

## 4TH REGULAR OMAHA CITY COUNCIL MEETING

FEBRUARY 9, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, February 9, 2016 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 # 154** – Present: Gernandt, Melton, Pahls, Thompson, Mr. President

Absent: Festersen

Absent Entire Meeting: Gray

2. Pledge of Allegiance.
3. Invocation by Council President 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 February 5, 2016, notice re: Pre-Council and Regular City Council Meetings, February 9, 2016.

**CCID # 155** – 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 RECEIVES TWENTY MINUTES FOR THEIR PRESENTATION. COUNCILMEMBERS WILL ASK QUESTIONS AT THE CONCLUSION OF THE PUBLIC HEARING.

## **COUNCILMEMBER FESTERSEN ENTERS THE LEGISLATIVE CHAMBERS**

### **ZONING ORDINANCES ON FINAL READING and Planning Board Attachments**

5. Ord. to rezone property located Southeast of 10th Street and Capitol Avenue from DS-Downtown Service District to CBD-Central Business District (subject property is also located within an existing ACI-1(PL)-Area of Civic Importance Overlay District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. # 62 – January 26 and February 2 Meetings)

**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 62** – Motion by Melton that the Ordinance be passed  
Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40629** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southeast of 10th Street and Capitol Avenue from DS-Downtown Service District to CBD-Central Business District (subject property is also located within an existing ACI-1(PL)-Area of Civic Importance Overlay District) – [see attached](#).  
(See Doc. # 62 – January 26 Meeting)

**# 62** – From Chair on File

6. Ord. to rezone property located Southeast of 18th and Clark Streets from R7-Medium-Density Multiple-Family Residential District to R5-Urban Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. # 117 – January 26 and February 2 Meetings)

**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 117** – Motion by Thompson that the Ordinance be passed  
Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40630** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southeast of 18th and Clark Streets from R7 to R5 – [see attached](#).  
(See Doc. # 117 – January 26 Meeting)

**# 117 – From Chair on File**

- 7. Ord. to rezone the properties located at 2607, 2611 and 2615 “X” Street from HI-Heavy Industrial District to R4-Single-Family Residential District (high density).  
((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. # 118 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 118** – Motion by Gernandt that the Ordinance be passed  
Seconded by Melton

ROLL CALL:

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

**ORDINANCE # 40631 - PASSED 6-0**

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 2607, 2611 and 2615 “X” Street from HI to R4 – [see attached](#).  
(See Doc. # 118 – January 26 Meeting)

**# 118 – From Chair on File**

- 8. Ord. to amend the boundaries of an existing ACI-1(PL)-Area of Civic Importance Overlay District to an ACI-2(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property generally located from North 30th Street from Sprague Street to Sorensen Parkway, and Ames Avenue from North 28th Avenue to North 33rd Street; and to provide for an effective date – [see attached](#).  
((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. # 119 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 119** – Motion by Melton that the Ordinance be passed  
Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40632 - PASSED 6-0**

- (a) Planning Board and Planning Department recommend approval of an amendment of an existing ACI-1(PL)-Area of Civic Importance Overlay District to a ACI-2(PL)-Area of Civic Importance, generally located from North 30th Street from Sprague Street to Sorensen Parkway, and Ames Avenue from North 28th Avenue to North 33rd Street – [see attached](#).  
(See Doc. # 119 – January 26 Meeting)

**# 119 – From Chair on File**

- 9. Ord. to amend the legal description within Section 1 of Ordinance No. 40460, passed August 25, 2015, for a PUR-Planned Unit Redevelopment Overlay District in a LC-Limited Commercial District and R7-Medium-Density Multiple-Family Residential District (portions of property are within an existing ACI-1(PL) Overlay District) for an area generally located north of Parker Street and south of Grant Street, east of 32nd Street and west of the North Freeway, and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 120 – January 26 and February 2 Meetings)

**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 120** – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

**ORDINANCE # 40633 - PASSED 6-0**

- (a) Planning Department recommends approval of an amendment to Ordinance No. 40460, passed by the City Council on August 25, 2015, for a PUR Overlay District in a LC and R7 District (portions of property are within an existing ACI-1(PL) Overlay District), to correct the legal description, for an area generally located north of Parker Street and south of Grant Street, east of 32nd Street and west of the North Freeway – [see attached](#).  
(See Doc. # 120 – January 26 Meeting)

**# 120 – From Chair on File**

- 10. Ord. to rezone the properties located at 3852 and 3876 Farnam Street from GC-General Commercial District to NBD-Neighborhood Business District (property is also located within an ACI-1(PL)-Area of Civic Importance Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. # 63 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 63** – Motion by Thompson that the Ordinance be passed  
Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40634** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 3852 and 3876 Farnam Street from GC to NBD (property is also located within an ACI-1(PL)-Area of Civic Importance Overlay District) – [see attached.](#)  
(See Doc. # 63 – January 26 Meeting)

**# 63** – From Chair on File

- 11. Ord. to rezone property located at 4914 South 49th Street from DR-Development Reserve District to R4-Single-Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. # 64 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 64** – Motion by Gernandt that the Ordinance be passed  
Seconded by Thompson

ROLL CALL:

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

**ORDINANCE # 40635** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 4914 South 49th Street from DR to R4 – [see attached.](#)  
(See Doc. # 64 – January 26 Meeting)

**# 64** – From Chair on File

12. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 2222 North 84th Street; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 121 – January 26 and February 2 Meetings)

**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 121** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40636** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the property located at 2222 North 84th Street – [see attached](#).

