

21ST REGULAR CITY COUNCIL MEETING

JUNE 28, 2016

THE CITY COUNCIL met in Regular Session on Tuesday, June 28, 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 # 946 – Present: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President

2. Pledge of Allegiance.
3. Invocation by Councilmember Rich Pahls of District No. 5.

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 June 24, 2016, notice re: Pre-Council and Regular City Council Meetings, June 28, 2016.

CCID # 947 – 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.

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

5. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Falcon Ridge, to allow for a Convenience storage facility, located Northwest of 180th and Harrison Streets, between the City of Omaha and Dragon Storage, LLC, providing site development standards; and to provide for an effective date – over from 6/14/16 – [see attached](#). ((PUBLIC HEARING HELD 6/14/16 – CAN BE PASSED TODAY))
(See Doc. # 755 – May 24, June 7 and June 14 Meetings)
Notice of public hearing on June 14, 2016 published in the Daily Record on May 27, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

David Fjare, 2111 S. 67th St., representing Dragon Storage, appeared and spoke.

CCID # 755 – Motion by Jerram that the Ordinance be passed
Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40787 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a Major Amendment to a Mixed Use District Development Agreement for Falcon Ridge to allow a *Convenience storage* facility, located Northwest of 180th & Harrison Streets – over from 6/14/16 – [see attached](#).
(See Doc. # 755 – May 24 and June 14 Meetings)

755 – From Chair on File

- (b) Communications opposing the Major Amendment to a Mixed Use District Development Agreement for Falcon Ridge to allow for a Convenience storage facility northwest of 180th and Harrison Streets – over from 6/14/16 – [see attached](#).
(See Doc. # 755 – June 14 Meeting)

755 – From Chair on File

- (c) Documentation submitted by Dragon Storage, LLC, re: their application to allow a convenience storage facility located northwest of 180th and Harrison Streets – [see attached](#).

755 – From Chair on File

6. Ord. to rezone the property located at 128 Cedar Street from GI-General Industrial District to R4-Single-Family Residential District (high density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 857 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 857 – Motion by Festersen that the Ordinance be passed
Seconded by Jerram

ROLL CALL:

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

ORDINANCE # 40788 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 128 Cedar Street from GI to R4 – [see attached](#).
(See Doc. # 857 – June 14 Meeting)

857 – From Chair on File

7. Ord. to rezone property located Northwest of 24th and Cuming Streets from R7-Medium-Density Multiple-Family Residential District, CC-Community Commercial District and GI-General Industrial District to CC-Community Commercial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 858 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 858 – Motion by Thompson that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

Pass: Festersen

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Festersen

Councilmember Festersen passed due to potential conflict of interest

ORDINANCE # 40789 - PASSED 6-0-1 Pass

8. Ord. to amend the boundaries of the ACI-1(PL) District of the Area of Civic Importance Overlay District, to incorporate into that district the property located Northwest of 24th and Cuming Streets; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 859 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 859 – Motion by Thompson that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

Pass: Festersen

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Festersen

Councilmember Festersen passed due to potential conflict of interest

ORDINANCE # 40790 - PASSED 6-0-1 Pass

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 24th and Cuming Streets from R7, CC and GI to CC with expansion of an ACI-1(PL) Overlay District (portions of property are located within an existing ACI-1 (PL) Overlay District) – [see attached](#).
(See Doc. # 859 – June 14 Meeting)

859 – From Chair on File

9. Res. that the preliminary plat entitled ARMSTRONG'S 1ST ADDITION REPLAT 2, located Northwest of 24th and Cuming Streets, 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 6/14/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 860 – June 14 Meeting)

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Pass: Festersen

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Festersen

Councilmember Festersen passed due to potential conflict of interest

RESOLUTION # 860 - ADOPTED 6-0-1 Pass

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of ARMSTRONG'S 1ST ADDITION REPLAT 2, located Northwest of 24th and Cuming Streets – Inside City – over from 6/14/16 – [see attached](#).

(See Doc. # 860 – June 14 Meeting)

860 – From Chair on File

10. Res. that the replat transmitted herewith entitled ARMSTRONG'S 1ST ADDITION REPLAT 2, located Northwest of 24th and Cuming Streets, is hereby approved, and concurrently a portion of the existing plat entitled Armstrong's 1st Addition, and described on said replat, is hereby vacated – Inside City – over from 6/14/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 861 – June 14 Meeting)

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Pass: Festersen

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Festersen

Councilmember Festersen passed due to potential conflict of interest

RESOLUTION # 861 - ADOPTED 6-0-1 Pass

- (a) Planning Board and Planning Department recommend approval of the Final Plat of ARMSTRONG'S 1ST ADDITION REPLAT 2, located Northwest of 24th and Cuming Streets – Inside City - over from 6/14/16 – [see attached](#).

