



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, APRIL 24, 2018

@ 2:00 PM

**LEGISLATIVE CHAMBERS,
1819 FARNAM STREET
OMAHA, NEBRASKA**

OMAHA CITY COUNCILMEMBERS

Ben Gray – Council President	District 2
Chris Jerram – Council Vice President	District 3
Pete Festersen	District 1
Vinny Palermo	District 4
Rich Pahls	District 5
Brinker Harding	District 6
Aimee Melton	District 7

THE CITY COUNCIL OF THE CITY OF OMAHA met in open session on Tuesday, April 24, 2018 at 2:00 PM in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

CALL TO ORDER

City Clerk Elizabeth Butler took the Roll Call: Present were Councilmembers Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President (Gray) – **CCID # 383**.

Council President Ben Gray led those present in the Pledge of Allegiance.

Councilmember Pete Festersen of District No. 1 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on April 20, 2018, notice of the Pre-Council and Regular City Council Meetings, April 24, 2018 – **CCID # 384**.

Ms. Butler stated that a current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

PRESENTATIONS AND PROCLAMATIONS

Proclamation read for Bikers Against Child Abuse, which was presented to Paul McGrath and Rhonda Lemons, who appeared and spoke.

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

MCC-SMITHFIELD ADDITION

City Clerk Elizabeth Butler stated that Items 6 through 9 relate to the same project and would be considered together.

(Required notices of public hearings relating to this development were published in the Daily Record on April 10, 2018.)

6. ORD. 41454 – An ordinance to rezone property located south of Edward Babe Gomez Avenue and east of 33rd Street from HI-Heavy Industrial District to HI-Heavy Industrial District – (First Reading April 10, 2018; Second Reading April 17, 2018; Third Reading, Public Hearing and Vote April 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
7. ORD. 41455 – An ordinance to rezone property located south of Edward Babe Gomez Avenue and east of 33rd Street from GO-General Office District and HI-Heavy Industrial District to GO-General Office District – (First Reading April 10, 2018; Second Reading April 17, 2018; Third Reading, Public Hearing and Vote April 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

8. RES. 318 – Res. that, the Preliminary Plat entitled MCC-Smithfield Addition, located south of Edward Babe Gomez Avenue and east of 33rd Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Smithfield Packaged Meats Corp – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
9. RES. 319 – Res. that, the Final Plat entitled MCC-Smithfield Addition, located south of Edward Babe Gomez Avenue and south of 33rd Street, is hereby approved and accepted. The applicant is Smithfield Packaged Meats Corp – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

Council President Ben Gray opened the Public Hearing on Items 6 through 9.

No one came forward, and the public hearing was closed.

MOTION by Palermo, SECOND BY Festersen that the following items be approved:

Item # 6 ORDINANCE # 41454;	Item # 7 ORDINANCE # 41455;
Item # 8 RESOLUTION # 318; and,	Item # 9 RESOLUTION # 319;

ROLL CALL VOTE:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

ROAD MAINTENANCE DISTRICT ORDINANCES ON FINAL READING

(Required notices of public hearings relating to this development were published in the Daily Record on April 12, 2018.)

10. ORD. 41459 – An ordinance, to create Road Maintenance District No. 745-29, in the City of Omaha, for the purpose of improving Garden Road, from South 105th Street south to its terminus north of West Center Road, by asphalt overlay; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – (First Reading April 10, 2018; Second Reading April 17, 2018; Third Reading, Public Hearing and Vote April 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 10.

The following person(s) appeared and spoke:

PROPOSERS:

Steven Ginn, 2516 Garden Road
Debra Ginn, 2516 Garden Road
Mary Ann Manners, 2614 Garden Road

FOR THE CITY:

Heather Tippey Pierce, Public Works Department

No one else came forward, and the public hearing was closed.

MOTION by Pahls, SECOND by Melton that ORDINANCE # 41459 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

(Required notices of public hearings relating to this development were published in the Daily Record on April 12, 2018.)

11. ORD. 41460 – An ordinance, to create Road Maintenance District No. 745-30, in the City of Omaha, for the purpose of improving Leavenworth Street, from South 90th Street to South 91st Avenue, and 91st Circle south of Leavenworth Street, by asphalt overlay; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – (First Reading April 10, 2018; Second Reading April 17, 2018; Third Reading, Public Hearing and Vote April 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 11.

