

33rd REGULAR OMAHA CITY COUNCIL MEETING

SEPTEMBER 29, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, September 29, 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 # 1244 – Present: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Chris Jerram of District No. 3.

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 25, 2015, notice re: Pre-Council and Regular City Council Meetings, September 29, 2015.

CCID # 1245 – 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.

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

5. 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). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1178 – September 15 and 22 Meetings)

Notice of public hearing on September 29, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1178 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40495 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 4953 Mayberry Street from R4(35) to R4 – [see attached](#).
(See Doc. # 1178 – September 15 Meeting)

1178 – From Chair on File

6. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 1203 – September 15 and 22 Meetings)

Notice of public hearing on September 29, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Larry Jobeun, 11440 West Center Road, on behalf of the applicant
and the University of Nebraska at Omaha

Bill Conley, 6001 Dodge Street

Opponent: Julie O’Gara, 6473 Pierce Street

CCID # 1203 – Motion by Jerram that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40496 - PASSED 7-0

- (a) Planning Board and Planning Department recommends approval of a Major Amendment to the Aksarben Business and Education Campus Mixed Use District Development Agreement located at 6450 Pine Street to allow for the construction of student housing dormitories and a parking garage. The applicant is Tetrad Development Corporation – [see attached](#).
(See Doc. # 1203 – September 15 Meeting)

1203 – From Chair on File

- 7. 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). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 1204 – September 15 and 22 Meetings)

Notice of public hearing on September 29, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1204 – Motion by Melton that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40497 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone 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 attached](#).
(See Doc. # 1204 – September 15 Meeting)

1204 – From Chair on File

- 8. Res. that the plat entitled READY MIXED RAILROAD ADDITION, located at 4765 South 135th Street, is hereby approved and accepted – Inside City – over from 9/15/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

(See Doc. # 1205 – September 15 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 1205 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of READY MIXED RAILROAD ADDITION, a subdivision inside the city limits, located at 4765 South 135th Street – Inside City – over from 9/15/15 – [see attached](#).
(See Doc. # 1205 – September 15 Meeting)

1205 – From Chair on File

9. Res. that, the Subdivision Agreement between the City of Omaha and Ready Mixed Co., a Division of Lyman-Richey Corporation, a Nebraska Corporation, as recommended by the Mayor, providing for the Watershed Management fees, Interceptor Sewer fees, Parks fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Ready Mixed Addition Replat 1 (Lots 1-3) and is located at 4765 South 135th Street – over from 9/15/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1206 – September 15 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 1206 – ADOPTED 7-0

10. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1207 – September 15 and 22 Meetings)

Notice of public hearing on September 29, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1207 – Motion by Melton that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40498 - PASSED 7-0

11. 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](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1208 – September 15 and 22 Meetings)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Russell Daub, 2800 South 110th Court, representing the applicant
Daryl Leise, 17620 Jones Street, Applicant

Opponents: Tracie Malesa, 109 South 204th Street; also representing Edward
and Valerie Malesa, 101 South 204th Street, and Du-Rite Electric,
115 South 204th Street
Rex Moats, 131 South 202nd Street, representing himself and his
wife; also representing Matt and Sondra Landrum, 134 South
202nd Street

CCID # 1208 – Motion by Pahls that the Resolution be laid over 3 weeks to
October 20, 2015

Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Jerram, Melton, Pahls

Nays: Gernandt, Thompson, Mr. President

Carried 4-3

- (a) Planning Board and Planning Department recommend approval of
an MCC-Major Commercial Corridor Overlay District, for property
located Northeast of 204th and Farnam Streets – [see attached](#).
(See Doc. # 1208 – September 15 Meeting)

1208 – Over to 10/20/15

12. Res. that the Special Use Permit application submitted by Daryl Leise for a
Special Use Permit to allow Convenience storage in a CC-Community
Commercial District located Northeast of 204th and Farnam Streets, Omaha,
Nebraska, is hereby approved and the Permits and Inspection Division is
directed to issue the necessary permit therefor, provided the conditions set out in
Exhibit "A" of the above referenced 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 – over from 9/15/15/ for publication and public hearing –
had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE
ADOPTED TODAY))
(See Doc. # 1209 – September 15 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Russell Daub, 2800 South 110th Court, representing the applicant
Daryl Leise, 17620 Jones Street, Applicant