(See Doc. # 121 – January 26 Meeting)

**# 121** – From Chair on File

13. Ord. to rezone the property located at 11550 Pawnee Road from AG-Agricultural District to DR-Development Reserve District (property is also located within an existing ED-Environmental Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 122 – January 26 and February 2 Meetings)

**Notice of public hearing on February 9, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 122** – Motion by Melton that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40637** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 11550 Pawnee Road from AG to DR (property is also located within an existing ED-Environmental Overlay District) – [see attached](#).

(See Doc. # 122 – January 26 Meeting)

**# 122** – From Chair on File

14. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Tivoli to allow for a new grocery store building and plaza configuration, located at 17510 Gold Plaza between the City of Omaha and SDG Omaha, LLC, providing site development standards; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. # 65 – January 26 and February 2 Meetings)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Joe Wieland, 8712 West Dodge Road

Opponents: Dean Hokanson, 9929 Broadmoor Road, President, ILD Lakeside, LLC

Tim Sanwick, Hampton Inn Omaha West Lakeside

For the City: Dave Fanslau, Planning Department

**CCID # 65** – Motion by Thompson that the Ordinance be laid over two weeks to February 23, 2016

Seconded by Melton

ROLL CALL:

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

Motion Carried 6-0

- (a) Planning Board and Planning Department recommend approval of a Major Amendment to the Mixed Use District Development Agreement for Tivoli to allow for a new grocery store building and plaza configuration, located at 17510 Gold Plaza – [see attached](#).  
(See Doc. # 65 – January 26 Meeting)

**# 65** – Over to 2/23/16

- (b) Document submitted by Dean Hokanson, President, ILD Lakeside, LLC, opposing a Major Amendment to the Mixed Use District Development Agreement for Tivoli to allow for a new grocery store building and plaza configuration, located at 17510 Gold Plaza – [see attached](#).

**# 65** – Over to 2/23/16

**RESOLUTIONS RE: PRELIMINARY PLAT, PLATS AND SUBDIVISION AGREEMENT**

**“PURSUANT TO CITY COUNCIL RULE VII E  
AGENDA ITEM NOS. 15 THROUGH 16 SHALL BE LAID OVER  
TWO WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

15. Res. that the preliminary plat entitled BEMIS CAMPUS REPLAT 1, located West of the Valley Street and 25<sup>th</sup> Street intersection, 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 February 23, 2016 published in the Daily Record on February 12, 2016.**

**CCID # 160** – Over two weeks to February 23, 2016 for publication and public hearing pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of BEMIS CAMPUS REPLAT 1, located West of the Valley Street and 25<sup>th</sup> Street intersection – Inside City – [see attached](#).

**# 160** – Over to 2/23/16

16. Res. that the replat transmitted herewith entitled BEMIS CAMPUS REPLAT 1, located West of the Valley Street and 25<sup>th</sup> Street intersection, is hereby approved, and concurrently a portion of the existing plat entitled Bemis Campus, and described on said replat, is hereby vacated – Inside City – [see attached](#).

**Notice of public hearing on February 23, 2016 published in the Daily Record on February 12, 2016.**

**CCID # 161** – Over two weeks to February 23, 2016 for publication and public hearing pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of BEMIS CAMPUS REPLAT 1, located West of the Valley Street and 25<sup>th</sup> Street intersection – Inside City – [see attached](#).

**# 161** – Over to 2/23/16

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**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD FEBRUARY 16, 2016  
AGENDA ITEM NO. 17 SHALL BE LAID OVER THREE WEEKS TO MARCH 1, 2016  
FOR PUBLICATION AND PUBLIC HEARING”**

17. Res. that the plat transmitted herewith entitled POWER STATION, a minor plat inside the city limits, located east of 6<sup>th</sup> and Leavenworth Streets, is hereby approved, and concurrently a portion of the existing plat entitled Powerhouse, and described on said replat, is hereby vacated – Inside City – [see attached](#).  
**Notice of public hearing on March 1, 2016 published in the Daily Record on February 12, 2016.**

**CCID # 181** – Over three weeks to March 1, 2016 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 POWER STATION, a minor plat inside the city limits, located east of 6<sup>th</sup> and Leavenworth Streets – Inside City – [see attached](#).

**# 181** – Over to 3/01/16

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**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD FEBRUARY 16, 2016  
AGENDA ITEM NO. 18 SHALL BE LAID OVER THREE WEEKS TO MARCH 1, 2016”**

18. Res. that, the Subdivision Agreement among the City of Omaha, 415 Leavenworth Street Limited Liability Company, a Nebraska limited liability company, Conagra Foods, Inc., a Delaware corporation, and Omaha Public Power District, a political subdivision of the State of Nebraska, as recommended by the Mayor, providing for the public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Power Station (Lots 1-3) and is located east of 6<sup>th</sup> and Leavenworth Streets – [see attached](#).

