

**CITY OF PAPILLION
MAYOR AND CITY COUNCIL REPORT
MAY 16, 2023 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Approval of an Amendment to the Application for License to Sell Permissible Fireworks at Retail submitted by Papillion La Vista Spirit Football for fireworks sales – 8:00 AM June 25 th through 11:59 PM July 4 th , 2023.	RES. R23-0088	Nicole Brown City Clerk

SYNOPSIS

On February 7, 2023, pursuant to RES. R23-0017, City Council approved an Application for License to Sell Permissible Fireworks at Retail (“fireworks application”) submitted by Papillion La Vista Spirit Football for summer 2023 fireworks sales from June 25 through July 4, 2023. After the City Council’s approval of such application, Papillion La Vista Spirit Football requested to relocate their fireworks tent from the original address at 1419 Papillion Drive to a new location at Lot 10 Papillion Business & Technology Park (SW corner of S 72nd St and Cornhusker Rd). An amended application and plot plan are attached for reference.

At the April 18, 2023, City Council Meeting, the Council approve RES. R23-0065 approving a Lease Agreement with Bellino Fireworks, Inc., to allow for temporary use of City property for the purposes of erecting a fireworks tent for the Papillion La Vista Spirit Football’s annual fundraising event.

A \$1,000 Fireworks Bond and inspection of the tent must be provided prior to issuance of a fireworks license.

FISCAL IMPACT

\$100 location amendment processing fee

RECOMMENDATION

Approval.

BACKGROUND

Papillion Municipal Code § 117-12(B) states that applications for retail fireworks sales for the summer selling season shall be considered at the first regular City Council Meeting in February. At the February 7, 2023, City Council Meeting, the Council approved RES. R23-0017 approving issuance of 14 fireworks permits for the summer 2023 selling season.

On February 2, 2021, City Council approved passage of ORD. 1921 which allows for the submission of an amended application for retail summer fireworks sales specific to the location of the fireworks stand. Amended applications can be submitted between February 1 and April 30 of each year and must be reviewed by City Council no later than the second regular meeting in May. This application amendment was submitted on April 28, 2023.

ATTACHMENTS

- (1) RES. R23-0088
- (2) Amended Application for License to Sell Permissible Fireworks at Retail
- (3) Recommendation from the Building and Fire Departments

RESOLUTION NO. R23-0088

WHEREAS, Papillion La Vista Spirit Football submitted an Application for License to Sell Permissible Fireworks at Retail to the City of Papillion for the summer 2023 selling season, valid between 8:00 AM June 25th and 11:59 PM July 4th, and was approved by the Papillion City Council for such license on February 7, 2023, pursuant to Resolution No. R23-0017; and

WHEREAS, ORD. 1921, approved by the Papillion City Council on February 2, 2021, allows for the submission of amended applications for retail summer fireworks sales, specific to the location of the fireworks stand, between February 1 and April 30 each year, which applications must be considered by the Council no later than the second regular meeting in May; and

WHEREAS, Papillion La Vista Spirit Football submitted an application on April 28, 2023, to amend the location of their fireworks permit for the summer 2023 selling season from 1419 Papillion Drive to Lot 10 Papillion Business & Technology Park (SW corner of S 72nd St and Cornhusker Rd); and

WHEREAS, the amendment to the applicant's Application for License to Sell Permissible Fireworks at Retail was considered by the Papillion City Council at its regularly scheduled meeting on May 16, 2023, at 7:00 PM.

BE IT RESOLVED by the Mayor and City Council of the City of Papillion that the location amendment for the Application for License to Sell Permissible Fireworks at Retail for the summer 2023 selling season submitted by Papillion La Vista Spirit Football is hereby approved, and such license will be issued contingent upon compliance with all requirements of Papillion Municipal Code Chapter 117.

PASSED AND APPROVED THIS 16th DAY OF MAY 2023.