Opponents: Tracie Malesa, 109 South 204th Street; also representing Edward
and Valerie Malesa, 101 South 204th Street, and Du-Rite Electric,
115 South 204th Street
Rex Moats, 131 South 202nd Street, representing himself and his
wife; also representing Matt and Sondra Landrum, 134 South
202nd Street

CCID # 1209 – Motion by Pahls that the Resolution be laid over 3 weeks to October 20, 2015

Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Jerram, Melton, Pahls

Nays: Gernandt, Thompson, Mr. President

Carried 4-3

- (a) Planning Board and Planning Department recommend approval of the request of Daryl Leise for a Special Use Permit to allow Convenience storage in a CC-Community Commercial District located Northeast of 204th and Farnam Streets – over from 9/15/15 – [see attached](#).

(See Doc. # 1209 – September 15 Meeting)

1209 – Over to 10/20/15

- (b) Opposition Document submitted by Rex. J. Moats, Attorney, re: proposed 700 unit indoor/outdoor storage garage facility at 204th and Farnam Streets – [see attached](#).

1209 – Over to 10/20/15

- (c) Documents submitted by Rex Moats re: proposed 700 unit indoor/outdoor storage garage facility at 204th and Farnam Streets – [see attached](#).

1209 – Over to 10/20/15

RESOLUTIONS RE: PRELIMINARY PLATS, PLATS AND SUBDIVISION AGREEMENTS

13. Res. that the preliminary plat entitled ANDRESEN MEADOWS ESTATES, located Southwest of 176th and Emmet Streets, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Brian Doyle, Fullenkamp, Doyle & Jobeun, 11440 West Center Road, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1255 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of ANDRESEN MEADOWS ESTATES, located Southwest of 176th and Emmet Streets – Outside City – [see attached](#).

1255 – From Chair on File

- 14. Res. that the preliminary plat entitled SKY VIEW RIDGE, located Northwest of 204th Street and West Center Road, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

David Levy, Baird Holm Law Firm, 1700 Farnam Street, on behalf of the applicant, appeared and spoke.

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1256 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of SKY VIEW RIDGE, located Northwest of 204th Street and West Center Road – Outside City – [see attached](#).

1256 – From Chair on File

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 13, 2015 AGENDA ITEM NOS. 15 THROUGH 16 SHALL BE LAID OVER THREE WEEKS TO OCTOBER 20, 2015 FOR PUBLICATION AND PUBLIC HEARING”

- 15. Res. that the preliminary plat entitled PINK GRADING INDUSTRIAL PARK, located northeast of 60th and Harrison Streets, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).
Notice of public hearing on October 20, 2015 published in the Daily Record on October 2, 2015.

CCID # 1265 – Over three weeks to October 20, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of PINK GRADING INDUSTRIAL PARK, a minor plat inside the city limits, located northeast of 60th and Harrison Streets – Inside City – [see attached](#).

1265 – Over to 10/20/15

- 16. Res. that the plat entitled PINK GRADING INDUSTRIAL PARK, located northeast of 60th and Harrison Streets, is hereby approved and accepted – [see attached](#).

Notice of public hearing on October 20, 2015 published in the Daily Record on October 2, 2015.

CCID # 1266 – Over three weeks to October 20, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of PINK GRADING INDUSTRIAL PARK, a minor plat inside the city limits, located northeast of 60th and Harrison Streets – Inside City – [see attached](#).

1266 – Over to 10/20/15

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“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 13, 2015 AGENDA ITEM NO. 17 SHALL BE LAID OVER FOR THREE WEEKS TO OCTOBER 20, 2015”

- 17. Res. that, the Subdivision Agreement between the City of Omaha and Pink Grading, Inc., a Nebraska Corporation, as recommended by the Mayor, providing for the Watershed Management fees, is hereby approved. The Subdivision is to be known as Pink Grading Industrial (Lot 1 and Outlots A-D) and is located northeast of 60th and Harrison Streets – [see attached](#).