**CCID # 182** – Over three weeks to March 1, 2016 pursuant to City Council Rule VII H.

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## **SPECIAL USE PERMITS – BROADCAST TOWERS**

19. Res. that the Special Use Permit application submitted by SBA Communications Corporation for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-186 Height, to allow a 90' tall tower in a R4-Single-Family Residential District (high density) for property located at 15656 Fort Street, 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 1/26/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 102 – January 26 Meeting)

### THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Curtis Holand, SBA Communications Corporation, 6201 College Boulevard Suite #500, Overland Park, Kansas  
Kermit Brashear

Opponent: Laurie Terkelsen, 4664 North 163rd Street

For the City: Paul Kratz, City Attorney

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 102 – ADOPTED 6-0**

- (a) Planning Board and Planning Department recommend approval of the request of SBA Communications Corporation for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-186 Height, to allow a 90' tall tower in a R4 District, for property located at 15656 Fort Street – over from 1/26/16 – [see attached](#).  
(See Doc. # 102 – January 26 Meeting)

**# 102 – From Chair on File**

20. Res. that the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort Street, 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; and 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 1/26/16 – [see attached](#). ((PUBLIC HEARING HELD 3/24/15 – CAN BE ADOPTED TODAY))  
(See Doc. # 260 – March 10, 2015; March 24, 2015; April 21, 2015; May 19, 2015; June 23, 2015; August 25, 2015; October 27, 2015; and January 26, 2016 Meetings)

**CCID # 260** – Motion by Gernandt to allow the applicant to withdraw  
Seconded by Thompson

ROLL CALL:

Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President  
Motion Carried 6-0

- (a) Planning Board and Planning Department recommend approval of the request of SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR District, for property located at 16140 Fort Street – over from 1/26/16 – [see attached](#).  
(See Doc. # 260 – March 10, 2015; March 24, 2015; April 21, 2015; May 19, 2015; June 23, 2015; August 25, 2015; October 27, 2015; and January 26, 2016 Meetings)

**# 260** – From Chair on File

- (b) Document submitted by Lynn Heller, Director, Stone Creek Homeowners Association, in opposition of the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort Street – over from 1/26/16 – [see attached](#).  
(See Doc. # 260 – March 24, 2015; April 21, 2015; May 19, 2015; June 23, 2015; August 25, 2015; October 27, 2015; and January 26, 2016 Meetings)

**# 260** – From Chair on File

- (c) Document submitted by Troy Meyerson, Attorney representing the Stone Creek Homeowners Association, in opposition of the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort Street – over from 1/26/16 – [see attached](#).  
(See Doc. # 260 – March 24, 2015; April 21, 2015; May 19, 2015; June 23, 2015; August 25, 2015; October 27, 2015; and January 26, 2016 Meetings)

# 260 – From Chair on File

### **SPECIAL USE PERMIT – MEATPACKING AND RELATED INDUSTRIES**

21. Res. that the application submitted by Tom Meyer for a Major Amendment to a Special Use Permit to allow Meatpacking and related industries in a HI-Heavy Industrial District, located Northeast of 27th and “N” Streets, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary amended 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 Major Amendment to a 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 1/26/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 103 – January 26 Meeting)

Tom Meyer, Tom’s Live Market, 4823 South 27th Street, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

**RESOLUTION # 103 – ADOPTED 6-0**

- (a) Planning Board and Planning Department recommend approval of the request of Tom Meyer for a Major Amendment to a Special Use Permit to allow Meatpacking and related industries in a HI-Heavy Industrial District, located Northeast of 27th and “N” Streets – over from 1/26/16 – [see attached](#).  
(See Doc. # 103 – January 26 Meeting)

# 103 – From Chair on File

## **SPECIAL USE PERMIT – RESTAURANT (DRIVE-IN OR FAST FOOD)**

22. Res. that the Special Use Permit application submitted by Scooter’s Coffee, for a Special Use Permit to allow a Restaurant (drive-in or fast food) in a GI-General Industrial District, located at 5921 “F” Street, 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 1/26/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 104 – January 26 Meeting)

Dave Fanslau, Planning Department, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 104 – ADOPTED 6-0**

- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow a Restaurant (drive-in or fast food) in a GI District, located at 5921 “F” Street – over from 1/26/16 – [see attached](#).  
(See Doc. # 104 – January 26 Meeting)

**# 104 – From Chair on File**

## **AFTER-HOURS DANCE PERMIT**

23. Res. that the application of Omaha Mining Company for the issuance of an after-hours dance permit at 1715 Leavenworth Street be and hereby is denied – over from 1/26/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 61 – January 26 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Brian Leimbach, 1719 Leavenworth Street

Opponent: Joseph Allen, representing Omaha Mining Company, 1715 Leavenworth Street

Motion by Melton that the Resolution be adopted  
Seconded by Jerram  
ROLL CALL:  
Yeas: Gernandt, Melton, Thompson, Mr. President  
Nays: Pahls, Festersen  
**RESOLUTION # 61 – ADOPTED 4-2**

- (a) Document submitted by the Planning Department advising that the Fire Department has made their inspection, and now recommends approval of the After-hours Dance Permit for Omaha Mining Company at 1715 Leavenworth Street – [see attached](#).

**# 61 – From Chair on File**

- (b) Document submitted by Brian Leimbach, supporting the denial of the application of Omaha Mining Company for the issuance of an after-hours dance permit at 1715 Leavenworth Street – [see attached](#).