The following person(s) appeared and spoke:

PROPOSERS:

Kyle Krehbiel, 826 South 91st Circle

FOR THE CITY:

Steve Curtiss, Finance Director
Bob Stubbe, Public Works Director

No one else came forward, and the public hearing was closed.

MOTION by Harding, SECOND by Melton that ORDINANCE # 41460 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

LIQUOR

12. RES. 385 – Class “C” Liquor License Application – Getaway, Inc., dba “The Getaway”, 4745 South 96th Street. (This is a new application for an old location). Present licensee is Zimmerman, Kerry, dba “The Getaway Lounge”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPOSERS:

Joe Naatz, 222 South 15th Street, Attorney for the applicant

No one else came forward, and the public hearing was closed.

MOTION by Harding, SECOND by Melton that RESOLUTION # 385 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 13 and 14 relate to the same location and would be considered together.

13. RES. 386 – Class “C” Liquor License Application – Lighthouse Restaurants, LLC, dba “Lighthouse Pizza”, 1170 Capitol Avenue. (This is a new application for a new location). Notice was posted on the property on 04/11/18; Notification was sent to property owners within 500 feet on 04/13/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
14. RES. 387 – Class “E” (Entertainment District) Liquor License Application – Lighthouse Restaurants, LLC, dba “Lighthouse Pizza”, 1170 Capitol Avenue. (This is a new application for a new location). Notice was posted on the property on 04/11/18; Notification was sent to property owners within 500 feet on 04/13/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Items 13 and 14.

The following person(s) appeared and spoke:

PROPOSERS:

Sean Kelley, 2804 South 87th Avenue, Attorney for the applicant

No one else came forward, and the public hearing was closed.

MOTION by Melton, SECOND by Palermo that RESOLUTION # 386 and # 387 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

15. RES. 388 – Class “I” Liquor License Application – V3 Food Ventures, LLC, dba “Flavors”, 1901 Farnam Street. (This is a new application for an old location). Present licensee is Flavors Food Ventures, LLC, dba “Flavors Indian Cuisine”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 15.

The following person(s) appeared and spoke:

PROPOSERS:

Sean Kelley, 2804 South 87th Avenue, Attorney for the applicant

No one else came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Gray that RESOLUTION # 388 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

16. RES. 389 – GMRI, Inc., dba “The Olive Garden Italian Restaurant #1302”, 7505 Dodge Street, requests permission to appoint Kimberlee B. Stonys manager of their present Class “I” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 16.

The following person(s) appeared and spoke:

PROPOSERS:

Kimberlee B. Stonys, 363 North 185th Terrace #101

No one else came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Harding that RESOLUTION # 389 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

17. RES. 390 – Metropolitan Community College Culinary Corporation, dba “Sage Bistro”, 5300 North 30th Street, Building 22, requests permission to appoint Catherine L. Brown manager of their present Class “I/K” Liquor License location – [see attached](#).
(PUBLIC HEARING AND VOTE TODAY)

Council President Ben Gray opened the Public Hearing on Item 17.

The following person(s) appeared and spoke:

PROPOSERS:

James Thibodeau, 5300 North 30th Street

No one else came forward, and the public hearing was closed.

MOTION by Harding, SECOND by Gray that RESOLUTION # 390 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

18. RES. 391 – Petrol III, LLC, dba “Kicks 66”, 2505 Abbott Drive Plaza, requests permission to appoint Dennis W. Clark manager of their present Class “D” Liquor License location – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 18.

The following person(s) appeared and spoke:

PROPOSERS:

Dennis W. Clark, 1230 South 120th Street

No one else came forward, and the public hearing was closed.

MOTION by Jerram, SECOND by Gray that RESOLUTION # 391 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

City Clerk Elizabeth Butler stated that any member of the City Council may cause any item placed on the Consent Agenda to be removed. Items removed from the Consent Agenda shall be taken up by the City Council immediately following the Consent Agenda in the order in which they were removed unless otherwise provided by the City Council Rules of Order.

Council President Gray announced that the public hearings on Agenda Items 19 through 27 were held on April 17, 2018.

(Required notices of the public hearings were published in the Daily Record on April 13, 2018.)

