/1/2019 through 12/31/2019 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 DISTRUBUTION CODE:	N/A	ACCOUNT NUMBER:	N/A		

RECOMMENDATION:

Request approval of the applications for waiver of hunting applications. Police Lt. Kurt Stroeher or Sgt. Don Pleiss has already given approval for these hunters and their specified sites.

ATTACHMENTS:

1. Listing for approval	2.	3.
4.	5.	6.

SIGNATURES:

LEGAL APPROVAL AS TO FORM: A. Bree Robbins

FINANCE APPROVAL AS TO FORM:

ADMINISTRATOR APPROVAL AS TO FORM:

*REVISED 10/2019

2019 Hunter Waivers

Name	Address	City	Zip	Home #	Cell #	Work #	Hunting Permit #	Address of Hunting Site	Gvn to Police	PD Apprv'd or Dn'd	CC Mtg	CC Apprv'd or Denied
Steven C. Schneider	6902 South 30th Street	Bellevue	68147	402.734.1967	402.658.7127	n/a	9780636	1310 Camp Gifford Road	8/7/19	8/8/19	8/20/19	8/20/19
Angelo Emmi Jr.	2730 Madison Street	Omaha	68107	n/a	402.312.8369	n/a	9782366	1310 Camp Gifford Road	8/7/19	8/8/19	8/20/19	8/20/19
Jason Fox Sr.	943 County Road O	Ashland	68003	402-318-1781			9832590	301 Washington	8/22/19	8/22/19	9/3/19	9/3/19
Martin Merrill	3710 S. 155th Street	Omaha	68144	402-515-2424			9784919	301 Washington	8/22/19	8/22/19	9/3/19	9/3/19
Jeff Christensen	11040 U Street	Omaha	68137	402-592-4884	402-990--6932		9818341	1315 Bluff Street	8/21/19	8/21/19	9/3/19	9/3/19
Andrew Lomax	9819 S. 176th Ave	Omaha	68136	402-430-0084	402-430-0084		9816236	Jewell Park	8/17/19	8/17/19	9/3/19	9/3/19
Max Ceballa	5625 South 114th Street	Omaha	68137	402-612-2236	402-612-2236		9808487	Jewell Park	8/17/19	8/22/19	9/3/19	9/3/19
Kurt Stroeher	1706 Hawk Ridge Circle	Bellevue	68147	402-980-3633	402-980-3633	402-293-3100	9824884	Jewell Park	8/17/19	8/22/19	9/3/19	9/3/19
Joseph E. Stolze	1040 N. 74th Ave	Omaha	68114	402-392-0451	402-968-1165	402-553-3900	9789460	112 Combs Road	8/26/19	8/31/19	9/17/19	9/17/19
Thomas H. Stolze	1040 N. 74th Ave	Omaha	68114	402-392-0451	402-982-9081		9789569	112 Combs Road	8/26/19	8/31/19	9/17/19	9/17/19
Richard Flanders	3921 Eagle Ridge Road #81	Lincoln	68516	402-293-3153	916-208-4421		9876796	Jewell Park	9/4/17	9/4/19	9/17/19	9/17/19
Samuel R. Berkey	7217 S. 18th Street	Bellevue	68147	402.212.1762	402.212.1762	402.533.6097	9872009	501 Washington	9/13/19	9/15/19	10/15/19	10/15/19
Donald Pleiss	13904 S. 29th Circle	Bellevue	68123	402.321.2867	402.659.3434		9922997	Jewell Park	10/2/19	10/2/19	10/15/19	10/15/19
Terry Rybar	1723 N. 159th Street	Omaha	68118	402.917.2221	402.917.2221	402.293.3014	9927666	1107 Camp Gifford Road	10/7/19	10/7/19	10/15/19	10/15/19
Robert Markve	1911 Mesa St.	Bellevue	68123	307.689.2319	307.689.2319	402.293.3100	9887402	Jewell Park	9/27/19	9/27/19	10/15/18	10/15/19
Paul Fettes	1710 Timber Lane	Bellevue	68005	402.292.2841	402.990.7948		9927523	1107 Camp Gifford Road	10/7/19	10/7/19	10/15/19	10/15/19
Keith Sanders	2012 Nottingham Drive	Bellevue	68123	402.292.8995	402.981.3860	402.2933153	9932156	Jewell Park	10/8/19	10/8/19	10/15/19	10/15/19
Chris Woodman	1605 Savannah Dr.	Papillion	68133		402.639.8022	402.293.3128	9836713	Jewell Park	10/14/19	10/14/19	10/15/19	10/15/19
Ben Wallingford	415 E. 19th Avenue	Bellevue	68005	402.516.2159			10013926	415 E. 19th Avenue	11/15/19	11/15/19	11/19/19	

