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# **JOURNAL RECORD**

## **CITY OF OMAHA CITY COUNCIL MEETING**

**TUESDAY, AUGUST 28, 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 28, 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 Palermo, Festersen, Harding, Jerram, Melton, Pahls, Mr. President (Gray) – **CCID # 813**.

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

Councilmember Ben Gray of District No. 2 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 24, 2018, notice of the Pre-Council and Regular City Council Meetings, August 28, 2018 – **CCID # 814**.

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**

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

City Clerk Elizabeth Butler stated that Items 6 through 10 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 August 14, 2018.)*

6. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
7. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

8. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
9. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
10. RES. 782 – Res. that, the Subdivision Agreement among the City of Omaha, VP 168, LLC, a Nebraska corporation, the Townhomes of Village Pointe Home Owners Association, and Sanitary and Improvement District (S.&I.D.) 587 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as The Townhomes of Village Pointe (Lots 1-120 and Outlots A-E) and is located southwest of 168th Street and Western Avenue – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Items 6 through 10.

The following person(s) appeared and spoke:

**PROPOSERS:**

Jason Thiellen, E&A Consulting, 10909 Mill Valley Road

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

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

**Item # 6 ORDINANCE # 41568;                      Item # 7 ORDINANCE # 41569;**  
**Item # 8 ORDINANCE # 41570;                      Item # 9 RESOLUTION # 772; and,**  
**Item # 10 RESOLUTION # 782**

**ROLL CALL:**

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

**Nays:                      None**

**MOTION APPROVED 7-0**

**WOOD VALLEY WEST 2**

11. RES. 817 – Res. that, the Preliminary Plat entitled Wood Valley West 2, located north of Military Road and west of 147th Street, along with the conditions, is hereby accepted; and the preparation of the final plat of this subdivision is hereby authorized. The applicant is Loren Johnson, Celebrity Homes Omaha – 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 11.

The following person(s) appeared and spoke:

PROPOSERS:

John Fullenkamp, 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 RESOLUTION # 817 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

### **SPECIAL USE PERMITS**

*(Required notice of the public hearing relating to this development was published in the Daily Record on August 14, 2018.)*

12. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPOSERS:

Ray Plumb, Schlick Construction, 503 South 36th Street

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

**MOTION by Festersen, SECOND by Gray that RESOLUTION # 773 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

*(Required notice of the public hearing relating to this development was published in the Daily Record on August 14, 2018.)*

13. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 13.

The following person(s) appeared and spoke:

PROPOSERS:

Randy Kuszak, Lamp Rynearson, 14710 West Dodge Road #100

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

**MOTION by Festersen, SECOND by Gray that RESOLUTION # 774 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

*(Required notice of the public hearing relating to this development was published in the Daily Record on August 14, 2018.)*

14. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 14.

The following person(s) appeared and spoke:

**PROPOSERS:**

Mike Hale, Amerco Real Estate, 6412 South 174th Street

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

**MOTION by Pahls, SECOND by Gray that RESOLUTION # 775 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

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**LIQUOR AND KENO RESOLUTIONS**

15. RES. 818 – Class “C” Liquor License Application – Sippin Sirens, LLC, dba “Sippin Sirens”, 4302 South 42nd Street. (This is a new application for a new location). Notice was posted on the property on 08/15/18; Notification was sent to property owners within 500 feet on 08/17/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 15.

The following person(s) appeared and spoke:

**PROPOSERS:**

Angela Wolff, Sippin Sirens, 4302 South 42nd Street

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

**MOTION by Palermo, SECOND by Melton that RESOLUTION # 818 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

16. RES. 819 – Class “C” Liquor License Application – Tiny House, LLC, dba “Tiny House”, 1411 South 13th Street. (This is a new application for a new location). Notice was posted on the property on 08/15/18; Notification was sent to property owners within 500 feet on 08/17/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

- A. Communications in opposition – [see attached](#).

Council President Gray opened the Public Hearing on Item 16.

The following person(s) appeared and spoke:

**PROPOSERS:**

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

**OPPOSERS:**

Mary Thompson, 1309 South 6th Street

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

**MOTION by Jerram, SECOND by Gray that RESOLUTION # 819 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

17. RES. 820 – Class “I” Liquor License Application – How We Doing, LLC, dba “The Omaha Lounge”, 1505 Farnam Street. (This is a new application for an old location). Present licensee is Omaha Lounge, LLC, dba “The Omaha Lounge, who has a Class “I” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 17.

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 Melton, SECOND by Festersen that RESOLUTION # 820 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

18. RES. 821 – Class “I” Liquor License Application – New Golden Palace, LLC, dba “Golden Palace”, 4040 North 132nd Street. (This is a new application for an old location). Present licensee is Jin Xing, Inc., dba “Golden Palace”, who has a Class “I” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 18.

