



CITY OF OMAHA 38TH REGULAR CITY COUNCIL MEETING DECEMBER 19, 2017

THE CITY COUNCIL met in Regular Session on Tuesday, December 19, 2017 at 2:00 P.M. in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

CALL TO ORDER

1. City Clerk Elizabeth Butler took the Roll Call

CCID # 1370 - Present: Palermo, Festersen, Harding, Jerram, Melton, Pahls, Mr. President
2. Council President Ben Gray led those present in the Pledge of Allegiance
3. Council President Ben Gray of District No. 2 provided the Invocation

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

4. City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on December 15, 2017, notice of the Pre-Council and Regular City Council Meetings, December 19, 2017 – **CCID # 1371**.

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

5. None.

PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

City Clerk Elizabeth Butler stated that Items 6 and 7 relate to the same project and would be considered together.

Council President Ben Gray opened the Public Hearing on Items 6 and 7.

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

Motion by Jerram that the following items be approved:

Item # 6 **RESOLUTION # 1304**; and, Item # 7 **RESOLUTION # 1305**;

Seconded by Melton

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

ANDREW'S CORNER

6. Res. that, the Preliminary Plat entitled Andrew's Corner, located northwest of 34th and Burt Streets, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicants are Andrew and Celeste Gustafson – Inside City Limits – CCID 1304 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

7. Res. that, the Final Plat transmitted herewith entitled Andrew's Corner, located northwest of 34th and Burt Streets, is hereby approved, and concurrently a portion of the existing plat entitled Lowe's 2nd Addition, and described on said replat, is hereby vacated. The applicants are Andrew and Celeste Gustafson – Inside City Limits – CCID 1305 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

City Clerk Elizabeth Butler stated that Items 8 and 9 relate to the same project and would be considered together.

Council President Ben Gray opened the Public Hearing on Items 8 and 9.

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Jason Thiellen, E&A Consulting, 10909 Mill Valley Road, #100

OPPOSERS:

FOR THE CITY:

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

Motion by Palermo that the following items be approved:

Item # 8 **ORDINANCE # 41352**; and, Item # 7 **RESOLUTION # 1303**;

Seconded by Festersen

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

GREATER OMAHA PACKING

8. ORD. 41352 – An ordinance to rezone the property located southwest of 30th and “L” Streets from HI-Heavy Industrial District and CC-Community Commercial District to HI-Heavy Industrial District – (First Reading December 5, 2017; Second Reading December 12, 2017; Third Reading, Public Hearing and Vote December 19, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
Notice of the public hearing on December 19, 2017 was published in the Daily Record on December 5, 2017. Ordinance as approved on December 19, 2017, published in the Daily Record on December 27, 2017.
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
9. Res. that the Special Use Permit application submitted by Greater Omaha Packing Company for a Major Amendment to a Special Use Permit to allow *Meat Packing and related industries* in a HI-Heavy Industrial District, located southwest of 30th and “L” Streets, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary, provided the conditions 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 – CCID 1303 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

THE TOWNHOMES OF VILLAGE POINTE

10. Res. that, the Preliminary Plat entitled The Townhomes of Village Pointe (Lots 1-117, Outlots A – E), a subdivision outside the city limits, located southwest of 168th and Western Avenue, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Steve Champoux – Outside City Limits – CCID 1378 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Jason Thiellen, E&A Consulting, 10909 Mill Valley Road, #100
Larry Jobeun, 11440 West Center Road, Attorney for the
developer

OPPOSERS: Jerry Banks, 5013 Webster Street

FOR THE CITY: Dave Fanslau, Planning Director

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

Motion by Harding that **RESOLUTION # 1378** be approved with the condition that the developer (Steve Champoux) and Jerry Banks meet prior to the Final Plat appearing before the Planning Board

Seconded by Melton

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

COVENTRY AND COVENTRY RIDGE

City Clerk Elizabeth Butler stated that Items 11 and 12 relate to the same project and would be considered together.

