



JOURNAL RECORD

CITY OF OMAHA

CITY COUNCIL MEETING

TUESDAY, APRIL 17, 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, April 17, 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 during Roll Call: Pahls – **CCID # 357.**

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

Councilmember Aimee Melton of District No. 7 provided the Invocation.

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

City Clerk Elizabeth Butler certified publication in the Daily Record, the Official Newspaper of the City of Omaha, on April 13, 2018, notice of the Pre-Council and Regular City Council Meetings, April 17, 2018 – **CCID # 358.**

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.

COUNCILMEMBER PAHLS ENTERED THE LEGISLATIVE CHAMBERS AT 2:02 P.M.

PRESENTATIONS AND PROCLAMATIONS

None

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

(Required notices of public hearings relating to this development were published in the Daily Record on April 3, 2018.)

6. ORD. 41449 – An ordinance to approve a Major Amendment to the Mixed Use District Development Agreement for All Holy Spirit Greek Orthodox Church, located at 215 South 181st Street, between the City of Omaha and Rega Engineering Group, providing site development standards – (First Reading March 27, 2018; Second Reading April 10, 2018; Third Reading, Public Hearing and Vote April 17, 2018) – [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:

PROPOSERS:

Nate Burnett, REGA Engineering, 601 Old Cheney Road, Lincoln, NE

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

MOTION by Harding, SECOND by Melton that ORDINANCE # 41449 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

(Required notices of public hearings relating to this development were published in the Daily Record on April 3, 2018.)

7. ORD. 41450 – An ordinance to rezone the property located at 2720 Keystone Drive from DR-Development Reserve and R2-Single Family Residential District (low density) to GI-General Industrial District (portions of the property are located within the FW-Floodway District) – (First Reading March 27, 2018; Second Reading April 10, 2018; Third Reading, Public Hearing and Vote April 17, 2018) – [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:

PROPONENTS:

Todd Metzler, Maple 85 Premium Landscape Rock Center, 2720 Keystone Drive

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

MOTION by Festersen, SECOND by Harding that ORDINANCE # 41450 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

STREET IMPROVEMENT DISTRICT ORDINANCE ON FINAL READING

(Required notices of public hearings relating to this development were published in the Daily Record on March 29, 2018.)

8. ORD. 41451 – An ordinance, to create Street Improvement District No. 6884, in the City of Omaha, for the purpose of improving Nicholas Street from North 87th Street west to its terminus 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 March 27, 2018; Second Reading April 10, 2018; Third Reading, Public Hearing and Vote April 17, 2018) – [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:

Jennifer Napolitano, 8806 Nicholas Street
Joy Suder, 1117 North 88th Street
Justin Graeve, 8817 Nicholas Street
Kristy Brau, 8714 Nicholas Street
Charles Ferguson, 8721 Nicholas Street

OPPOSERS:

Richard Reed, 1491 113th Street, Luverne, MN

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

MOTION by Festersen, SECOND by Jerram that ORDINANCE # 41451 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

LIQUOR

9. RES. 359 – Class “D” Liquor License Application – Buck’s, Inc., dba “Bucky’s #24”, 2223 South 24th Street. (This is a new application for an old location). UPGRADE. Presently holds a Class “B” License. Notice was posted on the property on 04/04/18; Notification was sent to property owners within 500 feet on 04/06/18 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

The following person(s) appeared and spoke:

PROPOSERS:

Robert Diesing, 1005 East Aberdeen Drive, Papillion, NE

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 359 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

10. RES. 360 – J’s on Jackson, LLC, dba “J’s on Jackson”, 1101 Jackson Street, requests permission to appoint Jack R. Barta manager of their present Class “C” Liquor License location – [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:
Judy Getzschman, 1832 Fawn Circle Drive, Fremont, NE

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

MOTION by Jerram, SECOND by Melton that RESOLUTION # 360 be approved

ROLL CALL:
Yeas: Palermo, Festersen, Harding, Jerram, Melton, Pahls, Mr. President
Nays: None
MOTION APPROVED 7-0

11. RES. 361 – Old Market Seafood, LLC, dba “Plank Seafood Provisions”, 1205 Howard Street, requests permission to appoint Brian T. Wall manager of their present Class “I” Liquor License location – [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:
Brian Thomas Wall, 11405 South 43rd Street, Bellevue, NE

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

MOTION by Jerram, SECOND by Gray that RESOLUTION # 361 be approved

ROLL CALL:
Yeas: Palermo, Festersen, Harding, Jerram, Melton, Pahls, Mr. President
Nays: None
MOTION APPROVED 7-0

12. RES. 362 – Upstream Brewing Company, LLC, dba “Upstream Brewing Company”, 514 South 11th Street, requests permission to appoint Chad H. Gumbert manager of their present Class “I” Liquor and Class “L” (Brew Pub) Licenses – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 12.