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 26 WAS REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – ORDINANCES

19. ORD. 41456 – An ordinance authorizing the issuance of a purchase order to Kemira Water Solutions, Inc. in the amount of \$420,000.00 for the purchase of Ferric Chloride to be utilized at the Water Resource Recovery Facilities to be effective for a period of 12 months and is extendable for two one-year periods with approval of both parties; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from a specific account – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).
20. ORD. 41457 – An ordinance approving an Agreement between the City of Omaha, Nebraska and Don Ahrens of Cass County, Nebraska, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Don Ahrens will receive and land apply stabilized sewage sludge, according to applicable standards, laws, and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2018 with up to four automatic one-year renewals. (The Finance Department is authorized to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121.) – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).
21. ORD. 41458 – An ordinance vacating a portion of Louis Drive commencing approximately 78 feet east of the east right-of-way line of 95th Street to the dead end of the Louis Drive right-of-way and abutting Lots 7, Block 7 of Maenner Meadows and Lot 2, Block 0 of Brighton Gardens Subdivisions; providing for the reversion or transfer of the same – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

22. ORD. 41461 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the Real Estate Purchase Agreement with Michael Kirby, 3110 Reynolds Street, Omaha, NE 68112, to convey the property described in the agreement, located at 3515 North 30th Street, in consideration of the sum of \$800.00; there are no expenses associated with the transfer of the property to Michael Kirby – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).
23. ORD. 41462 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the Real Estate Purchase Agreement with Habitat for Humanity of Omaha, Inc., a Nebraska Non-profit Corporation, 1701 North 24th Street, Omaha, NE 68110, to convey the property described in the agreement, located at 3609 North 19th Street, in consideration of the sum of \$1.00; there are no expenses associated with the transfer of the property to Habitat for Humanity of Omaha, Inc – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).
24. SPECIAL ORD. 10233 – An ordinance levying a special assessment for fees and civil penalties in accordance with Chapter 48, Article I, Division 15, the City of Omaha Vacant and Abandoned Property Ordinance of the Omaha Municipal Code on certain lots in the City of Omaha, Group No. 2018-01 – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).
 - A. Communication in opposition – [see attached](#).
25. ORD. 41463 – An ordinance amending Ordinance No. 37504 adopted October 3, 2006 which created the Downtown Business Improvement District (B.I.D. No. 6874) and amending Ordinance No. 38957 adopted March 8, 2011 which re-authorized the Downtown Business Improvement District (B.I.D. No. 6874) under the authority of the Business Improvement District Act, Nebraska Revised Statute Section 19-4015, et seq., for the purpose of approving a ten (10) percent increase to the special assessment levy from 0.439 per thousand dollars of assessed value to \$0.484 per thousand dollars of assessed value with an increase of three (3) percent per year thereafter; to define the purpose of such District and the activities to be included; to define the boundaries of such District; to identify that the properties benefited by the proposed improvements will be subject to special assessments in accord with the Downtown Business Improvement District Plan; to provide for special assessments to be set at a rate of \$0.484 per \$1,000 of assessed valuation, with such assessment to grow three (3) percent per year thereafter, to be imposed within such District based upon the benefits conferred; to provide for extension of an operating agreement between such District and a not-for-profit corporation to be organized for such purpose; to provide for a baseline municipal services agreement between the City and such District; to provide for a method of representative governance – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).

26. SPECIAL ORD. 10234 – An ordinance to approve the Omaha Downtown Improvement District Association (ODIDA) 2018/2019 Budget and Workplan and the 2017 ODID Stakeholder Survey Results and levying a special tax and assessment on all lots and pieces of real estate within Business Improvement District No. 6874 in the City of Omaha in the amount of \$465,830.74; such assessment shall cover the costs anticipated by the Business Improvement District for March 2018 to February 2019 and contemplated by Ordinance No. 37504 which was approved by the City Council of the City of Omaha on October 3, 2006, and reauthorized by Ordinance No. 38957 approved on March 8, 2011 – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(REMOVED FROM CONSENT)**
- A. Amendment requested by the Law Department – [see attached](#).
27. ORD. 41464 – An ordinance to amend Omaha Municipal Code, Chapter 10, Article V, Division 5 entitled “Small and Emerging Small Business Program,” Sections 10-200.2; to modify the program’s definitions and certification criteria – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).

