

32nd REGULAR OMAHA CITY COUNCIL MEETING

SEPTEMBER 22, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, September 22, 2015 at 2:00 o'clock P.M. in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

ROLL CALL

1. City Clerk calls the roll.

CCID # 1228 – Present: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

2. Pledge of Allegiance.

3. Invocation by Council President Ben Gray of District No. 2.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on September 18, 2015, notice re: Pre-Council and Regular City Council Meetings, September 22, 2015.

CCID # 1229 – From Chair on File

A current copy of the Open Meeting Act is posted in a white binder on the east wall of the Legislative Chambers.

WHENEVER ANY PERSON HAS BEEN INVITED TO SPEAK, OR HAS BEEN GRANTED THE OPPORTUNITY OF SPEAKING BEFORE THE COUNCIL DURING A HEARING, EACH PERSON WILL BE REQUESTED TO BE BRIEF, AND TO LIMIT HIS OR HER PRESENTATION TO TEN MINUTES. WHEN MORE THAN ONE PERSON WISHES TO ADDRESS THE COUNCIL ON A GIVEN QUESTION, THE PROPONENTS WILL BE GIVEN THE OPPORTUNITY OF FIRST ADDRESSING THE COUNCIL. THE OPPONENTS OF THE QUESTION WILL BE GIVEN THE OPPORTUNITY TO SPEAK AFTER THE PROPONENTS' PRESENTATION. THE PROPONENTS WILL BE GIVEN A BRIEF PERIOD FOR REBUTTAL OF ANY NEW MATERIAL INTRODUCED DURING THE OPPONENT'S PRESENTATION, AFTER WHICH THE PUBLIC HEARING WILL BE CONCLUDED. IT IS CITY COUNCIL PROCEDURE THAT EACH SIDE RECEIVE TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

RECONSIDERATION

5. Ord. to create Road Maintenance Improvement District No. 745-24, in the City of Omaha, for the purpose of improving South 95th Circle from West Center Road north to the end of the cul-de-sac 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; and to provide for an effective date hereof – over from 9/15/15 for roll call on reconsideration – [see attached](#). ((IF RECONSIDERED – CAN BE PASSED TODAY))
(See Doc. # 1060 – August 11, 18, 25, and September 15 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 13, 2015. Ordinance passed on September 22, 2015 published in the Daily Record on September 30, 2015.

CCID # 1060 – Roll Call on Reconsideration

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
Carried 7-0

CCID #1060 – Motion by Pahls that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
ORDINANCE # 40491 - PASSED 7-0

- (a) Communications opposing the Ordinance to create Road Maintenance Improvement District No. 745-24, in the City of Omaha, for the purpose of improving South 95th Circle from West Center Road north to the end of the cul-de-sac by asphalt overlay - over from 9/15/15 for roll call on reconsideration – [see attached](#).
(See Doc. # 1060 – August 25 and September 15 Meetings)

Roll Call on Reconsideration

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
Carried 7-0

1060 – From Chair on File

RESOLUTION RE: BONDS

6. Res. that the Preliminary Official Statement pertaining to the issuance and sale of general obligation and refunding bonds titled “Various Purpose and Refunding Bonds, Series 2015A” and “General Obligation Refunding Bonds, Series 2015B” in Exhibit A attached hereto and by the reference made a part hereof as fully as if set forth herein, is hereby approved in substantially the form attached hereto; the Preliminary Official Statement is deemed final as of its date, within the meaning of Rule 15c2-12 under the Securities Exchange Act of 1934, as amended (except for certain omissions permitted by said Rule 15c2-12); the Finance Director of the City of Omaha is hereby authorized to deliver the Preliminary Official Statement on behalf of the City of Omaha; the distribution of the Preliminary Official Statement by the prospective underwriter of the Various Purpose and Refunding Bonds, Series 2015A and the General Obligation Refunding Bonds, Series 2015B is hereby approved; that the Bond Purchase Agreement pertaining to the issuance and sale of the Various Purpose and Refunding Bonds, Series 2015A and the General Obligation Refunding Bonds, Series 2015B by the City of Omaha, Nebraska to the prospective underwriter in Exhibit B attached hereto and by reference made a part hereof as fully as if set forth herein is hereby approved in substantially the form attached hereto – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1231 – ADOPTED 7-0

