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# **JOURNAL RECORD**

## **CITY OF OMAHA**

### **CITY COUNCIL MEETING**

**TUESDAY, AUGUST 14, 2018**

**@ 2:00 PM**

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

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#### 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, August 14, 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 Melton, Pahls, Palermo, Festersen, Harding, Mr. President (Gray); Absent the entire meeting was Councilmember Jerram – **CCID # 752**.

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

Councilmember Aimee Melton of District No. 7 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 August 10, 2018, notice of the Pre-Council and Regular City Council Meetings, August 14, 2018 – **CCID # 753**.

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

Council President Gray stated that if there were no objections, Item 78 would be considered first. No one objected.

### **SUPPLEMENT TO THE CITY COUNCIL AGENDA FOR AUGUST 14, 2018**

#### **ADDITIONAL RESOLUTION**

78. RES. 778 – Res. that, as recommended by the Mayor, the Cooperative Agreement between the Omaha Human Rights and Relations Department and the U.S. Department of Housing and Urban Development in the amount of \$84,200.00 for reimbursement for administrative costs and processing housing discrimination complaints arising within its jurisdiction for HUD for the time period of October 1, 2018, to September 30, 2019, is hereby approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 78.

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

**MOTION by Harding, SECOND by Melton that RESOLUTION # 778 be approved**

#### **ROLL CALL:**

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

**Nays:** None

**Absent:** Jerram

**MOTION APPROVED 6-0**

**PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS**

- 6. RES. 776 – Res. that, the Preliminary Plat entitled Pacific Reserve, along with a waiver of Section 53-8(4)(d) Lot frontage, located at 20601 Pacific Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Pacific Reserve, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

Council President Gray opened the Public Hearing on Item 6.

The following person(s) appeared and spoke:

**PROPONENTS:**

Mark Johnson, Attorney for the applicant, 11440 West Center Road

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

**MOTION by Harding, SECOND by Melton that RESOLUTION # 776 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

**SPECIAL USE PERMIT**

- 7. RES. 706 – Res. that, the Special Use Permit application submitted by Rick Bergholz for a Special Use Permit to allow Daycare Services (General) in a R4-Single-Family Residential District (High-Density), located northeast of 178th Street and Poppleton Avenue, Omaha, Nebraska, is hereby approved. 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. 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 Gray opened the Public Hearing on Item 7.

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

**MOTION by Melton, SECOND by Harding that RESOLUTION # 706 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

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**LIQUOR**

8. RES. 754 – Class “C” Liquor License Application – Blackstone Seafood, LLC, dba “Butterfish”, 3901 Farnam Street. (This is a new application for a new location). Notice was posted on the property on 08/01/18; Notification was sent to property owners within 500 feet on 08/03/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 8.

The following person(s) appeared and spoke:

**PROPOSERS:**

Sean Kelley, Attorney for the applicant, 2804 South 87<sup>th</sup> Avenue

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

**MOTION by Festersen, SECOND by Harding that RESOLUTION # 754 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

9. RES. 755 – Class “C” Liquor License Application – New Sydney, LLC, dba “The Sydney”, 5918 Maple Street. (This is a new application for an old location). Present licensee is JJRK, LLC, dba “The Sydney”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 9.

The following person(s) appeared and spoke:

**PROPOSERS:**

Jim Johnson, 345 South 70<sup>th</sup> Avenue

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

**MOTION by Festersen, SECOND by Harding that RESOLUTION # 755 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

10. RES. 756 – Addition Application – The Berry & Rye, LLC, dba “The Berry & Rye”, 1105 Howard Street, requests permission for an addition to their present Class “CK” Liquor License location of the 2nd floor area approx. 60’ x 80’. Notice was posted on the property on 08/01/18; Notification was sent to property owners within 500 feet on 08/03/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 10.

The following person(s) appeared and spoke:

**PROPOSERS:**

Ethan Bondelid, 6810 Underwood Avenue

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

**MOTION by Festersen, SECOND by Gray that RESOLUTION # 756 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

City Clerk Elizabeth Butler stated that Items 11 and 12 would be considered together.