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

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Larry Jobeun, 11440 West Center Road, Attorney for the developer

J.F. Carter, 1823 Harney Street, applicant

OPPOSERS:

FOR THE CITY:

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

Motion by Harding that the following items be approved:

Item # 11 **RESOLUTION # 1381**; and, Item # 12 **RESOLUTION # 1382**;

Seconded by Melton

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

11. Res. that, the revised Preliminary Plat entitled Coventry (Lots 99-120 and Outlots F thru H), located northwest of 204th and Harrison Streets, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Coventry Ridge LLC – Outside City Limits – CCID 1381 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

12. Res. that, the revised Preliminary Plat entitled Coventry Ridge (Lots 38-144 and Outlot B), located northwest of Coventry Drive and Harrison Street, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Coventry Ridge LLC – Outside City Limits – CCID 1382 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

13. ORD. 41354 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Ridgeview, to allow for an existing Broadcast tower to be increased in height from 105 feet to 115 feet, located southwest of 180th Street and West Center Road, between the City of Omaha and T-Mobile, providing site development standards – (First Reading December 5, 2017; Second Reading December 12, 2017; Third Reading, Public Hearing and Vote December 19, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
Notice of the public hearing on December 19, 2017 was published in the Daily Record on December 5, 2017. Ordinance as approved on December 19, 2017, published in the Daily Record on December 27, 2017.

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

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

Motion by Harding that **ORDINANCE # 41354** be approved

Seconded by Melton

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

14. ORD. 41353 – An ordinance to rezone the properties located at 1244, 1244 1/2, 1246 and 1248 South 15th Street from GI-General Industrial District to R5-Urban Family Residential District (First Reading December 5, 2017; Second Reading December 12, 2017; Third Reading, Public Hearing and Vote December 19, 2017) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
Notice of the public hearing on December 19, 2017 was published in the Daily Record on December 5, 2017. Ordinance as approved on December 19, 2017, published in the Daily Record on December 27, 2017.

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

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

Motion by Jerram that **ORDINANCE # 41353** be approved

Seconded by Festersen

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

LIQUOR

15. Class “CK” Liquor License Application – Old Market Ventures, LLC, dba “Kith & Kin”, 5018 Underwood Avenue. (This is a new application for an old location.) Present licensee is WH Ventures, LLC, dba “Paragon Dundee,” who has a Class “CK” Liquor License – CCID 1372 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Greg Cutchall, 14307 Cuming Street, for Old Market Ventures

OPPOSERS:

FOR THE CITY:

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

Motion by Festersen that **RESOLUTION # 1372** be approved

Seconded by Harding

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

16. Class “I” Liquor License Application – On 680, LLC, dba “Regency Lodge”, 909 South 107th Avenue. (This is a new application for an old location.) Present licensee is DMT, LLC, dba “Regency Lodge,” who has a Class “CK” Liquor License – CCID 1373 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

Motion by Harding that **RESOLUTION # 1373** be approved

Seconded by Gray

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

17. Class “D” Liquor License Application – Eagle Food Mart, Inc., dba “Eagle Food Mart”, 3707 Center Street. (This is a new application for an old location.) Currently licensed to Eagle Food Mart, Inc., dba “Select Mart”, who has a Class “D” Liquor License – CCID 1374 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Javid Iqbal, 11112 Cimarron Street, Papillion, NE

OPPOSERS:

FOR THE CITY:

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

Motion by Jerram that **RESOLUTION # 1374** be approved

Seconded by Festersen

ROLL CALL:

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

MOTION APPROVED 7-0

18. Order Sons of Italy, 1238 South 10th Street, requests permission for the reconstruction of the inside area to their present Class "C" Liquor License location – CCID 1375 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Anthony Velasquez, 506 Dorcas Street, Manager, Sons of Italy

OPPOSERS:

FOR THE CITY:

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

CCID # 1375 - Motion by Jerram that the request be approved

Seconded by Palermo

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

19. Grandmother's, Inc., dba "Don & Millie's", 16930 Evans Street, requests permission to appoint Dean F. Rasmussen manager of their pending Class "I" Liquor License location – CCID 1376 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS: Dean Rasmussen, Manager, Don & Millie's, 16930 Evans Street

OPPOSERS:

FOR THE CITY:

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

CCID # 1376 - Motion by Festersen that the request be approved

Seconded by Harding

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

CONSENT AGENDA

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

Council President Gray announced that the public hearings on Agenda Items 20 through 29 were held on December 12, 2017. (Notice of the public hearings was published in the Daily Record on December 8, 2017; Ordinances as approved will be published in the Daily Record on December 27, 2017.)