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

7. Ord. to approve a Major Amendment to a PUD-Planned Unit Development Overlay District in a R6-Low-Density Multiple Family Residential District for the property located at 4502 South 60th Street; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1155 – September 1 and 15 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 4, 2015. Ordinance passed on September 22, 2015 published in the Daily Record on September 30, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Rob Woodling, Foundations Development

Opponents: Duane Brooks, 6023 Patterson Street

Charles Novy, 6029 Patterson Street

For the City: Dave Fanslau, Planning Department

CCID #1155 – Motion by Festersen that the Ordinance be passed
Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Melton, Pahls

Nays: Gernandt, Jerram, Mr. President

ORDINANCE # 40492 - PASSED 4-3

- (a) Planning Board and Planning Department recommend approval of the request of Foundations Development, LLC for a Major Amendment to a PUD-Planned Unit Development Overlay District for property located at 4502 South 60th Street – [see attached](#).
(See Doc. # 1155 – September 1 Meeting)

1155 – From Chair on File

8. Ord. to rezone property located at 7023 Cass Street from R2-Single Family Residential District (Low Density) to LC-Limited Commercial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1156 – September 1 and 15 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 4, 2015. Ordinance passed on September 22, 2015 published in the Daily Record on September 30, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Larry Jobeun, 11440 West Center Road, on behalf of the applicant

Opponents: David Levy, Baird Holm, 1700 Farnam, on behalf of Joe Ricketts
Bob Huck, 1200 Omaha Tower

CCID #1156 – Motion by Festersen that the Ordinance NOT be passed
Seconded by Thompson

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Motion Carried 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 7023 Cass Street from R2-Single Family Residential District (Low Density) to LC-Limited Commercial District – [see attached](#).
(See Doc. # 1155 – September 1 Meeting)

1156 – From Chair on File

9. Res. that the preliminary plat entitled CASS PLACE, located at 7023 Cass Street, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 9/1/15 for publication and public hearing – had publication – [see attached](#).
((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1157 – September 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Larry Jobeun, 11440 West Center Road, on behalf of the applicant

Opponents: David Levy, Baird Holm, 1700 Farnam, on behalf of Joe Ricketts
Bob Huck, 1200 Omaha Tower

CCID # 1157 - Motion by Festersen that the Resolution NOT be adopted

Seconded by Thompson

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Motion Carried 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of CASS PLACE, a minor plat inside the city limits, located at 7023 Cass Street – Inside City – over from 9/1/15 – [see attached](#).

(See Doc. # 1157 – September 1 Meeting)

1157 – From Chair on File

- 10. Res. that the plat entitled CASS PLACE, located at 7023 Cass Street, is hereby approved and accepted – over from 9/1/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

(See Doc. # 1158 – September 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Larry Jobeun, 11440 West Center Road, on behalf of the applicant

Opponents: David Levy, Baird Holm, 1700 Farnam, on behalf of Joe Ricketts
Bob Huck, 1200 Omaha Tower

CCID # 1158 - Motion by Festersen that the Resolution NOT be adopted

Seconded by Thompson

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Motion Carried 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of CASS PLACE, a minor plat inside the city limits, located at 7023 Cass Street – Inside City – over from 9/1/15 – [see attached](#).

(See Doc. # 1158 – September 1 Meeting)

1158 – From Chair on File

11. Res. that, the Subdivision Agreement between the City of Omaha and The Omaha Conservatory of Music, a Nebraska non-profit corporation, as recommended by the Mayor, providing for the Watershed Management fees and future right-of-way dedication, is hereby approved. The Subdivision is to be known as Cass Place (Lot 1) and is located at 7023 Cass Street – over from 9/1/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1159 – September 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Larry Jobeun, 11440 West Center Road, on behalf of the applicant

Opponents: David Levy, Baird Holm, 1700 Farnam, on behalf of Joe Ricketts
Bob Huck, 1200 Omaha Tower

CCID # 1159 - Motion by Festersen that the Resolution NOT be adopted

Seconded by Thompson

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Motion Carried 7-0

LIQUOR

12. PACKAGE – Sapkota Enterprises, LLC, dba “EZ Mart”, 6818 South 13th Street. New application, Old location. UPGRADE. Present licensee is Cig & Snack Outlet, Inc., dba “Cig & Snack Outlet”, 6818 South 13th Street, who has an Off Sale Beer License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Jan Headley, 10828 Old Mill Road, on behalf of the applicant, appeared and spoke.