(See Doc. # 861 – June 14 Meeting)

861 – From Chair on File

11. Ord. to adopt a PK-Parking Overlay District in a R4(35)-Single-Family Residential District (high density) located at 820, 824 and 826 South 41st Street, to approve the Parking Plan, and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 862 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 862 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40791 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a PK-Parking Overlay District in a R4(35)-Single-Family Residential District (high density) located at 820, 824 and 826 South 41st Street – [see attached](#).
(See Doc. # 862 – June 14 Meeting)

862 – From Chair on File

12. Ord. to rezone property located Southeast of 49th and Dodge Streets from GC-General Commercial District to R8-High-Density Multiple-Family Residential District (property also located within an existing ACI-2(50) Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 863 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

Larry Jobeun, Fullenkamp, Doyle & Jobeun, 11440 W. Center Rd., representing Sage Capital, appeared and spoke.

CCID # 863 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40792 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southeast of 49th and Dodge Streets from GC to R8 (property also located within an existing ACI-2(50) Overlay District) – [see attached](#).
(See Doc. # 863 – June 14 Meeting)

863 – From Chair on File

13. Ord. to approve a PUR-Planned Unit Redevelopment Overlay District in a R8-High-Density Multiple-Family Residential District located Southeast of 49th and Dodge Streets, to approve the Development Plan, and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 864 – June 14 and June 21 Meetings)

Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

Larry Jobeun, Fullenkamp, Doyle & Jobeun, 11440 W. Center Rd., representing Sage Capital, appeared and spoke.

CCID # 864 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40793 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a PUR-Planned Unit Redevelopment Overlay District in a R8 District located Southeast of 49th and Dodge Streets – [see attached](#).

(See Doc. # 864 – June 14 Meeting)

864 – From Chair on File

14. Res. that the preliminary plat entitled DUNDEE FLATS, located Southeast of 49th and Dodge Streets, 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 6/14/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 865 – June 14 Meeting)

Larry Jobeun, Fullenkamp, Doyle & Jobeun, 11440 W. Center Rd., representing Sage Capital, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 865 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of DUNDEE FLATS, located Southeast of 49th and Dodge Streets – Inside City – over from 6/14/16 – [see attached](#).
(See Doc. # 865 – June 14 Meeting)

865 – From Chair on File

15. Res. that the replat transmitted herewith entitled DUNDEE FLATS, located Southeast of 49th and Dodge Streets, is hereby approved, and concurrently a portion of the existing plat entitled Sunset Addition, and described on said replat, is hereby vacated – Inside City – over from 6/14/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 866 – June 14 Meeting)

Larry Jobeun, Fullenkamp, Doyle & Jobeun, 11440 W. Center Rd., representing Sage Capital, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 866 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of DUNDEE FLATS, located Southeast of 49th and Dodge Streets – Inside City – over from 6/14/16 – [see attached](#).
(See Doc. # 866 – June 14 Meeting)

866 – From Chair on File

16. Ord. to rezone the property located at 4210 Ohio Street from R4(35)-Single-Family Residential District (high density) to R4-Single-Family Residential District (high density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 867 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 867 – Motion by Jerram that the Ordinance be passed

Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40794 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 4210 Ohio Street from R4(35) to R4 – [see attached](#).
(See Doc. # 867 – June 14 Meeting)

867 – From Chair on File

17. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 5638 Center Street; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 868 – June 14 and June 21 Meetings)

Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 868 – Motion by Jerram that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40795 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the property located at 5638 Center Street – [see attached](#).
(See Doc. # 868 – June 14 Meeting)

868 – From Chair on File

18. Ord. to rezone property located at 6105 Weir Street from DR-Development Reserve District and GI-General Industrial District to GI-General Industrial District (property is located within the Flood Fringe Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 869 – June 14 and June 21 Meetings)

Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 869 – Motion by Festersen that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40796 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 6105 Weir Street from DR-Development Reserve District and GI-General Industrial District to GI-General Industrial District (property is located within the Flood Fringe Overlay District) – [see attached](#).
(See Doc. # 869 – June 14 Meeting)

869 – From Chair on File

19. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 6401 Sorensen Parkway; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 870 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 870 – Motion by Festersen that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40797 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a MCC-Major Commercial Corridor Overlay District for the property located at 6401 Sorensen Parkway – [see attached](#).
(See Doc. # 870 – June 14 Meeting)

870 – From Chair on File

20. Ord. to rezone property located Northwest of 124th Plaza and West Dodge Road from MU-Mixed Use District to R7-Medium-Density Multiple-Family Residential District (property is also located within an existing ACI-4(PL) Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 871 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

Jim Buser, 10250 Regency Cir., representing the developer, Royce Candlewood LLC, appeared and spoke.

CCID # 871 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40798 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 124th Plaza and West Dodge Road from MU to R7 (property is also located within an ACI-4(PL) Overlay District) – [see attached](#).
(See Doc. # 871 – June 14 Meeting)

871 – From Chair on File

- 21. Ord. to rezone the property located at 2617 North 138th Street from R3-Single-Family Residential District (medium density) to R4-Single-Family Residential District (high density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 872 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

Douglas Dreesen, 10836 Old Mill Rd., representing the applicant, appeared and spoke.