CCID # 1267 – Over three weeks to October 20, 2015 pursuant to City Council Rule VII H.

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**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING
BEING HELD OCTOBER 13, 2015 AGENDA ITEM NO. 18 SHALL
BE LAID OVER THREE WEEKS TO OCTOBER 20, 2015
FOR PUBLICATION AND PUBLIC HEARING”**

SPECIAL USE PERMIT – SCRAP AND SALVAGE SERVICES

18. Res. that the Special Use Permit application submitted by John Pink for a Special Use Permit to allow Scrap and salvage services in a GI-General Industrial District, located northeast of 60th and Harrison Streets, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the above referenced 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](#).

Notice of public hearing on October 20, 2015 published in the Daily Record on October 2, 2015.

CCID # 1268 – Over three weeks to October 20, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the request from John Pink, for a Special Use Permit to allow Scrap and salvage services in a GI-General Industrial District, located northeast of 60th and Harrison Streets – [see attached](#).

1268 – Over to 10/20/15

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LIQUOR

19. CLASS “C” – Cilantros Mexican Bar & Grill, LLC, dba “Cilantros Mexican Bar & Grill”, 14440 “F” Street, Suite 113. New application, Old location, New location. ANNEXED by Ordinance #40084 passed August 19, 2014 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 1246 – ADOPTED 7-0

20. CLASS "C" – D'Agosta & Black, LLC, dba "Alchemy Bar & Grill", 5413 South 72nd Street, Suite 101. New application, New location. Property posted: 09-16-15; Notification sent: 09-19-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Rob Gage, 319 South 17th Street #700, on behalf of Alan Black and Kevin D'Agosta, appeared and spoke.

Motion by Gernandt that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1247 – ADOPTED 7-0

21. CLASS "C" - Panama Entertainment, Inc., dba "Wao! Dancing Club", 10730 Pacific Street, Suite 113. New application, Old location. Present licensee is Sadle Enterprises, Inc., dba "The Blue Martini", 10730 Pacific Street, Suites 113-116, who has a Class "C" Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Menalco Serrano, on behalf of Wao! Dancing Club, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1248 – ADOPTED 7-0

22. CLASS "C" – VooDoo, LLC, dba "VooDoo Taco", 725 North 114th Street. New application, New location. Property posted: 09-11-15; Notification sent: 09-19-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Sean Kelley, 7134 Pacific Street, on behalf of the applicant, appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Thompson

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 1249 – ADOPTED 6-0-1 Pass

23. CLASS “I” – The Blue Barn Theatre Project, dba “The Blue Barn Theatre”, 1106 South 10th Street. New application, New location. Property posted: 09-16-15; Notification sent: 09-19-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Susan Clement-Toberer, 1106 South 10th Street, on behalf of the applicant, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1250 – ADOPTED 7-0

24. CLASS “I” – KeeSnere Corp., dba “Dennison Dahlman – Spirited Barbers”, 8714 Pacific Street. Property posted: 09-11-15; Notification sent: 09-19-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Tony Todero, Baird Holm Law Firm, 1700 Farnam Street, appeared and spoke.

Application read

Motion by Gernandt that the Resolution to GRANT be adopted as amended contingent upon compliance met with the Planning Department and permits obtained and final inspections completed

Seconded by Thompson

ROLL CALL:

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

Res. # 1251 – ADOPTED AS AMENDED 7-0

- (a) AMENDMENT - KeeSnere Corp., dba “Dennison Dahlman – Spirited Barbers”, 8714 Pacific Street, requests permission to appoint Christopher J. Snere manager of their pending Class “I” Liquor License location – [see attached](#). ((MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

CCID # 1251 – Motion by Gernandt that the Amendment be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

- (b) Communication from Michael W. Wilwerding, Chief Building Inspector, Permits & Inspection Division, requesting a lay over until such time as compliance is met with the Planning Department and permits are obtained and final inspections completed re: KeeSnere Corp., dba “Dennison Dahlman – Spirited Barbers”, 8714 Pacific Street – [see attached](#).