Application read

Motion by Gernandt that the City Council Liquor Rules (Rule 7) be suspended

Seconded by Thompson

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Motion Carried 7-0

Motion by Gernandt that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1235 – ADOPTED 7-0

Motion by Thompson that the City Council Liquor Rules (Rule 7) be reinstated
Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
Motion Carried 7-0

- (a) Communication opposing the application of Sapkota Enterprises, LLC, dba "EZ Mart", 6818 South 13th Street, for a Package Liquor License – see attached.

1235 – From Chair on File

13. Hy-Vee, Inc., dba "Hy-Vee Gas", 9601 "Q" Street, requests permission for the Reconstruction of their present Package Liquor License location to a 1 story building approx. 41' x 73'. Property posted: 09-10-15; Notification sent: 09-11-15 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Andrew Yochum, 9311 Monroe Street, with Hy-Vee, Inc., appeared and spoke.

CCID # 1236 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
Motion Carried 7-0

14. German American Society, Inc., 3717 South 120th Street, requests permission to appoint David F. Hollrah manager of their present Class "C" Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

David Hollrah, German American Society, appeared and spoke.

CCID # 1237 – Motion by Thompson that the request be approved

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
Motion Carried 7-0

15. La Costa El Sol, Inc., dba "La Costa El Sol", 4456 South 84th Street, requests permission to appoint Jamie N. Lopez manager of their present Class "I" Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Jamie Lopez, 8408 South 48th Avenue, La Costa El Sol, appeared and spoke.

CCID # 1238 – Motion by Festersen that the request be approved

Seconded by Melton

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Melton, Pahls, Mr. President

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Melton, Pahls, Mr. President

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

16. Ultra Nail Bar, LLC, dba “Ultra Nail Bar”, 17660 Wright Street, Suite 16, requests permission to appoint Tieng Sithongsouk manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Tieng Sithongsouk, 17660 Wright Street, appeared and spoke.

CCID # 1239 – Motion by Thompson that the request be approved

Seconded by Melton

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Motion Carried 7-0

CONSENT AGENDA

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed there from. 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 taken out of order as otherwise provided by the City Council Rules of Order.)

(The public hearings on Agenda Item Nos. 17 through 18 were held on September 15, 2015.)

CONSENT AGENDA – ORDINANCES

17. Ord. to approve a contract between the City of Omaha and the Elkhorn Public Schools for the City to provide, through its assignment, one Associate School Resource Officer and a marked police cruiser, subject to the availability of such cruiser and Elkhorn’s needs, to the premises of Elkhorn High School, located at 711 Veterans Drive, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property twenty (20) hours per week while school is in session during the regular school year, from August 10, 2015 and ending at the close of the 2015 - 2016 school year. The reimbursement payment from the Elkhorn Public Schools to the City will be in the amount of \$28.50 per hour for the officer, not to exceed \$22,353.00; and to provide for an effective date hereof – [see attached](#).
(See Doc. # 1160 – September 1 and 15 Meetings)
Notice of public hearing on September 15, 2015 published in the Daily Record on September 4, 2015. Ordinance passed on September 22, 2015 published in the Daily Record on September 30, 2015.

CCID #1160 – Motion by Jerram that the Ordinance be passed
Seconded by Festersen
ROLL CALL:
Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
ORDINANCE # 40493 - PASSED 7-0

18. Ord. to accept the bid from BlueCloud for carpet and upholstery cleaning service at ten Omaha Public Library facilities (W. Dale Clark (Main) Library, Milton R. Abrahams Branch, Benson Branch, Bess Johnson Elkhorn Branch, Florence Branch, Millard Branch, A. V. Sorensen Branch, W. Clarke Swanson Branch, Charles B. Washington Branch, and Willa Cather Branch), in accordance with the lowest bid submitted meeting specifications, for an initial term from approximately October 1, 2015, to September 30, 2018, and thereafter, extendible for two one-year terms at the sole option of the City, commencing upon approval; to authorize annual payments of approximately \$46,452.00; and to provide an effective date – [see attached](#).
(See Doc. # 1164 – September 1 and 15 Meetings)
Notice of public hearing on September 15, 2015 published in the Daily Record on September 4, 2015. Ordinance passed on September 22, 2015 published in the Daily Record on September 30, 2015.