CCID # 872 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40799 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2617 North 138th Street from R3 to R4 – [see attached](#).
(See Doc. # 872 – June 14 Meeting)

872 – From Chair on File

- 22. Ord. to rezone properties located Northwest of 204th and “F” Streets from AG-Agricultural District to DR-Development Reserve District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 873 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

Jim Buser, 10250 Regency Cir., representing the developer, 204 F Street LLC, appeared and spoke.

CCID # 873 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40800 - PASSED 7-0

23. Ord. to rezone properties located Northwest of 204th and “F” Streets from AG-Agricultural District to R4-Single-Family Residential District (high density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 874 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

Jim Buser, 10250 Regency Cir., representing the developer, 204 F Street LLC, appeared and spoke.

CCID # 874 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40801 - PASSED 7-0

24. Ord. to rezone property located Northwest of 204th and “F” Streets from AG-Agricultural District to R5-Urban Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 875 – June 14 and June 21 Meetings)
Notice of public hearing on June 28, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

Jim Buser, 10250 Regency Cir., representing the developer, 204 F Street LLC, appeared and spoke.

CCID # 875 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40802 - PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone properties located Northwest of 204th and “F” Streets from AG-Agricultural District to DR-Development Reserve District, R4-Single-Family Residential District (high density) and R5-Urban Family Residential District – [see attached](#).
(See Doc. # 875 – June 14 Meeting)

875 – From Chair on File

25. Res. that the plat entitled GRANDVIEW RIDGE ESTATES, located Northwest of 204th and “F” Streets, is hereby approved and accepted – Outside City – over from 6/14/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 876 – June 14 Meeting)

Jim Buser, 10250 Regency Cir., representing the developer, 204 F Street LLC, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 876 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of GRANDVIEW RIDGE ESTATES, a subdivision outside the city limits, located Northwest of 204th and “F” Streets – Outside City – over from 6/14/16 – [see attached](#).
(See Doc. # 876 – June 14 Meeting)

876 – From Chair on File

26. Res. that, the Subdivision Agreement among the City of Omaha, 204 F Street, LLC, a Nebraska limited liability company, Grandview at Omaha Residential Owners Association, a Nebraska not for profit corporation, and Sanitary and Improvement District (S.&I.D.) 572 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 Grandview Ridge Estates (Lots 1-225 and Outlots A-K) and is located northwest of 204th and “F” Streets – over from 6/14/16 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 877 – June 14 Meeting)

Jim Buser, 10250 Regency Cir., representing the developer, 204 F Street LLC, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 877 - ADOPTED 7-0

SPECIAL USE PERMIT – AUTOMOTIVE SALES

27. Res. that the Special Use Permit application submitted by National Vehicle Marketing for a Special Use Permit to allow Automotive Sales in a CC-Community Commercial District for property located at 4819 South 107th Avenue, 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 6/14/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 847 – June 14 Meeting)

Peter Kwiatkowski, 6419 N. 131st Street, representing the applicant, appeared and spoke.

Motion by Pahls that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 847 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow *Automotive Sales* in a CC-Community Commercial District located at 4819 South 107th Avenue – over from 6/14/16 – [see attached](#).
(See Doc. # 847 – June 14 Meeting)

847 – From Chair on File

SPECIAL USE PERMIT – CUSTOM MANUFACTURING

28. Res. that the Special Use Permit application submitted by Nebraska Electrical Services for a Major Amendment to a Special Use Permit to allow Custom Manufacturing in a CC-Community Commercial District (property is also located within a MCC Overlay District and Flood Fringe Overlay District), located at 3603 North 222nd 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 6/14/16 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 848 – June 14 Meeting)

Douglas Dreesen, 10836 Old Mill Rd., representing the applicant, appeared and spoke.

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 848 - ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the request of Nebraska Electrical Services for a Major Amendment to a Special Use Permit to allow *Custom Manufacturing* in a CC-Community Commercial District located at 3603 North 222nd Street (property is also located within a MCC Overlay District and Flood Fringe Overlay District) – over from 6/14/16 – [see attached](#).
(See Doc. # 848 – June 14 Meeting)

848 – From Chair on File

LIQUOR

29. CLASS “C” – WH Ventures, LLC, dba “Paragon Dundee”, 5018 Underwood Avenue, Suite 104. New application, New location. Property posted: 06-13-16; Notification sent: 06-17-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

William Theisen, 200 S. 31st Ave., #4800, appeared and spoke.

Motion by Festersen that the Resolution to GRANT be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 938 – ADOPTED 7-0

30. CATERING – WH Ventures, LLC, dba “Paragon Dundee”, 5018 Underwood Avenue, Suite 104. New application, New location. Property posted: 06-13-16; Notification sent: 06-17-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

William Theisen, 200 S. 31st Ave., #4800, appeared and spoke.