CONSENT AGENDA – ORDINANCES

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

PROPOSERS:

OPPOSERS:

FOR THE CITY: John McCormick, Assistant Fire Chief – Items # 28 & # 29
 Kathy Bossman, Assistant Fire Chief – Item # 29

Motion by Melton that the CONSENT AGENDA – ORDINANCES be approved:

Item # 20 **ORDINANCE # 41359**; Item # 21 **ORDINANCE # 41360**;
Item # 22 **ORDINANCE # 41361**; Item # 23 **ORDINANCE # 41362**;
Item # 24 **ORDINANCE # 41363**; Item # 25 **ORDINANCE # 41358**;
Item # 26 **ORDINANCE # 10221**; Item # 27 **ORDINANCE # 41355**;
Item # 28 **ORDINANCE # 41356**; and, Item # 29 **ORDINANCE # 41357**;

Seconded by Festersen

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

20. ORD. 41359 – An ordinance approving a bid and multiple Purchase Orders from Allied Oil & Tire for the City of Omaha: Oils, Lubricants and Fluids Project bid submitted through Douglas County Purchasing Department on October 18, 2017, with an annual estimated cost of \$129,373.75 for a (1) one year price agreement with the option to extend for an additional (2) two, (1) one year extensions upon agreement by both parties; involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from a specific account – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).

21. ORD. 41360 – An ordinance to accept the bids from Alexander Lawn and Landscape, All Seasons Turf & Tree, LLC., Nebraska’s Best Lawn & Landscape, LLC., and Superior Green for grounds maintenance mowing of City rights-of-way based on bids received on October 4, 2017. Contractors were able to submit bids for individual areas and each area was considered separately. Street Maintenance is recommending award be made as detailed in the memo dated October 30, 2017. This price agreement will be in effect for a period of two years with the option of two (2), one (1) year extensions for a maximum of four (4) years if the City extends these contracts; providing for the payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956 as amended – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).

22. ORD. 41361 – An ordinance authorizing the Purchasing Agent to issue purchase orders to Cross Dillon Tire on a one (1) year price agreement for tire repairs to be utilized by the Fleet Maintenance Division to be effective upon passage of this Ordinance and is extendable for two (2) additional one (1) year extensions at the sole option of the City; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from a specific account – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).
23. ORD. 41362 – An ordinance to transfer a Permanent Easement in land to the Metropolitan Utilities District of Omaha (MUD) for purposes of erecting an above-ground gas regulator station to replace a vaulted gas regulator station that is now in conflict with OPW 53114 (SP 93-05) being the 114th Street, Burke to Pacific Project; to authorize the Mayor to execute the Permanent Easement – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).
24. ORD. 41363 – An ordinance vacating the north/south alley right-of-way between 17th and 18th Street south of “M” Street abutted by Lot 2, Block 6, McGavock & O’Keefes Subdivision and Lot 2, Block 0, Hrabik 3rd Addition Subdivision; providing for the reversion or transfer of the same – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
25. ORD. 41358 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into a Real Estate Purchase Agreement with Habitat for Humanity of Omaha, Inc., 1701 North 24th Street, Omaha, NE 68110, to convey the property described in the agreement, located at 2424 South 21st Street, in consideration of the sum of \$1.00; there are no expenses associated with the transfer of the property to Habitat for Humanity of Omaha, Inc – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).
26. SPECIAL ORD. 10221 – A special ordinance levying a special assessment for fees and civil penalties in accordance with Chapter 48, Article I, Division 15, the City of Omaha Vacant and Abandoned Property Ordinance of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2017-02 – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).
 - A. Communication submitted by the property owner of 3525 North 28th Avenue – [see attached](#).
27. ORD. 41355 – An ordinance to accept the Agreement between the City of Omaha and Rolling River, LLC to terminate all existing agreements and to enter into a new Agreement to specify the terms and conditions of future operation of the Rolling River, LLC riverboat excursion operation at Miller Landing Park, and the repayment of funds due and owing under those previous agreements relating to the construction and/or

renovation of the Concession Site. The term of this Agreement shall be five (5) years, ending on December 31, 2022, with the option of a one-time five (5) year extension – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).