11. RES. 757 – Special Designated Liquor License Application – North Omaha Love’s Jazz Cultural Arts & Humanities Complex, Inc., 2510 North 24th Street, requests permission for a Special Designated License at Love’s Jazz & Arts Center, 2510 North 24th Street, on August 31, 2018 from 7:00 P.M. to 1:00 A.M. with music until 1:00 A.M – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
12. RES. 758 – Special Designated Liquor License Application – North Omaha Love’s Jazz Cultural Arts & Humanities Complex, Inc., 2510 North 24th Street, requests permission for a Special Designated License at Love’s Jazz & Arts Center, 2510 North 24th Street, on September 2, 2018 from 7:00 P.M. to 1:00 A.M. with music until 1:00 A.M – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 11 and 12.

The following person(s) appeared and spoke:

PROPOSERS:

Harry Washington, 1921 North 31st Street

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

**MOTION by Melton, SECOND by Gray that the following be approved:  
Item # 11 RESOLUTION # 757; and, Item # 12 RESOLUTION # 758**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**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 Gray announced that the public hearings on Agenda Items 13 through 31 were held on August 7, 2018.

*(Required notice of the public hearing was published in the Daily Record on August 3, 2018.)*

**COUNCIL PRESIDENT GRAY STATED THAT AGENDA ITEMS 16 THROUGH 29 WERE REMOVED FROM THE CONSENT AGENDA**

### **CONSENT AGENDA – ORDINANCES**

13. 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](#).
14. 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](#).

15. 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](#).
16. 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](#). **(REMOVED FROM CONSENT)**
17. 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](#). **(REMOVED FROM CONSENT)**
18. 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](#). **(REMOVED FROM CONSENT)**
19. 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](#). **(REMOVED FROM CONSENT)**
20. 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](#). **(REMOVED FROM CONSENT)**
21. 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](#). **(REMOVED FROM CONSENT)**

22. 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](#). **(REMOVED FROM CONSENT)**
- A. Amendment of the Whole requested by the Law Department – [see attached](#).
  - B. Communication received from Mayor's Office – [see attached](#).
  - C. Communication received from Property Owner, Dave Keber, 3329 S. 192nd Street – [see attached](#).
23. 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](#). **(REMOVED FROM CONSENT)**
24. 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](#). **(REMOVED FROM CONSENT)**
25. 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](#). **(REMOVED FROM CONSENT)**
26. 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](#). **(REMOVED FROM CONSENT)**
27. 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](#). **(REMOVED FROM CONSENT)**



28. 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](#). **(REMOVED FROM CONSENT)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).  
 B. Communication received from the Mayor’s Office – [see attached](#).
29. 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](#). **(REMOVED FROM CONSENT)**
30. 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](#).
31. 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](#).

**MOTION by Festersen, SECOND by Harding that the following be approved:**  
**Item # 13 ORDINANCE # 41533; Item # 14 ORDINANCE # 41550;**  
**Item # 15 ORDINANCE # 41534; Item # 30 ORDINANCE # 41549; and,**  
**Item # 31 ORDINANCE # 41532**

**ROLL CALL:**

**Yeas: Melton, Pahls, Palermo, Festersen, Harding, Mr. President**  
**Nays: None**  
**Absent: Jerram**

**MOTION APPROVED 6-0**

16. 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](#).

**MOTION by Melton, SECOND by Harding that ORDINANCE # 41535 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

17. 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](#).

**MOTION by Melton, SECOND by Harding that ORDINANCE # 41536 be approved**

**ROLL CALL:**

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

**Nays: Palermo**

**Absent: Jerram**

**MOTION APPROVED 5-1**

18. 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](#).

**MOTION by Melton, SECOND by Harding that ORDINANCE # 41537 be approved**

**ROLL CALL:**

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

**Nays: Palermo**

**Absent: Jerram**

**MOTION APPROVED 5-1**

19. 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](#).

