

## 9<sup>TH</sup> REGULAR CITY COUNCIL MEETING

MARCH 22, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, March 22, 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 # 358** – Present: Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President

Absent Entire Meeting: Thompson

2. Pledge of Allegiance.

3. Invocation by Councilmember Aimee Melton of District No. 7.

### 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 March 18, 2016, notice re: Pre-Council and Regular City Council Meetings, March 22, 2016.

**CCID # 359** – 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.

## **RECONSIDERATION**

5. 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: 2016-05 – over from 3/15/16 for roll call on reconsideration – [see attached](#). ((IF RECONSIDERED – CAN BE PASSED AS AMENDED TODAY))

**CCID # 240** – Roll Call on Reconsideration Carried 6-0

Special Ordinance read

Motion by Jerram that the Special Ordinance be passed as amended

Seconded by Festersen

ROLL CALL:

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

**SPECIAL ORDINANCE # 10194** – PASSED AS AMENDED 6-0

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

**# 240** - Motion by \*\* that the amendment be approved

Seconded by \*\*

ROLL CALL:

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

Motion Carried 6-0

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

6. Ord. to rezone the property located at 1017 South 10th Street from HI-Heavy Industrial District to CBD-Central Business District (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. #304 – March 8 and March 15 Meetings)

**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

**CCID # 304** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40669** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 1017 South 10th Street from HI to CBD (property is also located within an existing ACI-1(PL)-Area of Civic Importance Overlay District) – [see attached](#).  
(See Doc. # 304 – March 8 Meeting)

**# 304** – From Chair on File

7. Ord. to rezone the property located at 4971 South 36th Avenue from HI-Heavy Industrial District to R4-Single-Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. #305 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

**CCID # 305** – Motion by Gernandt that the Ordinance be passed  
Seconded by Melton

ROLL CALL:

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

**ORDINANCE # 40670** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 4971 South 36th Avenue from HI to R4 – [see attached](#).  
(See Doc. # 305 – March 8 Meeting)

**# 305** – From Chair on File

8. Ord. to rezone the properties located at 3909, 3913 and 3921 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. #306 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

Matt Dwyer, 144 S. 39<sup>th</sup> Street, representing the applicant, appeared and spoke.

**CCID # 306** – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40671** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 3909, 3913 and 3921 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. # 306 – March 8 Meeting)

**# 306 – From Chair on File**

- 9. Ord. to rezone the property located South of the 36<sup>th</sup> Court and Maple Street intersection from R6-Low-Density Multiple Family Residential District to R4-Single-Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. #307 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

Mary Anderson, on behalf of the developers, appeared and spoke.

**CCID # 307** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40672 - PASSED 6-0**

- 10. Ord. to rezone the property located South of the 36<sup>th</sup> Court and Maple Street intersection from R6-Low-Density Multiple Family Residential District to R6-Low-Density Multiple Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. #308 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

Mary Anderson, on behalf of the developers, appeared and spoke.

**CCID # 308** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40673 - PASSED 6-0**

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located South of the 36<sup>th</sup> Court and Maple Street intersection from R6 to R4 and R6 – [see attached](#).  
(See Doc. # 308 – March 8 Meeting)

**# 308** – From Chair on File

- 11. Res. that the preliminary plat entitled ADAMS PARK REPLAT 1, located South of the 36<sup>th</sup> Court and Maple Street intersection, with a request for a waiver of Section 53-8(4)(a) regarding Lot depth, attached hereto and made a part hereof as Exhibit “A”, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 3/8/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. #309 – March 8 Meeting)

Mary Anderson, on behalf of the developers, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 309** - ADOPTED 6-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of ADAMS PARK REPLAT 1 with a waiver of Section 53-8(4)(a) of the Omaha Municipal Code regarding Lot depth, located South of the 36<sup>th</sup> Court and Maple Street intersection – Inside City – over from 3/8/16 – [see attached](#).  
(See Doc. # 309 – March 8 Meeting)

**# 309** – From Chair on File

- 12. Res. that the replat transmitted herewith entitled ADAMS PARK REPLAT 1, located South of the 36<sup>th</sup> Court and Maple Street intersection, is hereby approved, and concurrently a portion of the existing plat entitled Adams Park, and described on said replat, is hereby vacated – Inside City – over from 3/8/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. #310 – March 8 Meeting)

Mary Anderson, on behalf of the developers, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 310** - ADOPTED 6-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of ADAMS PARK REPLAT 1, located South of the 36<sup>th</sup> Court and Maple Street intersection – Inside City – over from 3/8/16 – [see attached](#).  
(See Doc. # 310 – March 8 Meeting)

**#310** – From Chair on File

13. Ord. to rezone property located Northwest of 168th and Ida Streets from AG-Agricultural District to DR-Development Reserve District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. #311 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

**CCID # 311** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40674** - PASSED 6-0

14. Ord. to rezone property located Northwest of 168th and Ida Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. #312 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

**CCID # 312** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40675** - PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 168th and Ida Streets from AG to DR and R4 – [see attached](#).  
(See Doc. # 312 – March 8 Meeting)