28. ORD. 41356 – An ordinance to approve a lease-purchase agreement with Motorola Solutions to acquire 116 APX 6500 mobile radios, based on state contract pricing, for a ten year term at a 3.79% lease for the Omaha Fire Department at a final cost of \$706,279.30; an application of a credit of \$59,000.00 will be applied and the remaining amount of \$647,279.30 will be paid out of OFD budget obligations, beginning one year after the contract execution at a cost of \$10,202.02 in January 2019 and \$70,627.93 from January 2020 to January 2028 – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).
29. ORD. 41357 – An ordinance to approve open orders, based upon lowest and best bid within specifications, in amounts totaling \$482,354.64 in the first year between the City of Omaha and various vendors, for the purchase of medical supplies used by the Omaha Fire Department, with the possibility of expending funds from more than one budget year, in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha 1956 as amended; to provide for payment to Bound Tree Medical LLC, First Choice Medical Supply, Life-Assist Inc., McKesson Medical-Surgical Minnesota Supply Inc., Midwest Medical Supply Company LLC., School Health Corporation, Shared Service Systems, Zoll Medical Corporation, and Arrow International for open orders and price agreements – (First Reading December 5, 2017; Second Reading and Public Hearing December 12, 2017; Third Reading December 19, 2017) – [see attached](#).

Council President Gray announced that the public hearings on Agenda Items 30 through 32 were today. He asked that anyone that wished to address the City Council regarding these items please come to the microphone, indicate the Agenda Item Number being addressed, and to state their name, address, who they represent, and if they were speaking as a proponent or opponent.

CONSENT AGENDA – RESOLUTIONS

PUBLIC HEARING – The following person(s) appeared and spoke:

PROPOSERS:

OPPOSERS:

FOR THE CITY: Kerry Neumann, Deputy Chief, Omaha Police Department – Item # 32

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

Motion by Festersen that the CONSENT AGENDA – RESOLUTIONS be approved:

Item # 30 **RESOLUTION # 1377**; Item # 31 **RESOLUTION # 1380**; and,

Item # 32 **RESOLUTION # 1389**;

Seconded by Jerram

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

30. Res. that, the contract change order from Becker Trenching and Water, Inc. for OPW 52901-SSD, Locust Glen Sanitary Sewer Extension Second Re-Bid increasing the contract amount to \$243,494.37 is hereby approved and the Finance Department is authorized to pay the cost of OPW 52901-SSD, Locust Glen Sanitary Sewer Extension Second Re-Bid in the total amount of \$243,494.37. Funds shall be payable from FY 2015 CDBG Target Area Program, Task 1.1507, Project 4793, Award No. 100276, Fund No. 12186, Organization No. 128072 in the amount of \$16,175.25; FY 2015 NSP 3 Program Income Locust Glen Sanitary Sewer Main, Task 1.6, Project 4818, Award No. 100290, Fund No. 12206, Organization No. 129165 in the amount of \$112,096.75; Locust Glen Subdivision 2017 Task 10.1654, Project 5424, Award No. 100503 in the amount of \$72,155.87; and FY 2016 Single Family Infill Program, Task 10.1617, Project 5119, Award No. 100405 in the amount of \$43,066.50 – CCID 1377 – [see attached](#).
31. Res. that, the Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$34,989.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Theodore W. Hoffman, Jr., located at 3006 South 21st Street, Omaha, NE 68108, is hereby approved. The contract is to be awarded to Lamb's Remodeling. Funds shall be paid as follows: \$9,989.00 from CDBG Full Rehab 2016 SF Housing Rehabilitation Program, Fund No. 12186, Org. No. 128072; and, \$25,000.00 from NAHTF 15-TFHO-27047 Deer Park Owner Occupied Rehabilitation, Fund No. 12141, Org. No. 128101 – CCID 1380 – [see attached](#).
32. Res. that, as recommended by the Mayor, the purchase based upon the quote from Axon Enterprise, Inc., formerly known as Taser International, Inc., in the amount of \$1,377,383.17 for 460 Axon Flex camera systems with automatic activation, user rights licensing for all video applications, installation, maintenance, and warranties is hereby approved; and that, the Finance Department of the City of Omaha is authorized to pay \$1,377,383.17 for the cost of the 460 Axon Flex camera systems from Fund 12163, Organization 130803 Police Grants. This purchase is subject to the City of Omaha receiving funding. This line item will be reimbursed for this purchase by a donation from the Omaha Police Foundation – CCID 1389 – [see attached](#).