**# 61 – From Chair on File**

**“PURSUANT TO CITY COUNCIL RULE VII E  
AGENDA ITEM NO. 24 SHALL BE LAID OVER  
TWO WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

**REVOCAION OF SPECIAL USE PERMIT – AUTOMOTIVE SALES**

- 24. Res. that the Special Use Permit to allow Auto sales in a GC-General Commercial District at 5717 North 90<sup>th</sup> Street, a copy of which is attached hereto as Exhibit “A” and made a part hereof by this reference approved on June 24, 2008, by Resolution #784, is hereby revoked – [see attached](#).  
**Notice of public hearing on February 23, 2016 published in the Daily Record on February 12, 2016.**

**CCID # 162 – Over two weeks to February 23, 2016 for publication and public hearing pursuant to City Council Rule VII E.**

- (a) Planning Board and Planning Department recommend revocation of Resolution #784, a request of Pawn Plus for a Special Use Permit to allow Automotive Sales in a GC-General Commercial District located at 5717 North 90<sup>th</sup> Street – [see attached](#).

**# 162 – Over to 2/23/16**

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## LIQUOR

25. CLASS "C" – Hy-Vee, Inc., dba "Hy-Vee #10", 3410 North 156<sup>th</sup> Street. New application, Old location, New location. ANNEXED by Ordinance #40426 passed 08-11-2015. Presently holds a Class "C" and a Catering 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))

Scott Schlatter, 3325 Longview Court, Lincoln, Nebraska, on behalf of Hy-Vee, Inc., appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 156** – ADOPTED 6-0

26. CATERING – Hy-Vee, Inc., dba "Hy-Vee #10", 3410 North 156<sup>th</sup> Street. New application, Old location, New location. ANNEXED by Ordinance #40426 passed 08-11-2015. Presently holds a Class "C" and a Catering 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))

Scott Schlatter, 3325 Longview Court, Lincoln, Nebraska, on behalf of Hy-Vee, Inc., appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 157** – ADOPTED 6-0

27. PACKAGE – Hy-Vee, Inc., dba "Hy-Vee Gas", 3404 North 156<sup>th</sup> Street. New application, Old location, New location. ANNEXED by Ordinance #40426 passed 08-11-2015. Presently holds a Package 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))

Scott Schlatter, 3325 Longview Court, Lincoln, Nebraska, on behalf of Hy-Vee, Inc., appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 158** – ADOPTED 6-0



28. CLASS "1" – Cheers Paint and Sip, LLC, dba "Cheers Paint and Sip", 3052 South 32<sup>nd</sup> Avenue. New application, New location. Property posted: 01-27-16; Notification sent: 01-29-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Heather Bell, 3052 South 32nd Avenue, appeared and spoke.

Motion by Gernandt that the Resolution to GRANT be adopted  
Seconded by Thompson

ROLL CALL:

Yeas: Gernandt, Thompson, Festersen, Mr. President

Pass: Melton, Pahls

CITY CLERK CALLS THE ROLL AGAIN:

Yeas: Gernandt, Thompson, Festersen, Mr. President

Pass: Melton, Pahls

Councilmembers Melton and Pahls passed due to potential conflict of interest

**RESOLUTION # 159 – ADOPTED 4-0-2 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. 29 through 35 were held on February 2, 2016.)

### **CONSENT AGENDA – ORDINANCES**

29. Ord. vacating the north eight feet of Grebe Street from west right-of-way line of 28th Street thence west 142 feet, abutting Lot 8 Block 47, Florence Addition and ½ of the previously vacated alley adjacent, containing approximately 1,136 square feet of the Northwest Quarter of the Northeast Quarter of Section 28-16-13, in the City of Omaha; and providing the effective date hereof – [see attached](#). (See Doc. # 123 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**



**CCID # 123** – Motion by Festersen that the Ordinance be passed  
Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40638** - PASSED 6-0

30. Ord. authorizing the issuance of a purchase order to Alamar Uniform Co. for a 12 month price agreement for the purchase of uniforms for Street Maintenance and Sewer Maintenance Divisions; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments from a specific account; and to provide an effective date hereof – [see attached](#).  
(See Doc. # 124 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 124** – Motion by Festersen that the Ordinance be passed  
Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40639** - PASSED 6-0

31. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha, a Nebraska Municipal Corporation in Douglas County, Nebraska, and JHD, LLC, a Nebraska limited liability company, to implement The Woolworth Lofts Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located at 1114 Howard Street which proposes the rehabilitation of the exterior of the building; upper floors with a mix of 43 market rate apartment units, consisting of 27 two-bedroom units and 16 one-bedroom units; 14,800 square feet of office space on the second floor; and common areas of the building; the agreement authorizes the use of up to \$1,500,000.00 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](#).  
(See Doc. # 125 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 125** – Motion by Festersen that the Ordinance be passed  
Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40640** - PASSED 6-0

32. Ord. to accept the bid of AL & L, Inc. to furnish all labor, materials and equipment to perform grounds maintenance within the Cole Creek Corridor, from 77th & Cass to 65th & Hartman Streets, in the amount of \$14,265.00 per year beginning January 1, 2016 and ending December 31, 2019, extendible for three (3) additional one year (1) periods at the sole option of the City, for a total amount of \$57,060.00, to authorize payment in accordance therewith; to authorize the Purchasing Agent to issue a purchase order; and to provide an effective date – [see attached](#).

(See Doc. # 66 – January 26 and February 2 Meetings)

**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

Brook Bench, Director, Parks, Recreation & Public Property Department, appeared and spoke.