**#312 – From Chair on File**

- 15. Res. that the revised preliminary plat entitled ANCHOR POINTE (formerly PRAIRIE RIDGE), located Northwest of 168<sup>th</sup> and Ida Streets, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – over from 3/8/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. #313 – March 8 Meeting)

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 313 - ADOPTED 6-0**

- (a) Planning Board and Planning Department recommend approval of the Revised Preliminary Plat of ANCHOR POINTE (formerly PRAIRIE RIDGE), located Northwest of 168th and Ida Streets – Outside City – over from 3/8/16 – [see attached](#).  
(See Doc. # 313 – March 8 Meeting)

**# 313 – From Chair on File**

- 16. Res. that the plat entitled ANCHOR POINTE (formerly PRAIRIE RIDGE)(Lots 1-83, Outlots A-F), located Northwest of 168<sup>th</sup> and Ida Streets, is hereby approved and accepted – Outside City – over from 3/8/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. #314 – March 8 Meeting)

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

Resolution read

Motion by Melton that the Resolution be ADOPTED AS AMENDED

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 314 - ADOPTED AS AMENDED 6-0**

- (a) Planning Board and Planning Department recommend approval of the Final Plat of ANCHOR POINTE (formerly PRAIRIE RIDGE)(Lots 1-83, Outlots A-F), located Northwest of 168th and Ida Streets – Outside City – over from 3/8/16 – [see attached](#).  
(See Doc. # 314 – March 8 Meeting)

**#314** – From Chair on File

- (b) Amendment requested by the Applicant – [see attached](#).

**# 314** – Motion by Melton that the Amendment be approved  
Seconded by Festersen

ROLL CALL:

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

17. Res. that, the Subdivision Agreement among the City of Omaha, Anchor Pointe Development LLC, a Nebraska limited liability company, The Anchor Pointe Homeowners Association, and Sanitary and Improvement District (S.&I.D.) 567 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, 1% administrative fee, Interceptor Sewer Fee, Watershed Management Fee, Parks fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Anchor Pointe (Lots 1-83 and Outlots A-F) and is located northwest of 168<sup>th</sup> and Ida Streets – over from 3/8/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. #315 – March 8 Meeting)

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

Resolution read

Motion by Melton that the Resolution be ADOPTED AS AMENDED

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 315** – ADOPTED AS AMENDED 6-0

- (a) Amendment requested by the Applicant – [see attached](#).

**# 315** – Motion by Melton that the Amendment be approved  
Seconded by Festersen

ROLL CALL:

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



18. Ord. to rezone property located Northwest of 192nd and “Q” Streets from MU-Mixed Use District to DR-Development Reserve District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. #316 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

**CCID #316** – Motion by Jerram that the Ordinance be passed  
Seconded by Melton  
ROLL CALL:  
Yeas: Festersen, Gernandt, Jerram, Melton, Mr. President  
Nay: Pahls  
**ORDINANCE # 40676** - PASSED 5-1

19. Ord. to rezone property located Northwest of 192nd and “Q” Streets from MU-Mixed Use District to MU-Mixed Use District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. #317 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

**CCID #317** – Motion by Jerram that the Ordinance be passed  
Seconded by Melton  
ROLL CALL:  
Yeas: Festersen, Gernandt, Jerram, Melton, Mr. President  
Nay: Pahls  
**ORDINANCE # 40677** - PASSED 5-1

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 192nd and “Q” Streets from MU to DR and MU – [see attached](#).  
(See Doc. # 317 – March 8 Meeting)

**#317** – From Chair on File

20. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for The Woodlands, located Northwest of 192nd and “Q” Streets, between the City of Omaha and Nichols Seeman Investments, providing site development standards; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))  
(See Doc. #318 – March 8 and March 15 Meetings)  
**Notice of public hearing on March 22, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

**CCID #318** – Motion by Jerram that the Ordinance be passed  
Seconded by Melton

ROLL CALL:

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

Nay: Pahls

**ORDINANCE # 40678** - PASSED 5-1

- (a) Planning Board and Planning Department recommend approval of a Major Amendment to the Mixed Use District Development Agreement for The Woodlands, located Northwest of 192nd and “Q” Streets – [see attached](#).  
(See Doc. # 318 – March 8 Meeting)

**#318** – From Chair on File

21. Res. that the replat transmitted herewith entitled THE WOODLANDS REPLAT TWO, located Northwest of 192nd and “Q” Streets, is hereby approved, and concurrently a portion of the existing plat entitled The Woodlands, and described on said replat, is hereby vacated – Outside City – over from 3/8/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. #319 – March 8 Meeting)

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Nay: Pahls

**RESOLUTION # 319** - ADOPTED 5-1

- (a) Planning Board and Planning Department recommend approval of the Final Plat of THE WOODLANDS REPLAT TWO, located Northwest of 192nd and “Q” Streets – Outside City – over from 3/8/16 – [see attached](#).  
(See Doc. # 319 – March 8 Meeting)