The following person(s) appeared and spoke:

PROPOSERS:
Chad Gumbert, 5208 South 80th Street, Ralston, NE

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

MOTION by Jerram, SECOND by Harding that RESOLUTION # 362 be approved

ROLL CALL:

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 hearings on Agenda Items 13 and 14 were held on April 10, 2018.

(Required notices of the public hearings were published in the Daily Record on April 6, 2018.)

CONSENT AGENDA – ORDINANCES

13. ORD. 41452 – An ordinance vacating a portion of the East/West alley between 68th Avenue and 69th Street, South of Farnam Street and abutting Lots 22, 23, 40 and 41, of Sunset Terrace, a subdivision, as surveyed, platted and recorded in Douglas County – (First Reading March 27, 2018; Second Reading and Public Hearing April 10, 2018; Third Reading April 17, 2018) – [see attached](#).

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

14. ORD. 41453 – An ordinance to accept the bid of Pay-Less Office Products to provide Janitorial Supplies for the Omaha Fire Department; the term of the agreement is for one year at a total cost of \$21,609.08 with the option to extend the agreement monthly for an additional 24-month period at no increase in cost – (First Reading March 27, 2018; Second Reading and Public Hearing April 10, 2018; Third Reading April 17, 2018) – [see attached](#).

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

Item # 13 ORDINANCE # 41452; and,

Item # 14 ORDINANCE # 41453;

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

Council President Gray announced that the public hearings on Agenda Items 15 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

15. RES. 363 – Res. that, as recommended by the Mayor, amendment to the One and Six Year Plan to add the private bridge reconstruction project spanning West Dodge Road at 150th Street, with construction to commence in the 2018 construction season, is hereby approved; and that the City Council hereby authorizes the Mayor and City Clerk to sign any additional documentation related to this amendment on behalf of the City of Omaha – [see attached](#).
16. RES. 364 – Res. that, as recommended by the Mayor, the contract with Mechanical Systems, Inc. for OPW 53373 being the Vehicle Maintenance Facility HVAC Upgrades, is hereby approved. (The Finance Department is authorized to pay the cost of \$119,439.00 from the 2014 Public Facilities Fund 13246, Capital Organization 116262, year 2018 expenditure.) – [see attached](#).
17. RES. 365 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Giff Property Services, Inc. to provide professional services on OPW 52470 (CSO), being the Forest Lawn Sewer Separation - Forest Lawn Avenue from N. 36th to John J. Pershing Dr. Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$25,000.00, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2018 expenditure.) – [see attached](#).
18. RES. 366 – Res. that, as recommended by the Mayor, Amendment No. 4 to the Professional Services Agreement Black & Veatch for the Fontenelle Park Lagoon Improvements Project, known as OPW 52658, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$200,959.00 for these professional services from the Sewer Revenue Improvement Fund 21124, CSO Control Implementation Organization 116918, Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
19. RES. 367 – Res. that, as recommended by the Mayor, the Professional Services Agreement between the City of Omaha and the State of Nebraska Department of Transportation for Project STPC-3811(2), State Control No. 22209, and OPW 51016, being the 168th Improvements (Ehlers Street to Poppleton Ave) Project, with the City's estimated \$149,448.85 share of the project cost to be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure, is hereby approved. (The City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha.) – [see attached](#).