1251 – From Chair on File

25. CLASS “I” – SK Group, LLC, dba “Ozark Smoked Meat Company”, 11302 Wright Circle. New application, New location. Property posted: 09-16-15; Notification sent: 09-19-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Ken McKeone, 15123 Bemis Street, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1252 – ADOPTED 7-0

26. VooDoo, LLC, dba “VooDoo Taco”, 2295 South 67th Street, requests permission for an addition to their present Class “C” Liquor License location of an outdoor patio area approx. 30’ x 11’ to the west. Property posted: 09-16-15; Notification sent: 09-19-15 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Sean Kelley, 7134 Pacific Street, on behalf of the applicant, appeared and spoke.

Application read

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

Seconded by Gernandt

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

CCID # 1253 – Motion by Melton that the request be approved

Seconded by Festersen

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

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

Seconded by Melton

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

27. Omaha Exposition & Racing, Inc., dba "Horsemen's Park", 6303 "Q" Street, requests permission to appoint Ibrahim M. Nuwwarah manager of their present Class "C" and Catering Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Ibrahim Nuwwarah, 6303 Q Street, appeared and spoke.

CCID # 1254 – Motion by Gernandt that the request be approved

Seconded by Thompson

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

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. 28 through 39 were held on September 22, 2015.)

CONSENT AGENDA – ORDINANCES

28. 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](#).

(See Doc. # 1179 – September 15 and 22 Meetings)

Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1179 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40499 - PASSED 7-0

- (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 and 22 Meetings)

1179 – From Chair on File

29. 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](#).

(See Doc. # 1180 – September 15 and 22 Meetings)

Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1180 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40500 - PASSED 7-0

- (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 and 22 Meetings)

1180 – From Chair on File

30. 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](#).
(See Doc. # 1210 – September 15 and 22 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1210 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40501 - PASSED 7-0

31. 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](#).
(See Doc. # 1211 – September 15 and 22 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1211 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40502 - PASSED 7-0

32. 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](#).
(See Doc. # 1212 – September 15 and 22 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1212 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40503 - PASSED 7-0

33. 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](#).
(See Doc. # 1215 – September 15 and 22 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1215 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40504 - PASSED 7-0

34. 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](#).
(See Doc. # 1216 – September 15 and 22 Meetings)

Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1216 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40505 - PASSED 7-0

35. 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](#).
(See Doc. # 1217 – September 15 and 22 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1217 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40506 - PASSED 7-0

36. 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](#).
(See Doc. # 1218 – September 15 and 22 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1218 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40507 - PASSED 7-0

37. 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](#).

(See Doc. # 1213 – September 15 and 22 Meetings)

Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1213 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40508 - PASSED 7-0

38. 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](#).

(See Doc. # 1214 – September 15 and 22 Meetings)

Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1214 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40509 - PASSED 7-0

39. 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](#).
(See Doc. # 1181 – September 15 and 22 Meetings)
Notice of public hearing on September 22, 2015 published in the Daily Record on September 18, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

CCID # 1181 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40510 - PASSED 7-0

- (a) Communication from Chief Todd R. Schmaderer, Omaha Police Department, supporting the ordinance to ban flying lanterns – over from 9/22/15 – [see attached](#).
(See Doc. # 1181 – September 22 Meeting)

1181 – From Chair on File

- (b) Communication from Timothy J. Conahan, Omaha Airport Authority Police Chief/Public Safety Coordinator, supporting the Ordinance to ban flying lanterns over from 9/22/15 – [see attached](#).
(See Doc. # 1181 – September 22 Meeting)

1181 – From Chair on File

- (c) Document submitted by Bernard Kanger, Chief, Omaha Fire Department, re: Sky Lanterns – over from 9/22/15 – [see attached](#).
(See Doc. # 1181 – September 22 Meeting)

1181 – From Chair on File

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

* * * * *

(The public hearings on Agenda Item Nos. 40 through 44 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

40. Res. that, as recommended by the Mayor, the Professional Services Agreement with HGM Associates, Inc. for engineering and architectural services on OPW 52848, being the Elkhorn Salt Storage Building project, is hereby approved; and, that the Finance Department is authorized to pay HGM Associates, Inc. a fee not to exceed \$37,500.00 for these professional services from the Street and Highway Allocation Fund 12131, Snow and Ice Control Organization 116154 – [see attached](#).

