



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, JULY 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, July 24, 2018 at 2:00 PM in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Chris Jerram.

CALL TO ORDER

City Clerk Elizabeth Butler took the Roll Call: Present were Councilmembers Festersen, Harding, Melton, Pahls, Palermo, Mr. President (Jerram); Absent Entire Meeting was Councilmember Gray – **CCID # 677**.

Council President Chris Jerram led those present in the Pledge of Allegiance.

Councilmember Rich Pahls of District No. 5 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 July 20, 2018, notice of the Pre-Council and Regular City Council Meetings, July 24, 2018 – **CCID # 678**.

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

None

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

GLODA 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 July 10, 2018.)

6. ORD. 41517 – An ordinance to rezone the property located southeast of Blair High Road and McKinley Street from AG-Agricultural District to GI-General Industrial District – (First Reading July 10, 2018; Second Reading July 17, 2018; Third, Reading, Public Hearing and Vote July 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
7. ORD. 41518 – An ordinance to amend the boundaries of the IG-Industrial Gateway Overlay District, to incorporate into that district the property located southeast of Blair High Road and McKinley Street – (First Reading July 10, 2018; Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

8. RES. 636 – Res. that, the Final Plat entitled Gloda Addition, located southeast of Blair High Road and McKinley Street, is hereby approved and accepted. The applicant is Gloda Investors, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

A. Planning Board and Planning Department recommend approval – [see attached](#).

9. RES. 637 – Res. that, the Subdivision Agreement between the City of Omaha and Gloda Investors, LLC., is hereby approved. The Subdivision is to be known as Gloda Addition (Lot 1) and is located southeast of Blair High Road and McKinley Street – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

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

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

Item # 6 ORDINANCE # 41517; Item # 7 ORDINANCE # 41518;
Item # 8 RESOLUTION # 636; and, Item # 9 RESOLUTION # 637

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

MAJESTIC POINTE

City Clerk Elizabeth Butler stated that Items 10 through 13 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 July 10, 2018.)

10. ORD. 41519 – An ordinance to rezone property located southwest of 168th and State Streets from AG-Agricultural District and DR-Development Reserve District to DR-Development Reserve District – (First Reading July 10, 2018; Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

11. ORD. 41520 – An ordinance to rezone property located southwest of 168th and State Streets from AG-Agricultural District and DR-Development Reserve District to R4-Single Family Residential District (High Density) – (First Reading July 10, 2018; Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

A. Planning Board and Planning Department recommend approval – [see attached](#).

12. RES. 638 – Res. that, the Final Plat entitled Majestic Pointe (Lots 187-243, Outlots F-H), located southwest of 168th and State Streets, is hereby approved and accepted. The applicant is Majestic C Team, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

A. Planning Board and Planning Department recommend approval – [see attached](#).

13. RES. 639 – Res. that, the Subdivision Agreement among the City of Omaha, Majestic C Team, LLC, the Majestic Pointe Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 568 of Douglas County, Nebraska, is hereby approved. The Subdivision is to be known as Majestic Pointe (Lots 187-243 and Outlot F-H) and is located southwest of 168th and State Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Items 10 through 13.

The following person(s) appeared and spoke:

PROPOSERS:

Larry Jobeun, Attorney for the applicant, 11440 West Center Road

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

MOTION by Melton, SECOND by Harding that the following items be approved:

Item # 10 ORDINANCE # 41519; Item # 11 ORDINANCE # 41520;
Item # 12 RESOLUTION # 638; and, Item # 13 RESOLUTION # 639

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

THE PRESERVE

City Clerk Elizabeth Butler stated that Items 14 through 17 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 July 10, 2018.)