City of Bellevue
Office of the City Clerk
1500 Wall Street • Bellevue, Nebraska 68005 • (402) 293-3007

November 14, 2019

From: Susan Kluthe, City Clerk

RE: Information for Administration Report

- Completion of Proceedings, Claims, Notice of Meetings, Ordinances, and Notices of Public Hearings for Bellevue Leader
- Completion of Minutes of 11.5.19 Council Meeting
- Attended Agenda Meeting 11.13.19
- Posting of agenda for 11.13.19 Council Meeting
- Preparation of Council Packet and put on City of Bellevue & Sparq websites for the 11.13.19 Council Regular Meeting
- Vending machine, musical machine, and mechanical/amusement machine occupational tax stickers have been ordered. We have received the stickers so will be sending out invoices, by December 1st, to vendors who are required to get one or more and to pay distributor fee, if required. Current occupational tax stickers expire on December 31, 2019
- Invoices will be sent out for Tobacco Licenses, next week, for the renewal period of January 1, 2020 – December 31, 2020
- All Class "C" Liquor Licenses, provided by the Nebraska Liquor Control Commission, for the renewal period of November 1, 2019 - October 31, 2020 have been paid and given to licensees
- Continuing to review the Statement of Profits and Expenses from Organizations who had firework stands
- Data for the Occupational Report for the 2018-2019 Fiscal Year is complete. It is a new requirement we post this report. We will be posting the Occupational Tax Report on our website, plus it will be posted in the lobby outside the Clerk's Office.
- Continuing to work on updating master list on boards, committees, and task forces (Shirley)
- Continue to keep current on the general organizing of files, both paper and electronic, by having them scanned into LaserFiche and/or Contract Management, and filing of a hard copy, as soon as we have the approved executed documents

City of Bellevue
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- All files of records for City Vehicles, both electronically and in the actual files, have been caught up and organized. Next, I will be verifying with Fleet we have the correct assigned vehicle number. (Susan)
- Day to day tasks

CITY OF BELLEVUE
FINANCE DEPARTMENT
1500 Wall Street – Bellevue, NE 68005 – (402) 293-3000

Bellevue Finance Department
Status Report November 19, 2019

ACCOUNTING AND FINANCE

- Annexation Integration
- FYE2020 Amended Budget Planning
- CIP Being Developed
- Annexation Debt Being Restructured
- Preparing Audit Schedules
- Creating Annual and Monthly Financials
- Analyzing Finance and Accounting Job Duties
- Bank account monitoring
- Continued Revision/Development of Finance Policies
- Worked on unclaimed property (old, uncashed checks)
- Treasury management; Deposit confirmations, Research undocumented cash receipts
- Issued payments for approved expenses
- Payroll downloads / import into Abila
- Adjusted rights to approved used in Abila system
- Data Entry of Journal Entries for department
- Authorized CDBG reimbursement request
- Paid bills online as approved/requested
- Cash management and account monitoring
- Sales tax return filed and payment made
- Reclassed/Transferred expenses between departments
- Researched bills on minute record
- Preliminary FYE2019 Unaudited Financials Attached

CDBG:

- HUD Entitlement Approved for $355,531
- Continue preparation of the draft Consolidated Annual Performance and Evaluation Report (CAPER) for the 2018-2019 fiscal year and distribute notice of availability.
- Continue review of open CDBG projects and prepare for subrecipient monitoring visits.
- Provided narrative responses to the at-risk activities identified by HUD in IDIS.