Motion by Festersen that the Resolution to GRANT be adopted

Seconded by Jerram

ROLL CALL:

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

RESOLUTION # 939 – ADOPTED 7-0

31. CLASS “I” – Lucky Duck Holdings, LLC, dba “Fuzzy’s Taco Shop”, 17305 Davenport Street, #105. New application, New location. Property posted: 06-03-16; Notification sent: 06-17-16 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Justin Heinsen, Fuzzy’s Taco Shop, 17905 Davenport St., appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Melton

ROLL CALL:

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

RESOLUTION # 940 – ADOPTED 7-0

32. CLASS “I” – Tokyo Sushi Omaha, LLC, dba “Tokyo Sushi”, 1215 Howard Street. New application, Old location. Present licensee is Tokyo Sushi, Inc, dba “Tokyo Sushi”, 1215 Howard 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))

Chris Estwick, 409 S. 17th St. #500, attorney representing the applicant, appeared and spoke.

Motion by Jerram that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

RESOLUTION # 941 – ADOPTED 7-0

33. Make Your Own Luck Nebraska, LLC, dba “Jefferson’s Restaurant”, 17520 Wright Street, Suite 101, requests permission for a change of location of their present Class “C” Liquor License to 510 South 13th Street. Property posted: 06-13-16; Notification sent: 06-17-16 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Patty Duncan, Jefferson’s Restaurant, 510 S. 13th Street, appeared and spoke.

CCID # 942 – Motion by Jerram that the request be laid over for two weeks to July 12, 2016

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

34. Last Call Operating Co. I., Inc., dba “Fox & Hound English Pub & Grille”, 506 North 120th Street, requests permission to appoint John J. Howard manager of their present Class “I” Liquor License location – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

John J. Howard, 506 S. 120th St., representing the Fox and Hound, appeared and spoke.

CCID # 943 – Motion by Melton that the request be approved

Seconded by Thompson

ROLL CALL:

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

Nays: Festersen, Jerram

Motion Carried 5-2

- (a) Communication from Sean M. Conway, Attorney on behalf of John J. Howard, re: his manager application for the present Class “I” Liquor License location of Last Call Operating Co. I., Inc., dba “Fox & Hound English Pub & Grille”, 506 North 120th Street – [see attached](#).

943 – From Chair on File

35. YFC, Inc., 725 North 14th Street, requests permission for a Special Designated License for a concert at Stinson Park, 6707 Center Street, on August 20, 2016 from 11:00 A.M. to 12:00 midnight with music until 12:00 midnight – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPOSERS: Pat Lazure, 321 S. 57th St.
Aaron Shaddy, 11912 Timber Ridge Dr., Papillion, NE
Lauren Schomburg, 1319 Leavenworth St.

CCID # 944 – Motion by Festersen that the request be approved

Seconded by Jerram

ROLL CALL:

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

CONSENT AGENDA

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

(The public hearings on Agenda Item Nos. 36 through 39 were held on June 21, 2016.)

CONSENT AGENDA – ORDINANCES

36. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Mayberry 51, LLC, a Nebraska limited liability company, to implement the Mayberry 51 Tax Increment Financing (TIF) Redevelopment Project Plan for a site located at the northwest corner of 51st and Mayberry Street which proposes the redevelopment of an approximately 3.4 acre site into four, new multi-family structures with a total of 193 market-rate units over parking, and parking; the agreement authorizes the use of up to \$2,740,000.00 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. # 878 – June 14 and June 21 Meetings)

Notice of public hearing on June 21, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 878 – Motion by Festersen that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
ORDINANCE # 40803 - PASSED 7-0

37. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Omaha Economic Development Corporation, a Nebraska corporation, to implement the Fair Deal Village MarketPlace Tax Increment Financing (TIF) Redevelopment Project Plan, for a project site located at 2118 North 24th Street, which proposes a commercial space comprised of approximately 14 reclaimed and re-purposed shipping containers to create 1,600 square feet of affordable retail space in addition to an adjoining, newly constructed, one-story 3,400 square foot commercial structure consisting of space for a 1,800 square foot small, healthy grocery store and a 1,600 square foot re-envisioned Fair Deal Café; the agreement authorizes the use of up to \$194,980.00 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. # 879 – June 14 and June 21 Meetings)

Notice of public hearing on June 21, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 879 – Motion by Festersen that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40804 - PASSED 7-0

38. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha, a Nebraska Municipal Corporation in Douglas County, Nebraska, and Uptown Properties, LLC, a Nebraska limited liability company, to implement the Uptown District Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment plan area generally bounded by Park Avenue on the east, Dewey Avenue and Turner Boulevard on the north, 33rd Street on the west and south to Woolworth Avenue which proposes the construction of 96 mostly three-story row houses, spread over 11 separate non-contiguous project sites, and developed in four separate phases; the agreement authorizes the use of up to \$4,305,000.00 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. # 880 – June 14 and June 21 Meetings)