CCID #1164 – Motion by Jerram that the Ordinance be passed
Seconded by Festersen
ROLL CALL:
Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President
ORDINANCE # 40494 - PASSED 7-0

((MOTION NEEDED THAT THE ORDINANCES ON THE CONSENT AGENDA BE PASSED))

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(The public hearings on Agenda Item Nos. 19 through 26 are today. If you wish to address the City Council regarding these items, please come to the microphone, indicate the Agenda Item Number you wish to address, identify yourself by your name, address, who you represent, and if you are a proponent or opponent.)

CONSENT AGENDA – RESOLUTIONS

19. Res. that, the Amendment to the Subdivision Agreement among the City of Omaha, Lanoha Real Estate Company Inc., a Nebraska corporation, The Prairies Homeowners Association and Sanitary and Improvement District No. 537 of Douglas County, Nebraska, as recommended by the Mayor, providing for the Interceptor Sewer Fee, Watershed Management Fee, and the use, ownership, and maintenance responsibilities of the outlot, is hereby approved. The Subdivision is to be known as The Prairies Replat 2 (Lots 1-11 and Outlots A-B) and is located southeast of 220th Avenue and Frances Streets – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1222 – ADOPTED 7-0

20. Res. that, as recommended by the Mayor, the contract with Swain Construction, Inc. for OPW 52588, being the 204th Street and Cumberland Drive Intersection Improvements Project, in the amount of \$362,628.77, is hereby approved; and, that the Finance Department is authorized to pay this cost from the 2010 Transportation Fund 13183 and Transportation Bonds Organization 117117 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1221 – ADOPTED 7-0

21. Res. that, as recommended by the Mayor, the contract with Grunwald Mechanical Contractors and Engineers for OPW 52837, being the Vehicle Maintenance Facility Make-Up Air Unit Replacement Project, in the amount of \$132,909.00, is hereby approved; and, that the Finance Department is authorized to pay this cost from the 2014 Public Facilities Fund 13246 and Capital Organization 116262 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1223 – ADOPTED 7-0

22. Res. that, as recommended by Mayor Stothert, the Cooperative Agreement between the Omaha Human Rights and Relations Department and the U.S. Department of Housing and Urban Development for reimbursement for processing housing discrimination complaints arising within its jurisdiction for HUD for the time period of July 1, 2014, to June 30, 2015 and in the amount of \$135,875.00, attached hereto as Exhibit "A", is hereby confirmed and approved – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1232 – ADOPTED 7-0

23. Res. that the appointment by Mayor Stothert of Michael S. Kennedy as a member of the Library Board to serve the remaining portion of Diane Jelden's three-year term, commencing on September 23, 2015 and expiring June 30, 2017, be and hereby is confirmed and approved – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1224 – ADOPTED 7-0

24. Res. that Charles Cogar is reappointed to serve as a member of the Board of Directors of the City of Omaha Cable Television Access Corporation for a 3-year term, commencing October 3, 2015 and expiring October 2, 2018 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1240 – ADOPTED 7-0

25. Res. that Drew Theophilus is reappointed to serve as a member of the Board of Directors of the City of Omaha Cable Television Access Corporation for a 3-year term, commencing October 3, 2015 and expiring October 2, 2018 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1241 – ADOPTED 7-0

26. Res. that James “Buck” Weyerman is reappointed to serve as a member of the Board of Directors of the City of Omaha Cable Television Access Corporation for a 3-year term, commencing October 3, 2015 and expiring October 2, 2018 – [see attached](#).