14. ORD. 41521 – An ordinance to rezone the property located southwest of 222nd and F Streets from AG-Agricultural District to DR-Development Reserve District (portions of the property are located in the FF-Flood Fringe Overlay District) – (First Reading July 10, 2018; Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

A. Planning Board and Planning Department recommend approval – [see attached](#).

- 15. RES. 640 – Res. that, the revised Preliminary Plat entitled The Preserve, located southwest of 222nd and F streets, with a request for waivers to Section 53-8(2)(b) Cul-de-sacs and cul-de-sac length, Section 53-8(2)(g) Street width and Street grade, Section 53-8(2)(g) minimum stopping sight distance, Section 53-8(3) Block length, Section 53-9(3) Curb and gutter and Section 53-9(9) Sidewalks, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is 228 Skyline, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval of the revised Preliminary Plat and the request for waivers with the exception of a denial of Section 53-9(10) regarding Street Lights – [see attached](#).

- 16. RES. 641 – Res. that, the Final Plat entitled The Preserve, located southwest of 222nd and F Streets, is hereby approved and accepted. The applicant is 228 Skyline, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

- 17. RES. 642 – Res. that, the Subdivision Agreement among the City of Omaha, 228 Skyline, LLC, and The Preserve at the Farm Homeowners Association, is hereby approved. The Subdivision is to be known as The Preserve (Lots 1-67 and Outlots A-H) and is located southwest of 222nd and F Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Items 14 through 17.

The following person(s) appeared and spoke:

PROPOSERS:
 Jim Buser, Attorney for the applicant, 10250 Regency Circle

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

MOTION by Harding, SECOND by Melton that the following items be approved:
Item # 14 ORDINANCE # 41521; Item # 15 RESOLUTION # 640;
Item # 16 RESOLUTION # 641; and, Item # 17 RESOLUTION # 642

ROLL CALL:
Yeas: Festersen, Harding, Melton, Pahls, Palermo, Mr. President
Nays: None
Absent: Gray
MOTION APPROVED 6-0

SPECIAL USE PERMIT WITH REZONE

City Clerk Elizabeth Butler stated that Items 18 and 19 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 July 10, 2018.)

18. ORD. 41522 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5545 Center Street – (First Reading July 10, 2018; Second Reading July 17, 2018; Third Reading, Public Hearing and Vote July 24, 2018) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
19. RES. 643 – Res. that, the Special Use Permit application submitted by Carolina Padilla, for a Special Use Permit to allow Personal improvement services in the GI District for property located at 5545 Center Street, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

Council President Jerram opened the Public Hearing on Items 18 and 19.

The following person(s) appeared and spoke:

PROPONENTS:

Amy Lawrenson, Attorney for the applicant, 1700 Farnam Street #1500

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

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

Item # 18 ORDINANCE # 41522; and, Item # 19 RESOLUTION # 643

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

LIQUOR

20. RES. 679 – Class “C” Liquor License Application – Addy’s Sports Grill Maple, Inc., dba “Addy’s Sports Grill & Bar”, 14615 West Maple Road, Suites 100-102. (This is a new application for a new location). Notice was posted on the property on 07/13/18; Notification was sent to property owners within 500 feet on 07/13/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Item 20.

The following person(s) appeared and spoke:

PROPOSERS:

Tim Addison, 19732 Orchard Avenue

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 679 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

21. RES. 680 – Class “C” Liquor License Application – Lotus Market, LLC, dba “Bill’s BBQ & Convenient Store”, 4414 North 24th Street. (This is a new application for an old location). Currently licensed to Bill’s BBQ, Inc., dba “Bill’s BBQ & Convenient Store”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Item 21.

The following person(s) appeared and spoke:

PROPOSERS:

Budh Chumber, 4414 North 24th Street

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

MOTION by Harding, SECOND by Festersen that RESOLUTION # 680 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

22. RES. 681 – Class “C” Liquor License Application – The Session Room Omaha, LLC, dba “The Session Room”, 1415 Cuming Street. (This is a new application for a new location). Notice was posted on the property on 07/11/18; Notification was sent to property owners within 500 feet on 07/13/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

- A. Communication from Union Pacific – [see attached](#).

Council President Jerram opened the Public Hearing on Item 22.