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1257 – ADOPTED 7-0

41. Res. that, as recommended by the Mayor, the Interlocal Agreement between the City of Omaha and the Papio-Missouri River Natural Resource District for the Papio-Missouri River Basin Water Quality Management Plan for the Omaha metropolitan area, including provision for a cost share of 42% with a reimbursement from the PMRNRD in the amount of \$9,050.00, and a disbursement in an amount of approximately \$53,200.00 for a grant from the Nebraska Department of Environmental Quality, which reimbursements and costs will be transmitted through the Stormwater Management Plan Program Fund 12143, Stormwater Management Plan Program Organization 128026, is hereby approved – [see attached](#).

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1258 – ADOPTED 7-0

42. Res. that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of Omaha officially designates the Benson Homecoming Parade as a special event under LB 589 and NEB. REV. STAT. §39-1359 R.R.S. 2008 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event and the temporary use of State Highway 64 (Maple Street) from 58th Street to 63rd Street on October 16, 2015, between the hours of 1:30 p.m. and 3:00 p.m., for the entire route of the Benson Homecoming Parade Committee's special event, the Benson Homecoming Parade – [see attached](#).

Motion by Thompson that the Resolution be adopted
Seconded by Melton

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
Res. # 1259 – ADOPTED 7-0

43. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to U.S. Venture Incorporated for the purchase of oils, lubricants, and fluids to be utilized by the Fleet Management Division in the amount of \$142,109.61; and that the Finance Department is authorized to pay the cost of this purchase from the General Fund 11111, Fuel and Oil Organization 116174 for oil products and Mechanical Repair Organization 116172 for anti-freeze, year 2015 funding – [see attached](#).

Motion by Thompson that the Resolution be adopted
Seconded by Melton

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
Res. # 1260 – ADOPTED 7-0

44. Res. that as recommended by the Mayor, a waiver of the current City policy regarding neighborhood street resurfacing in order to improve 113th Street, from Pacific Street north to its terminus with a four-inch asphalt overlay, with no change to grade and elevation to the roadway, no included drainage improvements and no included curbing, guttering or sidewalks, at a current estimated cost of approximately \$95,000.00 to be paid from the Capital Special Assessment Fund 13573 which is to be funded in part by a Special Assessment of residents from this community, is hereby approved. This resolution is contingent upon the formation of a street improvement district for this section of 113th street, under which the residents in the district will be specially assessed for at least one half of the total cost of the said improvements – [see attached](#).

Joe Skradski, DDS, 921 South 113th Street, appeared and spoke.

Motion by Thompson that the Resolution be adopted
Seconded by Melton

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
Res. # 1275 – ADOPTED 7-0

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

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ORDINANCE ON FINAL READING

45. Ord. to accept the proposal from LeadsOnline, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to enter into a three-year agreement to utilize the Leads System to support Omaha Police Department investigations, as a unique and noncompetitive service, in the amount of \$52,908.00 per year; and to provide the effective date hereof – over from 9/15/15 and continue the public hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE PASSED TODAY))
(See Doc. # 1092 – August 18, August 25, and September 15 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 21, 2015. Ordinance passed on September 29, 2015 published in the Daily Record on October 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Opponents: Jay Robinovitz, Alter Trading, 700 Office Parkway, St. Louis, MO
Michael Jacobs, Business Watch International, 7351 Wiles Road,
Coral Springs, FL
For the City: Tina Jennum, Omaha Police Department, 505 South 15th Street
Paul Kratz, City Attorney

CCID # 1092 – Motion by Festersen that the Ordinance be passed
Seconded by Gernandt

ROLL CALL:

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

Nay: Melton

ORDINANCE # 40511 - PASSED 6-1

- (a) Document submitted re: the Ordinance to accept the proposal from LeadsOnline to enter into a three-year agreement to utilize the Leads System to support Omaha Police Department investigations – over from 9/15/15 – [see attached](#).
(See Doc. # 1092 – August 25 and September 15 Meetings)

1092 – From Chair on File

- (b) Communication from Don Wesely re: the proposal from LeadsOnline to support the Omaha Police Department investigations – [see attached](#).