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1242 – ADOPTED 7-0

((MOTION NEEDED THAT THE RESOLUTIONS ON THE CONSENT AGENDA BE ADOPTED))

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RESOLUTION

27. Res. that the City Planning Department is requested to commence a study of the recent trends and challenges related to infill development in Downtown and Midtown Omaha, particularly as they affect major transportation corridors, with consideration given to the updates to the Transportation Element to include the Complete Streets Policy, the anticipated Bus Rapid Transit System and the Downtown Master Plan, which study is to include recent theories on acceptable and appropriate land uses in urban areas, parking and other factors affecting the development of Midtown and Downtown and should incorporate input from the general public and relevant stakeholders; and the City Planning Department is requested to complete and present the results to Planning Board, Mayor and City Council within twelve (12) months of commencing the study – [see attached](#).
((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Mary Jane Truemper, 5306 Iazard Street, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1243 – ADOPTED 7-0

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 28
THROUGH 32 SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

28. Ord. to rezone the property located at 4953 Mayberry Street from R4(35)-Single-Family Residential District (High Density) to R4-Single-Family Residential District (High Density).
(See Doc. # 1178 – September 15 Meeting)

CCID # 1178 – ORDINANCE ON SECOND READING – Final reading to be held on September 29, 2015 as per City Charter requirements.

29. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Aksarben Business and Education Campus, to allow for the construction of student housing dormitories and a parking garage, located at 6450 Pine Street between the City of Omaha and Tetrad Development Corporation, providing site development standards; and to provide for an effective date – [see attached](#).
(See Doc. # 1203 – September 15 Meeting)

CCID # 1203 – ORDINANCE ON SECOND READING – Final reading to be held on September 29, 2015 as per City Charter requirements.

30. Ord. to rezone the property located at 4765 South 135th Street from GI-General Industrial District and HI-Heavy Industrial District to GI-General Industrial District (portions of the property lie within the flood fringe).
(See Doc. # 1204 – September 15 Meeting)

CCID # 1204 – ORDINANCE ON SECOND READING – Final reading to be held on September 29, 2015 as per City Charter requirements.

31. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located Northeast of 204th and Farnam Streets; and to provide for an effective date – [see attached](#).
(See Doc. # 1208 – September 15 Meeting)

CCID # 1208 – ORDINANCE ON SECOND READING – Final reading to be held on September 29, 2015 as per City Charter requirements.

ORDINANCE ON SECOND READING

- 32. Ord. to approve a Real Estate Exchange Agreement and grant a fence easement and a permanent access easement for property near 135th Street and Millard Avenue to the Lyman Richey Corporation for purposes of transferring real estate belonging to the City and used by Park Maintenance, authorizing the Mayor to execute the attached Agreement and Permanent Easement; and to provide an effective date thereof – [see attached](#).
(See Doc. # 1207 – September 15 Meeting)

CCID # 1207 – ORDINANCE ON SECOND READING – Final reading to be held on September 29, 2015 pursuant to City Council Rule VII D.

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ORDINANCES ON SECOND READING and Planning Board Attachments

- 33. Ord. to designate the Atlas Apartments located at 1609 Binney Street as a landmark pursuant to the Landmark Heritage Preservation Ordinance of the City of Omaha – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1179 – September 15 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Lawrence Butler, Managing Member, 1609 Binney Street
For the City: Trina Westman, Planning Department

CCID # 1179 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request for a Local Landmark Designation for the Atlas Apartments (15-11-H1) located at 1609 Binney Street – [see attached](#).
(See Doc. # 1179 – September 15 Meeting)

1179 – Over to 9/29/15

- 34. Ord. to designate the Ernest P. Buffett House located at 1015 South 30th Avenue as a landmark pursuant to the Landmark Heritage Preservation Ordinance of the City of Omaha – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1180 – September 15 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Jason Efken, 1015 South 30th Avenue
For the City: Trina Westman, Planning Department

CCID # 1180 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request for a Local Landmark Designation for the Ernest P. Buffett House (15-09-H1) located at 1015 South 30th Avenue – [see attached.](#)
(See Doc. # 1180 – September 15 Meeting)

1180 – Over to 9/29/15

ORDINANCES ON SECOND READING

- 35. Ord. 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-152, at 902 Grace Street, as requested by Seth Scarlett of Cooter Enterprises, Inc.; and to provide the effective date hereof – [see attached.](#) ((PUBLIC HEARING TODAY))
(See Doc. # 1210 – September 15 Meeting)