MOTION by Jerram, SECOND by Festersen that the CONSENT AGENDA – ORDINANCES be approved

- | | |
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| Item # 19 ORDINANCE # 41456; | Item # 20 ORDINANCE # 41457; |
| Item # 21 ORDINANCE # 41458; | Item # 22 ORDINANCE # 41461; |
| Item # 23 ORDINANCE # 41462; | Item # 24 SPECIAL ORDINANCE # 10233; |
| Item # 25 ORDINANCE # 41463; and, | Item # 27 ORDINANCE # 41464; |

ROLL CALL VOTE:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

26. SPECIAL ORD. 10234 – An ordinance to approve the Omaha Downtown Improvement District Association (ODIDA) 2018/2019 Budget and Workplan and the 2017 ODID Stakeholder Survey Results and levying a special tax and assessment on all lots and pieces of real estate within Business Improvement District No. 6874 in the City of Omaha in the amount of \$465,830.74; such assessment shall cover the costs anticipated by the Business Improvement District for March 2018 to February 2019 and contemplated by Ordinance No. 37504 which was approved by the City Council of the City of Omaha on October 3, 2006, and reauthorized by Ordinance No. 38957 approved on March 8, 2011 – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#).
- A. Amendment requested by the Law Department – [see attached](#).

The following person(s) was called to appear and spoke:

PROPONENTS:

Holly Barrett, 1403 Farnam Street, Unit 802, for the Omaha Downtown Improvements District

No one else came forward, and the hearing was closed.

MOTION by Jerram, SECOND by Festersen to approve the Amendment

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

MOTION by Jerram, SECOND by Gray that SPECIAL ORDINANCE # 10234 be APPROVED AS AMENDED

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 28 through 43 were today. He asked that anyone that wished to address the City Council regarding these items please come to the microphone, indicate the Agenda Item Number being addressed, and to state their name, address, who they represent, and if they were speaking as a proponent or opponent.

COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEM 35 WAS REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – RESOLUTIONS

28. RES. 392 – Res. that, as recommended by the Mayor, the Water Acquisition Agreement with Metropolitan Utilities District of Omaha, in the amount of \$507,891.00, for construction of connection, abandonment of wells, transfer of service and conveyance of ownership of the water distribution system in Rolling Meadows (formerly known as S&ID 286), is hereby approved. (The Finance Department is authorized to pay the cost of this project, currently estimated at \$507,891.00 from the 2014 Environmental Bond Fund 13124, 2014 Environmental Bond Organization 117217.) – [see attached](#).

29. RES. 393 – Res. that, as recommended by the Mayor, Change Order No. 2 with Point Construction and Management, in the amount of \$66,498.00, for additional work on OPW 52751, being the Missouri River Wastewater Treatment Plant High Pressure Biogas Compressor Replacement Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$66,498.00, which is to be paid from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913; year 2018 expenditure.) – [see attached](#).

30. RES. 394 – Res. that, as recommended by the Mayor, the Public Works Department will obtain GIS software maintenance services for the period of May 4, 2018 to May 3, 2019 from ESRI per Quotation Number 25832521 and that the bidding procedures be waived in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique and non-competitive items. (The Purchasing Agent is authorized to issue a purchase order to ESRI in the amount of \$59,072.74 to be paid from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure with reimbursements to this organization from the various Public Works Department Divisions' budgets and other Departments as outlined in the attached schedule.) – [see attached](#).
31. RES. 395 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue purchase orders to A&S Concrete Recycling, Incorporated in the amount of \$25,095.00, for the purchase of screened rock in 2018 with the cost to be paid from the Sewer Revenue Fund 21121, Maintenance Organization 116511 – [see attached](#).
32. RES. 396 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Nebraska Machinery Co. for the purchase of one (1) articulated all-wheel drive loader to be utilized by the Street Maintenance Division in the amount of \$188,255.27. (The Finance Department is authorized to pay the cost of this purchase from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure.) – [see attached](#).
33. RES. 397 – Res. that, the First Amendment to Subdivision Agreement among the City of Omaha, Atlas Capital, LLC, successor-in-interest to Grove Ridge Apartments, LLC, Grove Ridge Owners Association, Inc., and Sanitary and Improvement District 564, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Grove Ridge (Lots 1-3 and Outlot A) and is located northeast of 192nd and Leavenworth Streets – [see attached](#).
34. RES. 407 – Res. that, 50% of the estimated total costs of improvements for Street Improvement District No. 6884, an amount not to exceed \$189,363.07, shall be paid by the City of Omaha from the 2014 Transportation Fund 13184, Transportation Bonds Organization 117117. The remaining costs of improvements for SID #6884 will be specially assessed upon the properties within SID #6884 and paid through the Capital Special Assessments Fund 13573, Special Assessments Organization 116168 – [see attached](#).
35. RES. 398 – Res. that, the Omaha-Council Bluffs Consortium Consolidated Submission for Community Planning and Development Programs - 2018 Action Plan is hereby approved. Be it further resolved, that, upon receipt from the U.S. Department of Housing and Urban Development, the Mayor is authorized to execute the Funding Approval/Agreements for the Fiscal Year 2018 Community Development Block Grant, HOME Investment Partnerships and Emergency Shelter Grant Programs – [see attached](#).
(REMOVED FROM CONSENT)