**#319** – From Chair on File

22. Res. that, the Subdivision Agreement among the City of Omaha, Nichols Seemann Investments, Inc., a Nebraska Corporation, and The Woodlands Landowners Association, Inc., a Nebraska non-profit corporation, as recommended by the Mayor, providing for the Watershed Management fees, Interceptor Sewer fees, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as The Woodlands Replat Two (Lots 1-7 and Outlots A-C) and is located northwest of 192<sup>nd</sup> and “Q” Streets – over from 3/8/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. #320 – March 8 Meeting)

Larry Jobeun, 11440 W. Center Road, on behalf of the developers, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Nay: Pahls

**RESOLUTION # 320** - ADOPTED 5-1

### **RESOLUTION RE: PRELIMINARY PLAT**

23. Res. that the revised preliminary plat entitled GRANDVIEW, located Northwest of 204th and “F” 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))  
(See Doc. #365 – March 8 Meeting)

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 365** - ADOPTED 6-0

- (a) Planning Board and Planning Department recommend approval of the Revised Preliminary Plat of GRANDVIEW, located Northwest of 204th and "F" Streets – Outside City – [see attached](#).  
(See Doc. # 365 – March 8 Meeting)

**# 365** – From Chair on File

### **SPECIAL PERMIT – SCRAP AND SALVAGE SERVICES**

- 24. Res. that the Special Use Permit application submitted by Kyle Kellner, for a Special Use Permit to allow Scrap and salvage services in a GI-General Industrial District, located at 2625 Deer Park Boulevard, 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 3/8/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. #284 – March 8 Meeting)

Kyle Kellner, 2625 Deer Park Blvd., appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

**RESOLUTION # 284** - ADOPTED 6-0

- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Scrap and salvage services in a GI District located at 2625 Deer Park Boulevard – over from 3/8/16 – [see attached](#).  
(See Doc. # 284 – March 8 Meeting)

**#284** – From Chair on File

**“PURSUANT TO CITY COUNCIL RULE VII H  
DUE TO NO MEETING BEING HELD MARCH 29, 2016  
AGENDA ITEM NO. 25 SHALL BE LAID OVER THREE WEEKS  
TO APRIL 12, 2016 FOR PUBLICATION AND PUBLIC HEARING”**

**SPECIAL USE PERMIT – SOCIAL CLUB**

25. Res. that the Special Use Permit application submitted by the Omaha Chinese Culture Association for a Special Use Permit to allow a Social club in an R3-Single-Family Residential District (Medium Density), located at 8206 Blondo 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 – [see attached](#).  
**Notice of public hearing on April 12, 2016 published in the Daily Record on March 25, 2016.**

**CCID # 387** - Over three weeks to April 12, 2016 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the request of the Omaha Chinese Culture Association for a Special Use Permit to allow a Social club in an R3 District located at 8206 Blondo Street – [see attached](#).

**# 387** – Over to 4/12/16

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**LIQUOR AND RESOLUTIONS RE: KENO**

26. CLASS “I” – Althea Co., Inc., dba “Noli’s Pizzeria”, 4007 Farnam Street. New application, Old location. Purchased from Noli’s Pizzeria, Inc., dba “Noli’s Pizzeria”, 4007 Farnam Street, who has a Class “I” 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))

Mike Kelley, 7134 Pacific Street, appeared and spoke.

Motion by Festersen that the Resolution to GRANT be adopted  
Seconded by Melton

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

**RESOLUTION # 360** – ADOPTED 5-0-1 Pass

27. CLASS “1” – McJen, Inc., dba “The Skybox Grill & Bar”, 6720 South 168<sup>th</sup> Street, Suite 5. New application, Old location, New location. ANNEXED by Ordinance #40430 passed August 11, 2015. Presently holds a Class “1” 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))

Holly McLendon, 6720 S. 168<sup>th</sup> Street, appeared and spoke.

Motion by Festersen that the Resolution to GRANT be adopted

Seconded by Gernandt

ROLL CALL:

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

**RESOLUTION # 361** – ADOPTED 6-0

28. PACKAGE – Asian Family Super-Market, LLC, dba “Asian Family Super-Market”, 5916 Ames Avenue. New application, New location. Property posted: 03-07-16; Notification sent: 03-11-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: Laura Xiong, 5916 Ames Avenue

Mimi Thit, 1510 NW Radial Highway

OPPOSERS: Rev. Portia Cavitt, Clair Memorial Church, 5544 Ames Ave.

Joyce Westbrook-Davis, 5627 Ames Avenue

Rev. James Walker, Mt. Calvary Church, 5112 Ames Ave.

Allen Black, Clair Memorial Church, 5544 Ames Avenue

Anthony Cato Jr., 2596 Crown Point Avenue

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Pahls

ROLL CALL:

Yeas: Gernandt, Jerram, Melton, Pahls

Nays: Festersen, Mr. President

**RESOLUTION # 362** – ADOPTED 4-2

- (a) Communication from Dayspring Ministries Christian Center opposing the application of Asian Family Super-Market, LLC, dba “Asian Family Super-Market”, 5916 Ames Avenue for a Package Liquor License – [see attached](#).

**# 362** – From Chair on File

- (b) Communication from Clair Memorial United Methodist Church opposing the application of Asian Family Super-Market, LLC, dba “Asian Family Super-Market”, 5916 Ames Avenue for a Package Liquor License – [see attached](#).