The following person(s) appeared and spoke:

PROPOSERS:

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

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 681 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

23. RES. 682 – Class “C” Liquor License Application – Shahi Omaha, LLC, dba “Shahi”, 1015 Farnam Street. (This is a new application for an old location). Currently licensed to Wang, Lance, dba “O Dining”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Item 23.

The following person(s) appeared and spoke:

PROPOSERS:

Mike Kelley, Attorney for the applicant, 2804 South 87th Avenue
Parminder Singh, 1015 Farnam Street

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 682 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

24. RES. 683 – Class “K” Liquor License Application – Della Costa, LLC, dba “Della Costa”, 220 South 31st Street, Suite 3103, with a waiver of City Council Liquor Rule 7 (Establishment located within 300’ of Turner Park). (This is a new application for an old location). Presently holds a Class “C” Liquor License. Notice was posted on the property on 07/11/18; Notification was sent to property owners within 500 feet on 07/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Item 24.

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 683 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

25. RES. 684 – Class “K” Liquor License Application – Friends Family, LLC, dba “5168 Brewing”, 3201 Farnam Street, Suite 6107. (This is a new application for an old location). Presently holds a Class “CG” Liquor License. Notice was posted on the property on 07/13/18; Notification was sent to property owners within 500 feet on 07/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Item 25.

The following person(s) appeared and spoke:

PROPOSERS:

Chadwick Fisher, 3201 Farnam Street

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

MOTION by Melton, SECOND by Jerram that RESOLUTION # 684 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

26. RES. 685 – Class “K” Liquor License Application – Turner Park Center, LLC, dba “Herbe Sainte”, 1934 South 67th Street. (This is a new application for an old location). Presently holds a Class “C” Liquor License. Notice was posted on the property on 07/11/18; Notification was sent to property owners within 500 feet on 07/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Item 26.

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

MOTION by Harding, SECOND by Jerram that RESOLUTION # 685 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

27. RES. 686 – Addition Application – No Do Zesto Operating, LLC, dba “Zesto/Blatt Beer & Table”, 610 North 12th Street, requests permission for an addition of their present Class “CKG” Liquor License location of an outdoor area approx. 6’ x 35’ to the east. Notice was posted on the property on 07/11/18; Notification was sent to property owners within 500 feet on 07/13/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

A. Communication from Michael Wilwerding, Chief Building Inspector – [see attached](#).

Council President Jerram opened the Public Hearing on Item 27.

The following person(s) appeared and spoke:

PROPOSERS:

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

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 686 be approved contingent upon the outdoor area permits being obtained

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

28. RES. 687 – Special Designated Liquor License Application – Septemberfest – Salute to Labor, 6910 Pacific Street, Suite 450, requests permission for a Special Designated License at CenturyLink Center Omaha, 455 North 10th Street, Lot D on August 31, 2018 from 5:00 P.M. to 12:00 A.M. and September 1st through 3rd, 2018 from 12:00 noon to 12:00 A.M. with music until 12:00 A.M. each night – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Item 28.

The following person(s) appeared and spoke:

PROPOSERS:

Linda Morin, 6910 Pacific Street #450

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

MOTION by Festersen, SECOND by Melton that RESOLUTION # 687 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

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 Jerram announced that the public hearings on Agenda Items 29 through 35 were held on July 17, 2018.

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

CONSENT AGENDA – ORDINANCES

29. ORD. 41523 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of the 24th Street Complete Streets, project identified as OPW 52336; providing that the City negotiate with the property owners for land acquisitions, permanent easements and temporary construction easements; providing that as to each specified parcel which cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (First Reading July 10, 2018; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).

30. ORD. 41524 – An ordinance to approve an agreement with OCLC for the purchase of a five-year renewal subscription for WorldShare Metadata/OCLC Cataloging and WorldShare InterLibrary Loan Services, involving a unique or non-competitive purchase under Section 5.16 and involving appropriations of more than one year in conformity with Section 5.17, both of the Home Rule Charter of the City of Omaha, 1956; to provide for payment to OCLC for these cataloging and resource sharing services in a total amount not to exceed \$237,258.83, covering the period from July 1, 2018 to June 30, 2023 – (First Reading July 10, 2018; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).

