

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**

**RESOLUTION PROVIDING NOTICE OF A TEMPORARY USE OF STATE**  
**HIGHWAYS FOR A SPECIAL EVENT PURSUANT TO NEB. REV. STAT. §39-1359**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2012), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, Neb. Rev. Stat. §39-1402 (Reissue 2008) grants to the County Board authority for the improvement, maintenance and general supervision of public roads; and,

WHEREAS, Neb. Rev. Stat. §39-1359 (2012 Cum. Supp.) allows for the temporary use of a state highway, and an agreement with Brian Inselman, doing business as Achieve Physical Therapy-Sports Training, Sarpy County has been proposed to invoke the provisions of Neb. Rev. Stat. §39-1359 (2012 Cum. Supp.).

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that the Clerk shall provide this Resolution to the Nebraska Department of Roads as notice required by Neb. Rev. Stat. §39-1359(3) (2012 Cum. Supp.) of the intent of Sarpy County to temporarily use the following portions of the state highway system for a special event to be held on the Agreement with Brian Inselman, doing business as Achieve Physical Therapy-Sports Training, on June 29, 2014 and will assume control of the state highway property located within Sarpy County and relinquish control of the state highway property on the following highways at the following times on said date:

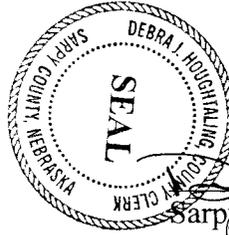
Highway 34 at the intersection with Harlan Lewis Road from 7:00 a.m. until 10:30 p.m.

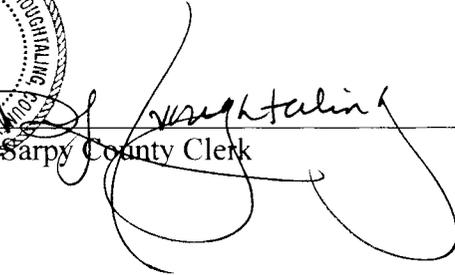
BE IT FURTHER RESOLVED that the County of Sarpy hereby acknowledges that it accepts the duties set out in Neb. Rev. Stat. §39-1359(2)(d) (2012 Cum. Supp.), specifically that if a claim is made against the State of Nebraska during the time that Sarpy County is in control of the aforementioned highways as described above, the County of Sarpy shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the special event described above.

BE IT FURTHER RESOLVED that the Agreement with Brian Inselman regarding the June 29, 2014 event is hereby approved.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 20 day of May, 2014.

  
\_\_\_\_\_  
Chairman, Sarpy County Board



  
\_\_\_\_\_  
Sarpy County Clerk

## AGREEMENT

THIS AGREEMENT is made and entered into on the last date below written, by and between the County of Sarpy, Nebraska, a body corporate and politic (hereinafter the "County"), and Brian Inselman, doing business as Achieve Physical Therapy-Sports Training (hereinafter "Inselman").

WHEREAS, Inselman desires to conduct an event known as the "Achieve Triathlon," on June 29<sup>th</sup>, 2014, a portion of which will occur on Nebraska State Highways within the Sarpy County but outside the corporate limits of any city (hereinafter the "Event"), more particularly the intersection of Nebraska State Highway 34 and Harlan Lewis Road; and

WHEREAS, State law and the Nebraska Department of Roads require certain County actions in order to use State highways for the Event; and

WHEREAS, the parties desire to hereby set forth in writing their agreements, understandings, and responsibilities regarding the Event and its operations within Sarpy County but outside of the corporate limits of any city.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and agreements hereinafter set forth, it is agreed as follows:

1. The Event is not sponsored or co-sponsored by the County and the County shall have no responsibilities for the Event, its operations, cleanup, the barricading of streets or street intersections, required street closing/detour/warning signs, traffic control, personnel, police or law enforcement escort services, or emergency rescue services. The Event instead is solely sponsored by Inselman, and Inselman shall be solely responsible for the Event and any and all matters associated with the Event, including, but not limited to, operations and cleanup, resulting from the acts or omissions of the County and its employees, personnel, agents, officers, and elected officials.
2. No street or street intersections shall be blocked or barricaded in conjunction with the Event, and the Events use of Nebraska State Highway 34 will begin no earlier than 7:00 a.m. and end by no later than 10:30 p.m. on June 29, 2014.
3. Inselman shall provide the County with proof of in force liability insurance for the Event which designates the County as an additional insured.