**CCID # 66** – Motion by Festersen that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40641** - PASSED 6-0

33. Ord. pursuant to Section 40-251 of the Omaha Municipal Code to amend an existing Class “B” Flammable Liquids Storage District, known as District No. B-186 at First Data Resources, 805 Crown Point Avenue as requested by Scott A. Altic; to increase the total capacity to 10,600 gallons of Class 2 liquid at that site; and to provide the effective date hereof – [see attached](#).

(See Doc. # 126 – January 26 and February 2 Meetings)

**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 126** – Motion by Festersen that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40642** - PASSED 6-0

34. 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-193 at 4626 Dahlman Avenue, as requested by Brenton J. Falgione for Greater Omaha Leasing, LLC; and to provide the effective date hereof – [see attached](#).  
(See Doc. # 127 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 127** – Motion by Festersen that the Ordinance be passed  
Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40643** - PASSED 6-0

35. Ord. to approve a contract between the Omaha Convention & Visitors Bureau and ASAE: The Center for Association Leadership for promoting the City of Omaha for the period of April 1, 2016 through March 31, 2019 in an amount not to exceed \$145,700 per year; to authorize the payments specified therein; and to provide an effective date – [see attached](#).  
(See Doc. # 129 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 129** – Motion by Festersen that the Ordinance be passed  
Seconded by Gernandt

ROLL CALL:

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

**ORDINANCE # 40644** - PASSED 6-0

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

\* \* \* \* \*

(The public hearings on Agenda Item Nos. 36 through 49 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**

36. Res. that, as recommended by the Mayor, the contract with L.G. Roloff Construction Company, Inc., for OPW 52182, being the 74<sup>th</sup> and Nina Lift Station Abandonment Project, in the amount of \$719,328.14 is hereby approved; and, that the Finance Department is authorized to pay this cost from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program 116913 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 163 – ADOPTED 6-0**

37. Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with Burns and McDonnell Engineering for final design and bid-phase services on the Forest Lawn Creek Inflow Removal and Outfall Storm Sewer Project (CSO) in the area of State Street to Ida Street and 40th Street to the outfall at the Missouri River, known as OPW 52470, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$1,753,614.00 for these engineering services to be paid from Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 164 – ADOPTED 6-0**

38. Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Roads for Project HSIP-28(119), State Control No. 22687, being the Omaha Sign Management Inventory Project, comprised of the collection of data on signs to be put in the City's Geographic Information System database, with the City's share of the project cost, estimated to be \$33,333.00 to be paid from the 2010 Transportation Bond Fund 13183, Organization 117117, is hereby approved; and that the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 165** – ADOPTED 6-0

39. Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Roads for Project MAPA-28(120), State Control No. 22608A, being the Signal Infrastructure Phase A Project, comprised of updating the City of Omaha's traffic signal infrastructure as it is aging and obsolete, with the City's share of the project cost, estimated to be \$677,500.00 to be paid from the 2010 Transportation Bond Fund 13183, Organization 117117, is hereby approved; and that the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 166** – ADOPTED 6-0

40. Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Roads for Project MAPA-5023(17), State Control No. 22608, being the Traffic Signal System Phase 0 Project, comprised of deploying communications equipment to a portion of the hub facilities located around the City and splicing existing fiber optic cable to create a backbone fiber optic network, with the City's share of the project cost, estimated to be \$93,000.00 to be paid from the 2010 Transportation Bond Fund 13183, Organization 117117, is hereby approved; and that the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreement on behalf of the City of Omaha – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 167** – ADOPTED 6-0

41. 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 Omaha Triathlon 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 County Road 17 (State Street/Lake Cunningham Road) from Wenninghoff Road to 72<sup>nd</sup> Street, 72<sup>nd</sup> Street from County Road 17 (State Street/Lake Cunningham Road) to State Highway 36 and State Highway 36 from 72<sup>nd</sup> Street to 138<sup>th</sup> Street on July 17, 2016, between the hours of 6:00 a.m. and 12:00 p.m., for the entire route of the Mimran Event Management's special event, the Omaha Triathlon – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 168** – ADOPTED 6-0

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 Florence Days 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 75 from Redick Avenue to McKinley Street on May 14, 2016, between the hours of 12:30 pm and 3:15 pm, for the entire route of the Florence Days Parade Committee's special event, the Florence Days Parade – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 169** – ADOPTED 6-0

43. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue Purchase Orders to Oldcastle Materials Midwest Co. d/b/a Omni Engineering, Flinn Paving Co., Inc., A & S Concrete Recycling, Inc., and Logan Contractors Supply, Inc. for asphalt mixes (hot mix and cold patch) patching materials to be utilized by the Street Maintenance Division for the 2015-2016 winter season; and, that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2016 expenditures – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 170 – ADOPTED 6-0**

44. Res. that, as recommended by the Mayor, the bid in the total amount of \$220,104.00 from LawnSmith & Company, Inc., to provide all tools, labor, mechanics for labor, and materials to construct in a good substantial and workmanlike manner, a new playground, walks, parking lot, and related site improvements at Kingswood Park, 3310 South 137<sup>th</sup> Street, being the best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$220,104.00 shall be paid from the 2010 Parks and Recreation Bond Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2016 fiscal year – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 171 – ADOPTED 6-0**

45. Res. that, as recommended by the Mayor, the bid in the total amount of \$86,232.00 from TAB Construction Company to provide all tools, labor, mechanics for labor, and materials to design, deliver, and install in a good substantial and workmanlike manner, a new pedestrian bridge in Benson Park, 7002 Military Road, being the best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$86,232.00 shall be paid from the 2010 Parks and Recreation Bond Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2016 fiscal year – [see attached](#).