The following person(s) appeared and spoke:

**PROPOSERS:**

Peng Li, Attorney for the applicant, 8424 West Center Road #108

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

**MOTION by Melton, SECOND by Harding that RESOLUTION # 821 be approved**

**ROLL CALL:**

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

**Nays:** None

**MOTION APPROVED 7-0**

19. RES. 822 – Class “D” Liquor License Application – Blue Nile, Inc., dba “Blue Nile Corner Store”, 2541 North 20th Street. (This is a new application for a new location). Notice was posted on the property on 08/15/18; Notification was sent to property owners within 500 feet on 08/17/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Gray opened the Public Hearing on Item 19.

The following person(s) appeared and spoke:

**PROPOSERS:**

Berhanu Workneh, 7414 Page Street

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

**MOTION by Melton, SECOND by Jerram that RESOLUTION # 822 be approved**

**ROLL CALL:**

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

**Nays:** None

**MOTION APPROVED 7-0**

20. RES. 823 – Class “D” Liquor License Application – NBH Grocery, LLC, dba “NBH Grocery”, 1817 North 33rd Street. (This is a new application for a new location). Notice was posted on the property on 08/15/18; Notification was sent to property owners within 500 feet on 08/17/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 20.

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 Gray that RESOLUTION # 823 be approved**

**ROLL CALL:**

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

**Nays:** None

**MOTION APPROVED 7-0**



21. RES. 824 – Special Designated Liquor License Application – Second Wind, Inc., dba “Crescent Moon Ale House”, 3578 Farnam Street, requests permission for a Special Designated License for an Oktoberfest Beer Garden at Crescent Moon Ale House, 3578 Farnam Street on September 21, 2018 from 3:00 P.M. to 2:00 A.M. and September 22, 2018 from 11 A.M. to 2:00 A.M. with music until 12:00 A.M. each night – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 21.

The following person(s) appeared and spoke:

**PROPOSERS:**

Kandace Gladwin, 4802 Capitol Avenue

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

**MOTION by Jerram, SECOND by Harding that RESOLUTION # 824 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

22. RES. 635 – Res. that, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 8805 Maple Street, The Brokedown Palace – [see attached](#). **(POSTPONED FROM THE JULY 10, 2018 CITY COUNCIL MEETING, PUBLIC HEARING AND VOTE TODAY)**

- A. Communication from Katrina Coffey, Big Red Keno, requesting to withdraw the application – [see attached](#).

Council President Gray opened the Public Hearing on Item 22.

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

**MOTION by Melton, SECOND by Gray that RESOLUTION # 635 be withdrawn**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

23. RES. 825 – Res. that, in accordance with the Lottery Operator’s Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red Keno satellite keno location at 8525 Park Drive, Molly’s Pub – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Gray opened the Public Hearing on Item 23.

The following person(s) appeared and spoke:

**PROPONENTS:**

Katrina Coffey, 11248 John Galt Boulevard

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

**MOTION by Palermo, SECOND by Festersen that RESOLUTION # 825 be approved**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

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**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 24 through 26 were held on August 21, 2018.

*(Required notices of the public hearings were published in the Daily Record on August 17, 2018.)*

**CONSENT AGENDA – ORDINANCES**

24. 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](#).
  
25. 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](#).

26. 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](#).

**MOTION by Festersen, SECOND by Harding that the following items be approved:**  
**Item # 24 ORDINANCE # 41566; Item # 25 ORDINANCE # 41571; and,**  
**Item # 26 ORDINANCE # 41567**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

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Council President Gray announced that the public hearings on Agenda Items 27 through 33 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**

27. RES. 826 – Res. that, as recommended by the Mayor, the contract with Charles Vrana & Son Construction Co. for OPW 53195 and OPW 53353, in the total amount of \$1,361,322.50 and \$739,262.99, being the Ridgewood Avenue from Poppleton Avenue to Hickory Street and Woolworth Avenue from Ridgewood Avenue to S. 80th Street Project to be constructed within the bounds of Street Improvement Districts 6881 and 6883 respectively, is hereby approved. (The Finance Department is authorized to pay the cost for Schedule A (Ridgewood Ave), and Schedule B (Woolworth Ave), in the total amount of \$1,361,322.50; \$739,262.99 from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure, and \$622,059.51 from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, both being year 2018 expenditures.) – [see attached](#).
28. RES. 827 – Res. that, as recommended by the Mayor, the Task Order Agreement for design engineering services with Felsburg, Holt and Ullevig, with the City's local share in the amount of \$10,846.30, for the 144th Street Traffic Control System Project, known as HSIP-5001(17), State Control No. 22449, and OPW 51923, being the 144th Street ASCT Project, is hereby approved. (To be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, as a part of Capital Improvement Program Project No. 2012T514. The City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha) – [see attached](#).