**MOTION by Harding, SECOND by Melton that ORDINANCE # 41538 be approved**

**ROLL CALL:**

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

**Nays: Palermo**

**Absent: Jerram**

**MOTION APPROVED 5-1**

20. 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](#).

**MOTION by Harding, SECOND by Melton that ORDINANCE # 41539 be approved**

**ROLL CALL:**

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

**Nays: Palermo**

**Absent: Jerram**

**MOTION APPROVED 5-1**

21. 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](#).

**MOTION by Harding, SECOND by Festersen that ORDINANCE # 41540 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

22. 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](#).
- A. Amendment of the Whole requested by the Law Department – [see attached](#).
  - B. Communication received from Mayor's Office – [see attached](#).
  - C. Communication received from Property Owner, Dave Keber, 3329 S. 192nd Street – [see attached](#).

**MOTION by Harding, SECOND by Gray that ORDINANCE # 41541 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

23. 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](#).

**MOTION by Melton, SECOND by Harding that ORDINANCE # 41542 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

24. 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](#).

**MOTION by Harding, SECOND by Gray that ORDINANCE # 41543 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

25. 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](#).

**MOTION by Harding, SECOND by Gray that ORDINANCE # 41544 be approved**

**ROLL CALL:**

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

**Nays: Palermo**

**Absent: Jerram**

**MOTION APPROVED 5-1**

26. 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](#).

**MOTION by Harding, SECOND by Gray that ORDINANCE # 41545 be approved**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

27. 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](#).

**MOTION by Melton, SECOND by Gray that ORDINANCE # 41546 be approved**

**ROLL CALL:**

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

**Nays: Palermo**

**Absent: Jerram**

**MOTION APPROVED 5-1**

28. 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](#).
- B. Communication received from the Mayor's Office – [see attached](#).

**MOTION by Melton, SECOND by Harding that ORDINANCE # 41547 be denied**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

29. 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](#).

**MOTION by Festersen, SECOND by Melton that ORDINANCE # 41548 be postponed to the September 11, 2018 City Council meeting**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

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Council President Gray announced that the public hearings on Agenda Items 32 through 37 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 GRAY STATED THAT AGENDA ITEM 33 WAS REMOVED FROM THE CONSENT AGENDA*

**CONSENT AGENDA – RESOLUTIONS**

32. RES. 760 – Res. that, the City Clerk is hereby authorized and directed to publish the Petition for improvement of South 91st Avenue, from Shirley Street to Hickory Street, within Road Maintenance District No. 745-31, to publish notice of the right to protest the said Petition and the said improvement, and to mail the said notice to record owners of taxable property within the said District, all as provided in this Resolution – [see attached](#).
33. RES. 761 – Res. that, 50% of the estimated total costs of improvements for Road Maintenance District No. 745-31, an amount not to exceed \$55,771.80, shall be paid by the City of Omaha from the 2014 Transportation Fund 13184, Transportation Bonds Organization 117117. (The remaining costs of improvements for RMD #745-31 be specially assessed upon the properties within RMD #745-31 and paid through the Capital Special Assessments Fund 13573, Special Assessments Organization 116168.) – [see attached](#). **(REMOVED FROM CONSENT)**





Council President Gray opened the Public Hearing on Item 33.

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

**MOTION by Harding, SECOND by Festersen that RESOLUTION # 761 be approved**

**ROLL CALL:**

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

**Nays: Palermo**

**Absent: Jerram**

**MOTION APPROVED 5-1**

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**ORDINANCES ON SECOND READING**

38. ORD. 41563 – An ordinance to amend Ordinance No. 41511, concerning sewer use fees for the period January 1, 2019 through December 31, 2023, to provide for an amended effective date of January 1, 2019; to readopt the amendments to Omaha Municipal Code Sections 31-51, 31-145, 31-147 and 31-158 as set forth herein and in Ordinance No. 41511 – (First Reading August 7, 2018; Second Reading and Public Hearing August 14, 2018; Third Reading August 21, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 38.