**# 362** – From Chair on File

- 29. Norish Enterprises, LLC, dba “Omaha Tap House”, 1403 Farnam Street, Suite 136, requests permission to appoint Jake J. Kunkle manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

**CCID # 363** – Motion by Jerram to allow the applicant to withdraw

Seconded by Festersen

ROLL CALL:

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

Motion Carried 6-0

- (a) Communication from Matt Letnes, Officer of Norish Enterprises, LLC, dba “Omaha Tap House”, 1403 Farnam Street, Suite 136, requesting the withdrawal of the application to appoint Jake J. Kunkle manager – [see attached](#).

**#363** – From Chair on File

- 30. Thai Best, Inc., dba “Taste of Thailand”, 15712 West Center Road, requests permission to appoint Ekarin Wanna manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Ekarin Wanna, 5712 W. Center Road, appeared and spoke.

**CCID # 364** - Motion by Melton that the Request be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 6-0

31. Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 1515 S. 204th Street, Suite 1-3, Addy's Sports Bar & Grill, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Katrina Coffey, Vice President of Marketing, Big Red Keno, 11248 John Galt Blvd., appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 366** – ADOPTED 6-0

32. Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at 5092 S. 136<sup>th</sup> Street, Bernie's Pizza, in Omaha, Nebraska – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Katrina Coffey, Vice President of Marketing, Big Red Keno, 11248 John Galt Blvd., appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 367** – ADOPTED 6-0



## **CONSENT AGENDA**

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed there from. Items removed from the Consent Agenda shall be taken up by the City Council immediately following the Consent Agenda in the order in which they were removed unless otherwise taken out of order as otherwise provided by the City Council Rules of Order.)

(The public hearings on Agenda Item Nos. 33 through 35 were held on March 15, 2016.)

### **CONSENT AGENDA – ORDINANCES**

33. Ord. to approve the acceptance of and authorize disbursement from the Nebraska Crime Commission, FY 2015 Edward Byrne Memorial Justice Assistance Grant, Award #2015-DJ-BX-0748, in the amount of one hundred thousand dollars (\$100,000), a match of thirty three thousand three hundred and thirty three dollars (\$33,333), and total program amount of one hundred and thirty three thousand three hundred and thirty three dollars (\$133,333) during the project period of October 1, 2015 to September 30, 2016; to fund the operation of the Metro Drug Task Force; 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. #322 – March 8 and March 15 Meetings)

**Notice of public hearing on March 15, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

**CCID # 322** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40679 - PASSED 6-0**

34. Ord. to approve the Ninth Amendment to the Redevelopment Agreement between the CITY OF OMAHA and DURHAM WESTERN HERITAGE MUSEUM, a Nebraska nonprofit corporation, formerly known as WESTERN HERITAGE SOCIETY, INC. which extends the Redevelopment Agreement approved in January, 1995, for an additional period of three years for 2016, 2017, and 2018; for the term of the Amendment, the City agrees to provide the interest, dividends and other income derived from the excess funds, not to exceed the amount of One Hundred Thousand dollars (\$100,000), generated by the partial sale of the Byron Reed Collection to DURHAM WESTERN HERITAGE MUSEUM for maintenance of the remaining part of the Byron Reed Collection; the Finance Department will pay such funds from Fund 15112, Org. 126038; and to provide an effective date thereof – [see attached](#).

(See Doc. #321 – March 8 and March 15 Meetings)

**Notice of public hearing on March 15, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

**CCID # 321** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40680** - PASSED 6-0

35. Ord. to amend Section 23 - 177 of the Omaha Municipal Code by changing the title of the class specification entitled Crime Analysis Supervisor to Crime Analysis Manager and reassigning the salary range for the classification from 16.1 MC (\$58,155 - \$69,770) to 20.1 MC (\$69,176 - \$81,693); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – [see attached](#).

(See Doc. #288 – March 8 and March 15 Meetings)

**Notice of public hearing on March 15, 2016 published in the Daily Record on March 11, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

**CCID # 288** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40681** - 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 Linhart Construction, Inc. for OPW 52910, being the 2016 Brick Street Restoration – Various Locations within the City of Omaha Project, in the amount of \$261,091.47 is hereby approved; and that, the Finance Department is authorized to pay a cost of \$261,091.47 for OPW 52910 from the Street and Highway Allocation Fund 12131, Residential Brick Street Repair Organization 116122, year 2016 expenditures – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 368** – ADOPTED 6-0

37. Res. that, as recommended by the Mayor, the contract with DIY Holding Company, LLC for OPW 52924, being the 2016 New Sidewalk Construction and Sidewalk Repair at Various Locations in the Northeast Quadrant of the City of Omaha Project, in the amount of \$40,871.00 is hereby approved; and that, the Finance Department is authorized to pay a cost of \$40,871.00 for OPW 52924 from the 2010 Transportation Bond Fund 13183, Transportation Bonds Organization 117117, and from the Capital Special Assessment Fund 13573, Special Assessments Organization 116168, year 2016 expenditures – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 369** – ADOPTED 6-0

**AGENDA ITEM NO. 38 REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF THE CITY CLERK**

38. Res. that, as recommended by the Mayor, the Professional Services Agreement with MWH Americas, Incorporated, for an assessment of the Clean Solutions for Omaha (CSO) program to identify areas of potential improvement, is hereby approved; and that, the Finance Department is authorized to pay MWH Americas, Incorporated a fee not to exceed \$99,000.00 for these construction inspection services from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: Shawn Bushouse, 420 S. 11<sup>th</sup> Street  
James Timmerman, 804 S. 92<sup>nd</sup> Street

FOR THE CITY: Cassie Paben, Mayor's Office

Resolution read

Motion by Jerram that the Resolution be ADOPTED AS AMENDED

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 370** - ADOPTED AS AMENDED 6-0

- (a) Amendment requested by the Law Department – [see attached](#).