ORDINANCES ON SECOND READING

33. ORD. 41370 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter a Real Estate Purchase Agreement with George Gumise, 2732 Fontenelle Blvd, Omaha, NE 68104, to convey the property described in the agreement, located at 4346 Lake Street, in consideration of the sum of \$1.00; there are no expenses associated with the transfer of the property to George Gumise – (First Reading December 12, 2017; Second Reading and Public Hearing December 19, 2017; Third Reading January 9, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

34. ORD. 41372 – An ordinance to approve an agreement between the Omaha Convention and Visitors Bureau and Simpleview, Inc. for three (3) years, January 1, 2018 through December 31, 2020, with the option to extend for an additional three (3) years, for tourism specific content management, sales solution, and hosting with an ongoing agreement with the Omaha Convention and Visitors Bureau to host the Visit Omaha’s website in an amount not to exceed \$750,000.00 for the three-year period; to authorize the payments specified therein; and, to provide an effective date – (First Reading December 12, 2017; Second Reading and Public Hearing December 19, 2017; Third Reading January 9, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

35. ORD. 41373 – An ordinance to approve the acceptance of and authorize the disbursement from the FY 2017 State Homeland Security Grant (SHSG) Award #EMW-2017-SS-00020-S01, and budget in the amount of \$443,950.00 from the Nebraska Emergency Management Agency (NEMA), during the award period of September 1, 2017 through June 1, 2020, to provide first responder and emergency management agencies in Douglas, Sarpy, and Washington Counties with enhanced capabilities to prevent, protect against, mitigate, respond to, and recover from manmade threats and natural disasters; 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 December 12, 2017; Second Reading and Public Hearing December 19, 2017; Third Reading January 9, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

President Gray called for the public hearing to begin. No one came forward, and the public hearing was closed.

NON-ACTION ITEMS

(Items 36 through 72 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

(CITY COUNCIL WILL NOT MEET ON DECEMBER 26, 2017 AND JANUARY 2, 2018 DUE TO THE CHRISTMAS AND NEW YEAR’S HOLIDAY)

ELKHORN RIVER PRESERVE

36. ORD. 41366 – An ordinance to rezone the property located southwest of 222nd Street and West Maple Road from CC-Community Commercial District to CC-Community Commercial District (property is also located within the FF-Flood Fringe Overlay District) – (First Reading December 12, 2017; Second Reading December 19, 2017; **Third Reading, Public Hearing and Vote January 9, 2018**) – [see attached](#).

37. ORD. 41367 – An ordinance to rezone the property located southwest of 222nd Street and West Maple Road from CC-Community Commercial District to AG-Agriculture District (properties are also located within the FW-Floodway and FF-Flood Fringe Overlay Districts) – (First Reading December 12, 2017; Second Reading December 19, 2017; **Third Reading, Public Hearing and Vote January 9, 2018**) – [see attached](#).
38. ORD. 41368 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located on Lot 1 of the Elkhorn River Preserve – (First Reading December 12, 2017; Second Reading December 19, 2017; **Third Reading, Public Hearing and Vote January 9, 2018**) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
39. Res. that, the Final Plat entitled Elkhorn River Preserve, located southwest of 222nd Street and West Maple Road, is hereby approved and accepted. The applicant is GP Industries – Inside City Limits – CCID 1347 – [see attached](#). **(LAID OVER TO JANUARY 9, 2018 TO COINCIDE WITH ITEM 36 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
40. Res. that, the Subdivision Agreement between the City of Omaha and GP Industries, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Elkhorn River Preserve (Lot 1 and Outlots A-B) and is located southwest of 222nd Street and West Maple Road – CCID 1348 – [see attached](#). **(LAID OVER TO JANUARY 9, 2018 TO COINCIDE WITH ITEM 36)**