36. RES. 399 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Omaha 100, Incorporated, Teresa C. Hunter, Authorized Representative, 2401 Lake Street, Omaha, Nebraska 68111, in the total amount of \$50,000.00 for the provision of private mortgage financing and City second mortgage underwriting services through the Mortgage Lending Program for the period from January 1, 2017 through December 31, 2017, is hereby approved. (Funds shall be paid from the FY 2017 Community Development Block Grant, Housing Development Program, Fund 12186, and Organization 128072) – [see attached](#).
37. RES. 400 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and Family Housing Advisory Services, Incorporated, Teresa C. Hunter, Authorized Representative, 2401 Lake Street, Omaha, Nebraska 68111, in the total amount of \$60,000.00 for counseling services to individuals and for families who qualify for and who are participating in the City sponsored loan programs for the period from January 1, 2017 through December 31, 2017, is hereby approved. (Funds shall be paid from the FY 2017 Community Development Block Grant, Housing Development Program, Fund 12186, and Organization 128072) – [see attached](#).
38. RES. 401 – Res. that, as recommended by the Mayor, the bid in the total amount of \$29,727.00 from D&K Products to furnish labor, materials, and equipment necessary for the Fertilizer (Golf), being the best bid received within bid specifications, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. The Finance Department is authorized to pay the cost for the Fertilizer (Golf) from the Golf Operations Fund No. 21114, and Organization Nos. 115511 – Johnny Goodman (\$5,532.00), 115512 – Benson (\$5,763.00), 115513 – Elmwood (\$5,174.00), 115519 – Knolls (\$6,610.00), 115515 – Warren Swigart (\$1,511.50), 115517 Spring Lake (\$2,251.50), 115518 – Westwood (\$1,511.50), 115516 – Hogan (\$1,373.50).) – [see attached](#).
39. RES. 402 – Res. that, as recommended by the Mayor, the bid in the total amount of \$29,450.13 from Van Diest Supply Co. to furnish labor, materials, and equipment necessary for the Chemical (Golf) bid, being the best bid received within bid specifications, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. The Finance Department is authorized to pay the cost for the Chemicals (Golf) from the Golf Operations Fund No. 21114, and Organization Nos. 115511 – Johnny Goodman (\$7,558.29), 115512 – Benson (\$5,300.54), 115513 – Elmwood (\$4,875.40), 115519 – Knolls (\$7,626.67), 115515 – Warren Swigart (\$988.42), 115517 Spring Lake (\$1,272.80), 115518 – Westwood (\$1,208.32), 115516 – Hogan (\$619.70).) – [see attached](#).
40. RES. 403 – Res. that, as recommended by the Mayor, the bid in the total amount of \$32,332.84 from Helena Chemical Company to furnish labor, materials, and equipment necessary for the Chemical (Golf) bid, being the best bid received within bid specifications, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. The Finance Department is authorized to pay the cost for the Chemicals (Golf) from the Golf Operations Fund No. 21114, and Organization Nos. 115511 – Johnny Goodman (\$3,638.20), 115512 – Benson (\$9,595.00), 115513 – Elmwood (\$9,447.54), 115519 – Knolls (\$2,921.30), 115515 – Warren Swigart (\$1,560.45), 115517 Spring Lake (\$2,780.45), 115518 – Westwood (\$1,560.45), 115516 – Hogan (\$829.45).) – [see attached](#).