29. RES. 829 – Res. that, as recommended by the Mayor, the bid in the total amount of \$217,500.05 from Midwest Excavating Services, LLC to furnish all labor, materials and equipment necessary for the construction of the parking lot and walking path at Miguel Keith Park, located at 2909 U Street, Omaha, Nebraska, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from Fund No. 13356, 2014 Parks and Recreation Fund and Organization No. 117317, Parks and Culture Bond, Project I.D. No. 2000P505.) – [see attached](#).
30. RES. 830 – Res. that, the reappointment by the Mayor of Ann O'Connor to serve as a member of the Administrative Appeals Board, said term to commence on December 11, 2018, and expire on December 10, 2021, is hereby confirmed – [see attached](#).
31. RES. 831 – Res. that, the appointment by Mayor Jean Stothert of Malakal Goak as a member of the Human Rights and Relations Board, to serve a 3-year term commencing on September 1, 2018 and expiring August 31, 2021, be and hereby is confirmed and approved – [see attached](#).
32. RES. 832 – Res. that, the appointment by Mayor Jean Stothert of Medicine Flower Blue Star as a member of the Human Rights and Relations Board, to serve a seven-month term commencing on September 1, 2018 and expiring March 6, 2019, be and hereby is confirmed and approved – [see attached](#).
33. RES. 762 – Res. that, City Council Resolution # 171, passed February 13, 2018, is amended to permit the City to pay 50% of the total project costs of improvements for Street Improvement District No. 6883, increasing the City's authorized contribution to the costs of improvements by \$47,451.32, amount not to exceed \$179,500.00, which shall be paid by the City of Omaha from the 2014 Transportation Fund 13184, Transportation Bonds Organization 117117. The remaining costs of improvements for SID # 6883 be specially assessed upon the properties within SID # 6883 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 Items 27 through 32.

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

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

<b>Item # 27 RESOLUTION # 826;</b>	<b>Item # 28 RESOLUTION # 827;</b>
<b>Item # 29 RESOLUTION # 829;</b>	<b>Item # 30 RESOLUTION # 830;</b>
<b>Item # 31 RESOLUTION # 831; and,</b>	<b>Item # 32 RESOLUTION # 832;</b>

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

33. RES. 762 – Res. that, City Council Resolution # 171, passed February 13, 2018, is amended to permit the City to pay 50% of the total project costs of improvements for Street Improvement District No. 6883, increasing the City’s authorized contribution to the costs of improvements by \$47,451.32, amount not to exceed \$179,500.00, which shall be paid by the City of Omaha from the 2014 Transportation Fund 13184, Transportation Bonds Organization 117117. The remaining costs of improvements for SID # 6883 be specially assessed upon the properties within SID # 6883 and paid through the Capital Special Assessments Fund 13573, Special Assessments Organization 116168 – [see attached](#).

A. Amendment of the whole – [see attached](#).

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 Jerram, that the Amendment of the Whole for RESOLUTION # 762 be approved**

**ROLL CALL:**

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

**Nays: Palermo**

**MOTION APPROVED 6-1**

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**ORDINANCE ON FINAL READING**

34. SPECIAL ORD. 10237 – An ordinance levying a special tax and assessment on certain lots, part of lots and pieces of real estate in the City of Omaha to cover the cost of clearing snow from sidewalks in District No. SWSR 2017-01 – (First Reading June 26, 2018; Second Reading and Public Hearing July 10, 2018; Third Reading August 28, 2018) – [see attached](#). **(POSTPONED FROM THE JULY 17, 2018 CITY COUNCIL MEETING, VOTE TODAY)**

A. Amendment of the Whole requested by the Public Works Department – [see attached](#).

B. Amendment of the Whole requested by Councilmember Aimee Melton – [see attached](#).

**MOTION by Melton, SECOND by Jerram that Amendment of the Whole B be amended to exclude the assessment for Rowana Fountain, 3132 Fontenelle Boulevard**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

**MOTION by Melton, SECOND by Jerram that Amendment of the Whole B for SPECIAL ORDINANCE # 10237 be approved as amended**

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

**ORDINANCES ON SECOND READING**

35. ORD. 41572 – An ordinance to approve Lease Agreement, No. DACW45-1-18-6031 with Exhibits A-E, between the City of Omaha and the Secretary of the Army, for more than one year, for the City to provide operation and maintenance of parkland and recreational opportunities at Papillion Creek and Dam #11, commonly referred to as Cunningham Lake – (First Reading August 21, 2018; Second Reading and Public Hearing August 28, 2018; Third Reading September 11, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 35.