ARBOR WOODS

41. ORD. 41369 – An ordinance to approve an Amendment to the Land Use Element of the Master Plan for the City of Omaha, to change the future land designation from open space to low-density residential for the property generally described as 9300 Arbor Street – (First Reading December 12, 2017; Second Reading December 19, 2017; **Third Reading, Public Hearing and Vote January 9, 2018**) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
42. Res. that, the Preliminary Plat entitled Arbor Woods, located at 9300 Arbor Street, with a request for waivers of Section 53-8(4)(d), Lot Frontage and Section 53-8(2)(b), Cul-de-sac length, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is NP Dodge Building Company – Inside City Limits – CCID 1349 – [see attached](#). **(LAID OVER TO JANUARY 9, 2018 TO COINCIDE WITH ITEM 41 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval with a request for waivers of Section 53-8(2)(b) Cul-de-sacs and Section 53-8(4)(d) Lot frontage – [see attached](#).
- B. Planning Board and Planning Department recommend denial of a waiver of Section 53-9(9) regarding sidewalks – [see attached](#).

SAGEWOOD VALLEY

43. ORD. 41364 – An ordinance to rezone property located southwest of 180th and Fort Streets from AG-Agricultural District to R4-Single Family Residential District (High Density) – (First Reading December 12, 2017; Second Reading December 19, 2017; **Third Reading, Public Hearing and Vote January 9, 2018**) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
44. Res. that, the Final Plat entitled Sagewood Valley (Lots 1-129 and Outlots A-H), located southwest of 180th and Fort Streets, is hereby approved and accepted. The applicant is Celebrity Homes – Outside City Limits – CCID 1345 – [see attached](#). **(LAID OVER TO JANUARY 9, 2018 TO COINCIDE WITH ITEM 43)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
45. Res. that, the Subdivision Agreement among the City of Omaha, Celebrity Homes, Inc., the Sagewood Valley Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 582 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Sagewood Valley (Lots 1-129 and Outlots A-H) and is located southwest of 180th and Fort Streets – CCID 1346 – [see attached](#). **(LAID OVER TO JANUARY 9, 2018 TO COINCIDE WITH ITEM 43)**

FALLING WATERS

46. ORD. 41385 – An ordinance to rezone property located northwest of 198th and Harrison Streets from AG-Agricultural District to DR-Development Reserve District – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).
47. ORD. 41386 – An ordinance to rezone property located northwest of 198th and Harrison Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density) – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
48. Res. that, the Final Plat entitled Falling Waters (Lots 261-347, Outlot G), located northwest of 198th and Harrison Streets, is hereby approved and accepted. The applicant is BSR-FW, LLC – Outside City Limits – CCID 1387 – [see attached](#). **(LAID OVER TO JANUARY 23, 2018 TO COINCIDE WITH ITEM 46)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
49. Res. that, the Subdivision Agreement among the City of Omaha, BSR-FW, LLC, The Falling Waters II Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 562 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Falling Waters (Lots 261-347 and Outlot G) and is located northwest of 198th and Harrison Streets – CCID 1388 – [see attached](#). **(LAID OVER TO JANUARY 23, 2018 TO COINCIDE WITH ITEM 46)**

COMPLETELY KIDS

50. ORD. 41380 – An ordinance to rezone property located at 2620 St. Mary’s Avenue from GC-General Commercial District to CBD-Central Business District (property is also located within an ACI-1 Overlay District) – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
51. ORD. 41381 – An ordinance to rezone properties located at 2552 and 2566 St. Mary’s Avenue from DS-Downtown Service District to CBD-Central Business District – (First Reading December 19, 2017; **Second Reading January 9, 2018**; **Third Reading, Public Hearing and Vote January 23, 2018**) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
52. Res. that, the Preliminary Plat entitled Completely Kids, located at 2552 and 2566 St. Mary’s Avenue, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is TACK Architects – Inside City Limits – CCID 1383 – [see attached](#). **(LAID OVER TO JANUARY 23, 2018 TO COINCIDE WITH ITEM 50 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
53. Res. that, the Final Plat transmitted herewith entitled Completely Kids, located at 2552 and 2566 St. Mary’s Avenue, is hereby approved, and concurrently a portion of the existing plat entitled Lutheran Place, and described on said replat, is hereby vacated. The applicant is TACK Architects – Inside City Limits – CCID 1384 – [see attached](#). **(LAID OVER TO JANUARY 23, 2018 TO COINCIDE WITH ITEM 50 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