CCID # 1210 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

- 36. Ord. 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-153, at 12520 “F” Plaza, as requested by Dustin Dyer of Liberty Grounds, LLC; and to provide the effective date hereof – [see attached.](#) ((PUBLIC HEARING TODAY))
(See Doc. # 1211 – September 15 Meeting)

CCID # 1211 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

- 37. Ord. 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-189 at 17500 Burke Street, as requested by Dan Steinbach for Madonna Rehabilitation Hospital; and to provide the effective date hereof – [see attached.](#) ((PUBLIC HEARING TODAY))
(See Doc. # 1212 – September 15 Meeting)

CCID # 1212 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

38. Ord. to approve an agreement between the City of Omaha and Completely KIDS in the amount of thirty seven thousand five hundred dollars (\$37,500) to conduct the Liberty Elementary Project; to strengthen families and provide youth therapy services to diminish risk factors associated with trauma and violence during the period of July 1, 2015 and June 30, 2016; to authorize funding for such agreement from the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission) FY 2015 Juvenile Services Grant, Awards #15-JS-0420; and to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1215 – September 15 Meeting)

CCID # 1215 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

39. Ord. (1) to approve an agreement between the City of Omaha and Brenda L. Daley and Associates in the amount of thirty two thousand seven hundred and sixty dollars (\$32,760); and (2) to authorize funding for such agreement from the City of Omaha's FY 2014 Violent Gang and Gun Crime Reduction Program (Project Safe Neighborhoods): Category 3, grant award #2014-GP-BX-0010, awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA); to provide funding for the position of the Project Safe Neighborhoods (PSN) Director of Operations; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1216 – September 15 Meeting)

CCID # 1216 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

40. Ord. to approve an agreement between the City of Omaha and the GOALS Center in the amount of thirty four thousand seven hundred and twenty dollars (\$34,720) to support a family advocate to address absenteeism and at-risk behavior among youth to improve student attendance and learning during the period of July 1, 2015 and June 30, 2016; to authorize funding for such agreement from the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission) FY 2015 Juvenile Services Grant, Award #15-JS-0413; and to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1217 – September 15 Meeting)

CCID # 1217 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

41. Ord. to approve an agreement between the City of Omaha and the Latino Center of the Midlands in the amount of forty four thousand one hundred and nineteen dollars (\$44,119) to provide youth violence prevention programming to young males between the ages of 14 to 18 during the period of July 1, 2015 and June 30, 2016; to authorize funding for such agreement from the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission) FY 2015 Juvenile Services Grant, Award #15-JS-0417; and to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1218 – September 15 Meeting)

CCID # 1218 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

42. Ord. to approve the acceptance of the Nebraska Crime Commission, 2015 Juvenile Services Grant, award #15-JS-0420 to Completely KIDS, in the amount of \$37,500, with a match of \$41,890 provided by the subcontractor Completely KIDS; during the project period of July 1, 2015 to June 30, 2016, to provide program support for the Liberty Project, a program to address youth violence through family strengthening and youth therapy services to diminish risk factors associated with trauma and violence; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1213 – September 15 Meeting)

CCID # 1213 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

43. Ord. (1) to approve an agreement between the City of Omaha and the Boys & Girls Clubs of the Midlands in the amount of thirty six thousand four hundred and sixty three dollars (\$36,463); and (2) to authorize funding for such agreement from the FY 2013 Edward Byrne Memorial Justice Assistance Grant Program, award #2013-DJ-BX-0974, awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA); to employ a South Omaha Gang Specialist; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1214 – September 15 Meeting)

CCID # 1214 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

44. Ord. to amend Omaha Municipal Code Sections 20-320, 30-261, and 30-265 to prohibit the possession, use, discharge, retail sale, offer for retail sale, or explosion of flying lanterns; to repeal Sec. 20-320, 30-261, and 30-265 as heretofore existing; and to provide the effective date thereof – [see attached](#).
(PUBLIC HEARING TODAY)
(See Doc. # 1181 – September 15 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

For the City: Bernard Kanger, Chief, Omaha Fire Department
Steve Curtiss, Finance Director

CCID # 1181 – Public Hearing was held today – Final reading set for September 29, 2015 as per City Charter requirements.