CITY OF PAPILLION

David P. Black, Mayor

Attest:

Nicole Brown, City Clerk

(SEAL)



CITY OF PAPIILLION
AMENDED
APPLICATION FOR LICENSE TO SELL
PERMISSIBLE FIREWORKS AT RETAIL

Application is hereby made to the Mayor and City Council of the City of Papillion, NE, for a fireworks license to sell permissible fireworks at retail within the city limits from 8:00 a.m. on June 25th through 11:59 p.m. on July 4th of each year by:

Papillion LaVista Spirit Football (402) 935-1916
Applicant's Full Name Telephone No.

1302 Santa Fe Circle Papillion NE 68046
Applicant's Address City State Zip

Lot 10 Business & Technology Park
Legal Description of Site and **Attach** a Plot Plan drawn to scale

72nd & Pinnacle Drive
Street Address of Site

Leigh Jochimsen (402) 305-4041
Manager's Name Telephone No.

1302 Santa Fe Circle Papillion, NE 68046
Manager's Address

Manager's Email Address leigh@bellinoenterprises.com

Name and email address of others to receive communication from the City:

vince@bellinoenterprises.com & kaela@bellinoenterprises.com

Total gross weight of fireworks proposed for site including on site storage 1500 lbs.

The undersigned hereby represents that in accordance with Neb. Rev. Stat. §28-1246 it has made application to the Nebraska State Fire Marshal for a current License for Sale of Fireworks and will provide the City with a copy of said License prior to issuance of a city license.

The undersigned hereby pledges itself to sell permissible fireworks at the above described location strictly in accordance with all State statutes and City ordinances upon issuance of a License to Sell Fireworks.

DATED this 28 day of April, 2023.



Signature of Applicant

CHECK LIST

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <input type="checkbox"/> FIREWORKS BOND.....\$1,000.00 | RECEIVED BY: _____ |
| <input checked="" type="checkbox"/> LICENSE FEE.....\$1,000.00 | RECEIVED BY: <u>TB 1/13/23</u> |
| <input checked="" type="checkbox"/> SALES TAX CERTIFICATE..... | RECEIVED BY: <u>TB 4/28/23</u> |
| <input checked="" type="checkbox"/> COPY OF STATE LICENSE..... | RECEIVED BY: <u>TB 5/14/23</u> |
| <input checked="" type="checkbox"/> CERTIFICATE OF INSURANCE.....
(\$1,000,000 PER OCCURRENCE,
\$2,000,000 GENERAL AGGREGATE
NAMING THE CITY AS ADDITIONAL INSURED) | RECEIVED BY: <u>TB 4/28/23</u> |
| <input checked="" type="checkbox"/> PLOT PLAN..... | RECEIVED BY: <u>TB 4/28/23</u> |
| <input type="checkbox"/> TENT FLOOR PLAN..... | RECEIVED BY: _____ |
| <input checked="" type="checkbox"/> NON-PROFIT AFFIDAVIT..... | RECEIVED BY: <u>TB 4/28/23</u> |
| <input checked="" type="checkbox"/> INTERNAL REVENUE SERVICE 501(c)(3)
If applicable | RECEIVED BY: <u>TB 4/28/23</u> |
| <input type="checkbox"/> FIREWORKS INSPECTION..... | RECEIVED BY: _____ |

72nd & Pinnacle Dr
Papillion, NE

S 72nd St



Storage 53'

Tent 60'x60'

Dump
PP

Inf



CITY OF PAPIILLION
David P. Black, Mayor
Brad Sojka, Chief Building Official
122 East Third Street
Papillion, Nebraska 68046
Phone 402-597-2027
Email bsojka@papillion.org

May 10, 2023

Nicole Brown, City Clerk
122 E Third Street
Papillion, NE 68046

RE: 2023 Summer Fireworks

Dear Ms. Brown:

The Building and Fire Department Staff have reviewed the application for the following:

1. Papillion La Vista Spirit Football – Lot 10 Papillion Business & Technology Park – Southwest Corner of S 72nd St and Cornhusker Rd (No Physical Address)

We have no objections to this application and all requirements of the City Code have been met according to the information supplied with the application. Prior to conducting sales, our offices will verify the site elements were constructed and located in compliance with applicable codes.

Sincerely,

Brad Sojka
Chief Building Official

Steve Thornburg
Fire Marshal