The following person(s) appeared and spoke:

FOR THE CITY:

Bob Stubbe, Public Works Director

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

39. ORD. 41564 – An ordinance to amend section 34-332 of the Omaha Municipal Code; to clarify property owners' responsibilities for snow removal from sidewalks along the rear of lots; to repeal Omaha Municipal Code section 34-332 as heretofore existing – (First Reading August 7, 2018; Second Reading and Public Hearing August 14, 2018; Third Reading August 21, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 39.

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



40. ORD. 41565 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2017-DJ-BX-0315, in the amount of \$380,836.00, during the project period extending from October 1, 2016 to September 30, 2020; to provide funding for law enforcement programs, prevention and education programs, prosecution and court programs, mental health programs and related law enforcement corrections programs, and planning, evaluation and technology improvement programs; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (First Reading August 7, 2018; **Second Reading and Public Hearing August 14, 2018**; Third Reading August 21, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 40.

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

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### **NON-ACTION ITEMS**

(Items 41 through 77 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.)

### **FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORT**

41. CCID 759 – General Purpose Financial Statements for the year ended December 31, 2017 and Independent Auditor's Report for the Land Reutilization Commission of Douglas County – [see attached](#). **(THIS ITEM WILL BE PLACED ON FILE IN THE CITY CLERK'S OFFICE)**

### **COVENTRY RIDGE**

42. ORD. 41554 – An ordinance to rezone property located northwest of Coventry Drive and Harrison Street from DR-Development Reserve District, R4-Single-Family Residential District (High Density) and R6-Low-Density Multiple-Family Residential District to DR-Development Reserve District – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
43. ORD. 41555 – An ordinance to rezone property located northwest of Coventry Drive and Harrison Street from DR-Development Reserve District, R4-Single-Family Residential District (High Density) and R6-Low-Density Multiple-Family Residential District to R4-Single-Family Residential District (High Density) – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

44. RES. 712 – Res. that, the Final Plat transmitted herewith entitled Coventry Ridge (Lots 38-144 and Outlot B), located northwest of Coventry Drive and Harrison Street, is hereby approved, and concurrently a portion of the existing plats entitled Coventry, Coventry Ridge and Coventry Ridge Replat One, are hereby vacated. The applicant is Coventry Ridge LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE AUGUST 21, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 42)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
45. RES. 713 – Res. that, the Subdivision Agreement among the City of Omaha, Coventry Ridge, LLC, the Coventry Ridge Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 524 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Coventry Ridge (Lots 38-144 and Outlot B) and is located northwest of Coventry Drive and Harrison Street – [see attached](#). **(LAID OVER TO THE AUGUST 21, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 42)**

### **COVENTRY REPLAT 9**

46. ORD. 41556 – An ordinance to rezone property located west of 209th Street and George B Lake Parkway from DR-Development Reserve District and R4-Single-Family Residential District (High Density) to R4-Single-Family Residential District (High Density) – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
47. ORD. 41557 – An ordinance to rezone property located west of 209th Street and George B Lake Parkway from DR-Development Reserve District to DR-Development Reserve District – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
48. RES. 714 – Res. that, the Final Plat transmitted herewith entitled Coventry Replat 9, located west of 209th Street and George B Lake Parkway, is hereby approved, and concurrently a portion of the existing plat entitled Coventry, and described on said replat, is hereby vacated. The applicant is CFM Realty – Outside City Limits – [see attached](#). **(LAID OVER TO THE AUGUST 21, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 46)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
49. RES. 675 – Res. that, the First Amendment to Subdivision Agreement among the City of Omaha, VG-CFM 204Q, LLC, AVG-CFM Coventry Estates, LLC, the Coventry Homeowners Association, Inc., and Sanitary and Improvement District (S.&I.D.) 524 of Douglas County, Nebraska, is hereby approved. The Subdivision is to be known as Coventry Replat 9 (Lots 1-6 and Outlots A-B) and is located west of 209th Street and George B Lake Parkway – [see attached](#). **(LAID OVER TO THE AUGUST 21, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 46)**