**# 370** – Motion by Jerram that the Amendment be approved

Seconded by Festersen

ROLL CALL:

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

Motion Carried 6-0

- (b) Document submitted by Shawn Bushouse re: MWH Americas, Inc.  
– [see attached](#).

**#370** – From Chair on File

39. Res. that, as recommended by the Mayor, Amendment No. 2 to the Professional Engineering Services Agreement with Wade Trim, Inc. for additional design and construction engineering services on the Saddle Creek Retention Treatment Basin Project near 64<sup>th</sup> Street and Dupont Street, known as OPW 52049, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$485,702.00 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 Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 371 – ADOPTED 6-0**

40. Res. that, as recommended by the Mayor, the Professional Services Agreement with JEO Consulting Group, for construction inspection services associated with OPW 52049A (CSO), being the Saddle Creek Retention Treatment Basin Early Soils Removal Project, is hereby approved; and that, the Finance Department is authorized to pay JEO Consulting Group a fee not to exceed \$129,531.00 for these construction inspection services from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 372 – ADOPTED 6-0**

41. Res. that, as recommended by the Mayor, the bid in the total amount of \$48,500.00 from Dostals Construction Co., to furnish all labor, materials, and equipment necessary for the installation of the shade canopy at the Bob Kerrey Pedestrian Bridge, 705 Pedestrian Drive, being the best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted. The work includes, but is not limited to, removal of the existing structure, hazardous materials removal, site grading, and seeding. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$48,500.00 shall be paid from the 2010 Capital Improvement Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2016 fiscal year – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 373 – ADOPTED 6-0**

42. Res. that, as recommended by the Mayor, the proposal in the total amount of \$32,500.00 from Lamp Rynearson for design services, attached hereto and made a part hereof, is hereby accepted. This includes all design services for a spray ground at Elmwood Park pool. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$32,500.00 shall be paid from the 2010 Parks and Recreation Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2016 fiscal year – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 374 – ADOPTED 6-0**

43. Res. that, as recommended by the Mayor, the bid in the total amount of \$41,300.00 from Van Wall Equipment for a fully automatic spin/relief grinder, being the best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted. This includes all fixtures. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$41,300.00 shall be paid from the 2010 Parks and Recreation Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2016 fiscal year – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 375 – ADOPTED 6-0**

44. Res. that, as recommended by the Mayor, the bid in the total amount of \$30,513.00 from 3E Electrical Engineering and Equipment Co., to furnish all materials for the replacement bollard lights for Lewis and Clark Landing, 515 N Riverfront Drive, being the sole 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 \$30,513.00 shall be paid from the Lewis and Clark Landing Fund No. 21215 and Organization No. 115545, Lewis and Clark Landing, for the 2016 fiscal year – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 376 – ADOPTED 6-0**

45. Res. that, as recommended by the Mayor, the bid in the total amount of \$35,009.80 from Voss Lighting to furnish fixtures and equipment necessary for the lighting replacement at Motto McLean Ice Rink, 5015 South 45<sup>th</sup> Street, being the best bid received within bid specifications, attached hereto and made a part hereof, is hereby accepted. This includes all fixtures. The Purchasing Agent is authorized to issue a purchase order in conformance herewith. Funds in the amount of \$35,009.80 shall be paid from the 2010 Parks and Recreation Fund No. 13355 and Organization No. 117317, Parks and Cultures Bond, for the 2016 fiscal year – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 377** – ADOPTED 6-0

46. Res. that, as recommended by the Mayor, the proposal in the total amount of \$31,674.00 from Husker Auto Group for the purchase of a 2016 One Ton Regular Cab Dual Rear Wheel 4X4 Pickup equipped with a 6.0 gas engine deduct, to be utilized by Park Maintenance, based on a bid to the State of Nebraska per contract 14327 OC, 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 \$31,674.00 shall be paid from the City Capital Improvement Fund No. 13112 and Organization No. 132026, Culture and Parks, for the 2016 fiscal year – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 379** – ADOPTED 6-0

47. Res. that, as recommended by the Mayor, the proposal in the total amount of \$188,475.00 from Sid Dillon Chevrolet Buick for the purchase of seven 2016 ¾ Ton Regular Cab 4X4 base trucks equipped with the snow prep package, to be utilized by Park Maintenance, based on a bid to the State of Nebraska per contract 14342 OC, 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 \$188,475.00 shall be paid from the City Capital Improvement Fund No. 13112 and Organization No. 132026, Culture and Parks, for the 2016 fiscal year – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 378** – ADOPTED 6-0