EVERETT PLACE REPLAT 1

54. ORD. 41382 – An ordinance to rezone the property located northeast of 45th Street and Ames Avenue from R4(35)-Single-Family Residential District (High Density) and GC-General Commercial District to CC-Community Commercial District – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).
55. ORD. 41383 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located northeast of 45th Street and Ames Avenue – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

56. ORD. 41384 – An ordinance to approve a PUD-Planned Unit Development Overlay District in a CC-Community Commercial District located northeast of 45th Street and Ames Avenue, to approve the Development Plan – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
57. Res. that, the Preliminary Plat entitled Everett Place Replat 1, located northeast of 45th Street and Ames Avenue, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Metro Health Services Federal Credit Union – Inside City Limits – CCID 1385 – [see attached](#). **(LAID OVER TO JANUARY 23, 2018 TO COINCIDE WITH ITEM 54 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
58. Res. that, the Final Plat entitled Everett Place Replat 1, located northeast of 45th Street and Ames Avenue, is hereby approved and concurrently a portion of the existing plat entitled Everett Place, and described on said replat, is hereby vacated. The applicant is Metro Health Services Federal Credit Union – Inside City Limits – CCID 1386 – [see attached](#). **(LAID OVER TO JANUARY 23, 2018 TO COINCIDE WITH ITEM 54 AND TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

RESOLUTIONS

59. Res. that, the Jukes Ale Works and Brew Pub Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 20560 Elkhorn Drive which proposes to construct a new building, following demolition of the existing building and site preparation, recommending the City's participation through the allocation of TIF in an amount up to \$259,850.00 to offset TIF eligible expenses for acquisition, demolition, site work, architectural and engineering fees, and 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 recommended by the City Planning Department, be and hereby is approved – CCID 1362 – [see attached](#). **(LAID OVER TO THE JANUARY 9, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
60. Res. that, the Dundee Professional Building Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 119 North 51st Street which proposes the comprehensive rehabilitation of a four story 14,960 square foot building, recommending the City's participation through the allocation of TIF in an amount up to \$275,000.00 to offset TIF eligible expenses for acquisition, demolition, building rehabilitation, architectural and engineering fees, and 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 recommended by the City Planning Department, be and hereby is approved – CCID 1363 – [see attached](#). **(LAID**

OVER TO THE JANUARY 9, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)

SPECIAL USE PERMIT

61. Res. that the Special Use Permit application submitted by Lakeside Auto Recyclers, Inc. for a Major Amendment to a Special Use Permit to allow scrap and salvage services in a HI-Heavy Industrial District, located at 1404 Grace Street, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit, 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 – CCID 1379 – [see attached](#). **(LAID OVER TO THE JANUARY 9, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

62. ORD. 41365 – An ordinance to approve a Major Amendment to the Mixed Use District Development Agreement for West Dodge Hills, located southwest of 180th Street and West Dodge Road, between the City of Omaha and West Dundee Development Co., LLC, providing site development standards – (First Reading December 12, 2017; Second Reading December 19, 2017; **Third Reading, Public Hearing and Vote January 9, 2018**) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

63. ORD. 41371 - An ordinance, to create Street Improvement District No. 6883, in the City of Omaha, for the purpose of improving Woolworth Avenue from South 80th Street to Ridgewood Avenue by grading, curbing, addressing storm sewerage and paving in Portland cement concrete; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project – (First Reading December 12, 2017; Second Reading December 19, 2017; **Third Reading, Public Hearing and Vote January 9, 2018**) – [see attached](#).

PLANNING ORDINANCES ON FIRST READING WITH PLANNING BOARD ATTACHMENTS

64. ORD. 41377 – An ordinance to rezone property located at 1938 North 85th Street from LO-Limited Office District to LC-Limited Commercial District – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).
65. ORD. 41378 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 1938 North 85th Street – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).