31. ORD. 41525 – An ordinance to approve an Agreement between the City of Omaha and the Millard Public Schools for the City to provide, through its assignment, up to four Associate School Resource Officers, one Canine Associate School Resource Officer, 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 at the District property twenty-eight (28) hours (or less) per week while school is in session during the regular school year, and twenty-eight (28) hours per week while school is in session during the regular school year for the Canine Associate SRO, from August 13, 2018 and ending at the close of the 2018 – 2019 school year. (The reimbursement payment from the Millard Public Schools to the City will be in the amount of \$35.00 per hour for each officer; and \$40.00 per hour for the canine officer; and \$5.00 per day for the canine officer when school is not in session (summer break).) – (First Reading July 10, 2018; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).
32. ORD. 41526 – An ordinance to approve an Agreement between the City of Omaha and the Elkhorn Public Schools for the City to provide, through its assignment, one Associate School Resource Officer and a marked police cruiser, subject to the availability of such cruiser and Elkhorn’s needs, to the premises of Elkhorn High School, located at 711 Veterans Drive, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property twenty (20) hours per week while school is in session during the regular school year, from August 14, 2018 and ending at the close of the 2018 – 2019 school year; reimbursement from the Elkhorn Public Schools to the City will be in the amount of \$35.00 per hour for the officer, not to exceed \$27,451.00 – (First Reading July 10, 2018; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).
33. ORD. 41527 – An ordinance to approve the Redevelopment Agreement between the City of Omaha, and the Board of Regents of the University of Nebraska, to implement the Center Aloft and Baxter Arena Tax Increment Financing TIF Redevelopment Project Plan for a redevelopment site at 2425 South 67th Street and generally located at southwest of 64th and Center Streets, for the construction and installation of various public improvements and authorizes the use of \$1,000,000 in redevelopment bond proceeds to fund the costs of the public improvements – (First Reading July 10, 2018; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).
34. ORD. 41528 – An ordinance to approve the Agreement between the City of Omaha, and the Aksarben Future Trust, which provides funds to reimburse Aksarben Future Trust for the construction and installation of various public improvements in and around Aksarben Village and Baxter Arena, generally located between Pacific and Center Streets, 62nd Street and Little Papillion Creek and authorizes the use of \$1,000,000.00 in either transportation bonds or lease-purchase bonds to fund those expenses – (First Reading July 10, 2018; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).

35. ORD. 41529 – An Ordinance to approve the Agreement to enter into Sublease and Purchase Agreement and the Sublease and Purchase Agreement between the City of Omaha and Omaha Hotel, LLC, for the sublease and installment sale of City-owned property located at 1001 Cass Street, commonly known as the Omaha Hilton Hotel – (First Reading July 10, 2018; Second Reading and Public Hearing July 17, 2018; Third Reading July 24, 2018) – [see attached](#).

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

Item # 29 ORDINANCE # 41523; Item # 30 ORDINANCE # 41524;
Item # 31 ORDINANCE # 41525; Item # 32 ORDINANCE # 41526;
Item # 33 ORDINANCE # 41527; Item # 34 ORDINANCE # 41528; and,
Item # 35 ORDINANCE # 41529

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

Council President Jerram announced that the public hearings on Agenda Items 36 through 50 were today. He asked that anyone who wished to address the City Council regarding these items please come to the microphone, indicate the Agenda Item Number being addressed, and state their name, address, who they represent, and if they were speaking as a proponent or opponent.