RISK MANAGEMENT:

- Continued processing existing claims and worked to bring open claims towards resolution and closure
- Continued to investigate/accept/deny new claims
- Conferred with nurses, employees, and claims administrator on complex injury claims
- Processed appropriate invoices for payment
- Continued to manage modified duties for restricted employees
- Conferred with legal, employees, and insurance carrier on liability claims/lawsuits
- Continued to work towards a resolution with the city property flood damage claim
- Finalized BAE building damage claim
- New employee orientation to three new employees
- Teleconferences to transition workers compensation claims to a new TPA company
- Coordinated and opened enrollment for employee wellness program
- Coordinated and sent email blasts for Wellness presentation on stress reduction
- Handed out PPE as needed
- Inventoried PPE locker and restocked
- Worked on ADA updates, reports and City Transition plan
- Worked on making Council Chambers ADA accessible
- Performed random safety checks on road crews to ensure proper PPE is being utilized
- Inspected hauled loads on flatbeds to ensure they are being properly secured
- Continued safety boot orders for new fiscal year
- Conducted all duties associated with surplus equipment auction
- Total Surplus Sales as of today: **$376,336**

Respectfully submitted,

Rich Severson
Finance Director, City of Bellevue

City of Bellevue
Governmental Funds (all funds except Wastewater Fund)
Unaudited Cash-Basis Results for Fiscal Year Ended September 30, 2019

	FYE2019 Actual	FYE2019 Budget	%	FYE2018 Actual	%	FYE2020 Budget	%
Revenues							
Property Taxes	$ 20,413,222.51	$ 20,400,547.59	0%	$ 19,739,150.79	3%	$ 22,113,589.03	8%
In-Lieu of Tax	1,187,918.57	1,115,800.00	6%	1,126,231.63	5%	1,119,000.00	-6%
Sales Taxes	11,696,444.73	10,747,698.05	9%	10,782,571.94	8%	11,333,628.61	-3%
Occupation/Business Taxes	2,332,920.36	2,377,000.00	-2%	2,443,221.94	-5%	2,397,983.08	3%
State Aid/Payments	6,478,671.00	6,484,022.69	0%	5,992,078.26	8%	6,815,103.74	5%
Fees, Permits and Licenses	9,846,777.42	8,402,778.91	17%	8,153,373.92	21%	8,503,175.42	-14%
Grants and Other Cost Sharing	911,575.92	2,425,201.50		836,654.96		9,804,135.77	
Other Revenues	2,171,723.48	1,135,350.00	91%	1,470,357.30	48%	1,269,660.00	-42%
Other Bond & Lease Proceeds	12,417,518.80	15,151,894.50		8,475,673.55		8,763,547.00	
Transfers In	4,866,075.00	6,641,075.00		1,165,000.00		1,092,000.00	
Total Revenues	72,322,847.79	74,881,368.24		60,184,314.29		73,211,822.65	
Expenditures							
Salaries & Wages	20,895,663.63	21,527,912.78	-3%	19,922,600.80	5%	22,605,850.73	8%
Fringe Benefits	7,348,723.83	8,093,409.07	-9%	7,086,800.46	4%	8,688,137.27	18%
Total Personnel	28,244,387.46	29,621,321.85	-5%	27,009,401.26	5%	31,293,988.00	11%
Department Expenditures	13,013,590.84	14,408,588.78	-10%	13,662,026.62	-5%	15,806,577.92	21%
Operating Expenditures	41,257,978.30	44,029,910.63	-6%	40,671,427.88	1%	47,100,565.92	14%
Capital Expenditures	6,766,364.98	10,079,294.50	-33%	12,927,499.65	-48%	14,887,855.00	120%
Other Expenditures	16,193,647.49	16,342,891.77	-1%	7,510,816.61	116%	10,394,401.73	-36%
Transfers Out	4,603,075.00	6,378,075.00		1,344,878.37		829,000.00	
Total Expenditures	68,821,065.77	76,830,171.90		62,454,622.51		73,211,822.65	
Net Revenues	$ 3,501,782.02	$ (1,948,803.66)		$ (2,270,308.22)		$ -	