Notice of public hearing on June 21, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 880 – Motion by Festersen that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40805 - PASSED 7-0

39. Ord. to approve a contract between the City of Omaha and the Elkhorn Public Schools for the City to provide, through its assignment, one uniformed police officer and a marked police car to the premises of Elkhorn High School, located at 711 Veterans Drive, involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter, to perform police work at the District property each day that school is in session during the regular school year ½ hour prior to the start of classes until ½ hour after classes are dismissed, not to exceed a 7.5 hour school day, from August 17, 2016 and ending at the close of the 2018 - 2019 school year. The reimbursement payment from the Elkhorn Public Schools to the City will be in the amount of \$163,846.80 for the officer; and to provide for an effective date hereof – [see attached](#).

(See Doc. # 881 – June 14 and June 21 Meetings)

Notice of public hearing on June 21, 2016 published in the Daily Record on June 17, 2016. Ordinance passed on June 28, 2016 published in the Daily Record on July 6, 2016.

CCID # 881 – Motion by Festersen that the Ordinance be passed

Seconded by Gernandt

ROLL CALL:

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

ORDINANCE # 40806 - PASSED 7-0

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

* * * * *

(The public hearings on Agenda Item Nos. 40 through 54 are today. If you wish to address the City Council regarding these items, please come to the microphone, indicate the Agenda Item Number you wish to address, identify yourself by your name, address, who you represent, and if you are a proponent or opponent.)

CONSENT AGENDA – RESOLUTIONS

40. Res. that, as recommended by the Mayor, Change Order No. 3 to Super Excavators, Inc. for the claim for the obstruction during tunneling for OPW 52297, being the Nicholas Street Sewer Extension – Phase 2 Project, is hereby approved; and that, the Finance Department is authorized to pay an additional sum of \$278,979.59 for this change order, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2016 expenditure; Sewer Revenue Bonds will be issued to finance this project – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 917 - ADOPTED 7-0

41. Res. that, as recommended by the Mayor, the contract with Master Mechanical Service, Incorporated for OPW 52977, being the Police Headquarters AHU 3 Coil Replacement Project, is hereby approved; and that, the Finance Department is authorized to pay the cost of \$33,011.00 for OPW 52977 from the 2010 Public Facilities Fund 13245, Police Capital Organization 131592, year 2016 expenditures – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 918 - ADOPTED 7-0

42. Res. that, as recommended by the Mayor, the Interlocal Agreement between the City of Omaha and the City of Bellevue for the resurfacing of Harrison Street from 13th Street to Railroad Avenue, as part of the project known as OPW 52928, including provision for a cost share estimated to be \$20,000.00 to be paid from the City Street Maintenance Fund 12129, Major Street Resurfacing Organization 116159, is hereby approved – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 919 - ADOPTED 7-0

43. Res. that, as recommended by the Mayor, Amendment No. 1 to the Professional Services Agreement with HDR Engineering, Incorporated for Phase 1 engineering services on OPW 52534, being the recertification of the Omaha Levee Project, is hereby approved; and that, the Finance Department is authorized to pay the additional fee not to exceed \$385,000.00 for these services to be paid from 2014 Environment Bond Fund 13124, Environmental Bonds Organization 117217 – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 920 - ADOPTED 7-0

44. Res. that, as recommended by the Mayor, the Professional Services Agreement with Hawksley Consulting, Incorporated, for professional services associated with the update for the City of Omaha Regional Wastewater Service Financial Capability Assessment (FCA), is hereby approved; and that, the Finance Department is authorized to pay Hawksley Consulting, Incorporated a fee not to exceed \$98,780.00 for these professional services from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2016 expenditure – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 921 - ADOPTED 7-0

45. Res. that, as recommended by the Mayor, the Professional Services Agreement with Hawksley Consulting, Incorporated, for professional services associated with the update for the City of Omaha Regional Wastewater Service Sewer Rate Model, is hereby approved; and that, the Finance Department is authorized to pay Hawksley Consulting, Incorporated a fee not to exceed \$84,400.00 for these professional services from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918, year 2016 expenditure – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 922 - ADOPTED 7-0

46. Res. that, as recommended by the Mayor, the Task Order Agreement with AECOM Technical Services, Incorporated to provide on-call design services for the Omaha Traffic Signal System Project, known as Federal Aid Project MAPA-28(115), State Control No. 22587, with Federal Funds to pay for the majority of the project costs, as stewarded by the Nebraska Department of Roads, and the local share of \$52,695.74 to be paid from the 2010 Transportation Bond Fund 13183, Transportation Bonds Organization 117117, is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreements on behalf of the City of Omaha – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 923 - ADOPTED 7-0