20. RES. 368 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson Associates to provide professional services on MAPA-28(124), C.N. 22727A, OPW 53180, being the Signal Infrastructure Phase A2 Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$227,999.01, to be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditures.) – [see attached](#).
21. RES. 369 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson Associates to provide professional services on MAPA-28(125), C.N. 22728A, OPW 53181, being the Signal Infrastructure Phase A3 Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$254,210.26, to be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditures.) – [see attached](#).
22. RES. 370 – Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the State of Nebraska Department of Roads for Project STPC-3811(2), State Control No. 22210, and OPW 50417, being 168th Improvements (Q to West Center) with the City's estimated \$213,638.73 share of the project cost to be paid from the 2014 Transportation Bond Fund 13184, Transportation Bonds Organization 117117, year 2018 expenditure, is hereby approved. (The City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha) – [see attached](#).
23. RES. 371 – Res. that, per NEB. REV. STAT. §39-1359, the City of Omaha officially designates the temporary use of State Highway 64 (Maple Street) from 61st Street to 63rd Street within Omaha City Limits on June 2, 2018, between the hours of 9:00 AM and 10:00 PM, for the Benson Beer Festival – [see attached](#).
24. RES. 381 – Res. that, as recommended by the Mayor, the contract with Oldcastle Materials Midwest Company for OPW 53302 being the 2018 Residential Street Resurfacing, Various Locations, is hereby approved. (The Finance Department is authorized to pay the cost of \$4,718,932.75 from the City Street Maintenance Fund 12129, Residential Street Rehabilitation Organization 116161, year 2018 expenditure.) – [see attached](#).
25. RES. 372 – Res. that, as recommended by the Mayor, the bid in the total amount of \$355,777.69 from Corrado Construction to demolish and construct the new restroom portion of the Dewey Park Recreation Center, located at 550 Turner Boulevard, Omaha, Nebraska is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from Fund No. 13356, 2014 Parks and Recreation Fund and Organization No. 117317, Parks and Culture Bond.) – [see attached](#).
26. RES. 373 – Res. that, as recommended by the Mayor, the bid in the total amount of \$63,000.00 from Spencer Management to replace the north entrance road to Mandan Park located at 6215 South 13th Street, Omaha, Nebraska is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from Fund No. 12129, City Street Maintenance Fund and Organization No. 115032, Park Roads.) – [see attached](#).

27. RES. 374 – Res. that, as recommended by the Mayor, the bid in the total amount of \$37,100.00 from Lanoha Nurseries, Inc. to furnish all labor, materials and equipment necessary for the construction of the bioswale soil amendments, plantings, site seeding, and plan species signage. The work includes but is not limited to: site grading, planting and seeding at Park Plantings Phase 1 located at 16286 Pacific Street, Omaha, Nebraska, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in this amount shall be paid from Fund No. 13356, 2014 Parks and Recreation Fund and Organization No. 117317, Parks and Culture Bond.) – [see attached](#).
28. RES. 375 – Res. that, as recommended by the Mayor, the annual renewal purchase of Sierra, based upon the invoice of Innovative Interfaces, Inc., providing a unique and non-competitive service, in the amount not to exceed \$77,118.30 for the Annual Subscription Fee for one year from May 1, 2018 through April 30, 2019, is hereby approved. (The Finance Department is authorized to pay \$77,118.30 for the cost of the service from Year 2018, Fund 11111, Organization 117017, Account 42266) – [see attached](#).
29. RES. 376 – Res. that, as recommended by the Mayor, the contract between IMEX America and the Omaha Convention and Visitors Bureau (OCVB), in an amount not to exceed \$26,100.00, to participate in the IMEX America trade show in Las Vegas October 16-18, 2018 is hereby approved. (The Finance Director is authorized to provide payment for up to the amount of \$26,100 from Fiscal Year 2018, Fund No. 21109 – Omaha Convention and Visitors Bureau, Organization No. 115921 – Sales-Convention, Account No. 42256 – Tradeshow Expense.) – [see attached](#).
30. RES. 377 – Res. that, the reappointment by Mayor Jean Stothert of Carl Anderson, business operator of Little Scandinavia at 2619 N. Main Street, to be a member of the Olde Towne Elkhorn Business Improvement Board to serve a five-year term commencing upon April 24, 2018, and expiring on April 23, 2023, is hereby confirmed and approved – [see attached](#).
31. RES. 378 – Res. that, the reappointment by Mayor Jean Stothert of Frank J. Reid to the Stationary Engineers Examiners Board, to serve a term commencing upon confirmation by the City Council and expiring April 16, 2020, be and hereby is confirmed and approved – [see attached](#).
32. RES. 382 – Res. that, the nomination and appointment by Mayor Jean Stothert of Antonio Moore, Sr. as a member of the Park and Recreation Board to serve a three-year term commencing upon approval of the City Council and expiring April 23, 2021, be and hereby is confirmed and approved – [see attached](#).