Recap:

Bellevue's Governmental Funds, all funds except Wastewater Fund, finished 2019 with a surplus of $3.5 million, $2 million more than budgeted

Tax Revenues met or exceeded FYE2019 Budget except for Occupation Taxes

Expenditures under FYE2019 Budget across-the-board

Tax Revenues exceeded Prior Year revenues except for Occupation Taxes

Personnel Expenditures were up 5% over Prior Year, offset by lower Department Expenditures

City of Bellevue
Wastewater Fund
Unaudited Cash-Basis Results for Fiscal Year Ended September 30, 2019

	FYE2019 Actual	FYE2019 Budget	%	FYE2018 Actual	%	FYE2020 Budget	%
Gross Revenues	$ 8,582,737.16	$ 8,337,869.00	3%	$ 8,004,345.48	7%	$ 8,944,629.96	4%
Cost of Contracted Services	(6,268,041.15)	(5,584,425.54)	12%	(4,853,793.89)	29%	(5,584,425.54)	-11%
Gross Operating Margin	2,314,696.01	2,753,443.46		3,150,551.59		3,360,204.42	
	27%	33%		39%		38%	
Personnel Expenditures	(786,889.80)	(792,892.43)	-1%	(625,411.42)	26%	(822,860.15)	5%
Department Expenditures	(481,527.98)	(708,672.19)	-32%	(482,516.96)	0%	(708,672.19)	47%
Internal Operating Costs	(1,268,417.78)	(1,501,564.62)	-16%	(1,107,928.38)	14%	(1,531,532.34)	21%
Other Revenues	294,296.21	2,151,000.00	-86%	3,026,100.00	-90%	102,300.00	-65%
Capital Expenditures	(2,425,548.57)	(3,095,207.75)	-22%	(3,802,855.87)	-36%	(1,147,453.75)	-53%
Net Revenues	$ (1,084,974.13)	$ 307,671.09		$ 1,265,867.34		$ 783,518.33	

Recap:

Wastewater used cash reserves that had been replenished to fund capital projects instead of bonding the costs.

Operating margin was below the target margin of 33%. Rates are being reviewed to ensure adequate reserves for infrastructure.

Internal Expenditures under FYE2019 Budget across-the-board

City of Bellevue
Fire Department
211 West 22nd • Bellevue, Nebraska 68005 • (402) 293-3153

Bellevue Fire Department
Council Report

Report Date 11/13/2019

A. General Items:

- QA/QI
- OMHCC General Membership meeting today
- FT Interviews today & Thursday
- Working on scheduling and preparing for part time interviews

B. Training:

- Rural Water Supply
- NIOSH Reviews
- EMS Hands on Training

C. Inspections:

- Daycare inspection Birchcrest Elementary School.
- Daycare inspection Central Elementary School.
- Plan review pool at Wolf Creek Apts. Club House 10712 S. 15th St.
- Fire alarm panel replacement plan review Golden Hills Elementary School.
- Fire alarm plan review Knights of Columbus.
- Career day at Bellevue West High School.