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

36. ORD. 41573 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the Nebraska Crime Commission, FY 2017 STOP Violence Against Women (VAWA) Grant, Award #17-VW-0711 in the amount of \$234,406.00, during the project period of July 1, 2018 to June 30, 2019; to enhance victim assistance services and prosecute cases of domestic violence through the multi-agency Douglas County Community Response Team, in conformity with Section 5.17 of the Home Rule Charter – (First Reading August 21, 2018; Second Reading and Public Hearing August 28, 2018; Third Reading September 11, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Gray opened the Public Hearing on Item 36.

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

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**NON-ACTION ITEMS**

(Items 37 through 49 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 SEPTEMBER 4, 2018 DUE TO THE LABOR DAY HOLIDAY)

### SUMMER HILL FARM

37. ORD. 41574 – An ordinance to rezone property located southeast of 168th and State Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density) – (**First Reading August 28, 2018**; Second Reading September 11, 2018; Third Reading, Public Hearing and Vote September 18, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
38. RES. 815 – Res. that, the Final Plat entitled Summer Hill Farm (Lots 1-160, Outlots A-K), located southeast of 168th and State Streets, is hereby approved and accepted. The applicant is KMS-168, LLC – Outside City Limits – [see attached](#). (**LAI D O V E R T O T H E S E P T E M B E R 1 8 , 2 0 1 8 C I T Y C O U N C I L M E E T I N G T O C O I N C I D E W I T H I T E M 3 7**)
- A. Planning Board and Planning Department recommend approval – [see attached](#).
39. RES. 816 – Res. that, the Subdivision Agreement among the City of Omaha, KMS-168, LLC, a Nebraska corporation, the Summer Hill Farm Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 581 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Summer Hill Farm (Lots 1-160 and Outlots A-K) and is located southeast of 168th and State Streets – [see attached](#). (**LAI D O V E R T O T H E S E P T E M B E R 1 8 , 2 0 1 8 C I T Y C O U N C I L M E E T I N G T O C O I N C I D E W I T H I T E M 3 7**)

### RESOLUTIONS

40. 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](#). (**LAI D O V E R T O T H E S E P T E M B E R 1 1 , 2 0 1 8 C I T Y C O U N C I L M E E T I N G T O A D V E R T I S E F O R P U B L I C H E A R I N G**)
- A. Communication in support – [see attached](#).

41. 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)**
42. 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)**
43. 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)**



44. 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)**
45. 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)**
46. RES. 828 – Res. that, the Amendment to the Landmark Building Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located northeast of 13th and Harney Streets, requests the substitution of funding sources, which involves the designation of an Enhanced Employment Area and the use of the Occupation Tax as per the Community Development Law, and contains a provision for the division of ad valorem taxes as authorized by 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 18, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

## ORDINANCES ON FIRST READING

47. ORD. 41575 – An ordinance to accept the bid from Galls, LLC, which is headquartered at 1340 Russell Cave Road, Lexington, KY, with a local branch located at 3105 Leavenworth Street, Omaha, NE, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to provide firm price commitments per item for two years, on Omaha Police Department standard uniform items, which are to be provided to members of the Omaha Police Department, although prices have been specifically determined by the bid, the exact costs are indeterminate and will vary depending on the purchases, they are anticipated to be in the approximate area of, with the possibility of exceeding, the sum of \$847,991.85, over the two-year period – (**First Reading August 28, 2018**; Second Reading and Public Hearing September 11, 2018; Third Reading September 18, 2018) – [see attached](#).
48. ORD. 41576 – An ordinance to amend Omaha Municipal Code, Chapter 6, Article 1, Section 6-87; amending the definition of “Reckless Owner” to include any person convicted of violating Sec. 6-206 – (**First Reading August 28, 2018**; Second Reading and Public Hearing September 11, 2018; Third Reading September 18, 2018) – [see attached](#).
49. ORD. 41577 – An ordinance to amend Omaha Municipal Code, Chapter 6, Article 1, Section 6-149 (3)(a); amending the definition of “potentially dangerous animal” by deleting provisions in Sec. 6-149 (1)(3) regarding medical treatment and public grounds and clarifying that the condition is satisfied whether the incident occurs on public or private property – (**First Reading August 28, 2018**; Second Reading and Public Hearing September 11, 2018; Third Reading September 18, 2018) – [see attached](#).

## EXECUTIVE SESSION

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

## ADJOURNMENT

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

**ROLL CALL:**

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

**Nays: None**

**MOTION APPROVED 7-0**

**MEETING ADJOURNED AT: 2:37 P.M.**

I, KIMBERLY PULLIAM, DEPUTY 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 28, 2018.

WITNESS:

s/Talia Smith

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Talia Smith, Senior Administrative Clerk

DEPUTY CITY CLERK:

s/Kimberly Pulliam

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Kimberly Pulliam