4. Inselman shall indemnify and hold the County and its employees, personnel, agents, officers, and elected officials harmless from any and all liabilities, claims, damages, personal injuries or deaths, property damage, causes, causes of action, litigation, lawsuits, costs, expenses, attorney fees, and the duties, indemnification, defense, and hold harmless obligations imposed upon the County pursuant to Neb. Rev. Stat. § 39-1359(2) (Cum. Supp. 2012), excluding however any and all liabilities, claims, damages, personal injuries or deaths, property damage, causes, causes of action, litigation, lawsuits, costs, expenses, and attorney fees resulting from the acts or omissions of the County and its employees, personnel, agents, officers and elected officials.
5. No partnership or joint entity among the parties shall be deemed created by virtue of this Agreement. The undersigned acknowledge that they are duly authorized by their respective organization to execute this Agreement.

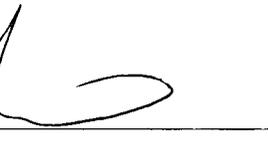
COUNTY OF SARPY, NEBRASKA

Dated: 5-20-14

By:   
Chairman

BRIAN INSELMAN, doing business as  
ACHIEVE PHYSICAL THERAPY-SPORTS  
TRAINING

Dated: 5-9-2014

By: 



*Sunday, June 29, 2014 - 300 Meter Swim / 20k Bike / 5k Run*

ACHIEVE's 3rd Annual Triathlon will begin at 7:00 am. Start and finish will be in the parking lot of Gilbert Swimming Pool in Old Towne Bellevue. There will be a pre-race meeting at 6:45 am at the starting line.

Registration & Entry Fees

**Registration will be open on Sept 1<sup>st</sup> – June 21<sup>st</sup>**

Individual <b>Early Bird</b> (Through Sept 1, 2013).....	\$38.00
Individual Regular (Sept 2, 2013 - May 31, 2014).....	\$ 45.00
Individual Late (June 1, 2014 - June 21, 2014).....	\$ 60.00
Team Early Bird (Through Sept 1, 2013).....	\$ 99.00
Team Regular (Sept 2, 2013 - May 31, 2014).....	\$120.00
Team Late (June 1, 2014 - June 21, 2014).....	\$165.00

(Three people make up a team one swimmer, one cyclist and one runner)

Entry must be received by June 21st. **PLEASE NOTE: NO RACE DAY REGISTRATION**

Packet Pick-Up / Check In



## Race Rules

- Participants must follow instructions as given from all event officials.
- All participants are expected to conduct themselves in a professional and courteous manner during their participation.
- The use of headphones is not permitted due to safety concerns. The use of video devices, cell phones, computers, cameras or any similar devices by participants while in the event is not allowed.
- Official swim caps may be worn during the swim. Goggles are allowed but not required. Fins, gloves, paddle, floating devices, and artificial propulsion devices are not allowed.
- Bike helmets are required to compete. NO EXCEPTIONS. No drafting is allowed on the bike course.
- Participants must begin the event at the official start time.

## Awards

All participants will receive a commemorative shirt at check-in. Special awards will be given to the finishers in the following groups.

- Top 3 male and female finishers in the following age groups:  
15-19, 20-29, 30-39, 40-49, 50-59, 60-69, and 70 & up
- Top team in the following categories: male, female and coed. Please note three people make up a team, one swimmer, one cyclist and one runner.
- Overall Male and Female
- Masters Award to the top over 40 male and female.

## Sponsors

TO BE ANNOUNCED



## Bellevue Police Department

2207 Washington Street

Bellevue, NE 68005

402-293-3100

402-293-3090 Fax

Achieve Physical Therapy/Sports Training  
4102 Twin Creek Drive #108  
Bellevue, Ne 68123

Dear Sir or Madam,

I am writing in regard to the Achieve Triathlon to be held 29 June 2014 at Gilbert Pool/29<sup>th</sup> & Jackson, Bellevue, NE.

The Bellevue Police Department will provide assistance in manner of traffic control for the bike and run portion of the Triathlon along roads and intersections within the city limits of the City of Bellevue. Bellevue Police will provide traffic control at major intersections where bike and foot traffic do not have the right of way to provide a safe environment for triathlon participants. Intersections not covered by Bellevue Police will be monitored by triathlon volunteers.