## COVENTRY NORTH

50. ORD. 41559 – An ordinance to rezone property located southwest of 204th and Q Streets from AG-Agricultural District to MU-Mixed Use District – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – see attached. – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
51. RES. 715 – Res. that, the Final Plat entitled Coventry North (Lot 1), located southwest of 204th and Q Streets, is hereby approved and accepted. The applicant is AVG-CFM 204Q, LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE AUGUST 21, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 50)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
52. ORD. 41558 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Coventry North, to allow for multiple family residential construction of 294 units as Phase 1 of the development., located southwest of 204th and Q Streets, between the City of Omaha and AVG-CFM204Q, LLC, providing site development standards – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
53. RES. 716 – Res. that, the Subdivision Agreement among the City of Omaha, AVG-CFM 204Q, LLC, a Nebraska limited liability company, and Sanitary and Improvement District (S.&I.D.) 524 of Douglas County, Nebraska, is hereby approved. The Subdivision is to be known as Coventry North (Lot 1) and is located southwest of 204th and “Q” Streets – [see attached](#). **(LAID OVER TO THE AUGUST 21, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 50)**

## COVENTRY

54. ORD. 41561 – An ordinance to rezone property located northwest of 204th and Harrison Streets from AG-Agricultural District and R4-Single-Family Residential District (High Density) to MU-Mixed Use District – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
55. ORD. 41562 – An ordinance to rezone property located northwest of 204th and Harrison Streets from AG-Agricultural District and R4-Single-Family Residential District (High Density) to DR-Development Reserve District – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

56. RES. 717 – Res. that, the Final Plat transmitted herewith entitled Coventry (Lots 99-110 and Outlots F thru H), located northwest of 204th and Harrison Streets, is hereby approved, and concurrently a portion of the existing plat entitled Coventry Ridge, is hereby vacated. The applicant is Coventry Ridge, LLC – Outside City Limits – [see attached](#). **(LAID OVER TO THE AUGUST 21, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 54)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
57. ORD. 41560 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Coventry, to allow for a mixed use development with a grouping of buildings and plaza areas, located northwest of 204th and Harrison Streets, between the City of Omaha and Coventry, providing site development standards – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
58. RES. 718 – Res. that, the Subdivision Agreement among the City of Omaha, AVG-CFM 204Q, LLC, a Nebraska corporation, the Coventry Homeowners Association, the Coventry Business Owners Association, and Sanitary and Improvement District (S.&I.D.) 524 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Coventry (Lots 99-110 and Outlots F-H) and is located northwest of 204th and Harrison Streets – [see attached](#). **(LAID OVER TO THE AUGUST 21, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 54)**

### **THE TOWNHOMES OF VILLAGE POINTE**

59. ORD. 41568 – An ordinance to rezone property located southwest of 168th Street and Western Avenue from AG-Agricultural District to DR-Development Reserve District – (**First Reading August 14, 2018**; Second Reading August 21, 2018; Third Reading, Public Hearing and Vote August 28, 2018) – [see attached](#).
60. ORD. 41569 – An ordinance to rezone property located southwest of 168th Street and Western Avenue from AG-Agricultural District to R6-Low-Density Multiple-Family Residential District – (**First Reading August 14, 2018**; Second Reading August 21, 2018; Third Reading, Public Hearing and Vote August 28, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
61. ORD. 41570 – An ordinance to approve a PUD-Planned Unit Development Overlay District in a R6-Low-Density Multiple-Family Residential District, located southwest of 168th Street and Western Avenue, to approve the Development Plan – (**First Reading August 14, 2018**; Second Reading August 21, 2018; Third Reading, Public Hearing and Vote August 28, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

62. RES. 772 – Res. that, the Final Plat entitled The Townhomes of Village Pointe (Lots 1-120, Outlots A-E), located southwest of 168th Street and Western Avenue, is hereby approved and accepted. The applicant is Steve Champoux – Outside City Limits – [see attached](#). **(LAID OVER TO THE AUGUST 28, 2018 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 59)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

**PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS**

63. ORD. 41551 – An ordinance to rezone property located at 1401 Jackson Street from DS-Downtown Services District to CBD-Central Business District (property is located within an ACI-1 Overlay District) – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
64. ORD. 41552 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 3203 North 204th Street – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
65. ORD. 41553 – An ordinance to amend the boundaries of the ACI-3(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property located at 11910 West Dodge Road and 11815 Webster Street – (First Reading August 7, 2018; **Second Reading August 14, 2018**; Third Reading, Public Hearing and Vote August 21, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

**RESOLUTIONS**

66. RES. 766 – Res. that, the Dahlman Rows Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located at 1903 South 7th Street proposes the construction of 36 for sale market rate row house units, and authorizes the City’s participation through the allocation of TIF in an amount up to \$1,800,000.00, plus accrued interest, to offset TIF eligible costs such as acquisition, street paving, utility mains, architectural and engineering fees, and any public improvements, as may be required, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by the City Planning Department, be and hereby is approved, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE SEPTEMBER 11, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
- A. Communication in support – [see attached](#).

67. RES. 767 – Res. that, the 420 Condominium Regime Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located at 420 South 11th Street, proposes the reconstruction of twelve (12) residential condominium units and their associated common areas, and authorizes the City’s participation through the allocation of TIF in an amount up to \$685,682.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to interior demolition, mold and asbestos abatement, structural stabilization, rehabilitation construction, architecture and engineering fees, and public improvements as may be required, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE SEPTEMBER 11, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
68. RES. 768 – Res. that, the Grace University Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment project site located at 1311 South 9th Street, proposes the adaptive reuse of the former Grace University campus into 167 one bedroom and studio market rate apartments, with 100 off-street parking spaces and additional parking proposed, for a total of 167 parking spaces, and authorizes the City’s participation through the allocation of TIF in an amount up to \$2,786,095.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, architecture and engineering fees, asbestos abatement, and any other public improvements as required, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE SEPTEMBER 11, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
69. RES. 769 – Res. that, the Blackstone Hotel Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 302 South 36th Street, which proposes the complete rehabilitation, conversion and restoration of the historic Blackstone Hotel into a 204 room upper, upscale, full-service boutique hotel with various hotel amenities, authorizes the City’s participation through the allocation of TIF in an amount up to \$7,646,000.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, utility extensions and hookups, and public improvements as required, with the applicant contributing \$31,000.00 of the TIF loan proceeds to the Midtown Public Improvement Fund for future public infrastructure improvements along Farnam Street, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE SEPTEMBER 11, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**



70. RES. 770 – Res. that, the Drummond Motor Company and Firestone Tire Buildings Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 2570 and 2566 Farnam Street, proposes a complete rehabilitation and conversion of two historic buildings: 1) the Drummond Motor Company Building into 20 market rate apartment units, ground floor and basement commercial space, and indoor parking garage, and 2) the Firestone Tire Building into approximately 20,000 SF of leasable commercial retail and office space, and authorizes the City's participation through the allocation of TIF in an amount up to \$1,080,688.00, plus accrued interest, to offset TIF eligible expenses, including, but not limited to acquisition, rehabilitation and renovation construction costs, and public improvements as required, with the applicant contributing \$20,000.00 of the TIF loan proceeds to the Midtown Public Improvement Fund for future public infrastructure improvements along Farnam Street, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE SEPTEMBER 11, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
71. RES. 771 – Res. that, the Cuming Plaza Tax Increment Financing (TIF) Redevelopment Project Plan for redevelopment project site located at 3040 Cuming Street, proposes the rehabilitation of a portion of an existing 23,000 square foot unused warehouse building with no parking into an approximately 7,000 square foot, 3-bay retail center with 25 parking stalls, and demolition of the existing metal building, and authorizes the City's participation through the allocation of TIF in an amount up to \$133,554.00, plus accrued interest, to offset TIF eligible expenses including, but not limited to acquisition, demolition, architectural and engineering fees, and any public improvements, as may be required, containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(LAID OVER TO THE SEPTEMBER 11, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