- (a) Communication from Chief Todd R. Schmaderer, Omaha Police Department, supporting the ordinance to ban flying lanterns – [see attached](#).

1181 – Over to 9/29/15

- (b) Communication from Timothy J. Conahan, Omaha Airport Authority Police Chief/Public Safety Coordinator, supporting the Ordinance to ban flying lanterns – [see attached](#).

1181 – Over to 9/29/15

- (c) Document submitted by Bernard Kanger, Chief, Omaha Fire Department, re: Sky Lanterns – [see attached](#).

1181 – Over to 9/29/15

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARING ON AGENDA ITEM NO. 45
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCE ON FIRST READING and Planning Board Attachment

45. Ord. to rezone the property located at 8258 Hascall Street from GO-General Office District to CC-Community Commercial District.

CCID # 1233 – Publication to be made and Public Hearing and Third Reading to be held on October 6, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 8258 Hascall Street from GO to CC – [see attached](#).

1233 – Over to 10/06/15

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 46
THROUGH 50 SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING and Planning Board Attachments

46. Ord. vacating the right of way between 11th Street and Mason Street to the north approximately 65 feet, abutting Lot 5, Block 220 and Lot 8, Block 221, in the Original City of Omaha and providing the effective date hereof – [see attached](#).

CCID # 1225 – Publication to be made and public hearing to be held on September 29, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the vacation of 11th Street from Mason Street to the north approximately 65 feet – Inside City – [see attached](#).

1225 – Over to 9/29/15

47. Ord. vacating the south six (6) inches of the east/west alley south of Farnam Street between 68th Avenue and 69th Street, adjacent to Lot 22, Sunset Terrace, abutting the north property line of 310 South 68th Avenue, in the City of Omaha and providing the effective date hereof – [see attached](#).

CCID # 1226 – Publication to be made and public hearing to be held on September 29, 2015 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the vacation of the south six (6) inches of the east/west alley south of Farnam Street between 68th Avenue and 69th Street, adjacent to Lot 22, Sunset Terrace, abutting the north property line of 310 South 68th Avenue – Inside City – [see attached](#).

1226 – Over to 9/29/15

ORDINANCES ON FIRST READING

48. Ord. 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-190 at 6729 Frances Street, as requested by Pat McNeil for Zone 5, LLC; and to provide the effective date hereof – [see attached](#).

CCID # 1234 – Publication to be made and public hearing to be held on September 29, 2015 as per City Charter requirements.

49. Ord. to approve a contract between the City of Omaha and the Millard Public Schools for the City to provide, through its assignment, up to three Associate School Resource Officers, one Canine Associate School Resource Officer, and marked police cruisers, subject to the availability of such cruisers and the School District's needs, to specifically designated locations, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property twenty-eight (28) hours (or less) per week while school is in session during the regular school year, and twenty-eight (28) hours per week while school is in session during the regular school year for the Canine Associate SRO, from August 10, 2015 and ending at the close of the 2015 – 2016 school year. The reimbursement payment from the Millard Public Schools to the City will be in the amount of \$28.50 per hour for each officer; and \$33.50 per hour for the canine officer; and \$5.00 per day for the canine officer when school is not in session (summer break); and to provide for an effective date hereof – [see attached](#).

CCID # 1227 – Publication to be made and public hearing to be held on September 29, 2015 as per City Charter requirements.

50. Ord. to amend Omaha Municipal Code Sec. 20-7 regarding aggressive panhandling in the City; to repeal Sec. 20-7 as heretofore existing; and to provide the effective date thereof – [see attached](#).

CCID # 1228 – Publication to be made and public hearing to be held on September 29, 2015 as per City Charter requirements.

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EXECUTIVE SESSION

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

ADDITIONAL RESOLUTION

52. Res. that the appointment by Mayor Stothert of Gerald Reimer to serve as the residential landlord member of the Property Maintenance Appeals Board for a two-year term to commence on September 25, 2015 and expire on September 24, 2017, be and hereby is confirmed – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Gernandt that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Res. # 1170 – ADOPTED 7-0

Motion by Gernandt that the meeting be adjourned

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Motion Carried 7-0

ADJOURNED: 3:34 P.M.

I, BUSTER BROWN, 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 September 22, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 24TH DAY OF SEPTEMBER, 2015.