47. Res. that, as recommended by the Mayor, the Task Order Agreement with AECOM Technical Services, Incorporated to provide on-call design services for the ASCT Adaptive Design Phase Project, known as Federal Aid Project MAPA-28(115), State Control No. 22587, with Federal Funds to pay for the majority of the project costs, as stewarded by the Nebraska Department of Roads, and the local share of \$29,334.88 to be paid from the 2010 Transportation Bond Fund 13183, Transportation Bonds Organization 117117, is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreements on behalf of the City of Omaha – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 924 - ADOPTED 7-0

48. Res. that, as recommended by the Mayor, the Task Order Agreement with Felsburg, Holt & Ullevig to provide on-call design services for the ASCT Adaptive Design Phase Project, known as Federal Aid Project HSIP-5023(18), State Control No. 22695, with Federal Funds to pay for the majority of the project costs, as stewarded by the Nebraska Department of Roads, and the local share of \$20,205.95 to be paid from the 2010 Transportation Bond Fund 13183, Transportation Bonds Organization 117117, is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreements on behalf of the City of Omaha – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 925 - ADOPTED 7-0

49. Res. that, as recommended by the Mayor, the Task Order Agreement with Felsburg, Holt, & Ullevig to provide on-call design services for the Omaha Traffic Signal System Project, known as Federal Aid Project MAPA-28(115), State Control No. 22587, with Federal Funds to pay for the majority of the project costs, as stewarded by the Nebraska Department of Roads, and the local share of \$40,844.09 to be paid from the 2010 Transportation Bond Fund 13183, Transportation Bonds Organization 117117, is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreements on behalf of the City of Omaha – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 926 - ADOPTED 7-0

50. Res. that, as recommended by the Mayor, the Task Order Agreement with Olsson Associates, Incorporated to provide on-call design services for the Omaha Traffic Signal System Project, known as Federal Aid Project MAPA-28(115), State Control No. 22587, with Federal Funds to pay for the majority of the project costs, as stewarded by the Nebraska Department of Roads, and the local share of \$64,062.74 to be paid from the 2010 Transportation Bond Fund 13183, Transportation Bonds Organization 117117, is hereby approved; and that, the City Council hereby authorizes the Mayor and City Clerk to sign the attached Agreements on behalf of the City of Omaha – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 927 - ADOPTED 7-0

51. Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Roads for Project MAPA-5073(1), State Control No. 22706, being the 30th Street Road Diet Project, with the City's share of the project cost, estimated to be \$529,843.00 to be paid from the 2010 Transportation Bond Fund 13183, Transportation Bonds 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 Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 928 - ADOPTED 7-0

52. Res. that, the attached Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$37,987.00 for the rehabilitation and lead reduction work, when applicable, to the property owned by Joseph P. Elliott and Rozalind A. Pietrantonio-Elliott located at 2416 South 20th Street, Omaha, NE 68108, is hereby approved. The contract is to be awarded to Lamb's Remodeling, Tom Lamb, Owner. Funds shall be paid as follows: \$12,987.00 from CDBG Target Area Program 2015, Fund No. 12186, Org. No. 128072; \$25,000.00 from NAHTF 14-TFHO-7074 Owner Occupied Rehabilitation, Fund No. 12141, Org. No. 128101 – [see attached](#).

Motion by Melton that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

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

RESOLUTION # 929 - ADOPTED 7-0

53. Res. that as recommended by the Mayor, the Contract between the Omaha Human Rights and Relations Department and the U.S. Equal Opportunity Commission for reimbursement for processing employment discrimination complaints arising within its jurisdiction for EEOC for the time period of October 1, 2015, to September 30, 2016, and in the amount of \$29,700.00, attached hereto as Exhibit "A", is hereby approved – [see attached](#).

Motion by Melton that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
RESOLUTION # 937 - ADOPTED 7-0

54. Res. that, as recommended by the Mayor, the Grant Agreement between the City of Omaha and Nebraska Department of Health and Human Services in the amount of eighty thousand dollars (\$80,000) to coordinate the medical response to a terrorist incident and/or other public health medical emergency events as part of the Omaha Metropolitan Medical Response System (OMMRS) health care coalition from July 1, 2015 to September 30, 2016, and incorporated herein by this reference, and funding of such project, is hereby approved. Further that, the Finance Director is authorized to make expenditures in accordance with the contract terms from such Grant Award in the amount of eighty thousand dollars (\$80,000) – [see attached](#).