With the opening of Highway 34 in southern Sarpy County a requirement to control access is required through the Department of Roads. With approval from the Dept of Roads, this year's triathlon bike portion will cross Highway 34 on the lower portion of Harlan Lewis Road outside the city limits of Bellevue. If Sarpy County Sheriff Office is unable to provide assistance with traffic control at this intersection, Bellevue Police will provide an officer to monitor the intersection as participants travel through the area.

If you have any questions about the participation of Bellevue Police or comments, please contact me at 402-637-5853.

Sincerely,

Ofc Carl Grubb #200  
Special Services Unit  
Bellevue Police Department



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
5/16/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Westpoint Insurance Group, Ltd. 5920 W. 111th St  Chicago Ridge IL 60415	<b>CONTACT NAME:</b> PHONE (A/C No. Ext): (800) 318-7709 FAX (A/C No.): (708) 636-3915	
	<b>E-MAIL ADDRESS:</b>	
<b>INSURED</b>  Dr. Brian Inselman 4102 Twin Creek Dr. Ste 108 Bellevue NE 68123	<b>INSURER(S) AFFORDING COVERAGE</b>	
	INSURER A: Lexington Insurance Co.	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

**COVERAGES**

CERTIFICATE NUMBER: CL1451658042

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> INCLUDES ATHLETIC PARTICIPANTS GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X		011225799	06/28/2014	06/30/2014	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$ COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$						WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Certificate Holder is also additional insured.  
 Coverage from 12:00 a.m. on 06/28/14  
 to 12:00 a.m. on 06/30/14

**CERTIFICATE HOLDER****CANCELLATION**

Sarpy County	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  Angela Salcido/AMZ <i>Angela Salcido</i>

Renee Lansman  
Chief Deputy

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1210 Golden Gate Drive #1250 • Papillion, Nebraska 68046-2842  
Phone: 402-593-2105 • Fax: 402-593-4471 • Website [www.Sarpy.com](http://www.Sarpy.com) • Email: [Clerk@sarpy.com](mailto:Clerk@sarpy.com)

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May 22, 2014

Tim Weander/Joellen Edgington  
Nebraska Department of Roads  
4425 S 108th St.  
Omaha NE 68137

RE: Sarpy County 30 Day Notice of Temporary Use of a State Highway

Action by the Sarpy County Board of Commissioners, at the meeting of May 20, 2014, is as follows:

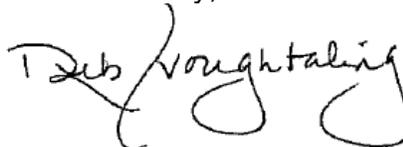
Resolution 2014-185: Provide Notice of a Temporary Use of State Highways for a Special Event Pursuant to Neb. Rev. Stat. Sec. 39-1359. Mike Smith, Deputy County Attorney

MOTION: Carlisle resolved, seconded by Kelly, to approve the resolution for the agreement with Brian Inselman, doing business as Achieve Physical Therapy-Sports Training, allowing the temporary use of a state highway at the intersection of Nebraska State Highway 34 and Harlan Lewis Road for the "Achieve Triathlon" on June 29, 2014 from 7:00 A.M. to 10:30 P.M. and direct the County Clerk to provide said resolution to the Nebraska Department of Roads. Ayes: Kelly, Thompson, Richards, Carlisle & Warren. Nays: None.

Further, that the Clerk shall provide this Resolution to the Nebraska Department of Roads as notice required by Neb. Rev. Stat. S39-1359(3) (2012 Cum. Supp.) of the intent of Sarpy County to temporarily use the following portions of the state highway system for a special event to be held on the Agreement with Brian Inselman, doing business as Achieve Physical Therapy-Sports Training, on June 29, 2014 and will assume control of the state highway property located within Sarpy County and relinquish control of the state highway property on the following highways at the following times on said date: Highway 34 at the intersection with Harlan Lewis Road from 7:00 a.m. until 10:30 p.m.

BE IT FURTHER RESOLVED that the County of Sarpy hereby acknowledges that it accepts the duties set out in Neb. Rev. Stat. S39-1359(2Xd) (2012 Cum. Supp.). specifically that if a claim is made against the State of Nebraska during the time that Sarpy County is in control of the aforementioned highways as described above, the County of Sarpy shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees that may arise as a result of the special event described above.

Sincerely,



Deb Houghtaling  
Sarpy County Clerk