- A. Planning Board and Planning Department recommend denial of a request to rezone the property from LO to LC – [see attached](#).
 - B. Planning Board and Planning Department recommend approval of a MCC Overlay District – [see attached](#).
66. ORD. 41379 – An ordinance to rezone the property located at 714 South 15th Street from DS-Downtown Services District to CBD-Central Business District (property is also located within an ACI-1 Overlay District) – (First Reading December 19, 2017; **Second Reading January 9, 2018**; Third Reading, Public Hearing and Vote January 23, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

ORDINANCES ON FIRST READING

67. ORD. 41374 – An ordinance approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into a Real Estate Purchase Agreement with the Omaha Municipal Land Bank, a Municipal Corporation, 1299 Farnam Street #300, Omaha, NE 68102, to convey 73 vacant parcels located throughout North Omaha and South Omaha neighborhoods, in consideration of the sum of \$22,200.00; there are no expenses associated with the transfer of the property to the Omaha Municipal Land Bank – (First Reading December 19, 2017; **Second Reading and Public Hearing January 9, 2018**; Third Reading January 23, 2018) – [see attached](#).
68. ORD. 41375 – An ordinance declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property located at 3219 and 3221 Corby Street, and legally described in the purchase agreement, for subsequent use as a site for implementing the Consolidated Submission for Community Planning and Development Programs FY 2017 Action Plan; provided that as to each specified parcel, proceedings in eminent domain may be undertaken and completed for the purpose of clearing title; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the Agreement between the City of Omaha and London Haskin, Jr., and JoAnne LaBat, 332 Pine Bend Drive, Chesterfield, MO 63005, to acquire the property for the sum of \$7,200.00 is approved; project costs will be paid from HOME General Fund Match, Fund 12179, Organization No. 109023, Project No. 4840, Task 3, Award 100501 – (First Reading December 19, 2017; **Second Reading and Public Hearing January 9, 2018**; Third Reading January 23, 2018) – [see attached](#).
69. SPECIAL ORD. 10222 – An ordinance levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group 2018-01 – (First Reading December 19, 2017; **Second Reading and Public Hearing January 9, 2018**; Third Reading January 23, 2018) – [see attached](#).
70. SPECIAL ORD. 10223 – An ordinance levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group 2018-02 – (First Reading December 19, 2017; **Second Reading and Public Hearing January 9, 2018**; Third Reading January 23, 2018) – [see attached](#).

71. SPECIAL ORD. 10224 – An ordinance levying a special tax assessment for litter removal in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group 2018-03 – (First Reading December 19, 2017; **Second Reading and Public Hearing January 9, 2018**; Third Reading January 23, 2018) – [see attached](#).
72. ORD. 41376 – An ordinance to approve and authorize an Agreement between the City of Omaha, and HSA Bank, a division of Webster Bank, NA, 605 North 8th Street, 420, Sheboygan, Wisconsin 53081, involving the payment of money from appropriations in more than one (1) year, in accordance with Sections 5.16 and 5.17, of the Omaha Home Rule Charter of the City of Omaha, 1956, as amended; to provide for payment from HSA Bank for claims/administrative services for the City Health Savings Account, for a term of three (3) years, with two (2) additional one (1) year options at the City's sole discretion; with a monthly service fee for employees of \$1.75 per account, until such account carries an average daily balance in excess of \$3,000.00, for the initial three (3) year term; funds for this agreement will be paid from the Human Resources Department, Fund Number 11111, Organization Number 118018 – (First Reading December 19, 2017; **Second Reading and Public Hearing January 9, 2018**; Third Reading January 23, 2018) – [see attached](#).

EXECUTIVE SESSION

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

SUPPLEMENT TO THE CITY COUNCIL AGENDA FOR DECEMBER 19, 2017

PREPARED DECEMBER 15, 2017 AT 12:00 P.M.

ADDITIONAL RESOLUTION

74. Res. that, the Mayor's appointment of Patrick T. Morris as a City-resident member of the Planning Board to serve a term commencing on February 4, 2018 and expiring on February 3, 2023, be and hereby is confirmed and approved – CCID 1390 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Motion by Melton that **RESOLUTION # 1390** be approved

Seconded by Festersen

ROLL CALL:

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

Nays:

MOTION APPROVED 7-0

ADJOURNMENT

Motion by Festersen that the meeting be adjourned

Seconded by Gray

ROLL CALL:

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

Nays:

Motion Approved 7-0

MEETING ADJOURNED AT: 3:00 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 December 19, 2017.

WITNESS:

CITY CLERK:

s/Sherri Brown
Sherri Brown

s/Elizabeth Butler
Elizabeth Butler

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 20TH DAY OF DECEMBER, 2017.