Motion by Melton that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

Yeas: Festersen, Gernandt, Jerram, Melton, Pahls, Thompson, Mr. President
RESOLUTION # 945 - ADOPTED 7-0

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

* * * * *

**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD JULY 5, 2016 THE THIRD READING ON AGENDA ITEM NOS. 55 THROUGH 63 SHALL BE HELD ON JULY 12, 2016”
((THE PUBLIC HEARINGS ON THESE ITEMS ARE TODAY))**

ORDINANCE ON SECOND READING and Planning Board Attachment

55. Ord. vacating a portion of 11th Street right-of-way lying in Douglas County, Nebraska being more particularly described as an area to commence at the Northeast corner of Lot 8, Block 221, City of Omaha, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; thence South 02°10'01” East along the East line of said Lot 8, a distance of 30.00 feet to the point of beginning; thence North 87°49'56” East, a distance of 100.00 feet to a point on the West line of Lot 5, Block 220, City of Omaha; thence South 02°10'01” East along said West line of Lot 5, a distance of 57.01 feet; thence South 87°49'31” West, a distance of 100.00 feet to a point on the aforesaid East line of Lot 8; thence North 02°10'01” West along said East line of Lot 8, a distance of 57.03 feet to the point of beginning, containing 5702 square feet, more or less; and providing the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))

(See Doc. # 895 – June 21 Meeting)

CCID # 895 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the vacation of that part of 11th Street lying north of that part of vacated 11th Street (Ord. 40525) north approximately 57.03 feet (north of Mason Street) – Inside City – [see attached](#).
(See Doc. # 895 – June 21 Meeting)

895 – Over to 7/12/16

ORDINANCES ON SECOND READING

- 56. Ord. approving the Combined Sewer Overflow Grant Award Contract between the City of Omaha and the Nebraska Department of Natural Resources to finance the construction of combined sewer separations and their related water quality improvement projects as a part of the City of Omaha's Combined Sewer Overflow Long Term Control Plan within the Omaha regional sanitary sewerage system; to provide for reimbursements involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter, as amended; to provide for payments from a specific account; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 896 – June 21 Meeting)

CCID # 896 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

- 57. Ord. approving an Agreement for the sale of City-owned real property; to provide that notwithstanding any provisions of the Omaha Municipal Code to the contrary, the City is authorized to enter into the attached Real Estate Purchase Agreement with Nathaniel Crump III, 2215 N. 33rd Avenue, Omaha, NE 68111, to sell the property described in the attached agreement, located at 2211 N. 33rd Avenue in consideration of the sum of Seven Hundred and 00/100 Dollars (\$700.00); there are no expenses associated with the transfer of the property to Mr. Crump; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 899 – June 21 Meeting)

CCID # 899 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

58. Ord. in accordance with Section 5.10 of the Home Rule Charter of the City of Omaha, 1956, as amended, to transfer \$91,169 in unencumbered appropriations in the 2016 Budget of the City of Omaha from the Human Resources Department to the Public Works Department (Street & Highway Allocation Fund-12131) for the purpose of moving the budget funding for a Safety Inspector; and to fix the effective date hereof to be immediately upon passage in accordance with Section 2.12 of the Home Rule Charter of the City of Omaha, 1956, as amended – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 910 – June 21 Meeting)

CCID # 910 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

59. Ord. to approve an Amendment to Agreement between the City of Omaha and Alegent Creighton Health, a Nebraska non-profit corporation, to provide for an extension of the Agreement that established an Employee Assistance Program (EAP) for an additional period of three years at a cost for the first year of seven dollars and fifty-eight cents (\$7.58) per employee per year; with the cost to increase in years two and three in the amounts of the Consumer Price Index; such funds to be paid from Fund 11111, Organization 105011, Account No. 42239; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 912 – June 21 Meeting)

Mikki Frost, Human Resources Director, appeared and spoke.

CCID # 912 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

60. Ord. to amend Section 23 - 177 of the Omaha Municipal Code by changing the salaries for the employment classifications known as Civil Engineer I from 16.1 MC (\$58,155 to \$71,126) to 18.3MC (\$63,046 to \$77,496), Civil Engineer II from 20.1 MC (\$67,177 to \$81,693) to 22.4 MC (\$72,689 to \$91,299), Civil Engineer III from 23.2 MC (\$75,301 to \$93,026) to 26.2 MC (\$83,342 to \$104,745), Civil Engineer IV from 26.2 MC (\$83,342 to \$104,745) to 29.2 MC (\$94,671 to \$118,146); to repeal Section 23 - 177 as heretofore existing; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 897 – June 21 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

FOR THE CITY: Jim Begley, Human Resources Department
Todd Pfitzer, Public Works Department
Mikki Frost, Human Resources Director

CCID # 897 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

61. Ord. to approve a lease agreement between the City of Omaha and Capitol District Parking, L.L.C., for the lease of certain premises adjacent to Interstate 480 and located between 8th and 10th Streets, north of Capitol Avenue, beginning June 1, 2017, or earlier upon proper notice by Capitol District Parking, in the amount of approximately \$5,280.00 per year; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 913 – June 21 Meeting)

CCID # 913 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

62. Ord. to approve an air space lease agreement between the City of Omaha and the Department of Roads of the State of Nebraska for the lease of certain premises beneath Interstate 480 located between 8th and 10th Streets and north of Capitol Avenue beginning June 1, 2016 in the amount of approximately \$2,880.00 per year; to authorize the payments specified therein; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 914 – June 21 Meeting)

CCID # 914 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

63. Ord. to approve the sublease of two air space lease agreements between the City of Omaha and the Department of Roads of the State of Nebraska with Capitol District Parking, LLC for certain premises located adjacent to the Capitol District, specifically property northwest of 10th and Davenport Streets, commonly known as “Lot E” and property between 8th and 10th Street, north of Capitol Avenue, beginning June 1, 2017, or earlier upon proper notice by Capitol District Parking, in the amount of approximately \$15,167.00 and \$2,880.00 per year respectively; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 915 – June 21 Meeting)

CCID # 915 – Public hearing was held today – Final reading set for July 12, 2016 pursuant to City Council Rule VII H.

