

29th REGULAR OMAHA CITY COUNCIL MEETING

AUGUST 25, 2015

THE CITY COUNCIL met in Regular Session on Tuesday, August 25, 2015 at 2:00 o'clock P.M. in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Ben Gray.

ROLL CALL

1. City Clerk calls the roll.

CCID # 1097 – Present: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President

2. Pledge of Allegiance.

3. Invocation by Councilmember Franklin T. Thompson of District No. 6.

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 August 21, 2015, notice re: Pre-Council and Regular City Council Meetings, August 25, 2015.

CCID # 1098 – From Chair on File

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

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

BUDGET RESOLUTIONS FOR YEAR 2016

((PUBLIC HEARING ON THE BUDGET WAS HELD AUGUST 11, 2015))

5. Res. that the Recommended 2016 Budget be revised by increasing sales tax revenues in the General Fund by \$190,000 and by increasing appropriations in the General Fund in Library by \$250,000, and decreasing appropriations in the General Fund in Cash Reserve by \$60,000 – [see attached](#). ((MOTION NEEDED TO ADOPT OR NOT ADOPT))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

For the City: Steve Curtiss, Finance Director

Maggie Gibson, City Council Staff Assistant

CCID # 1132 – Motion by Festersen that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

Yeas: Jerram, Festersen, Gernandt, Mr. President

Nays: Melton, Pahls, Thompson

Motion LOST 4-3

[5 votes required to adopt the Resolution]

6. Res. that the Recommended 2016 Budget be revised by increasing sales tax revenues in the General Fund by \$739,000 and by increasing appropriations in the General Fund in Public Works by \$950,000, and decreasing Other Budgetary Accounts- Benefits appropriations by \$211,000 – [see attached](#). ((MOTION NEEDED TO ADOPT OR NOT ADOPT))

Steve Curtiss, Finance Director, appeared and spoke.

CCID # 1133 – Motion by Jerram that the Resolution be adopted

Seconded by Gray

ROLL CALL:

Yeas: Jerram, Festersen, Gernandt, Mr. President

Nays: Melton, Pahls, Thompson

Motion LOST 4-3

[5 votes required to adopt the Resolution]

7. Res. to raise revenue estimates and revise the expenditures of the 2016 Budget, including General Fund revenues of \$2,138,985 and appropriations of \$2,138,985, Debt Service Fund revenues of \$1,884,900 and appropriations of \$3,032,452, Redevelopment Fund revenues of \$149,249 and appropriations of \$1,492, Judgment Fund revenues of \$56,179 and appropriations of \$562, Street and Highway Allocation Fund revenues of \$860,573 and appropriations of \$920,881, City Street Maintenance Revenue of \$357,200, Storm Water Fee Fund appropriations of \$93,800 and Sewer Revenue Fund appropriations of \$106,253 because of the areas annexed into the City on August 26, 2015 – [see attached](#). ((MOTION NEEDED TO ADOPT OR NOT ADOPT))

Motion by Melton that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1134 – ADOPTED 7-0

8. Res. that upon affirmative vote by more than 75% of the City Council the budgeted restricted funds for Fiscal Year 2016 shall be increased by an additional one percent (1%) as provided by Neb. Rev. Statute §13-519 – [see attached](#). ((MOTION NEEDED TO ADOPT OR NOT ADOPT))

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 1135 – ADOPTED 7-0

9. Res. that the Budget of the City of Omaha for the year 2016 as submitted to the City Council by the Mayor and the Finance Director of the City of Omaha together with revisions evidenced by resolutions attached hereto and adopted by the City Council at the Council Meeting of August 25, 2015, be and the same is hereby adopted as the Budget of the City of Omaha for the year 2016 – [see attached](#). ((MOTION NEEDED TO ADOPT OR NOT ADOPT))

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

Yeas: Melton, Pahls, Thompson, Festersen, Gernandt

Nays: Jerram, Mr. President

Res. # 1136 – ADOPTED 5-2

RESOLUTIONS

10. Res. that the City Council recommends that the Parks Department increase resources so that tree trimming crews are up to date on all of the City's forestry needs prior to the emerald ash borer infestation and so that there is sufficient lead time to implement the Parks Department's plan of action when the infestation becomes imminent – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

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

Motion by Festersen that the Resolution be adopted

Seconded by Gray

ROLL CALL:

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

Res. # 1137 – ADOPTED 7-0

11. Res. that the City Council expresses its desire to work in cooperation with the Omaha Public Library Board of Trustees and the City of Omaha Administration to jointly develop a strategic plan to develop a sustainable model for library financing and facilities management – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Liz Birkel-Leddy, City Council Staff Assistant, appeared and spoke.