41. RES. 404 – Res. that, as recommended by the Mayor, the bid in the total amount of \$91,628.11 from D&K Products to furnish labor, materials, and equipment necessary for the Chemical (Golf) bid, being the best bid received within bid specifications, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. The Finance Department is authorized to pay the cost for the Chemicals (Golf) from the Golf Operations Fund No. 21114, and Organization Nos. 115511 – Johnny Goodman (\$25,555.73), 115512 – Benson (\$6,930.07), 115513 – Elmwood (\$10,367.10), 115519 – Knolls (\$16,811.61), 115515 – Warren Swigart (\$3,863.31), 115517 Spring Lake (\$9,000.84), 115518 – Westwood (\$5,513.24), 115516 – Hogan (\$3,586.21).) – [see attached](#).
42. RES. 405 – Res. that, as recommended by the Mayor, the bid in the total amount of \$136,609.05 from Swain Construction to furnish all labor, materials and equipment necessary to pave the parking lot and entrance roadway at Roberts Park located at 730 North 78th Street, Omaha, Nebraska, being the best bid received within bid specifications, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from Fund No. 12129, City Street Maintenance Fund and Organization No. 115032, Park Roads; and 2014 Parks and Recreation Fund No. 13356, Organization No. 117317, Parks and Cultures Bond.) – [see attached](#).
43. RES. 406 – Res. that, as recommended by the Mayor, the extension to the Agreement with Douglas County Community Mental Health Center, in the total amount not to exceed \$22,500.00, to provide a protective custody program and facility for intoxicated individuals, is hereby approved. (The Finance Department is authorized to pay \$7,500.00 per month, in a total amount not to exceed \$22,500.00. The Finance Department is authorized to pay the Funds in the monthly amount of \$7,500.00, with the total amount not to exceed \$22,500.00, to Douglas County Community Mental Health Center. Funds will be allocated in the amount of \$16,250.00 from 2018 Keno Fund 12118, Org 126017 and \$6,250.00 from 2018 General Fund 11111, Org 111111, Chief Administrative Functions, Account 42239, Professional Fees – Other.) – [see attached](#).

Council President Ben Gray opened the Public Hearing on Items 28 through 34 and 36 through 43.

The following person(s) appeared and spoke:

PROPOSERS:

Steve Skinner, 18039 Trail Ridge Road – Item # 28

Joy Sutter, 1117 North 88th Street – Item # 34

OPPOSERS:

Paula Hustig-Nielsen, 18139 Trail Ridge Road – Item # 28

No one else came forward, and the public hearing was closed.

MOTION by Harding, SECOND by Melton that the CONSENT AGENDA – RESOLUTIONS be approved

Item # 28 RESOLUTION # 392;
Item # 30 RESOLUTION # 394;
Item # 32 RESOLUTION # 396;
Item # 34 RESOLUTION # 407;
Item # 37 RESOLUTION # 400;
Item # 39 RESOLUTION # 402;
Item # 41 RESOLUTION # 404;
Item # 43 RESOLUTION # 406;

Item # 29 RESOLUTION # 393;
Item # 31 RESOLUTION # 395;
Item # 33 RESOLUTION # 397;
Item # 36 RESOLUTION # 399;
Item # 38 RESOLUTION # 401;
Item # 40 RESOLUTION # 403;
Item # 42 RESOLUTION # 405; and,

ROLL CALL VOTE:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

35. RES. 398 – Res. that, the Omaha-Council Bluffs Consortium Consolidated Submission for Community Planning and Development Programs - 2018 Action Plan is hereby approved. Be it further resolved, that, upon receipt from the U.S. Department of Housing and Urban Development, the Mayor is authorized to execute the Funding Approval/Agreements for the Fiscal Year 2018 Community Development Block Grant, HOME Investment Partnerships and Emergency Shelter Grant Programs – [see attached](#).

MOTION by Jerram, SECOND by Melton that RESOLUTION # 398 be postponed to May 1, 2018 for public hearing and vote

ROLL CALL VOTE:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

ORDINANCE ON FINAL READING

(Required notice of the public hearing was published in the Daily Record on April 13, 2018.)

44. SPECIAL ORD. 10232 – An ordinance levying a special tax and assessment on certain lots, part of lots and pieces of real estate in the City of Omaha to cover the cost of constructing sidewalks in the District No. SWR 2017-01 – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(VOTE TODAY)**
- A. Communication in opposition – [see attached](#).
 - B. Amendment of the Whole requested by the Public Works Department – [see attached](#).

MOTION by Jerram, SECOND by Festersen that the Amendment of the Whole for SPECIAL ORDINANCE # 10232 be approved

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

45. ORD. 41465 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Howard Street Landmark LLC to implement the Scott Tent and Awning Company Tax Increment Financing (TIF) Redevelopment Project Plan which is for a redevelopment site located at 1501 Howard Street, and proposes a comprehensive rehabilitation of the 26,136 square foot building constructed in 1893 as a carriage factory; the agreement authorizes the use of up to \$572,659.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading April 17, 2018; Second Reading and Public Hearing April 24, 2018; Third Reading May 1, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 45.