* * * * *

APPEAL RE: BID REJECTION

64. Mr. Jeff Ketelsen, representing Elliott Sanitation Equipment, appeals the rejection of their bid of May 25, 2016 for the “Regenerative Air Street Sweeper” project – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO ALLOW OR DENY THE APPEAL, AND IF ALLOWED, DIRECT THE DEPARTMENT ACCORDINGLY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

PROPONENT: Jeff Ketelsen, 1245 Dawes Ave., Lincoln, NE

FOR THE CITY: Bob Stubbe, Public Works Director

Marc McCoy, Fleet Maintenance, Public Works Department

CCID # 930 – Motion by Jerram that the appeal be denied

Seconded by Thompson

ROLL CALL:

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

Motion Carried 7-0

**“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING
BEING HELD JULY 5, 2016 THE SECOND READING AND PUBLIC HEARINGS
ON AGENDA ITEM NOS. 65 THROUGH 70 SHALL BE HELD ON JULY 12, 2016”**

ORDINANCES ON FIRST READING

65. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing Citywide Lift Station Upgrades (Phase III) Project, identified as City Project OPW 52801, providing that the City negotiate with the property owner for partial land acquisition, permanent easement, temporary easement and/or right of entry; providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and providing for the effective date hereof – [see attached](#).

CCID # 931 - Publication to be made and Public Hearing to be held on July 12, 2016 pursuant to City Council Rule VII H.

66. Ord. declaring the necessity of acquiring, for use by the City of Omaha, the necessary private property for the purpose of constructing Missouri Avenue/ Spring Lake Sewer Separation Phase II (CSO), identified as City Project No. OPW 51997b providing that the City negotiate with the property owners for partial land acquisitions, permanent easements, temporary easements and right of entries; providing that if said parcel cannot be obtained by negotiation, condemnation proceedings be undertaken and completed; and providing for the effective date hereof – [see attached](#).

CCID # 932 - Publication to be made and Public Hearing to be held on July 12, 2016 pursuant to City Council Rule VII H.

67. Ord. requested by the Parks, Recreation and Public Property Department to allow Metropolitan Utilities District (M.U.D.) to overlay a 10' Water Easement in an existing M.U.D. 10' Gas Easement, passed by Ordinance 38546 on October 20, 2009, upon City owned property along 48th Street on the west edge of Fontenelle Park, a/k/a 4405 Fontenelle Blvd., Omaha, Nebraska; and providing for the effective date hereof – [see attached](#).

CCID # 933 - Publication to be made and Public Hearing to be held on July 12, 2016 pursuant to City Council Rule VII H.

68. Ord. (1) to approve an agreement between the City of Omaha and the Douglas County Board of Commissioners, Douglas County Administrative Office in the amount of one hundred eighty thousand, seven hundred ninety-one dollars (\$180,791); and (2) to authorize funding for such agreement from the City of Omaha's FY 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2015-DJ-BX-0270, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for law enforcement equipment, corrections crisis intervention team training, prosecutor programs, and technology improvements and training; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#).

CCID # 934 - Publication to be made and Public Hearing to be held on July 12, 2016 pursuant to City Council Rule VII H.

69. Ord. (1) to approve an Agreement between the City of Omaha and the Boys & Girls Clubs of the Midlands in the amount of seventy five thousand, three hundred forty-two dollars (\$75,342); and (2) to authorize funding for such agreement from the City of Omaha's FY 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2015-DJ-BX-0270, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for two (2) Gang Specialist positions; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#).

CCID # 935 - Publication to be made and Public Hearing to be held on July 12, 2016 pursuant to City Council Rule VII H.

70. Ord. (1) to approve an Agreement between the City of Omaha and the Boys & Girls Clubs of the Midlands in the amount of seventy four thousand, one hundred twenty-five dollars (\$74,125); and (2) to authorize funding for such agreement from the City of Omaha's FY 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Award #2014-DJ-BX-0891, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide funding for two (2) Gang Specialist positions; to authorize payment from such grant funding and involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; and, providing for the effective date hereof – [see attached](#).

CCID # 936 - Publication to be made and Public Hearing to be held on July 12, 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 Gray

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 2:59 P.M.

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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 June 28, 2016.

WITNESS:

s/Sherri Brown

s/Buster Brown
CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 30TH DAY OF JUNE, 2016.