COUNCIL PRESIDENT JERRAM STATED THAT AGENDA ITEM 40 WAS REMOVED FROM THE CONSENT AGENDA

CONSENT AGENDA – RESOLUTIONS

36. RES. 688 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Anderson Ford Lincoln Mercury Mazda in the total amount of \$43,998.00 for two, ½ ton, full size, Ford Transit Vans to be utilized by the Environmental Quality Control Division. (The Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, WW Monitoring Code Enforce & Pretreatment Organization 116712, year 2018 expenditure.) – [see attached](#).
37. RES. 689 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Road Builders Machinery & Supply Co. Inc. in the total amount of \$408,769.68 for one (1) Hydraulic Excavator to be utilized by the Street Maintenance Division. (The Finance Department is authorized to pay the cost of this equipment from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2018 expenditure.) – [see attached](#).

38. RES. 697 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Ramsay-Bliese Corp dba Leete Generators in the total amount of \$34,945.00 for one (1) Portable Generator to be utilized by the Missouri River Water Resource Recovery Facility. (The Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, Interceptor Maintenance Organization 116717, year 2018 expenditure.) – [see attached](#).
39. RES. 690 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue Purchase Orders to Ready Mixed Concrete Co. as primary, and Consolidated Concrete, LLC as a secondary supplier for concrete to be delivered to job sites throughout the City and within 3 miles of the city limits. (The Finance Department is authorized to pay the cost of concrete purchased under this bid from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 expenditure. Other Departments or Divisions utilizing this bid will pay for such usage from their respective cost centers.) – [see attached](#).
40. RES. 692 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Abe’s Trash Service in the amount of \$20,484.00 to provide professional services on the 2018 Omaha Spring Cleanup Collection Services Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$20,484.00 from the General Fund 11111, Solid Waste - Collect & Disposal Organization 116321, year 2018 expenditure.) – [see attached](#). **(REMOVED FROM CONSENT)**
41. RES. 693 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HNTB Corporation in the amount of \$45,162.40 to provide professional services on OPW 52487 TCSP-28 (114) CN 22571 being the North Downtown Riverfront Pedestrian Connector Bridge Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$45,162.40 from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117, year 2018 expenditure.) – [see attached](#).
42. RES. 694 – Res. that, as recommended by the Mayor, the Agreement for Professional Services between the City of Omaha, Public Works Department and the Omaha-Council Bluffs Metropolitan Area Planning Agency in the amount of \$60,000.00, with the City’s share being \$25,714.00 of in-kind services, to provide traffic counts and other information for the fiscal year 2019 be accepted and signed – [see attached](#).
43. RES. 695 – Res. that, as recommended by the Mayor, the Agreement for the 2018 Fracture Critical Bridge Inspections and load re-ratings Project, in the amount of \$1,556.35, with the City’s local share being \$311.27, between the City of Omaha and Nebraska Department of Transportation (NDOT) known as STP-NBIS (112), State Control No. 00990 with an estimated cost to the City of \$311.27 is hereby approved. (To be paid from the Street and Highway Allocation Fund 12131, Bridge Maintenance & Rehabilitation Organization 116164, year 2018 expenditure. The City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha.) – [see attached](#).
44. RES. 696 – Res. that, the Subdivision Agreement between the City of Omaha and 108 Center Street, LLC, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Farmers Market Flats (Lots 1-3 and Outlot A) and is located northeast of 108th Street and West Center Road – [see attached](#).