#### **SPECIAL USE PERMITS**

72. RES. 773 – Res. that, the Special Use Permit application submitted by Schlick Construction, for a Special Use Permit to allow development in the ED-North Hills Environmental Resources Overlay District, located at 3327 Lindenwood Lane, 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 application, and all applicable local or state statutes, ordinances or regulations are complied with. 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](#). **(LAID OVER TO THE AUGUST 28, 2018 CITY COUNCIL MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS AND ADVERTISE FOR PUBLIC HEARING)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

73. RES. 774 – Res. that, the Special Use Permit application submitted by S&W Fence, for a Large Project Special Use Permit to allow total building floor area over 40,000 square feet (a portion of the property is located in the FF-Flood Fringe Overlay District), for property located at 6726 North 87th Circle, Omaha, Nebraska, is hereby approved and Permits and Inspection Division is directed to issue the necessary permit therefore, provided the conditions set out in Exhibit "A" of the 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](#). **(LAID OVER TO THE AUGUST 28, 2018 CITY COUNCIL MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS AND ADVERTISE FOR PUBLIC HEARING)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

74. RES. 775 – Res. that, the Special Use Permit application submitted by Amerco Real Estate Company, for a Special Use Permit to allow Automotive rentals in a CC-Community Commercial District, located at 5808 South 144th Street and 5801 South 147th 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 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](#). **(LAID OVER TO THE AUGUST 28, 2018 CITY COUNCIL MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS AND ADVERTISE FOR PUBLIC HEARING)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

#### **ORDINANCES ON FIRST READING**

75. ORD. 41566 – An ordinance to designate the Carnation Ballroom located northeast of 24th and Miami Streets as a landmark pursuant to the Landmark Heritage Preservation Ordinance of the City of Omaha – (**First Reading August 14, 2018**; Second Reading and Public Hearing August 21, 2018; Third Reading August 28, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
76. ORD. 41571 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Village Pointe, to allow for Automotive Sales, located at 225 North 170th Street, between the City of Omaha and 168th and Woodhouse Auto Family, Inc., a Nebraska corporation, providing site development standards – (**First Reading August 14, 2018**; Second Reading and Public Hearing August 21, 2018; Third Reading August 28, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).



77. ORD. 41567 – An ordinance approving a bid from Priority 1 Courier & Delivery, LLC, in the amount of \$121,413.00, to provide delivery services between twelve public libraries as well as other designated pick-up and delivery sites throughout the City of Omaha Metropolitan Area, for a period of one year, commencing upon approval – (**First Reading August 14, 2018**; Second Reading and Public Hearing August 21, 2018; Third Reading August 28, 2018) – [see attached](#).

### **EXECUTIVE SESSION**

78. Executive Session – Labor Negotiations.

**MOTION by Festersen, SECOND by Melton to go into executive session to protect the public interest to only discuss labor negotiations**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

Council President Ben Gray restated for the record the purpose of the executive session was to protect the public interest to only discuss labor negotiations. The executive session would include: City Council, City Attorney, Deputy City Attorney, City Clerk, City Council Chief of Staff, Human Resources Director, and Attorney Mark McQueen of Baird Holm Law Firm. City Council went into executive session at 2:44 P.M.

Upon returning from executive session, Council President Ben Gray stated that the only item discussed in executive session was labor negotiations.

**MOTION by Melton, SECOND by Gray to adjourn from executive session**

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

**EXECUTIVE SESSION ADJOURNED AT: 3:07 P.M.**

### **ADJOURNMENT**

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

**ROLL CALL:**

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

**Nays: None**

**Absent: Jerram**

**MOTION APPROVED 6-0**

**MEETING ADJOURNED AT: 3:08 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 August 14, 2018.

WITNESS:

s/Talia Smith

\_\_\_\_\_  
Talia Smith, Senior Administrative Clerk

CITY CLERK:

s/Elizabeth Butler

\_\_\_\_\_  
Elizabeth Butler