Brook Bench, Director, Parks, Recreation & Public Property Department, appeared and spoke.

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 172 – ADOPTED 6-0**



46. Res. that, as recommended by the Mayor, the proposal in the total amount of \$23,355.70 from Omaha Public Power District, to furnish all labor, materials, and equipment necessary to install eight (8) 200W HPS street lights on existing poles and thirteen (13) 200W HPS street lights on new wood poles along Carter Lake Shore Drive, from Locust Street north to Cornish Boulevard, and to build a primary power line, is hereby accepted. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$23,355.70 shall be paid from the 2010 Parks and Recreation Bond Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2016 fiscal year – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 173** – ADOPTED 6-0

47. Res. that, as recommended by the Mayor, the bid in the total amount of \$27,474.88 from Omaha Public Power District to furnish all labor, materials, and equipment necessary for the installation of new electrical service for the Lake Cunningham Campground, 8201 Rainwood, Road, in the total amount of \$27,474.88. The work includes, but is not limited to, new transformer, poles, and cable. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$27,474.88 shall be paid from the 2010 Parks and Recreation Bond Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2016 fiscal year – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 190** – ADOPTED 6-0

48. Res. that, as recommended by the Mayor, the agreement between the City of Omaha and Heartland Workforce Solutions in the amount of forty thousand dollars (\$40,000) to provide workforce development training, implement a client service database, and operate the One Stop American Job Center from January 1, 2016 to December 31, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to provide payment of forty thousand dollars (\$40,000) from 2016 Community Services, General Fund 11111, Organization 131997, Account 46111; and in accordance with the contract terms – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 174** – ADOPTED 6-0



49. Res. that, as recommended by the Mayor, the purchase from ICOR Technology, Inc. in the amount \$126,995.41 for the purchase of one (1) Caliber T5 bomb robot for the OPD Bomb Squad is hereby approved. Further that, the Finance Department of the City of Omaha is authorized to pay ICOR Technology, Inc. in the amount of \$126,995.41 for the purchase of one (1) Caliber T5 bomb robot, budgeted from and funded by the Nebraska Emergency Management Agency (NEMA) FY 2015 State Homeland Security Grant Program, Award # EMW-2015-SS-00079-S01, Fund 12151, Organization 130762 – [see attached](#).

Motion by Festersen that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 189** – ADOPTED 6-0

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

\* \* \* \* \*

**“PURSUANT TO CITY COUNCIL RULE VII F  
AGENDA ITEM NOS. 50 THROUGH 53 SHALL BE LAID OVER  
THREE WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

50. Res. that, the attached The Avanti Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located Southeast of 10th and Pierce Streets which proposes 2 bed/2 bath, for-sale row houses, recommending the City’s participation through the allocation of TIF in an amount up to \$1,200,000.00 to offset TIF eligible expenses such as acquisition, site work and demolition, site utility infrastructure, architectural and engineering fees, 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 March 1, 2016 published in the Daily Record and Omaha World Herald on February 11, 2016 and February 18, 2016.**

**CCID # 175** – Over three weeks to March 1, 2016 for publication and public hearing pursuant to City Council Rule VII F.

51. Res. that, the attached The BD3-Blackstone Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 3814, 3909, 3913 and 3921 Farnam Street which proposes a mixed-use redevelopment project within the Blackstone District which rehabilitates and re-purposes four (4) separate properties along Farnam Street between 38<sup>th</sup> and 40<sup>th</sup> Streets and will result in 10 additional market-rate apartment units and an additional approximately 12,892 square feet of retail commercial space, recommending the City's participation through the allocation of TIF in an amount up to \$650,000.00 to offset TIF eligible expenses such as acquisition, rehabilitation construction costs, any site work, demolition, architectural and engineering fees, any surveys, and all public improvements as required, to include a contribution of \$15,000.00 of the TIF loan proceeds toward the Midtown Public Improvement Fund, 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 March 1, 2016 published in the Daily Record and Omaha World Herald on February 11, 2016 and February 18, 2016.**

**CCID # 176** – Over three weeks to March 1, 2016 for publication and public hearing pursuant to City Council Rule VII F.

52. Res. that, the attached The Blue Lion Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 2423 and 2425 North 24 Street which proposes a complete rehabilitation and adaptation of the structures for a new mix of uses, recommending the City's participation through the allocation of TIF in an amount up to \$431,807.00 to offset TIF eligible expenses such as acquisition, rehab construction costs, site work, architectural and engineering fees, any surveys, 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 March 1, 2016 published in the Daily Record and Omaha World Herald on February 11, 2016 and February 18, 2016.**

**CCID # 177** – Over three weeks to March 1, 2016 for publication and public hearing pursuant to City Council Rule VII F.

53. Res. that, the attached The Colonial Apartments Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 140 and 144 South 38th Street which proposes converting the approximately 100 rooms of the “hotel” into 40 market-rate apartments consisting of a mix of studios, one- and two-bedroom units, recommending the City’s participation through the allocation of TIF in an amount up to \$650,000.00 to offset TIF eligible expenses such as acquisition, rehab construction costs, site work, architectural and engineering fees if any, surveys, and all public improvements as required, to include \$15,000.00 of the TIF proceeds/loan toward the Midtown Public Improvement Fund, 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 March 1, 2016 published in the Daily Record and Omaha World Herald on February 11, 2016 and February 18, 2016.**

**CCID # 178** – Over three weeks to March 1, 2016 for publication and public hearing pursuant to City Council Rule VII F.

