



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, FEBRUARY 27, 2018

@ 2:00 PM

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

OMAHA CITY COUNCILMEMBERS

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

THE CITY COUNCIL OF THE CITY OF OMAHA met in open session on Tuesday, February 27, 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, Mr. President (Gray). Absent: Pahls. – **CCID # 172**. Councilmember Pahls arrived at 2:03 P.M.

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

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

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on February 23, 2018, notice of the Pre-Council and Regular City Council Meetings, February 27, 2018 – **CCID # 173**.

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

6. RES. 175 – Res. that, the Preliminary Plat entitled West Farm Replat 4, located southwest of 144th Street and West Dodge Road, with a request for waiver to Section 53-8(4)(a), Lot depth, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is New West Farm Holdings, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

Council President Ben Gray opened the Public Hearing on Item 6.

The following person(s) appeared and spoke:

PROPONENTS:

Terry Atkins, Lamp Rynearson, 14710 West Dodge Road, for the applicant

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

MOTION by Harding, SECOND by Jerram that RESOLUTION # 175 be approved

ROLL CALL VOTE:

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

Nays: None

Absent: Pahls
MOTION APPROVED 6-0

COUNCILMEMBER PAHLS ENTERED THE LEGISLATIVE CHAMBERS.

7. RES. 176 – Res. that, the Preliminary Plat entitled Brynhaven at Hanover Falls Replat 3, located at 8485 North HWS Cleveland Boulevard, along with the conditions is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Brynhaven at Hanover Falls Townhome Association – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 7.

The following person(s) appeared and spoke:

PROPOSERS:

Jason Thiellen, E&A Consulting Group, 10909 Mill Valley Road, Suite #100, for the applicant

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

MOTION by Harding, SECOND by Melton that RESOLUTION # 176 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

8. RES. 177 – Res. that, the Preliminary Plat entitled Copper Creek, located southeast of 168th Street and Military Road, along with the conditions is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is E&A Consulting Group, Inc. – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 8.

The following person(s) appeared and spoke:

PROPOSERS:

Jason Thiellen, E&A Consulting Group, 10909 Mill Valley Road, Suite #100, for the applicant

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 177 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

9. RES. 178 – Res. that, the Preliminary Plat entitled Plaza 133, with a waiver of Section 53-8(4)(d) Lot frontage, located north of 101st Street and Blair High Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is RL Development LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 9.

The following person(s) appeared and spoke:

PROPOSERS:

Don Heine, Thompson, Dreessen & Dorner, 10836 Old Mill Road, for the applicant

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

MOTION by Melton, SECOND by Gray that RESOLUTION # 178 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR AND KENO RESOLUTIONS

10. RES. 179 – Class “C” Liquor License Application - Chaikhana, LLC, dba “Chaikhana”, 2329 North 90th Street. (This is a new application for a new location.) Notice was posted on the property on 02/16/18; Notification was sent to property owners within 500 feet on 02/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

Ravshan Sultonov, Chaikhana, 2329 North 90th Street, owner

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

MOTION by Festersen, SECOND by Melton that RESOLUTION # 179 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

11. RES. 180 – Class “C” Liquor License Application – Eniemeier, LLC, dba “Nosh Restaurant and Wine Lounge”, 1006 Dodge Street. (This is a new application for an old location.) Present licensee is Nosh Wine, LLC, dba “Nosh Wine Lounge”, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

Erick Neimeier, Nosh Restaurant and Wine Lounge, 1006 Dodge Street, owner

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 180 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

City Clerk Elizabeth Butler stated that Items 12 through 15 relate to the same applicant and would be considered together.

12. RES. 181 – Class “C” Liquor License Application - MV2, LLC, dba “Annie’s Irish Pub”, 1101 Davenport Street, Suite 110. (This is a new application for a new location.) Notice was posted on the property on 02/15/18; Notification was sent to property owners within 500 feet on 02/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
13. RES. 182 – Class “E” Liquor License Application - MV2, LLC, dba “Annie’s Irish Pub”, 1101 Davenport Street, Suite 110. (This is a new application for a new location.) Notice was posted on the property on 02/15/18; Notification was sent to property owners within 500 feet on 02/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
14. RES. 183 – Class “C” Liquor License Application - MV2, LLC, dba “Beer Can Alley/The Exchange”, 1101 Davenport Street, Suites 200 & 240. (This is a new application for a new location.) Notice was posted on the property on 02/15/18; Notification was sent to property owners within 500 feet on 02/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
15. RES. 184 – Class “E” Liquor License Application - MV2, LLC, dba “Beer Can Alley/The Exchange”, 1101 Davenport Street, Suites 200 & 240. (This is a new application for a new location.) Notice was posted on the property on 02/15/18; Notification was sent to property owners within 500 feet on 02/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Items 12 through 15.

The following person(s) appeared and spoke:

PROPOSERS:

Tom Baldwin, Midwest Ventures 2, 309 Court Avenue #204, Des Moines, Iowa

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

MOTION by Jerram, SECOND by Harding that the following RESOLUTIONS be approved

**Item # 12 RESOLUTION # 181; Item # 13 RESOLUTION # 182;
Item # 14 RESOLUTION # 183; and Item # 15 RESOLUTION # 184;**

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

- 16. RES. 185 – Class “C” Liquor License Application - Restaurants, Inc., dba “The Smoking Goat”, 15805 West Maple Road. (This is a new application for a new location.) Notice was posted on the property on 02/15/18; Notification was sent to property owners within 500 feet on 02/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

John Wade, 16918 K Street, manager

Andrew Loughrey, 5632 Grant Street, chef

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

MOTION by Melton, SECOND by Harding that RESOLUTION # 185 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

- 17. RES. 186 – Class “D” Liquor License Application - Gurung Brothers, LLC, dba “Gurung Brothers Retails”, 822 North 40th Street. (This is a new application for a new location.) Notice was posted on the property on 02/15/18; Notification was sent to property owners within 500 feet on 02/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

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

The following person(s) appeared and spoke:

PROPOSERS:

Jordan Holst, 9290 West Dodge Road, Suite #303, Attorney for the applicant

OPPONENTS:

Murray Hayes, 4104 Lafayette Avenue, President, Walnut Hill Neighborhood Association

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 186 be amended to change the liquor license type from a Class D to a Class B (Beer only) with the stipulation that there be no sales of single containers less than 32 ounces, with original packaging of 6 cans or greater.

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

MOTION by Jerram, SECOND by Gray that RESOLUTION # 186 be approved AS AMENDED

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

18. RES. 187 – Class “D” Liquor License Application - Gurung Brothers, LLC, dba “Gurung Brothers Supermarket”, 9010 Fort Street. (This is a new application for a new location.) Notice was posted on the property on 02/16/18; Notification was sent to property owners within 500 feet on 02/16/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPONENTS:

Jordan Holst, 9290 West Dodge Road, Suite #303, Attorney for the applicant

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

MOTION by Melton, SECOND by Festersen that RESOLUTION # 187 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

19. RES. 188 – Special Designated Liquor License – OMF, LLC, dba “Old Mattress Factory Bar & Grill”, 501 North 13th Street, request permission for a Special Designated License for an Outdoor Beer Garden on March 17; 23 & 24, 2018 from 10:00 a.m. to 1:00 a.m. with music ending at 12:00 midnight – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 19.

The following person(s) appeared and spoke:

PROPOSERS:

Mark Enenbach, 1601 Dodge Street, Attorney for the applicant

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

MOTION by Jerram, SECOND by Melton that RESOLUTION # 188 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

20. RES. 220 – 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 satellite keno location at 7024 Maple Street, Dundee’s Place Bar & Grill, in Omaha, Nebraska – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
21. RES. 221 – 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 satellite keno location at 11909 Calhoun Road, Junior’s Forget Store Bar & Grill, in Omaha, Nebraska – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
22. RES. 222 – 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 satellite keno location at 8437 W. Center Road, Redeye Tavern & Grill, in Omaha, Nebraska – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
23. RES. 223 – 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 satellite keno location at 14210 Pierce Plaza, The Rusty Nail, in Omaha, Nebraska – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

MOTION by Jerram, SECOND by Festersen that Items 20 through 23 be laid over to March 13, 2018 for publication and notification

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA

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

Council President Gray announced that the public hearing on Agenda Item 24 was held on February 13, 2018.

(Required notice of the public hearing was published in the Daily Record on February 9, 2018.)

CONSENT AGENDA – ORDINANCE

24. ORD. 41419 – An ordinance to approve a Contract between the City of Omaha, and UNMC Physicians for Medical Direction Services for the Emergency Medical Care Services Program involving the payment of money from appropriations of more than one 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 payment to the UNMC Physicians in the total amount of \$50,000.00 per year for a five-year term commencing on January 1, 2018 through December 31, 2022; funds for this contract will be paid from the Omaha Fire Department Fund 11111, Organization 114582, Professional Fees – (First Reading February 6, 2018; Second Reading and Public Hearing February 13, 2018; Third Reading February 27, 2018) – [see attached](#).

**MOTION by Melton, SECOND by Harding that the CONSENT AGENDA – ORDINANCE be approved
Item # 24 ORDINANCE # 41419;**

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

CONSENT AGENDA – RESOLUTIONS

Council President Gray announced that the public hearings on Agenda Items 25 through 55 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.

COUNCILMEMBER HARDING REMOVED ITEM 47 FROM THE CONSENT AGENDA. THROUGH FURTHER DISCUSSION HE WITHDREW THE REQUEST, AND ALL ITEMS WERE CONSIDERED TOGETHER.

CONSENT AGENDA – RESOLUTIONS

25. RES. 200 – Res. that, as recommended by the Mayor, the Water System Maintenance and Operation Agreement between the City of Omaha and the Metropolitan Utilities District of Omaha (MUD) for the maintenance and continued operation of the well water distribution system of Rolling Meadows (formerly Sanitary and Improvement District 286), having a term to run until the ownership of the system is transferred, through a separate agreement, from the City to MUD, currently intended to occur in August of 2018, is hereby approved – [see attached](#).

26. RES. 201 – Res. that, as recommended by the Mayor, the contract with JMN Construction LLC for OPW 53121 being the I Street Over Interstate 80 Bridge Rehabilitation, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$326,589.40 from the Street and Highway Allocation Fund 12131, Bridge Maintenance & Rehabilitation Organization 116164, year 2018 expenditure – [see attached](#).
27. RES. 202 – Res. that, as recommended by the Mayor, the contract with Stonebrook Roofing, Inc. for OPW 53297 being the Public Works Central Maintenance Building Roof Replacement, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$873,010.00 from the Contingent Liability Fund 11114, General Government Organization 132022, year 2018 expenditure – [see attached](#).
28. RES. 203 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Truck Center Companies of Omaha for the purchase of two (2) 35,000 GVW truck chassis cabs to be utilized by the Sewer Maintenance Division in the amount of \$146,660.00; and that, the Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 expenditure – [see attached](#).
29. RES. 204 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Sid Dillon Ford, Inc. in the total amount of \$35,877.00 for one (1) 3/4 ton extended cab 4x4 pickup to be utilized by the Environmental Quality Control Division; and that, the Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, Sludge Disposal Organization 116713, year 2018 expenditure – [see attached](#).
30. RES. 205 – Res. that, as recommended by the Mayor, Change Order No. 2 with L.G. Roloff Construction Company, Inc. for additional work on OPW 52988, being the Monroe Outfall Pipe Replacements Project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$264,456.24, for this change order, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2018 expenditure. Sewer Revenue Bonds will be issued to finance this project – [see attached](#).
31. RES. 206 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a Purchase Order to Husker Auto Group in the total amount of \$30,662.00 for one (1) 1/2 ton extended cab 4x4 pickup to be utilized by the Environmental Quality Control Division; and that, the Finance Department is authorized to pay the cost of this equipment from the Sewer Revenue Fund 21121, Sludge Disposal Organization 116713, year 2018 expenditure – [see attached](#).
32. RES. 207 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Elliott Sanitation Equipment Company for the purchase of two (2) high pressure sewer cleaners to be utilized by the Sewer Maintenance Division in the amount of \$308,942.00; and that, the Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2018 expenditure – [see attached](#).

33. RES. 208 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a purchase order to Vogel Paint and Wax Company, Incorporated in the amount of \$249,909.00, for the purchase of paint for pavement markings and crosswalks with the cost to be paid from the Street and Highway Allocation Fund 12131, Pavement Marking Organization 116184 – [see attached](#).
34. RES. 209 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. to provide professional services on OPW 53360, being the 2017 Exposed Sewer Channel Crossings Rehabilitation Design Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$99,968.00, from the Sewer Revenue Fund 21121, Sewer Planning Unit Organization 116512, year 2017 expenditure – [see attached](#).
35. RES. 210 – Res. that, as recommended by the Mayor, the agreement with MUD for the abandonment and reinstallation of certain gas main lines as part of OPW 52470, being the Forest Lawn Sewer Separation Project, is hereby approved; and that, the Finance Department is authorized to pay the estimated amount of \$45,000.00 from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2018 expenditure, Sewer Revenue Bonds will be issued to finance this project – [see attached](#).
36. RES. 211 – Res. that, as recommended by the Mayor, Amendment No. 3 to the Engineering Services Agreement with JEO Consulting Group, Inc. for the project management professional services on OPW 52878, being the Jones Street Improvements, 11th Street to 13th Street Project, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$299,760.48 for these services from the 2014 Transportation Bond 13184, Transportation Bonds 117117, year 2018 expenditure – [see attached](#).
37. RES. 212 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR Inc. to provide professional services on OPW 53269, being the Sarpy County Interceptor Refurbishment Master Plan Project, is hereby approved; and that, the Finance Department is authorized to pay a fee not to exceed \$77,200.00, from the Sewer Revenue Improvements Fund 21124, Neighborhood Sewer Renovation Organization 116911, year 2018 expenditure – [see attached](#).
38. RES. 213 – Res. that, as recommended by the Mayor, Change Order No. 8 to Super Excavators for additional costs associated with OPW 52223 (CSO), being the South Interceptor Force Main - North Segment project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$783,152.90, for this change order, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).
39. RES. 214 – Res. that, as recommended by the Mayor, the Agreement with Keep Omaha Beautiful, Inc. to promote storm water pollution prevention and public education activities for 2018 is hereby approved; and that the Finance Department is authorized to pay to KOB a total of \$40,000.00 from the Storm Water Fee Revenue Fund 12128, Storm Water Management Organization 116312, year 2018 expenditure – [see attached](#).

40. RES. 215 – Res. that, the Agreement between the City of Omaha and Keep Omaha Beautiful (KOB) to promote and assist with the Omaha Spring Cleanup and other community cleanup and beautification programs for 2018 is hereby approved; and that the Finance Department is authorized to pay KOB \$40,000.00 from the General Fund 11111, Solid Waste Collection and Disposal Organization 116321, year 2018 expenditure – [see attached](#).
41. RES. 216 – Res. that, as recommended by the Mayor, Change Order No. 3 for OPW 52648, being the Missouri River Wastewater Treatment Plant Improvements – Schedule B2 Project with Hawkins Construction Company for additional work, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$180,545.70, for this change order, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be used to finance this project – [see attached](#).
42. RES. 217 – Res. that, as recommended by the Mayor, the Purchasing Agent is authorized to issue a purchase order to Eriksen Construction Co., Inc. in the amount of \$215,000.00, for the purchase of rehabilitation services for the Papillion Creek Water Resource Recovery Facility’s aeration basin with the cost to be paid from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913, year 2018 expenditure – [see attached](#).
43. RES. 218 – Res. that, per NEB. REV. STAT. §39-1359, the City of Omaha officially designates the temporary use of State Highway 75 from Redick Avenue to McKinley Street on May 12, 2018, between the hours of 12:30 PM and 3:15 PM, for the entire route of the Florence Days Parade – [see attached](#).
44. RES. 130 – Res. that, the Aksarben Early Childhood Development Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment site at 6801 Mercy Road which proposes the new construction of a 3-story, 70,000 square foot office structure, prepared by the Omaha City Planning Department and containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, approved by the City Council on October 20, 2015 by Resolution No. 1261, be and hereby is rescinded – [see attached](#).
45. RES. 131 – Res. that, the AVANTI Tax Increment Financing (TIF) Redevelopment Project Plan for the redevelopment of just over a one acre site at the corner of South 10th and Pierce Streets to include demolition of any remaining structures and the new construction of 19 2 bed/2 bath, for-sale row houses with garages, prepared by the Omaha City Planning Department and containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, approved by the City Council on March 1, 2016 by Resolution No. 175, be and hereby is rescinded – [see attached](#).

46. RES. 190 – Res. that, as recommended by the Mayor, the bid in the total amount of \$139,014.30 from PSC Construction, Inc. to construct a new access side trail to Standing Bear Lake, located at 6404 North 132nd, Omaha, NE; in addition to address erosion issues and combine/reconstruct two (2) existing detention ponds into one (1) larger pond as per the Contract Documents dated December 20, 2017, is hereby accepted. The Purchasing Agent is authorized to issue a purchase order in conformance herewith; and that the Finance Department is authorized to pay the Funds in the amount of \$139,014.30 from the 2014 Parks and Recreation Fund No. 13356, Organization No. 117317, Parks and Cultures Bond – [see attached](#).
47. RES. 191 – Res. that, as recommended by the Mayor, the five-year Agreement between the City of Omaha and Triple Crown Sports for the annual programming of the City Wide Event of youth baseball at City baseball and softball facilities is hereby approved and the Mayor is authorized to execute and the City Clerk to attest to said Agreement – [see attached](#).
48. RES. 192 – Res. that, as recommended by the Mayor, the purchase based upon the contract pricing from Ray Martin of Omaha, Inc., in the amount of \$35,000.00 to provide ongoing service, operation and maintenance; which includes the Ice Machine for the Ice Rink at the Motto McLean Ice Arena, located at 5015 South 45th Street, Omaha, NE, for the Parks, Recreation and Public Department, providing a unique and non-competitive service as provided in Chapter 5.16 of the Home Rule Charter 1956 as amended, is hereby approved. That the Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$35,000.00 to Ray Martin of Omaha, Inc. from the General Fund No. 11111, Organization No. 115211, Motto McLean Ice Arena, for the 2018 fiscal year – [see attached](#).
49. RES. 193 – Res. that, as recommended by the Mayor, between 11:00 p.m. on Friday, June 1, 2018 and 6:00 a.m. on Sunday, June 3, 2018, Lawrence Youngman Lake, 192nd & West Dodge Road, shall be open to accommodate the set-up of equipment and overnight security for the 8th Annual Omaha Women's Triathlon event – [see attached](#).
50. RES. 194 – Res. that, as recommended by the Mayor, in accordance with Section 5.16 of the Omaha Home Rule Charter, the Omaha Public Library is hereby authorized to purchase unique and non-competitive library books, publications, and materials from Baker and Taylor in an amount not to exceed \$800,000.00 during the period of January 1, 2018 through December 31, 2018; and that, the Finance Department is authorized to pay the \$800,000.00 cost thereof from the Library's General Fund 11111, Organization 117016, year 2018 expenditures – [see attached](#).
51. RES. 195 – Res. that, as recommended by the Mayor, the purchase based upon the quote of Anderson Ford Lincoln Mercury Mazda in the amount of \$28,831.00 each for a total of \$1,153,240.00 for the Ford Explorer Police Utility Vehicles, which represents Nebraska State Contract bid pricing, having been determined to be the best available current price for forty (40) 2018 Ford Explorers, is hereby approved, and that, the Finance Department is authorized to pay the cost of the Ford Explorers in the total amount of \$1,153,240.00 from the Omaha Police Department, Year 2018, General Fund 11111, Organization 113141 Fleet/Facilities, Account 47031 Vehicles Small/Law Enforcement Only – [see attached](#).

52. RES. 196 – Res. that, the Amendment No. 4 between the City of Omaha and CorVel Enterprise Comp, Inc., where CorVel agrees to, provide the City’s worker’s compensation third party claims administrative services and bundled managed care services is hereby approved. The Finance Department is authorized to pay the cost from this contract from budget year 2018, Fund Number 11111, Organization Number 118017 – [see attached](#).
53. RES. 197 – Res. that, the reappointment by Mayor Jean Stothert of Diane Battiato to the Board of Directors for the Omaha Municipal Land Bank as a non-voting member, said term to commence on February 27, 2018 and expire on February 26, 2021, is hereby confirmed – [see attached](#).
54. RES. 198 – Res. that, the reappointment by Mayor Jean Stothert of Daniel J. Lawse as a member of the Metropolitan Transit Authority Board of Directors to serve a five-year term, which will commence on April 16, 2018, and expire on April 15, 2023, be and hereby is confirmed and approved – [see attached](#).
55. RES. 199 – Res. that, as recommended by the Finance Director, the donation of one (1) wooden desk and one (1) wooden credenza, unusable for any City purpose, as provided in Section 5.21 of the Home Rule Charter, to the Cable Television Access Corporation, is hereby approved – [see attached](#).

Council President Ben Gray opened the Public Hearing on Items 25 through 55.

The following person(s) appeared and spoke:

FOR THE CITY:

- Steve Curtiss, Finance Director – Item # 25
- Jim Thieller, Public Works Department – Item # 25
- Keith Backsen, Convention & Visitors Bureau – Item # 47
- Brook Bench, Parks and Recreation Director – Item # 47
- Captain Adam Kyle, Omaha Police Department – Item # 51

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

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

- | | |
|------------------------------------|------------------------------------|
| Item # 25 RESOLUTION # 200; | Item # 26 RESOLUTION # 201; |
| Item # 27 RESOLUTION # 202; | Item # 28 RESOLUTION # 203; |
| Item # 29 RESOLUTION # 204; | Item # 30 RESOLUTION # 205; |
| Item # 31 RESOLUTION # 206; | Item # 32 RESOLUTION # 207; |
| Item # 33 RESOLUTION # 208; | Item # 34 RESOLUTION # 209; |
| Item # 35 RESOLUTION # 210; | Item # 36 RESOLUTION # 211; |
| Item # 37 RESOLUTION # 212; | Item # 38 RESOLUTION # 213; |
| Item # 39 RESOLUTION # 214; | Item # 40 RESOLUTION # 215; |
| Item # 41 RESOLUTION # 216; | Item # 42 RESOLUTION # 217; |
| Item # 43 RESOLUTION # 218; | Item # 44 RESOLUTION # 130; |
| Item # 45 RESOLUTION # 131; | Item # 46 RESOLUTION # 190; |
| Item # 47 RESOLUTION # 191; | Item # 48 RESOLUTION # 192; |
| Item # 49 RESOLUTION # 193; | Item # 50 RESOLUTION # 194; |
| Item # 51 RESOLUTION # 195; | Item # 52 RESOLUTION # 196; |

Item # 53 RESOLUTION # 197;
Item # 55 RESOLUTION # 199;

Item # 54 RESOLUTION # 198; and,

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

RESOLUTION

56. RES. 129 – Res. that, the Scott Tent and Awning Company Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 1501 Howard Street which proposes the rehabilitation of a three story brick building into 16 market rate apartment units and 6,742 square feet of first floor commercial space with 16 parking stalls in the basement level and another 12 on-street parking stalls associated with the project, recommending the City’s participation through the allocation of TIF in an amount up to \$572,659.00, plus accrued interest, to offset TIF eligible expenses for acquisition, demolition, site preparation (infrastructure costs per application), 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 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 56.

The following person(s) appeared and spoke:

FOR THE CITY:

Don Seten, Planning Department

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 129 be approved

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

57. ORD. 41420 – An ordinance, approving an Agreement between the City of Omaha, Nebraska and Rick Bond of Cass County, Nebraska, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Rick Bond will receive and land apply stabilized sewage sludge, according to applicable standards, laws, and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2018 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121 – (First Reading

February 13, 2018; Second Reading and Public Hearing February 27, 2018; Third Reading March 6, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 57.

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

58. ORD. 41421 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and DPB Partnership, LLC, to implement the Dundee Professional Building Tax Increment Financing (TIF) Redevelopment Project Plan which is located at 119 North 51st Street, and proposes the comprehensive rehabilitation of a four story 14,960 square foot office building constructed in 1967; the agreement authorizes the use of up to \$275,000.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading February 13, 2018; Second Reading and Public Hearing February 27, 2018; Third Reading March 6, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 58.

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

BID REJECTION APPEAL

59. RES. 219 – Sparkling Klean Service, Inc. appeals the rejection of their bid from February 7, 2018 for the “Janitorial Supplies for Fire Department” project – [see attached](#). **(MOTION NEEDED TO ALLOW OR DENY THE APPEAL, IF ALLOWED, DIRECT THE DEPARTMENT ACCORDINGLY)**

MOTION by Jerram, SECOND by Melton that RESOLUTION # 219 be denied

ROLL CALL VOTE:

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

Nays: None

Motion Carried 7-0

NON-ACTION ITEMS

(Items 60 through 69 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.)

PLANNING ORDINANCES ON FIRST READING WITH PLANNING BOARD ATTACHMENTS

60. ORD. 41422 – An ordinance to rezone the property located at 3306 Decatur Street from GC-General Commercial District and R5(35)-Urban Family Residential District to R5-Urban Family Residential District – (First Reading February 27, 2018; **Second Reading March 6, 2018**; Third Reading, Public Hearing and Vote March 13, 2018) – [see attached](#).

- A. Planning Board and Planning Department recommend approval – [see attached](#).
61. ORD. 41423 – An ordinance to rezone the property located at 3001 Leavenworth Street from GI-General Industrial District to NBD-Neighborhood Business District (property is also located within an ACI Overlay District) – (First Reading February 27, 2018; **Second Reading March 6, 2018**; Third Reading, Public Hearing and Vote March 13, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
62. ORD. 41424 – An ordinance to rezone the property located at 3023-3029 Leavenworth Street from CC-Community Commercial District to NBD-Neighborhood Business District (property is located within an ACI Overlay District) – (First Reading February 27, 2018; **Second Reading March 6, 2018**; Third Reading, Public Hearing and Vote March 13, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
63. ORD. 41425 – An ordinance to amend Section 1 (legal description) of Ordinance No. 37616, passed January 30, 2007, rezoning property located northwest of 204th and Harrison Streets from AG-Agricultural District to MU-Mixed Use District – (First Reading February 27, 2018; **Second Reading March 6, 2018**; Third Reading, Public Hearing and Vote March 13, 2018) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

RESOLUTION

64. RES. 189 – Res. that, the Saddlecreek 1011 Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located northeast of Saddle Creek Road and Pacific Street which proposes the new construction of two, three-story townhome-style structures consisting of 24 units, one, five-story multi-family structure consisting of 134 units, and approximately 170 parking stalls, recommending the City's participation through the allocation of TIF in an amount up to \$2,628,000.00, plus accrued interest, to offset TIF eligible expenses for acquisition, demolition, site preparation (infrastructure costs per application), 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 – [see attached](#). **(LAID OVER TO THE MARCH 20, 2018 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

SPECIAL USE PERMIT

65. RES. 174 – Res. that, the Special Use Permit to allow indoor entertainment, located at 13837 Industrial Road, 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 MARCH 13, 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](#).

ORDINANCES ON FIRST READING

66. ORD. 41426 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the 126th and Skypark Storm Replacement Project, identified as City Project No. OPW 53052, providing that the City negotiate with the property owner for a permanent easement, and right of entry; providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (First Reading February 27, 2018; **Second Reading and Public Hearing March 6, 2018**; Third Reading March 13, 2018) – [see attached](#).

67. ORD. 41427 – An ordinance to amend Section 23-177 of the Omaha Municipal Code by changing the salary for the employment classification known as Parking Manager from 23.1 MC (\$76,807 to \$93,972) to 29.2 MC (\$96,564 to \$120,509); to repeal Section 23-177 as heretofore existing – (First Reading February 27, 2018; **Second Reading and Public Hearing March 6, 2018**; Third Reading March 13, 2018) – [see attached](#).

A. Personnel Board recommends approval.

68. ORD. 41428 – An ordinance to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Public Works Specialist II with a salary range of 12.2 MC (\$49,655 to \$60,784); to repeal Section 23-177 as heretofore existing – (First Reading February 27, 2018; **Second Reading and Public Hearing March 6, 2018**; Third Reading March 13, 2018) – [see attached](#).

A. Personnel Board recommends approval.

69. ORD. 41429 – An ordinance to approve exercising both one-year options in a contract between the City of Omaha and SilverStone Group, Inc.; the contract was for a three-year term and was approved on August 18, 2015 by Ordinance No. 40449; the cost of the first one-year option being a monthly fee of \$14,650.00; such funds to be paid from General Fund 11111, Organizations 105011-105015 for services related to Human Resource functions, such as open enrollment, compliance and communication assistance, from General Fund 11111, Organizations 118018 (Active), 118014 (Retiree), 118015 (COBRA), Account 41331 for services related to healthcare, and from General Fund 11111, Organization 11817, Account 42135 for services related to worker's compensation and related fields – (First Reading February 27, 2018; **Second Reading and Public Hearing March 6, 2018**; Third Reading March 13, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

MOTION by Melton, SECOND by Harding 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: 2:41 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 February 27, 2018.

WITNESS:

CITY CLERK:

s/Sherri Brown
Sherri Brown, Senior Administrative Clerk

s/Elizabeth Butler
Elizabeth Butler