D. Calls: October 31st through November 12th 2019

Fire – 56
Rescue - 151

NEBRASKA
Economic Development
Certified Community

City of Bellevue
Fire Department
211 West 22nd • Bellevue, Nebraska 68005 • (402) 293-3153

E. Ambulance Billing

October 1-31, 2019

$ 183,778.50 has been billed out to insurance companies (237 insurance claims)
<$ 82,700.32 > approximate amount we will have to write off due to mandatory adjustments/write-offs
(45% of $183,778.50)
==========
$ 101,078.18 is the anticipated, approximate net revenue from these insurance billings

Deposited into Bank:
$ 85,842.84 deposited into the bank October 1-31, 2019.
4,061.16 in Credit/Debit card payments for October 1-31, 2019.
$ 89,904.00 TOTAL October 1-31, 2019 rescue fee revenue

Statement Billing:
322 statements were mailed to patients for unpaid account balances.
These statements totaled $ 163,726.07
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.

F. Manpower Report Staffing

October 28, 2019 to November 3, 2019

Monday	AM	E1, E31	3-Person	
Monday	PM	Full		
Tuesday	AM	Full		
Tuesday	PM	Full		
Wednesday	AM	E31, E41	3-Person	
Wednesday	PM	Full		
Thursday	AM	Full		
Thursday	PM	E41	3-Person	
Friday	AM	E31	3-Person	
Friday	PM	E41	3-Person	
Saturday	AM	Full		
Saturday	PM	Full		
Sunday	AM	E41	3-Person	
Sunday	PM	E41	3-Person	

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Fire Department
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November 4, 2019 to November 10, 2019

Monday	AM	E31	3-Person	
Monday	PM	Full		
Tuesday	AM	E41	3-Person	
Tuesday	PM	E31	3-Person	
Wednesday	AM	E31, E41	3-Person	
Wednesday	PM	Full		
Thursday	AM	Full		
Thursday	PM	Full		
Friday	AM	E31	3-Person	
Friday	PM	Full		
Saturday	AM	E41	3-Person	
Saturday	PM	E31, E41	3-Person	
Sunday	AM	Full		
Sunday	PM	Full		

NEBRASKA
Economic Development
Certified Community

City of Bellevue
Bellevue Public Library
1003 Lincoln Road ▪ Bellevue, Nebraska 68005 ▪ (402) 293-3157

Memo

To: **Jim Ristow, City Administrator**

From: **Julie Dinville, Library Director**

Date: **11/5/2019**

- Nearly 50 participants enjoyed the library's first Bunco for Books: Halloween Edition on Tuesday night, Oct. 29. Those taking part were encouraged to play the game with books as prizes. This event resulted from a collaboration of the Adult Services Department and the Children's Department.

- On Wednesday, Oct. 30, teens were invited to participate in a crafting event to make their own "pet ghosts" in anticipation of Halloween. In addition they could hang out with friends, enjoy a snack, and watch a spooky movie in this after-school activity.

- The Children's Department planned two Halloween related activities for Thursday, Oct. 31. In the morning children and their families could participate in the 1000 Books Before Kindergarten Halloween party. The event was geared for children not yet in kindergarten who are currently registered in the library's 1000 Books Before Kindergarten early literacy program. Children – and their parents – were encouraged to attend in costumes. In the afternoon children and their families were invited to stop by anytime between 4 and 6 p.m. to enjoy Halloween crafts and refreshments.

- The second distribution of free one-day passes for the Omaha Children's Museum was held on the morning of Saturday, Nov. 2. Twenty-five passes were handed out on a first-come, first-served basis to families who had previously not received a pass, and all passes were gone within 20 mininutes. The passes are made possible through a partnership of the Omaha Children's Museum and the Friends of the Bellevue Public Library. The final distribution of passes in 2019 will be held on Monday evening, Dec. 2.

- Library statistics over the past three months are indicating that use of the SMS text function to communicate with patrons is a slow but steadily growing service as more patrons are becoming aware of it. The library begin using texting earlier this year to let patrons know about holds and overdues, but also to remind them about upcoming programs for which they had registered and for other items. Texting as a preferred means of communication in these areas is now a choice on the patron's registration sheet. The SMS texting module is part of the SirsiDynix Integrated Library System used by the library.