\* \* \* \* \*

**ORDINANCES ON FINAL READING**

54. Spec. Ord. levying a special tax assessment for litter removal in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No: 2016-01 – [see attached](#). ((PUBLIC HEARING HELD 2/02/16 – CAN BE PASSED TODAY))  
(See Doc. # 135 – January 26 and February 2 Meetings)  
**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 135** – Special Ordinance read  
Motion by Thompson that the Special Ordinance be PASSED AS AMENDED  
Seconded by Melton  
ROLL CALL:  
Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President  
**SPECIAL ORDINANCE # 10188** – PASSED AS AMENDED 6-0

- (a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).

**# 135** – Motion by Gernandt that the Amendment be approved  
Seconded by Melton  
ROLL CALL:  
Yeas: Gernandt, Melton, Pahls, Thompson, Festersen, Mr. President  
Motion Carried 6-0

55. Spec. Ord. levying a special tax assessment for cutting and clearing weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No: 2016-02 – [see attached](#). ((PUBLIC HEARING HELD 2/02/16 – CAN BE PASSED TODAY))

(See Doc. # 136 – January 26 and February 2 Meetings)

**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 136** – Special Ordinance read

Motion by Melton that the Special Ordinance be PASSED AS AMENDED

Seconded by Thompson

ROLL CALL:

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

**SPECIAL ORDINANCE # 10189** – PASSED AS AMENDED 6-0

- (a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).

**# 136** – Motion by Melton that the Amendment be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 6-0

- (b) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).

**# 136** – Motion by Melton that the Amendment be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 6-0

56. Spec. Ord. levying a special tax assessment for cutting and clearing of weeds, grass and worthless vegetation in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha – Group No: 2016-03 – [see attached](#). ((PUBLIC HEARING HELD 2/02/16 – CAN BE PASSED TODAY))

(See Doc. # 137 – January 26 and February 2 Meetings)

**Notice of public hearing on February 2, 2016 published in the Daily Record on January 29, 2016. Ordinance passed on February 9, 2016 published in the Daily Record on February 17, 2016.**

**CCID # 137** – Special Ordinance read

Motion by Melton that the Special Ordinance be PASSED AS AMENDED

Seconded by Gernandt

ROLL CALL:

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

**SPECIAL ORDINANCE # 10190** – PASSED AS AMENDED 6-0

(a) Amendment requested by the Parks, Recreation and Public Property Department – [see attached](#).

**# 137** – Motion by Melton that the Amendment be approved

Seconded by Thompson

ROLL CALL:

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

Motion Carried 6-0

**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD FEBRUARY 16, 2016  
THE THIRD READING AND PUBLIC HEARING  
ON AGENDA ITEM NO. 57 SHALL BE HELD ON FEBRUARY 23, 2016”**

**ZONING ORDINANCE ON SECOND READING**

57. Ord. to rezone property located Southeast of 87th Street and Sorensen Parkway from DR-Development Reserve District and GI-General Industrial District to GI-General Industrial District (a portion of the property is also located within the flood fringe and floodway overlay districts).

(See Doc. # 151 – February 2 Meeting)

**CCID # 151** – ORDINANCE ON SECOND READING – Final reading to be held February 23, 2016 pursuant to City Council Rule VII H.

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**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD FEBRUARY 16, 2016  
THE THIRD READING ON AGENDA ITEM NO. 58  
SHALL BE HELD ON FEBRUARY 23, 2016”  
((THE PUBLIC HEARING ON THIS ITEM IS TODAY))**

**ORDINANCE ON SECOND READING**

58. Ord. approving a Redevelopment Agreement, which includes the purchase of the proposed redevelopment project area by the City, with the Omaha Performing Arts Society, for the redevelopment of the site located at the southwest corner of 11<sup>th</sup> and Douglas Streets; and providing for an effective date – [see attached](#).  
((PUBLIC HEARING TODAY))  
(See Doc. # 134 – February 2 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: George Little, Chairman and CEO, HDR, Inc., 8404 Indian Hills Drive

Randy Thelen, Senior Vice President – Economic Development,  
Greater Omaha Chamber of Commerce

Julie Reilly, Executive Director, Omaha by Design, 8420 West Dodge Road

Opponents: Kathleen Hughes, 3624 Westgate Road

Craig Moody, 510 South 57th Street, on behalf of Omaha Modeshift Board of Directors

Kristine Gerber, 3902 Davenport Street, Restoration Exchange Omaha

Barbara Sudds, 2810 Grebe Street

Brian Smith, 6516 Emmet Street

Sarah Johnson, 6015 Maple Street

Sandra Bruns, 1111 Leavenworth Street

Anne Hillen, 4507 Walnut Street

Paul Kulik, 1017 Howard Street

Katelyn Cole, 2040 North 61st Street

Lee Myers, 105 South 9th Street #603

Matt Raddick, 1227 South 52nd Street

Marty Hosking, 7510 Cass Street

Doug Meier, 12735 Martha Street

For the City: Cassie Paban, Mayor’s Office

Steve Curtiss, Director, Finance Department

Paul Kratz, City Attorney

**CCID # 134** – Public hearing was held today – Final reading set for February 23, 2016 pursuant to City Council Rule VII H.