48. Res. that, the Purchasing Agent is authorized to issue a purchase order for the annual warranty, maintenance, support, and monitoring services to ShotSpotter, Inc. in the amount of \$126,819.06, for the gunshot location system for the Omaha Police Department, and that the Finance Department of the City of Omaha is authorized to pay \$126,819.06 for the cost of the services from the Omaha Police Department Year 2016, General Fund 11111, Organization 113213 Information Technology, Account 42411 Maintenance Contracts – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 380** – ADOPTED 6-0

49. Res. that, as recommended by the Mayor, the purchases based upon the bids of Sunset Law Enforcement, Ltd. and Ultramax Ammunition, for certain types of ammunition for the Omaha Police Department, and which bid tab is incorporated herein by this reference, are hereby accepted and the same are hereby approved, and that the Finance Department of the City of Omaha is authorized to pay the cost of these ammunition purchases in the amount of \$171,527.80 from Fiscal Year 2016, General Fund 11111, Organization 113171 Training Academy, Account 43916 Ammunition – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 381** – ADOPTED 6-0

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

\* \* \* \* \*



## **ORDINANCE ON FINAL READING**

50. Ord. to create Road Maintenance Improvement District No. 745-26, in the City of Omaha, for the purpose of improving South 113<sup>th</sup> Street, from Pacific Street north to its terminus south of Leavenworth Street, by asphalt overlay; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project; and to provide for an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. #323 – March 8 and March 15 Meetings)

**Notice of public hearing on March 22, 2016 published in the Daily Record on March 10, 2016. Ordinance passed on March 22, 2016 published in the Daily Record on March 30, 2016.**

**CCID # 323** – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

**ORDINANCE # 40682** - PASSED 6-0

## **RESOLUTIONS**

51. Res. that, the attached Aksarben Village Zone 5 Hilton Garden Inn Tax Increment Financing Redevelopment Project Plan for a redevelopment site located at the southeast corner of Aksarben Drive and Frances Street which proposes the construction of a hotel with ground floor retail and on-street parking, recommending the City's participation through the allocation of TIF in an amount up to \$2,791,251.00 to offset TIF eligible expenses such acquisition, site work, architectural and engineering fees, environmental needs and 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 – over from 3/1/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

(See Doc. # 261 – March 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: John Mountjoy, CFM Realty Advisors, 1823 Harney St #301  
Kendra Ringenberg, Attorney, CFM Realty Advisors

OPPOSER: Spencer McGruder, 1524 Cuming Street

FOR THE CITY: Bridge Hadley, City Planning Department

Motion by Jerram that the Resolution be adopted  
Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 261 – ADOPTED 6-0**

52. Res. that, the attached Amendment to the Aksarben Village Zone 5 Phase III Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site generally located between Aksarben Drive, Mercy Road and South 67<sup>th</sup> Street approves the removal of an approximately .706 acre parcel from the Plan area, allowing for a separate and new TIF Redevelopment Project, recommends the City's continued participation through the reduced allocation of TIF in an amount up to \$8,472,799.00 to offset TIF eligible costs such as acquisition, site work, demolition, architectural and engineering fees, environmental, and any public improvements as may be required, for amended project scope with revised total estimated costs of \$70,611,147.00; 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 – over from 3/1/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 262 – March 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: John Mountjoy, CFM Realty Advisors, 1823 Harney St #301  
Kendra Ringenberg, Attorney, CFM Realty Advisors

OPPOSER: Spencer McGruder, 1524 Cuming Street

FOR THE CITY: Bridget Hadley, City Planning Department

Motion by Jerram that the Resolution be adopted  
Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 262 – ADOPTED 6-0**

53. Res. that, the Amendment to the Midtown Triangle Tax Increment Financing (TIF) Redevelopment Project Plan for a project site located generally between 30th and 31st Streets and Leavenworth and St. Mary's Avenue, which proposes 137 apartment units, 157 parking stalls, 10,547 square feet of commercial space, and the removal from the redevelopment plan of the 3 proposed townhome units which were to be developed at 3036 Marcy Street, estimated total project costs of \$20,650,288.00, a TIF loan amount of \$2,775,000.00 to offset TIF eligible costs such as fees and any required public improvements, which includes a \$40,000.00 contribution from the TIF loan to the Midtown Public Improvement Fund, 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 – over from 3/1/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))  
(See Doc. # 263 – March 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPONENT: Scott Semrad, 1750 S. 85<sup>th</sup> Avenue

FOR THE CITY: Bridget Hadley, City Planning Department

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

**RESOLUTION # 263 – ADOPTED 6-0**

**“PURSUANT TO CITY COUNCIL RULE VII F  
AGENDA ITEM NO. 54 SHALL BE LAID OVER  
THREE WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

54. Res. that, the attached Omaha-Council Bluffs Consortium Consolidated Submission for Community Planning and Development Programs Consolidated Plan – 2016 Action Plan is hereby approved. That, upon receipt from the U. S. Department of Housing and Urban Development, the Mayor is authorized to execute the Funding Approval/Agreements for the Fiscal Year 2016 Community Development Block Grant, HOME Investment Partnerships and Emergency Shelter Grant Programs – [see attached](#).  
**Notice of public hearing on April 12, 2016 published in the Daily Record and Omaha World Herald on March 24, 2016 and March 31, 2016.**