45. RES. 698 – Res. that, the reappointment by Mayor Jean Stothert of Kurt Cisar to the Urban Design Review Board, as the licensed architect member, to serve a three-year term commencing July 31, 2018 and expiring July 30, 2021, be and hereby is confirmed and approved – [see attached](#).
46. RES. 699 – Res. that, the reappointment by Mayor Jean Stothert of D. David Slosburg to the Omaha Performing Art Society, Inc.’s Board of Directors for a two-year term commencing on July 25, 2018, and expiring on July 24, 2020, be and hereby is confirmed and approved – [see attached](#).
47. RES. 700 – Res. that, the appointment by Mayor Jean Stothert of D. Blake Peterson, as a member of the Administrative Appeals Board, said term to commence on July 31, 2018, and expire three (3) years thereafter on July 30, 2021, be and hereby is confirmed – [see attached](#).
48. RES. 701 – Res. that, the reappointment by Mayor Jean Stothert of Kevin V. Stork, business operator of Belle Vita Ristorante at 2620 N. Main Street, to be a member of the Olde Towne Business Improvement Board to serve a five-year term commencing upon August 7, 2018, and expiring on August 6, 2023, is hereby confirmed and approved – [see attached](#).
49. RES. 702 – Res. that, the reappointment by Mayor Jean Stothert of James E. Lang as the attorney member of the Property Maintenance Appeals Board, commencing August 14, 2018, and expiring on August 13, 2021, is hereby confirmed and approved – [see attached](#).
50. RES. 703 – Res. that, the reappointment by Mayor Jean Stothert of Christopher P. Reed as the mechanical engineer member of the Plumbing Board, to serve a three-year term commencing on July 31, 2018, and expiring July 30, 2021, be and hereby is confirmed and approved – [see attached](#).

Council President Jerram opened the Public Hearing on Items 36 through 39 and 41 through 50.

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

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

Item # 36 RESOLUTION # 688;	Item # 37 RESOLUTION # 689;
Item # 38 RESOLUTION # 697;	Item # 39 RESOLUTION # 690;
Item # 41 RESOLUTION # 693;	Item # 42 RESOLUTION # 694;
Item # 43 RESOLUTION # 695;	Item # 44 RESOLUTION # 696;
Item # 45 RESOLUTION # 698;	Item # 46 RESOLUTION # 699;
Item # 47 RESOLUTION # 700;	Item # 48 RESOLUTION # 701;
Item # 49 RESOLUTION # 702; and,	Item # 50 RESOLUTION # 703

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

40. RES. 692 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Abe’s Trash Service in the amount of \$20,484.00 to provide professional services on the 2018 Omaha Spring Cleanup Collection Services Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$20,484.00 from the General Fund 11111, Solid Waste - Collect & Disposal Organization 116321, year 2018 expenditure.) – [see attached](#).

Council President Jerram opened the Public Hearing on Item 40.

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

MOTION by Harding, SECOND by Melton that the following items be approved:

ROLL CALL:

Yeas: Festersen, Harding, Melton, Pahls, Palermo,

Nays: None

Pass: Mr. President

(Councilmember Jerram passed twice due to potential conflict of interest.)

Absent: Gray

MOTION APPROVED 5-0-1

RESOLUTION

51. RES. 691 – Res. that, as recommended by the Mayor, the contract with ConStruct, Inc. for OPW 53354 in the amount of \$8,186,400.00, being the City of Omaha OPD West Precinct, is hereby approved. (The Finance Department is authorized to pay the cost of \$8,186,400.00 from the 2018 Public Facilities Bond Fund 13247, Organization 117515, year 2018 expenditure.) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Jerram opened the Public Hearing on Item 51.

The following person(s) appeared and spoke:

FOR THE CITY:

Chief Todd Schmaderer, Omaha Police Department

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 691 be approved

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

ORDINANCE ON SECOND READING

52. ORD. 41531 – An ordinance to amend sections 20-230 and 30-261 of the Omaha Municipal Code; to shorten the period of time currently allowed for the use of fireworks from June 25 through July 4, to June 30 through July 4; to shorten the period of time currently allowed for the sale of fireworks from June 24 through July 5, to June 29 through July 4; to shorten the hours allowed for the use of fireworks, except for July 4; to repeal Omaha Municipal Code Sections 20-320 and 30-261 as heretofore existing – (First Reading July 17, 2018; Second Reading and Public Hearing July 24, 2018; Third Reading August 7, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**
- A. Communication in support – [see attached](#).
 - B. Communication from Police Chief Todd Schmaderer – [see attached](#).
 - C. Communication from Fire Chief Daniel Olsen – [see attached](#).
 - D. Communication received from Mayor Stothert during the meeting – [see attached](#).

Council President Jerram opened the Public Hearing on Item 52.