Council President Ben Gray opened the Public Hearing on Items 15 through 32.

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

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

**Item # 15 RESOLUTION # 363;
 Item # 17 RESOLUTION # 365;
 Item # 19 RESOLUTION # 367;
 Item # 21 RESOLUTION # 369;**

**Item # 16 RESOLUTION # 364;
 Item # 18 RESOLUTION # 366;
 Item # 20 RESOLUTION # 368;
 Item # 22 RESOLUTION # 370;**

Item # 23 RESOLUTION # 371;
Item # 25 RESOLUTION # 372;
Item # 27 RESOLUTION # 374;
Item # 29 RESOLUTION # 376;
Item # 31 RESOLUTION # 378; and,

Item # 24 RESOLUTION # 381;
Item # 26 RESOLUTION # 373;
Item # 28 RESOLUTION # 375;
Item # 30 RESOLUTION # 377;
Item # 32 RESOLUTION # 382;

ROLL CALL VOTE:

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

Nays: None

MOTION APPROVED 7-0

(Required notice of the public hearing relating to this redevelopment project was published in the Daily Record and the Omaha World Herald on March 29, 2018 and April 5, 2018.)

RESOLUTIONS

33. RES. 306 – Res. that, the Landmark Building Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located northeast of 13th and Harney Streets which proposes the conversion of an office building into 128 rooms of an upper, upscale hotel and associated amenities, and the construction of a restaurant with rooftop seating on the southeast side of the building, recommending the City's participation through the allocation of TIF in an amount up to \$9,824,122.00, plus accrued interest, to offset the following eligible expenses: rehabilitation costs related to converting office spaces to hotel rooms, converting the 1st and 2nd floors of the building to hotel uses and various public improvements as required, with the applicant contributing \$100,000.00 of the TIF proceeds to the Downtown Public Improvement Fund and nearly \$200,000.00 of the TIF proceeds for various other public improvements, identified by the City, surrounding the project, 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 33.

The following person(s) appeared and spoke:

PROPOSERS:

Jason Fisher, 17534 Bay Wood Circle, for the developer

Jon Blumenthal, Baird Holm, 1700 Farnam Street, Attorney for the developer

OPPOSER:

Luis Jimenez, 518 North 40th Street

FOR THE CITY:

Bridget Hadley, Planning Department

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

MOTION by Jerram, SECOND by Festersen that RESOLUTION # 306 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

34. RES. 379 – Res. that, the City Council supports approval of each of the General Obligation bond ballot questions and urges their approval by Omaha’s voters on May 15, 2018 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

Council President Ben Gray opened the Public Hearing on Item 34.

The following person(s) appeared and spoke:

FOR THE CITY:

Steve Curtiss, Finance Director

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

MOTION by Harding, SECOND by Festersen that RESOLUTION # 379 be approved

ROLL CALL:

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

Nays: None

MOTION APPROVED 7-0

ORDINANCES ON SECOND READING

35. ORD. 41456 – An ordinance authorizing the issuance of a purchase order to Kemira Water Solutions, Inc. in the amount of \$420,000.00 for the purchase of Ferric Chloride to be utilized at the Water Resource Recovery Facilities to be effective for a period of 12 months and is extendable for two one-year periods with approval of both parties; 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 April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 35.

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

36. ORD. 41457 – An ordinance approving an Agreement between the City of Omaha, Nebraska and Don Ahrens 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 Don Ahrens 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. (The Finance Department is authorized to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund

21121.) – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 36.

PROPONENT:

Luis Jimenez, 518 North 40th Street

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

37. ORD. 41458 – An ordinance vacating a portion of Louis Drive commencing approximately 78 feet east of the east right-of-way line of 95th Street to the dead end of the Louis Drive right-of-way and abutting Lots 7, Block 7 of Maenner Meadows and Lot 2, Block 0 of Brighton Gardens Subdivisions; providing for the reversion or transfer of the same – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 37.

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

38. SPECIAL ORD. 10232 – An ordinance levying a special tax and assessment on certain lots, part of lots and pieces of real estate in the City of Omaha to cover the cost of constructing sidewalks in the District No. SWR 2017-01 – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 38.