No one came forward, and the public hearing was closed.

46. ORD. 41466 – An ordinance to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District to be known as District No. B-200 at 2929 California Street, as requested by Todd Heistand for 2929 California Plaza, LLC – (First Reading April 17, 2018; Second Reading and Public Hearing April 24, 2018; Third Reading May 1, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 46.

No one came forward, and the public hearing was closed.

47. ORD. 41467 – An ordinance to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District to be known as District No. B-201 at 6262 Lindbergh Drive, as requested by Patrick J. Wonder of Nebraska Plumbing – (First Reading April 17, 2018; Second Reading and Public Hearing April 24, 2018; Third Reading May 1, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 47.

No one came forward, and the public hearing was closed.

48. ORD. 41468 – An ordinance to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District to be known as District No. B-202 at 4228 South 72nd Street, as requested by Mitch Cadlo of Nash Finch Company for 4228 South 72nd Street, LLC – (First Reading April 17, 2018; Second Reading and Public Hearing April 24, 2018; Third Reading May 1, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 48.

No one came forward, and the public hearing was closed.

49. ORD. 41469 – An ordinance to add Section 2-72 to expand the ability of the Mayor to pardon a person convicted of an offense under any section of the Omaha Municipal Code; to repeal Section 20-2 of the Omaha Municipal Code which limited such pardon right to those offenses in Chapter 20 – (First Reading April 17, 2018; Second Reading and Public Hearing April 24, 2018; Third Reading May 1, 2018) – [see attached](#).
(PUBLIC HEARING TODAY)

- A. Communication in support – [see attached](#).

Council President Gray opened the Public Hearing on Item 49.

The following person(s) appeared and spoke:

OPPONENTS:

Luis Jimenez, 518 North 40th Street

FOR THE CITY:

Matt Kuhse, City Prosecutor

No one else came forward, and the public hearing was closed.

NON-ACTION ITEMS

City Clerk Elizabeth Butler announced that Items 50 through 52 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

ORDINANCES ON FIRST READING

50. ORD. 41470 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the Real Estate Purchase Agreement with Ora Prince, 3724 North 36th Street, Omaha, NE 68111, to convey the property described in the agreement, located at 3732 North 36th Street and the north 20 feet of 3728 North 36th Street, in consideration of the sum of \$700.00; there are no expenses associated with the transfer of the property to Ora Prince – (First Reading April 24, 2018; **Second Reading and Public Hearing May 1, 2018**; Third Reading May 8, 2018) – [see attached](#).

51. ORD. 41471 – An ordinance to approve an Agreement between the City of Omaha and Omaha Public Schools for the City to provide, through its assignment, up to eleven Associate School Resource Officers and marked police cruisers, subject to the availability of such cruisers and the School District’s needs, to specifically designated locations, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work within the District with each Associate School Resource Officer working no more than 28 hours per week while school is in session during the regular school year, from the first day of the semester of August, 2017 and ending on July 31, 2019; reimbursement from the Omaha Public Schools to the City will be in the amount of \$31.00 per hour for each officer for the 2017-2018 school year, and \$35.00 per hour for each officer for the 2018-2019 school year – (First Reading April 24, 2018; **Second Reading and Public Hearing May 1, 2018**; Third Reading May 8, 2018) – [see attached](#).
52. ORD. 41472 – An ordinance to amend Sections 30-21, 30-22, 30-23, 30-25, 30-26; 30-31; 30-32; 30-34; to add new Section 30-36; of the Omaha Municipal Code; to amend the system whereby the Police Department can track stolen goods and to regulate second-hand dealers in order to reduce theft of certain items – (First Reading April 24, 2018; **Second Reading and Public Hearing May 1, 2018**; Third Reading May 8, 2018) – [see attached](#).

EXECUTIVE SESSION

53. Motion to go into Executive Session for the purpose of discussing labor negotiations, personnel matters, and litigation.

ADJOURNMENT:

MOTION by Festersen, SECOND by Gray that the meeting be adjourned

ROLL CALL:

Yeas: Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 2:55 P.M.

I, ELIZABETH BUTLER, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on April 24, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler