



JOURNAL RECORD

CITY OF OMAHA CITY COUNCIL MEETING

TUESDAY, MARCH 6, 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, March 6, 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 Festersen, Harding, Jerram, Melton, Pahls, Palermo, Mr. President (Gray); – **CCID # 224.**

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

Council President Ben Gray of District No. 2 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on March 2, 2018, notice of the Pre-Council and Regular City Council Meetings, March 6, 2018 – **CCID # 225.**

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

Proclamation read for Rose Ann Shannon, retired News Director for KETV Channel 7, which was presented to Ariel Roblin, KETV President and General Manager, who appeared and spoke on Rose Ann Shannon's behalf.

LIQUOR

6. RES. 228 – Class “CK” with Growler Endorsement – 1905 Vault, LLC, dba “Benson Brewery,” 6059 Maple Street. (This is a new application for an old location.) Present licensee is Omaha Brewery, Inc., dba “Benson Brewery,” who has a Class “CKL” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

Joe Carmichael, 9811 Calhoun Road

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

MOTION by Festersen, SECOND by Jerram that RESOLUTION # 228 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

7. RES. 229 – Class “I” – Ross Capital, Inc., dba “Corky Canvas/Corky Boards,” 3157 Farnam Street. (This is a new application for an old location.) Present licensee is Corky Canvas, LLC, dba “Corky Canvas & Corky Boards,” who has a Class “I” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

Melissa Wacker, Corky Canvas/Corky Boards, 3157 Farnam Street

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 229 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

8. RES. 230 – Special Designated Liquor License Application – Maloney’s LLC, dba “Maloney’s Irish Pub”, 1830 North 72nd Street, requests permission for a Special Designated License for an Outdoor Volleyball Court on March 16, 2018 from 7:00 p.m. to 1:00 a.m. and March 17, 2018 from 6:00 a.m. to 1:00 a.m. with music ending at 1:00 a.m. both nights – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

Kris Falknehainer, Maloney’s Irish Pub, 1830 North 72nd Street

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

MOTION by Festersen, SECOND by Jerram that RESOLUTION # 230 be approved

ROLL CALL:

Yeas: Festersen, Harding, Melton, Jerram, Pahls, Palermo, 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 hearings on Agenda Items 9 through 10 were held on February 27, 2018.

(Required notices of the public hearings were published in the Daily Record on February 23, 2018.)

CONSENT AGENDA – ORDINANCES

9. 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](#).

10. 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](#).

The following person was called to appear and spoke:

FOR THE CITY:

Bob Stubbe, Public Works Director – Item # 9

No one else spoke, and the hearing was closed.

MOTION by Festersen, SECOND by Melton that the CONSENT AGENDA – ORDINANCES be approved

Item # 9 ORDINANCE # 41420; and

Item # 10 ORDINANCE # 41421;

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 11 through 17 are today. He asked that anyone wishing to address the City Council regarding these items to please come to the microphone, indicate the Agenda Item Number being addressed, and to state their name, address, who they are representing, and if they are speaking as a proponent or opponent.

CONSENT AGENDA – RESOLUTIONS

11. RES. 231 – Res. that, as recommended by the Mayor, approving the Joint Funding Agreement and Proposal for Green Infrastructure Monitoring between the City of Omaha and U.S. Department of the Interior U.S. Geological Survey (USGS) for storm water monitoring at the Public Works Department's Sewer Maintenance Facility, located at 6880 Q Street, to provide data for the City's Municipal Stormwater Management Plan, with the City's local share, in the amount of \$29,260.00. (The Finance Department is authorized to pay to the City's local share, in the amount of \$29,260.00, being paid from the Storm Water Management Plan Program Fund 12143, Storm Water Management Plan Program Organization 128026) – [see attached](#).
12. RES. 232 – Res. that, as recommended by the Mayor, approving a Purchase Order to the United States Postal Service for the mailing of 137,895 Wasteline newsletters, in the amount of \$25,234.78. (This resolution is in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique or non-competitive items, and that, the Finance Department is authorized to pay the total cost for postage in the amount of \$25,234.78 from the General Fund 11111, Solid Waste Collection and Disposal Organization 116321, year 2018 expenditure) – [see attached](#).
13. RES. 233 – Res. that, approving the Agreement with NuStyle Development Corporation for public sewer improvements constructed in conjunction with OPW 52733 - the 14th Street Improvements at the Rochester Apartments, in an amount not to exceed \$199,163.00. (The Finance Department is authorized to pay an amount not to exceed \$199,163.00 from the Sewer Revenue Improvements Fund, Neighborhood Sewer Renovation Organization 116911) – [see attached](#).
14. RES. 237 – Res. that, the Covenant of Dedication, formally dedicating a portion of City owned property in the vicinity of Oakbrook Drive and 108th Street, legally described as a part of the NE ¼ of the NE ¼ of Section 17, T15N, R12E of the 6th P.M., for use as a conservancy area, and other related purposes, for the Oakbrook Channel Outfall Repair Project, also known as OPW 552828; be and is hereby approved, and further the Mayor of the City of Omaha is authorized to execute the Declaration of Use – [see attached](#).
15. RES. 234 – Res. that, as recommended by the Mayor, approving the Agreement between the City of Omaha and Steve Rife, Rife Construction, Inc., 4515 Military Avenue, Omaha, Nebraska 68104, to provide Urban Homestead Program and HOME Funds in the amount of \$51,825.00 for the rehabilitation and lead hazard reduction work when applicable, on the property located at 1330 South 24th Street, Omaha, Nebraska 68108. (Funds in the amount of \$51,825.00 shall be paid from FY 2015 HOME Funds, Fund No. 12179, Org. No. 128071) – [see attached](#).

- 16. RES. 235 – Res. that, the Agreement between the City of Omaha and Steve Rife, Rife Construction, Inc., 4515 Military Avenue, Omaha, Nebraska 68104, as recommended by the Mayor, to provide HOME Urban Homestead Program and HOME Funds in the amount of \$89,578.00 for the rehabilitation and lead hazard reduction work when applicable, on the property located at 5204 North 40th Street, Omaha, Nebraska 68111. (Funds in the amount of \$89,578.00 shall be paid from FY 2015 HOME Funds, Fund No. 12179, Org. No. 128071) – [see attached](#).
- 17. RES. 236 – Res. that, the appointment by the Mayor Jean Stothert of Stephen Curtiss to the Ak-Sar-Ben Future Trust Board of Directors, said term to commence on March 15, 2018 and expire on March 14, 2020, is hereby confirmed – [see attached](#).

Council President Ben Gray opened the Public Hearing on Items 11 through 17.

The following person(s) appeared and spoke:

FOR THE CITY:
 Bob Stubbe, Public Works Director – Item # 12
 Steve Curtiss, Finance Director – Item # 17

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

MOTION by Melton, SECOND by Festersen that the CONSENT AGENDA – RESOLUTIONS be approved:

- Item # 11 RESOLUTION # 231;
- Item # 12 RESOLUTION # 232;
- Item # 13 RESOLUTION # 233;
- Item # 14 RESOLUTION # 237;
- Item # 15 RESOLUTION # 234;
- Item # 16 RESOLUTION # 235; and,
- Item # 17 RESOLUTION # 236;

ROLL CALL VOTE:

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

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

- 18. 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](#). **(PUBLIC HEARING TODAY)**

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

- 19. 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](#). **(PUBLIC HEARING TODAY)**
 - A. Personnel Board recommends approval.

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

The following person(s) appeared and spoke:

FOR THE CITY:
Jim Begley, Human Resources Department
Bob Stubbe, Public Works Director

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

- 20. 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](#). **(PUBLIC HEARING TODAY)**
 - A. Personnel Board recommends approval.

Council President Ben Gray opened the Public Hearing on Item 20.

The following person(s) appeared and spoke:

FOR THE CITY:
Jim Begley, Human Resources Department
Heather Tippey Pierce, Public Works Department

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

- 21. 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](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 21.