City of Bellevue
Bellevue Public Library
1003 Lincoln Road • Bellevue, Nebraska 68005 • (402) 293-3157

Memo

To: **Jim Ristow, City Administrator**

From: **Julie Dinville, Library Director**

Date: **11/12/2019**

- Over 50 children and their family members attended the Wednesday, Nov. 6, program of Coloring with Cops. This drop-in program, which is held from 4 to 5 p.m., on the first Wednesday of the month, gives children a chance to interact with officers of the Bellevue Police Department in a calm and fun environment while coloring.

- Director Julie Dinville attended a three-hour webinar on Wednesday, Nov. 5, by the Nebraska Library Commission on the federal E-rate program. The program for qualifying institutions can help provide funding for such things as Internet service and systems hardware to support such service.

- The library is making plans to host their third Holly Jolly Holidays event from 12 noon to 4 p.m. on Saturday, Nov. 30, in conjunction with the Olde Towne Christmas celebration. Crafting activities for all ages and a sensory Winter Wonderland for children will be offered, as well as refreshments. This is a collaborative effort of the Adult Services, Young Adult, and Children's departments.

- Also again this year, the Bellevue Library is holding a Mini Thanksgiving Parade Contest. Participants are invited to build their own miniature Macy's Day Parade float and then bring them to the library between Nov. 12 and 18. The shoebox-sized floats will be on display from Nov. 19 to Dec. 1 to give the public a chance to vote on their favorite float. Categories include: Individuals under 12; Family/Team; and Individuals over 12. Winners will receive a gift certificate to Chick-fil-A. The contest is being coordinated by the Adult Services Department.

- Nine persons are participating in the Intro to Quilting series being offered at the library. In addition to the guest instructor, Denise Adams, a second person has volunteered to help along with Laura Whitehead, Head of Adult Services. The library is very appreciative to the community for donating sewing machines to make this, and other fabric-based programs, possible.

NEBRASKA
Economic Development
Certified Community

City of Bellevue
Office of the Planning Department

MEMORANDUM

TO: City Council Members
Mayor Rusty Hike
City Administrator Jim Ristow
FROM: Tammi Palm, Land Use Planner TLP
DATE: November 14, 2019
RE: Administrator's Report for the Planning Department

I have had the following meetings since November 1, 2019:

- City Retirement Committee meeting
- Met with a real estate agent to discuss a potential rezoning application near Golden Boulevard and Highway 370
- Met with two property owners at Elbow Bend to discuss their properties/structures in regards to the 2019 flooding
- Met with city staff to complete the Capital Improvement Plan for the amended budget
- Met with the Bellevue Chamber to discuss the rebranding effort they are initiating
- Had a Citizen Complete Streets Advisory Panel meeting
- Met with Woodhouse Mazda to discuss their commercial permit

Staff has been getting prepared for the November 21, 2019 Planning Commission meeting.

I will be attending a Nebraska Floodplain and Stormwater Managers Association meeting on November 21, 2019 in Ashland, NE. The purpose of this meeting is to discuss the 2019 flooding and its ongoing effect on the local jurisdictions.

Next week we will be conducting interviews for our Planning Secretary position.

INTEROFFICE MEMORANDUM

TO: JIM RISTOW
FROM: CHIEF ELBERT
SUBJECT: DIRECTORS BRIEF
DATE: 11/13/2019

Karen Eidenmiller is now on board and working with Jody on her transition into the Business Role at the PD. Her training is going very well and Jody plans to assist with this for a couple weeks.

Working another joint traffic enforcement operation with our partners in the County, Papillion, and LaVista.

Sgt. Joe Milos is being considered by the State of Nebraska Highway Safety to be the next Drug Recognition Expert coordinator for the State. This is in the infant stages but ideally Milos will run this program from his current assignment and be compensated for his time by the State via an MOU yet to be determined.

SRO contract with OPS was submitted to OPS as reported last week. It is now being reviewed and considered by OPS with some discussions ongoing.