**CCID # 382 – Over three weeks to April 12, 2016 for publication and public hearing pursuant to City Council Rule VII F.**

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**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING  
BEING HELD MARCH 29, 2016 AGENDA ITEM NOS. 55 THROUGH 56  
SHALL BE LAID OVER FOUR WEEKS TO APRIL 19, 2016  
FOR PUBLICATION AND PUBLIC HEARING”**

55. Res. that, the attached Fair Deal Village MarketPlace Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 2118 North 24th Street which proposes the demolition of the former structure, and the new construction of a one-story 3,400 square foot commercial structure consisting of a 1,800 square foot small, healthy grocery store and a 1,600 square foot re-envisioned Fair Deal Café, flanked by approximately 14 shipping containers, reclaimed and re-purposed to create 1,600 square feet of affordable retail space, recommending the City’s participation through the allocation of TIF in an amount up to \$194,980.00 to offset TIF eligible expenses such as site demolition, asbestos removal, 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 April 19, 2016 published in the Daily Record and Omaha World Herald on March 24, 2016 and March 31, 2016.**

**CCID # 383** – Over four weeks to April 19, 2016 for publication and public hearing pursuant to City Council Rule VII H.

56. Res. that, the attached Yard Apartments Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment site located at 1415 Cuming Street which proposes the new construction of a five-story, mixed-use structure consisting of 107 market rate apartment units, leasable commercial space, and 68 structured and 39 surface parking stalls for residents and patrons of the commercial space, recommending the City’s participation through the allocation of TIF in an amount up to \$1,912,900.00 to offset TIF eligible expenses such as acquisition, site preparation, demolition, site utilities, special foundations, architectural and engineering fees and 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 April 19, 2016 published in the Daily Record and Omaha World Herald on March 24, 2016 and March 31, 2016.**

**CCID # 384** – Over four weeks to April 19, 2016 for publication and public hearing pursuant to City Council Rule VII H.

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## **FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORT**

57. Metropolitan Entertainment & Convention Authority (A Component Unit of the City of Omaha, Nebraska) Financial Statements and Independent Auditors' Reports for the years ended June 30, 2015 and 2014 – [see attached](#). ((MOTION NEEDED TO RECEIVE AND PLACE ON FILE))

**CCID # 385** – Motion by Festersen to receive and place on file

Seconded by Melton

ROLL CALL:

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

Motion Carried 6-0

**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD MARCH 29, 2016 THE THIRD READING AND PUBLIC HEARINGS ON AGENDA ITEM NOS. 58 THROUGH 62 SHALL BE HELD ON APRIL 5, 2016”**

## **ZONING ORDINANCES ON SECOND READING**

58. Ord. to approve a Major Amendment to the Mixed Use District Development Agreement for Gallup University Riverfront Campus to allow for temporary signage that exceeds the 32 square foot sign maximum, located at 601 Riverfront Drive between the City of Omaha and the National Park Service, providing site development standards; and to provide for an effective date – [see attached](#). (See Doc. # 341 – March 15 Meeting)

**CCID # 341** – ORDINANCE ON SECOND READING – Public hearing and third reading to be held April 5, 2016 pursuant to City Council Rule VII H.

59. Ord. to rezone property located Southwest of 52<sup>nd</sup> and Center Streets from GI-General Industrial District to CC-Community Commercial District. (See Doc. # 342 – March 15 Meeting)

**CCID # 342** – ORDINANCE ON SECOND READING – Public hearing and third reading to be held April 5, 2016 pursuant to City Council Rule VII H.

60. Ord. to rezone property located Southwest of 52<sup>nd</sup> and Center Streets from GI-General Industrial District to GI-General Industrial District. (See Doc. # 343 – March 15 Meeting)

**CCID # 343** – ORDINANCE ON SECOND READING – Public hearing and third reading to be held April 5, 2016 pursuant to City Council Rule VII H.

61. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located Southwest of 52<sup>nd</sup> and Center Streets; and to provide for an effective date – [see attached](#).  
(See Doc. # 344 – March 15 Meeting)

**CCID # 344** – ORDINANCE ON SECOND READING – Public hearing and third reading to be held April 5, 2016 pursuant to City Council Rule VII H.