The following person(s) appeared and spoke:

FOR THE CITY:

Tim Young, Human Resources Director

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

NON-ACTION ITEMS

(Items 22 through 35 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.)

WEST SIDE REPLAT 7

22. ORD. 41430 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in a R8-High-Density Multiple-Family District, located northeast of Saddle Creek Road and Pacific Street, to approve the Development Plan – (First Reading March 6, 2018; **Second Reading March 13, 2018**; Third Reading, Public Hearing and Vote March 20, 2018) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
23. ORD. 41431 – An ordinance to rezone the property located northeast of Saddle Creek Road and Pacific Street from R4(35)-Single-Family Residential District (high density), GC-General Commercial District and GI-General Industrial District to R8-High-Density Multiple-Family District – (First Reading March 6, 2018; **Second Reading March 13, 2018**; Third Reading, Public Hearing and Vote March 20, 2018) – [see attached](#).
24. ORD. 41432 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located northeast of Saddle Creek Road and Pacific Street – (First Reading March 6, 2018; **Second Reading March 13, 2018**; Third Reading, Public Hearing and Vote March 20, 2018) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
25. RES. 226 – Res. that, the Preliminary Plat entitled West Side Replat 7, located northeast of Saddle Creek Road and Pacific Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Saddlecreek 1011, LLC – Inside City Limits – [see attached](#).
(LAID OVER TO MARCH 20, 2018 TO COINCIDE WITH ITEM 22)
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

26. RES. 227 – Res. that, the Final Plat entitled West Side Replat 7, located northeast of Saddle Creek Road and Pacific Street, along with the conditions, 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 Saddlecreek 1011, LLC – Inside City Limits – [see attached](#). **(LAID OVER TO MARCH 20, 2018 TO COINCIDE WITH ITEM 22)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
27. 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 AND TO COINCIDE WITH ITEM 22)**

PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

28. 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](#).
29. 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](#).
30. 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](#).

31. 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](#).

SPECIAL USE PERMIT

32. 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

33. ORD. 41433 – An ordinance approving Amendment No. 9 to a professional program management agreement with CH2M Hill Engineers, Inc. for the Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP), in the amount not to exceed \$27,749,869.00. (This contract involves 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 authorize the Finance Department to pay for the services as outlined in Amendment No. 9; to authorize the reimbursements to be paid from a specific account; and to provide an effective date hereof; and where the City of Omaha requires professional program management with the implementation of the Comprehensive Combined Sewer Overflow (CSO) Long Term Control Plan (LTCP) as required by the State of Nebraska Department of Environmental Quality and the U.S. Environmental Protection Agency; and where the Finance Department is authorized to pay the fees for this contract amendment not to exceed \$27,749,869.00 with an end date of the contract no later than 1,095 calendar days after the approval of this ordinance and notice to proceed with the work.) – (First Reading March 6, 2018; **Second Reading and Public Hearing March 13, 2018**; Third Reading March 20, 2018) – [see attached](#).
34. ORD. 41434 – An ordinance declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing the Elkhorn WWTF Decommissioning and Interceptor Sewer Extension project identified as City Project No. OPW 52982, providing that the City negotiate with the property owners for land acquisition, permanent easement, and temporary easement, providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed – (First Reading March 6, 2018; **Second**

Reading and Public Hearing March 13, 2018; Third Reading March 20, 2018) – [see attached](#).

35. ORD. 41435 – An ordinance to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “A” Flammable Liquids Storage District, to be known as District No. A-160, at 5404 Abbott Drive, as requested by Jeffrey Rau of Hertz Realty Corporation – (First Reading March 6, 2018; **Second Reading and Public Hearing March 13, 2018**; Third Reading March 20, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

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

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

MEETING ADJOURNED AT: 2:18 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 March 6, 2018.

WITNESS:

CITY CLERK:

S/Sherri Brown
Sherri Brown, Senior Administrative Clerk

s/Elizabeth Butler
Elizabeth Butler