- (a) Communications opposing the proposed City purchase of the three century old buildings at 11th and Douglas Streets for the Omaha Performing Arts' use – [see attached](#).

# 134 – Over to 2/23/16

- (b) Documentation submitted by Sarah Johnson, 6015 Maple Street, opposing the approval of a Redevelopment Agreement with the Omaha Performing Arts Society, for the redevelopment of the site located at the southwest corner of 11th and Douglas Streets – [see attached](#).

# 134 – Over to 2/23/16

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**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD FEBRUARY 16, 2016  
THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS.  
59 THROUGH 64 SHALL BE HELD ON MARCH 1, 2016”**

**ZONING ORDINANCES ON FIRST READING and Planning Board Attachments**

- 59. Ord. to rezone the property located east of 6th and Leavenworth Streets from DS-Downtown Service District and HI-Heavy Industrial District to CBD – Central Business District.

**CCID # 179** – Publication to be made and public hearing and third reading to be held on March 1, 2016 pursuant to City Council Rule VII H.

- 60. Ord. to rezone the property located east of 6th and Leavenworth Streets from HI-Heavy Industrial District to HI-Heavy Industrial District.

**CCID # 180** – Publication to be made and public hearing and third reading to be held on March 1, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located east of 6<sup>th</sup> and Leavenworth Streets from DS-Downtown Service District and HI-Heavy Industrial District to CBD-Central Business District and HI-Heavy Industrial District – [see attached](#).

# 180 – Over to 3/01/16

61. Ord. to amend the boundaries of the ACI-1(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property located east of 6th and Leavenworth Streets; and to provide for an effective date – [see attached](#).

**CCID # 183** – Publication to be made and public hearing and third reading to be held on March 1, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to amend the boundaries of the ACI-1(PL)-Area of Civic Importance Overlay District to incorporate into that district property located east of 6<sup>th</sup> and Leavenworth Streets – [see attached](#).

**# 183** – Over to 3/01/16

62. Ord. to rezone the property located at 1214 South 22<sup>nd</sup> Street from GI-General Industrial District to R5-Urban Family Residential District.

**CCID # 184** – Publication to be made and public hearing and third reading to be held on March 1, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 1214 South 22<sup>nd</sup> Street from GI to R5 – [see attached](#).

**# 184** – Over to 3/01/16

63. Ord. to rezone the property located at 2505 Oak Street from CC-Community Commercial District to GI-General Industrial District (property is also located within an ACI-1(50)-Area of Civic Importance Overlay District).

**CCID # 185** – Publication to be made and public hearing and third reading to be held on March 1, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2505 Oak Street from CC to GI (property is also located within an ACI-1(50)-Area of Civic Importance Overlay District) – [see attached](#).

**# 185** – Over to 3/01/16

64. Ord. to rezone the property located at 2228 Poppleton Avenue from GI-General Industrial District to R5-Urban Family Residential District.

**CCID # 186** – Publication to be made and public hearing and third reading to be held on March 1, 2016 pursuant to City Council Rule VII H.



- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2228 Poppleton Avenue from GI to R5 – [see attached](#).

# 186 – Over to 3/01/16

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**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD FEBRUARY 16, 2016  
THE SECOND READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS.  
65 THROUGH 66 SHALL BE HELD ON FEBRUARY 23, 2016”**

**ORDINANCES ON FIRST READING**

- 65. Ord. authorizing the City of Omaha to enter into an Interlocal Cooperation Agreement between the City of Omaha, Douglas County, Sarpy County, City of Bellevue, City of Papillion, City of La Vista, Nebraska State Patrol, and the United States Department of Treasury - Internal Revenue Service, to re-authorize the Omaha/East Central Nebraska Metropolitan Drug Task Force for a term of five (5) years, which Agreement will automatically renew for two additional one-year terms; that the cooperative effort of multiple law enforcement agencies is necessary for the effective enforcement against drug trafficking and related crime; and to provide an effective date – [see attached](#).

**CCID # 187** – Publication to be made and public hearing to be held on February 23, 2016 pursuant to City Council Rule VII H.

- 66. Ord. to approve a contract services agreement between the Omaha Convention & Visitors Bureau, a department of the City of Omaha and Talley Management Group, Inc. for promoting the City of Omaha for the period of February 1, 2016 through January 31, 2018; to promote the City of Omaha as a premier destination for conventions and meetings to a targeted national audience; to authorize the payments specified therein; and to provide an effective date – [see attached](#).

**CCID # 188** – Publication to be made and public hearing to be held on February 23, 2016 pursuant to City Council Rule VII H.

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**CHAIRMAN OF THE BOARD OF EQUALIZATION**

- 67. Chairman of the Board of Equalization reports approval of Plans of Assessment with adjustments made at their regular meeting held February 2, 2016 – [see attached](#). ((MOTION NEEDED TO APPROVE))

**CCID # 191** – Motion by Gernandt that the report be approved

Seconded by Melton

ROLL CALL:

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

Motion Carried 6-0

**EXECUTIVE SESSION**

68. 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 Melton

ROLL CALL:

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

Motion Carried 6-0

**ADJOURNED: 4:48 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 February 9, 2016.

WITNESS:

s/Jenna L. Garcia

s/Buster Brown  
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 11TH DAY OF FEBRUARY, 2016.