FOR THE CITY:

Robert Boyd, Public Works Department

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

39. ORD. 41461 – 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 the Real Estate Purchase Agreement with Michael Kirby, 3110 Reynolds Street, Omaha, NE 68112, to convey the property described in the agreement, located at 3515 North 30th Street, in consideration of the sum of \$800.00; there are no expenses associated with the transfer of the property to Michael Kirby – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 39.

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

40. ORD. 41462 – 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 the Real Estate Purchase Agreement with Habitat for Humanity of Omaha, Inc., a Nebraska Non-profit Corporation, 1701 North 24th Street, Omaha, NE 68110, to convey the property described in the agreement, located at 3609 North 19th 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 April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 40.

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

41. SPECIAL ORD. 10233 – An 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. 2018-01 – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

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

Council President Ben Gray opened the Public Hearing on Item 41.

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

42. ORD. 41463 – An ordinance amending Ordinance No. 37504 adopted October 3, 2006 which created the Downtown Business Improvement District (B.I.D. No. 6874) and amending Ordinance No. 38957 adopted March 8, 2011 which re-authorized the Downtown Business Improvement District (B.I.D. No. 6874) under the authority of the Business Improvement District Act, Nebraska Revised Statute Section 19-4015, et seq., for the purpose of approving a ten (10) percent increase to the special assessment levy from 0.439 per thousand dollars of assessed value to \$0.484 per thousand dollars of assessed value with an increase of three (3) percent per year thereafter; to define the purpose of such District and the activities to be included; to define the boundaries of such District; to identify that the properties benefited by the proposed improvements will be subject to special assessments in accord with the Downtown Business Improvement District Plan; to provide for special assessments to be set at a rate of \$0.484 per \$1,000 of assessed valuation, with such assessment to grow three (3) percent per year thereafter, to be imposed within such District based upon the benefits conferred; to provide for extension of an operating agreement between such District and a not-for-profit corporation to be organized for such purpose; to provide for a baseline municipal services agreement between the City and such District; to provide for a method of representative governance – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 42.

PROPOSERS:

Holly Barrett, 1403 Farnam Street, Unit #802, for the Omaha Downtown Improvement District
Dan Emanuel, 416 South 16th Street, Board Chairman of the ODID

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

43. SPECIAL ORD. 10234 – An ordinance to approve the Omaha Downtown Improvement District Association (ODIDA) 2018/2019 Budget and Workplan and the 2017 ODID Stakeholder Survey Results and levying a special tax and assessment on all lots and pieces of real estate within Business Improvement District No. 6874 in the City of Omaha in the amount of \$465,830.74; such assessment shall cover the costs anticipated by the Business Improvement District for March 2018 to February 2019 and contemplated by Ordinance No. 37504 which was approved by the City Council of the City of Omaha on October 3, 2006, and reauthorized by Ordinance No. 38957 approved on March 8, 2011 – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 43.

PROPOSER:

Holly Barrett, 1403 Farnam Street, Unit #802, for the Omaha Downtown Improvement District

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

44. ORD. 41464 – An ordinance to amend Omaha Municipal Code, Chapter 10, Article V, Division 5 entitled “Small and Emerging Small Business Program,” Sections 10-200.2; to modify the program’s definitions and certification criteria – (First Reading April 10, 2018; Second Reading and Public Hearing April 17, 2018; Third Reading April 24, 2018) – [see attached](#). **(PUBLIC HEARING TODAY)**

Council President Ben Gray opened the Public Hearing on Item 44.

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

NON-ACTION ITEMS

City Clerk Elizabeth Butler announced that items 45 through 56 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.

FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR’S REPORT

45. Metropolitan Utilities District Financial Statements and Supplemental Schedules December 31, 2017 (With Independent Auditors’ Report Thereon) – [see attached](#). **(THIS ITEM WILL BE PLACED ON FILE IN THE CITY CLERK’S OFFICE)**
MCC-SMITHFIELD ADDITION

46. ORD. 41454 – An ordinance to rezone property located south of Edward Babe Gomez Avenue and east of 33rd Street from HI-Heavy Industrial District to HI-Heavy Industrial District – (First Reading April 10, 2018; Second Reading April 17, 2018; **Third Reading, Public Hearing and Vote April 24, 2018**) – [see attached](#).
47. ORD. 41455 – An ordinance to rezone property located south of Edward Babe Gomez Avenue and east of 33rd Street from GO-General Office District and HI-Heavy Industrial District to GO-General Office District – (First Reading April 10, 2018; Second Reading April 17, 2018; **Third Reading, Public Hearing and Vote April 24, 2018**) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
48. RES. 318 – Res. that, the Preliminary Plat entitled MCC-Smithfield Addition, located south of Edward Babe Gomez Avenue and east of 33rd Street, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Smithfield Packaged Meats Corp – Inside City Limits – [see attached](#). **(LAID OVER TO APRIL 24, 2018 TO COINCIDE WITH ITEM 46)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
49. RES. 319 – Res. that, the Final Plat entitled MCC-Smithfield Addition, located south of Edward Babe Gomez Avenue and south of 33rd Street, is hereby approved and accepted. The applicant is Smithfield Packaged Meats Corp – Inside City Limits – [see attached](#). **(LAID OVER TO APRIL 24, 2018 TO COINCIDE WITH ITEM 46)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

ROAD MAINTENANCE DISTRICT ORDINANCES ON SECOND READING

50. ORD. 41459 – An ordinance, to create Road Maintenance District No. 745-29, in the City of Omaha, for the purpose of improving Garden Road, from South 105th Street south to its terminus north of West Center Road, by asphalt overlay; 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 April 10, 2018; Second Reading April 17, 2018; **Third Reading, Public Hearing and Vote April 24, 2018**) – [see attached](#).
51. ORD. 41460 – An ordinance, to create Road Maintenance District No. 745-30, in the City of Omaha, for the purpose of improving Leavenworth Street, from South 90th Street to South 91st Avenue, and 91st Circle south of Leavenworth Street, by asphalt overlay; 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 April 10, 2018; Second Reading April 17, 2018; **Third Reading, Public Hearing and Vote April 24, 2018**) – [see attached](#).

ORDINANCES ON FIRST READING

52. ORD. 41465 – An ordinance approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Howard Street Landmark LLC to implement the Scott Tent and Awning Company Tax Increment Financing (TIF) Redevelopment Project Plan which is for a redevelopment site located at 1501 Howard Street, and proposes a comprehensive rehabilitation of the 26,136 square foot building constructed in 1893 as a carriage factory; the agreement authorizes the use of up to \$572,659.00, plus accrued interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading April 17, 2018; **Second Reading and Public Hearing April 24, 2018**; Third Reading May 1, 2018) – [see attached](#).
53. ORD. 41466 – An ordinance to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District to be known as District No. B-200 at 2929 California Street, as requested by Todd Heistand for 2929 California Plaza, LLC – (First Reading April 17, 2018; **Second Reading and Public Hearing April 24, 2018**; Third Reading May 1, 2018) – [see attached](#).
54. ORD. 41467 – An ordinance to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District to be known as District No. B-201 at 6262 Lindbergh Drive, as requested by Patrick J. Wonder of Nebraska Plumbing – (First Reading April 17, 2018; **Second Reading and Public Hearing April 24, 2018**; Third Reading May 1, 2018) – [see attached](#).
55. ORD. 41468 – An ordinance to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District to be known as District No. B-202 at 4228 South 72nd Street, as requested by Mitch Cadlo of Nash Finch Company for 4228 South 72nd Street, LLC – (First Reading April 17, 2018; **Second Reading and Public Hearing April 24, 2018**; Third Reading May 1, 2018) – [see attached](#).
56. ORD. 41469 – An ordinance to add Section 2-72 to expand the ability of the Mayor to pardon a person convicted of an offense under any section of the Omaha Municipal Code; to repeal Section 20-2 of the Omaha Municipal Code which limited such pardon right to those offenses in Chapter 20 – (First Reading April 17, 2018; **Second Reading and Public Hearing April 24, 2018**; Third Reading May 1, 2018) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

MOTION by Jerram, SECOND by Festersen 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: 3:32 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 April 17, 2018.

WITNESS:

CITY CLERK:

s/Sherri Brown
Sherri Brown, Executive Secretary

s/Elizabeth Butler
Elizabeth Butler