The following person(s) appeared and spoke:

PROPONENTS:

Mark Langan, Nebraska Humane Society, 8929 Fort Street
Lex Ann Roach, 4969 Ohio Street
Steve Novotny, 505 South 15th Street
Christine Scherr, 5307 North 58th Plaza Circle
Jennifer Salak, 6023 South 159th Circle
Rebecca Podkowka, 12301 Seldin Drive
Rachel Grace, 640 South 19th Street
Laura Foral, 1929 South 47th Street
Donna Bush, 2314 South 47th Street
Elaine Wells, 5005 Read Street
Syed Ali, 8504 Douglas Street
Emily Andersen, 1717 Vinton Street
Lou Meyers, 4927 Pinkney Street

OPPONENTS:

Diana Failla, Midtown Neighborhood Alliance, 627 South 67th Avenue
Bill Hronek, 7676 Walnut Street
Kathleen Berg, Catholic Charities, 3300 North 60th Street
Vince Bellino, Bellino Fireworks, 501 Olson Drive
Theresa Kerby, 2117 Wirt Street
Brenda Banks, Cross Training Center, 5030 North 72nd Street
Frank Bartlett, Cross Training Center, 5030 North 72nd Street
Luis Jimenez, 518 North 40th Street

FOR THE CITY:

Jean Stothert, Mayor
Chief Todd Schmaderer, Omaha Police Department
Brook Bench, Parks Director
Assistant Chief Tim McCaw, Omaha Fire Department
Lt. George Merithew, Omaha Police Department
Steve Curtiss, Finance Director

The following were present at the meeting and in support of Item 52:

Susan Baron, 16556 Pine Street; Jean Delehant, 4705 North 111th Circle; LeAnna Foster, 1320 South 165th Avenue; Patty Grabow, 8301 North 123rd Circle; Eileen Hansen, 929 South 70th Plaza #26; Kate Hughes, 3624 Westgate Road; Thomas Miller, 2706 North 65th Street; Scott Noell, 3126 North 60th Street #2; Dana Rouch, 16137 Bedford Avenue; Greg Ruhe, 7420 North 161st Street, Bennington, NE; Mary Ruhe, 7420 North 161st Street, Bennington, NE; Dawn Thrapp, 8316 Emmet Street

The following were present at the meeting and in opposition to Item 52:

Subby Anzalone, 4531 Pine Street; Eric Clausen, 17105 South Highway 50; Fred Conley, 3354 North 37th Street; Stormy Dean, 1702 Nicholas Street; Greg Johnson, 6538 North 158th Street; Ryan Steffen, 10909 Potter Street

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

NON-ACTION ITEMS

(Items 53 through 72 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.)

(CITY COUNCIL WILL NOT MEET ON JULY 31, 2018 AT 2:00 P.M. DUE TO DEPARTMENT BUDGET HEARINGS)

(CITY COUNCIL WILL MEET IN THE LEGISLATIVE CHAMBERS ON JULY 31, 2018 FROM 1:00 P.M. TO 5:00 P.M. FOR DEPARTMENT BUDGET HEARINGS AND AT 6:30 P.M. FOR THE BUDGET PUBLIC HEARING)

ROAD MAINTENANCE DISTRICT ORDINANCE ON SECOND READING

53. ORD. 41530 – An ordinance to create Road Maintenance District No. 745-31, in the City of Omaha, for the purpose of improving South 91st Avenue, from Shirley Street to Hickory 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 July 17, 2018; **Second Reading July 24, 2018**; Third Reading, Public Hearing and Vote August 7, 2018) – [see attached](#).