1092 – From Chair on File

**“PURSUANT TO CITY COUNCIL RULE VII F
AGENDA ITEM NOS. 46 THROUGH 47 SHALL BE LAID OVER
THREE WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

RESOLUTIONS

46. Res. that, the attached Aksarben Early Childhood Development Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 6801 Mercy Road which proposes the new construction of a 3-story, 70,000 square foot office structure and on-site surface parking, recommending the City’s participation through the allocation of TIF in an amount up to \$3,109,793.00 to offset TIF eligible expenses such as acquisition, architectural and engineering fees, site demolition, preparation and over-excavation, and all public improvements as required, but is subject to change as final costs come in, 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](#).
Notice of public hearing on October 20, 2015 published in the Daily Record and the Omaha World Herald on October 1, 2015 and October 8, 2015.

CCID # 1261 – Over three weeks to October 20, 2015 for publication and public hearing pursuant to City Council Rule VII F.

47. Res. that, the attached Aksarben SC Housing Development Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located northeast of 67th and Pine Streets which proposes the new construction of a 195,000 square foot, 4-story multi-family structure with a floor of academic space and additional parking along 67th Street, recommending the City’s participation through the allocation of TIF in an amount up to \$6,104,780.00 to offset TIF eligible expenses such as acquisition, architectural and engineering fees, site demolition, preparation and over-excavation, and all public improvements as required, but is subject to change as final costs come in, 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](#).
Notice of public hearing on October 20, 2015 published in the Daily Record and the Omaha World Herald on October 1, 2015 and October 8, 2015.

CCID # 1262 – Over three weeks to October 20, 2015 for publication and public hearing pursuant to City Council Rule VII F.

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**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARING ON AGENDA ITEM NO. 48
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCE ON SECOND READING

48. Ord. to rezone the property located at 8258 Hascall Street from GO-General Office District to CC-Community Commercial District.
(See Doc. # 1233 – September 22 Meeting)

CCID # 1233 – ORDINANCE ON SECOND READING – Final reading to be held on October 6, 2015 as per City Charter requirements.

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ORDINANCES ON SECOND READING and Planning Board Attachments

49. 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](#).
((PUBLIC HEARING TODAY))
(See Doc. # 1225 – September 22 Meeting)

CCID # 1225 – Public hearing was held today – Final reading set for October 6, 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](#).
(See Doc. # 1225 – September 22 Meeting)

1225 – Over to 10/06/15

50. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1226 – September 22 Meeting)

CCID # 1226 – Public hearing was held today – Final reading set for October 6, 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](#).
(See Doc. # 1226 – September 22 Meeting)

1226 – Over to 10/06/15

ORDINANCES ON SECOND READING

51. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1234 – September 22 Meeting)

CCID # 1234 – Public hearing was held today – Final reading set for October 6, 2015 as per City Charter requirements.

52. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1227 – September 22 Meeting)

CCID # 1227 – Public hearing was held today – Final reading set for October 6, 2015 as per City Charter requirements.

53. 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](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1228 – September 22 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Amy Miller, Legal Director, ACLU of Nebraska, 941 O Street #706,
Lincoln, NE

Laura Schaaf, 8215 Seward Street

For the City: Paul Kratz, City Attorney

CCID # 1228 – Motion by Festersen to continue the public hearing to the third reading on October 6, 2015

Seconded by Melton

Substitute Motion by Jerram that the third reading be laid over 7 weeks to November 17, 2015 and continue the public hearing.

Seconded by Festersen

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson

Nay: Mr. President

Motion Carried 6-1

- (a) Communication from Amy A. Miller, Legal Director, ACLU of Nebraska, re: an Ordinance to amend Section 20-7 of the Omaha Municipal Code regarding aggressive panhandling – [see attached](#).

1228 – Over to 11/17/15

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD OCTOBER 13, 2015 THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 54 THROUGH 55 SHALL BE HELD ON OCTOBER 20, 2015”

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

54. Ord. to rezone property northeast of 60th and Harrison Streets from DR-Development Reserve District to DR-Development Reserve District (portions of which property is located within a flood fringe and flood way overlay district).