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**ORDINANCES ON SECOND READING**

62. Ord. establishing the Olde Towne Elkhorn Business Improvement District (BID No. 6878) under the authority of the Business Improvement District Act, Neb. Rev. Stat. § 19-4105, et seq. for the purpose of providing specified activities, work and improvements in the Olde Towne Elkhorn area generally defined as Elkhorn Drive to the west, Glenn Street to the north, North 204<sup>th</sup> Street to the east, and Blondo Street to the south; to create the Olde Towne Elkhorn Business Improvement District pursuant to the City Council’s Notice of Hearing to so establish; to define the boundaries of such District; to identify that the properties benefited by the streetscape improvements will be subject to special assessment in accordance with the Olde Towne Elkhorn Business Improvement District Plan; to provide for an initial special assessment in the amount of \$43,500 to be imposed with such District based upon the benefits conferred; to provide a method of assessment to be assessed upon properties specially benefited by the District; and to provide the effective date hereof – [see attached](#).  
(See Doc. # 331 – March 15 Meeting)

**CCID # 331** – ORDINANCE ON SECOND READING – Public hearing and third reading to be held April 5, 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 MARCH 29, 2016 THE THIRD READINGS ON AGENDA ITEM NOS. 63 THROUGH 65 SHALL BE HELD ON APRIL 5, 2016”  
((THE PUBLIC HEARINGS ON THESE ITEMS ARE TODAY))**

63. Ord. to approve a lease agreement between the City of Omaha and First National Bank of Omaha for the administrative offices of the Omaha Convention and Visitors Bureau (OCVB) located at 1620 Dodge Street, Suite 1900, Omaha NE 68102; to authorize the payments specified therein; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))  
(See Doc. # 357 – March 15 Meeting)

**CCID # 357** – Public hearing was held today – Final reading set for April 5, 2016 pursuant to City Council Rule VII H.

64. Spec. Ord. levying a special tax assessment for the removal of litter in accordance with Sections 18-21 through 18-30 of the Omaha Municipal Code on certain lots in the City of Omaha, Group No: 2016-07 – [see attached](#). ((PUBLIC HEARING TODAY))  
(See Doc. # 353 – March 15 Meeting)

**CCID # 353** – Public hearing was held today – Final reading set for April 5, 2016 pursuant to City Council Rule VII H.

65. 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: 2016-08 – [see attached](#). ((PUBLIC HEARING TODAY))  
(See Doc. # 354 – March 15 Meeting)

**CCID # 354** – Public hearing was held today – Final reading set for April 5, 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 MARCH 29, 2016 THE THIRD READING AND PUBLIC HEARING ON AGENDA ITEM NO. 66 SHALL BE HELD ON APRIL 12, 2016”**

**ZONING ORDINANCE ON FIRST READING and Planning Board Attachment**

66. Ord. to rezone property located at 8206 Blondo Street from R2-Single-Family Residential District (Low Density) and R3-Single-Family Residential District (Medium Density) to R3-Single-Family Residential District (Medium Density).

**CCID # 386** – Publication to be made and public hearing and third reading to be held on April 12, 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 8206 Blondo Street from R2 and R3 to R3 – [see attached](#).

**# 386** – Over to 4/12/16

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**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING  
BEING HELD MARCH 29, 2016 THE SECOND READING AND PUBLIC HEARINGS  
ON AGENDA ITEM NOS. 67 THROUGH 70 SHALL BE HELD ON APRIL 5, 2016”**

**ORDINANCES ON FIRST READING**

67. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha, a Nebraska Municipal Corporation in Douglas County, Nebraska, and Garden Court Apartments, LLC, a Nebraska limited liability company, to implement The Slips in Blackstone Tax Increment Financing (TIF) Redevelopment Project Plan for a project site at 124 South 39th Street which proposes to rehabilitate 30 one-bedroom apartment units at affordable market rents; the agreement authorizes the use of up to \$250,000.00 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](#).

**CCID # 388** – Publication to be made and public hearing to be held on April 5, 2016 pursuant to City Council Rule VII H.

68. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Sixty Sorensen, LLC, a Nebraska limited liability company, to implement the Sorensen Place Tax Increment Financing (TIF) Redevelopment Project Plan for a project located northeast of 60th Street and Sorensen Parkway, which proposes the clean-up and redevelopment of vacant land into a mixed-use development to include affordable housing, commercial/retail, a self-storage facility and a convenience store; the agreement authorizes the use of up to \$1,915,000.00 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](#).

**CCID # 389** – Publication to be made and public hearing to be held on April 5, 2016 pursuant to City Council Rule VII H.

69. Ord. in accordance with Section 5.10 of the Home Rule Charter of the City of Omaha, 1956, as amended, to transfer \$2,060,750 in unencumbered appropriations in the 2016 Budget of the City of Omaha from the Planning Department and Other Budgetary Accounts-Misc Department to the Fire Department for the purpose of providing funding due to the loss of a grant that was included in the 2016 adopted budget – [see attached](#).

**CCID # 390** – Publication to be made and public hearing to be held on April 5, 2016 pursuant to City Council Rule VII H.



70. Spec. Ord. levying a special tax and assessment on certain lots, parts of lots and pieces of real estate in the City of Omaha to cover the cost of constructing sidewalks in District No. SWR 2015-01 – [see attached](#).

**CCID # 391** – Publication to be made and public hearing to be held on April 5, 2016 pursuant to City Council Rule VII H.

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**EXECUTIVE SESSION**

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

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Motion by Festersen that the meeting be adjourned  
Seconded by Melton  
ROLL CALL:  
Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Mr. President  
Motion Carried 6-0

**ADJOURNED: 4:11 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 March 22, 2016.

WITNESS:

s/Sherri Brown

s/Buster Brown  
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 24<sup>TH</sup> DAY OF MARCH, 2016.