Equipment continues to arrive for the new fleet as cars are being swapped out and rebuilt by the Shops.

Our recruits in FTO/the academy are progressing well and on schedule. Backgrounds and conditional offers are also in the process for the next upcoming recruit class for current vacancies.

LRMS governance committee met at Sarpy County last week as scheduled. Further, discussion on by laws and protocols for the new system put in place.

Mark Elbert

From: Brett Foreman
Sent: Monday, November 4, 2019 8:59 AM
To: Mark Elbert; Dave Stukenholtz
Subject: Weekly Stats

CE1 – Monday Oct 28, 2019 thru Friday Nov 1, 2019
CE2 – Monday Oct 28, 2019 thru Friday Nov 1, 2019
CE3 – Monday Oct 28, 2019 thru Friday Nov 1, 2019

Calls – 288

Notices – 58

Zoning – 5

Clean Ups – 0

Tree Removal – 0

Certified Notices – 7

Officer Initiated – 34

Towed Vehicles – 1

Red Tags – 8

Mark Elbert

From: Brett Foreman
Sent: Tuesday, November 12, 2019 11:18 AM
To: Mark Elbert; Dave Stukenholtz
Subject: Weekly Stats

CE1 – Monday Nov 4, 2019 thru Wednesday Nov 6, 2019; Friday Nov 8, 2019
CE2 – Tuesday Nov 5, 2019 thru Friday Nov 8, 2019
CE3 – Monday Nov 4, 2019 thru Friday Nov 8, 2019

Calls – 239

Notices – 61

Zoning – 6

Clean Ups – 9

Tree Removal – 0

Certified Notices – 3

Officer Initiated – 26

Towed Vehicles – 2

Red Tags – 4

CITY OF BELLEVUE
OFFICE OF CITY ADMINISTRATOR
1500 Wall Street – Bellevue, NE 68005 – (402) 293-3022

To: Mayor Hike, City Council President Cook and Members of the Bellevue City Council
From: James L. Ristow, City Administrator
Subject: Overview - Activities report
Date: November 18, 2019

- Meeting with Burlington Group to discuss Rising View and relinquishment of Eastern Fire District levy.
- Meeting with Pilgrim Landing SID Board to finalize maintenance agreement.
- United Cities Sarpy County Conference calls for legislative issues.
- Attended Waste Water Agency meetings.
- Meeting with Chamber and outside vendor to discuss economic development plan.
- Met with Leo A Daly regarding proposed remodel projects for existing Library. Working on individual council member meetings to discuss plan of action.
- Meeting with HDR for site development.
- Meeting with MAPA to review final redistricting proposals for Wards.
- Meeting with Chamber and outside vendor to discuss economic development project.
- Large City Legislative Committee.
- Meeting with SCEDC to discuss potential project.
- Meeting with NRD to develop plan for pumping operations on western side of Missouri levees.
- Attended SCEDC Quarterly update meeting.
- Met with OPPD to discuss lights and cameras.
- Meeting with Fleet and Police department on vehicle replacement.
- Working with landowner, Public Works and Planning to discuss out lots in Williamsburg.
- Attended DOT Substance Abuse annual training.
- Meeting with Board Chair of Bellevue Chamber on economic development issues.
- Conducted first LB840 meeting and set the stage for this years goals for the committee.
- Attended Bellevue Public School Gala.

- Met with Councilman Stinson to address operational issues.
- Attended BPS Chili Feed
- Attended Marathon Ventures Big Red Kettle Kickoff
- Met with local business owners on 35th Avenue to discuss plans for water removal and restoration of gas service.
- Met with Light Up Bellevue and Officer Lampman to discuss traffic control during the holiday season.
- Meeting with Berkshire representative regarding potential sale of property and its future use.
- Met with Colliers representative regarding incentives for prospect that could result in 35 new jobs in Bellevue.
- Review of CIP with Planning and Finance.
- Meeting with Councilman Cook to review ordinances.
-

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