ORDINANCES ON FIRST READING

54. ORD. 41533 – An ordinance to transfer a permanent easement in land to Metropolitan Utilities District of Omaha, for purposes of relocating facilities, and appurtenances thereto, upon City-owned property located near 144th and First National Bank Parkway; and to authorize the Mayor to execute the Right-of-Way Easement – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
55. ORD. 41550 – An ordinance approving the Grant Agreement between the City of Omaha and the Nebraska Department of Environmental Quality to finance the operation of UndertheSink, the household hazardous waste facility located at 4001 South 120th Street; to provide for reimbursements totaling an amount not to exceed \$337,500.00 involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter, as amended; to provide for payments from a specific account – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
56. ORD. 41534 – An ordinance vacating a portion of Saratoga Street bound on the West and the North by Lot 1 of Fort Omaha Expansion, bound on the East by 30th Street, and bound on the South by Lot 17 of O'Brien's Addition, containing 7,631 square feet, more or less; providing for the reversion or transfer of the same – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
57. ORD. 41535 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located northwest of 108th Street and Military Road, Cherry Ridge (SID 380) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
58. ORD. 41536 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located southeast of 180th Street and Q Street, Cinnamon Creek and Adjacent (SID 392) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
59. ORD. 41537 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located southwest of 144th Street and Fort Street, Westin Hills, Westin Hills West and Adjacent (SID 415) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).

60. ORD. 41538 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located southeast of 165th Street and Q Street, Quail Hollow and Adjacent (SID 437) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
61. ORD. 41539 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located northwest of 180th Street and F Street, West Bay Woods and Adjacent (SID 439) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
62. ORD. 41540 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located northwest of 75th Street and I-680, Lake Cunningham Ridge (SID 445) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
63. ORD. 41541 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located generally southeast of 192nd Street and Spring Street, Bay Ridge / West Bay Woods 2 and Adjacent (SID 463) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
64. ORD. 41542 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located southeast of 180th Street and West Dodge Road, West Village Pointe / Village Cove (SID 483) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
65. ORD. 41543 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located northwest of 180th Street and West Dodge Road, West Dodge Station (SID 487) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
66. ORD. 41544 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located southwest of 168th Street and Locust Street, Manchester Park and Adjacent (SID 493) – (**First Reading July 24, 2018**; Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).

67. ORD. 41545 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located northwest of 192nd Street and Shadow Ridge Drive, Pacific Pointe Estate and Adjacent (SID 498) – **(First Reading July 24, 2018;** Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
68. ORD. 41546 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located northeast of 204th Street and Pacific Street, Pacific Woods and Adjacent (SID 500) – **(First Reading July 24, 2018;** Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
69. ORD. 41547 – An ordinance extending the limits of the City of Omaha over certain land in Douglas County, Nebraska, and incorporating the same into and making the same a part of the City of Omaha and to provide the effective date hereof, located southeast of 120th Street and Blondo Street, Miracle Hills Golf Course and Adjacent – **(First Reading July 24, 2018;** Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
70. ORD. 41548 – An ordinance to insert Article XIV into Chapter 10 of the Omaha Municipal Code concerning Lift Assist Cost Recovery to allow the City to charge a fee to assisted living facilities and nursing care facilities when the Omaha Fire Department provides a lift assist to any person; to establish an initial fee of \$400.00 per lift assist, and to create an appellate process as well – **(First Reading July 24, 2018;** Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
71. ORD. 41549 – An ordinance to provide for approving an Interlocal Agreement between the City of Omaha and the Village of Boys Town, Nebraska, for more than one year with the City Prosecutor's Office to provide certain prosecutorial services for the Village of Boys Town – **(First Reading July 24, 2018;** Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).
72. ORD. 41532 – An ordinance to amend sections 15-2, 15-9, 15-15, 15-22, 15-33, 15-34, 15-40, 15-41, 15-42, 15-44, 15-53, and 15-54 of the Omaha Municipal Code; to include regulations for bottle clubs consistent with state statutes – **(First Reading July 24, 2018;** Second Reading and Public Hearing August 7, 2018; Third Reading August 14, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

Absent: Gray

MOTION APPROVED 6-0

MEETING ADJOURNED AT: 4:15 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 July 24, 2018.

WITNESS:

s/Talia Smith

Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

Elizabeth Butler