CCID # 1263 – Publication to be made and public hearing and third reading to be held on October 20, 2015 pursuant to City Council Rule VII H.

55. Ord. to rezone property northeast of 60th and Harrison Streets from DR-Development Reserve District to GI-General Industrial District (portions of which property is located within a flood fringe and flood way overlay district).

CCID # 1264 – Publication to be made and public hearing and third reading to be held on October 20, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located northeast of 60th and Harrison Streets from DR-Development Reserve District to DR-Development Reserve District and GI-General Industrial (portions of which property is located within a flood fringe and flood way overlay district) – [see attached](#).

1264 – Over to 10/20/15

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON AGENDA ITEM NOS. 56
THROUGH 62 SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

- 56. Ord. authorizing the issuance of a purchase order to River City Barricade Co. for barricading services to be provided at various locations throughout the city; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from specific accounts; and to provide an effective date hereof – [see attached](#).

CCID # 1269 – Publication to be made and public hearing to be held on October 6, 2015 as per City Charter requirements.

- 57. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Resumo, LLC, a Nebraska limited liability company, to implement the Rail and Commerce Bldg Tax Increment Financing (TIF) Redevelopment Project Plan located at 950 South 10th Street which proposes the adaptive reuse and conversion of the historic, former Postal Annex Building into a mix of modern-day commercial office and retail uses, and the addition of a new parking structure for the building tenants; the agreement authorizes the use of up to \$2,454,471.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project; and providing for an effective date – [see attached](#).

CCID # 1270 – Publication to be made and public hearing to be held on October 6, 2015 as per City Charter requirements.

58. Ord. to approve a contract by and between the City of Omaha, a municipal corporation, and Rochester Armored Car Company, Inc., for the collection, transportation, and delivery of City funds, in the amount of \$40,707.14 annually, involving the payment of money from appropriations of more than one year as provided in Section 5.17 of the Home Rule Charter of the City of Omaha 1956, as amended, for a period of three years from November 1, 2015 extendable for two additional one year periods at the same contract price at the option of the City. Funds are to be provided from General Fund No. 11111, Organization 119014; and to provide an effective date hereof – [see attached](#).

CCID # 1271 – Publication to be made and public hearing to be held on October 6, 2015 as per City Charter requirements.

59. Ord. to approve an agreement between the City of Omaha and Eastern Nebraska Community Action Partnership (ENCAP) in the amount of twenty two thousand eight hundred and seventy five dollars (\$22,875) to enhance the capabilities of Mini-Pros, a youth entrepreneurial t-shirt design initiative and employability skills training program 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-0415; 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](#).

CCID # 1272 – Publication to be made and public hearing to be held on October 6, 2015 as per City Charter requirements.

60. Ord. to approve an agreement between the City of Omaha and the Hope Center for Kids in the amount of twenty five thousand eight hundred dollars (\$25,800) to provide youth employability training 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-0412; 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](#).

CCID # 1273 – Publication to be made and public hearing to be held on October 6, 2015 as per City Charter requirements.

61. Ord. to amend Chapter 49 of the Omaha Municipal Code, entitled “Plumbing” in its entirety; to repeal Chapter 49 as heretofore existing; to suspend City Council Rule VII-B requiring that deleted language be shown lined out, for the purposes of this ordinance only; and to provide the effective date thereof – [see attached](#).

CCID # 1274 – Publication to be made and public hearing to be held on October 6, 2015 as per City Charter requirements.

62. Ord. to amend Chapter 48 of the Omaha Municipal Code, entitled "Property Maintenance Code of the City of Omaha," to add a new Division 15, entitled "City of Omaha Abandoned and Vacant Property Ordinance", to provide for the establishment of a registration system, including fees and fines, for abandoned, neglected and vacant properties and institute guidelines for the maintenance of abandoned, neglected and vacant properties; and to provide the effective date thereof – [see attached](#).

CCID # 1276 – Publication to be made and public hearing to be held on October 6, 2015 as per City Charter requirements.

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EXECUTIVE SESSION

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

Motion by Gernandt that the meeting be adjourned

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 5:13 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 29, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 1ST DAY OF OCTOBER, 2015.