Motion by Melton that the Resolution be adopted

Seconded by Pahls

ROLL CALL:

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

Res. # 1138 – ADOPTED 7-0

RESOLUTION RE: 2016-2021 CAPITAL IMPROVEMENT PROGRAM

12. Res. that the 2016-2021 Capital Improvement Program as attached hereto shall be and the same is hereby approved – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Motion by Melton that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 1131 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the 2016-2021 Capital Improvement Program – [see attached](#).

1131 – From Chair on File

ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

13. Ord. to rezone the property located at 999 North 16th Street from DS-Downtown Service District to CBD-Central Business District (property is also located within an existing ACI-1 (PL)-Areas of Civic Importance Overlay District). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1018 – August 11 and August 18 Meetings)

Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1018 – Motion by Festersen that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40454 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 999 North 16th Street from DS to CBD (property is also located within an existing ACI-1(PL)-Areas of Civic Importance Overlay District) – [see attached](#).
(See Doc. # 1018 – August 11 Meeting)

1018 – From Chair on File

- 14. Ord. to rezone the property located at 2110 Poppleton Avenue from GI-General Industrial District to R5-Urban Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 1019 – August 11 and August 18 Meetings)

Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1019 – Motion by Jerram that the Ordinance be passed
Seconded by Gray

ROLL CALL:

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

ORDINANCE # 40455 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 2110 Poppleton Avenue from GI to R5 – [see attached](#).
(See Doc. # 1019 – August 11 Meeting)

1019 – From Chair on File

- 15. Ord. to rezone several properties generally located south of Patrick Avenue, west of 31st Street, north of Charles Street and east of John A. Creighton Boulevard from R5(35)-Urban Family Residential District to R4-Single-Family Residential District (High Density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 1033 – August 11 and August 18 Meetings)

Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

Dan Dolezal, Ehrhart, Griffin and Associates, appeared and spoke.

CCID # 1033 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40456 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone several properties generally located south of Patrick Avenue, west of 31st Street, north of Charles Street and east of John A. Creighton Boulevard from R5(35) to R4 – [see attached](#).

(See Doc. # 1033 – August 11 Meeting)

1033 – From Chair on File

- 16. Ord. to rezone property generally north of Parker Street, south of Grant Street, east of 32nd Street and west of 29th Street from R7-Medium Density Multiple Family Residential District to R7-Medium Density Multiple Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1034 – August 11 and August 18 Meetings)

Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Joe Weiland, representing Brinshore Development

Cindy Franklin, 75 North

CCID # 1034 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40457 – PASSED 7-0

17. Ord. to rezone property generally north of Parker Street, south of Grant Street, east of 32nd Street and west of 29th Street from R5(35)-Urban Family Residential District to LC-Limited Commercial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1035 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Joe Weiland, representing Brinshore Development
Cindy Franklin, 75 North

CCID # 1035 – Motion by Thompson that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40458 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located generally north of Parker Street, south of Grant Street, east of 32nd Street and west of 29th Street from R5(35)-Urban Family Residential District and R7-Medium Density Multiple Family Residential District to LC-Limited Commercial District and R7-Medium Density Multiple Family Residential District – [see attached](#).
(See Doc. # 1035 – August 11 Meeting)

1035 – From Chair on File

18. Ord. to amend the boundaries of the ACI-1(PL)-Area of Civic Importance Overlay District, to incorporate into that district the property located generally north of Parker Street and south of Grant Street, east of 32nd Street and west of the North Freeway; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1036 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Joe Weiland, representing Brinshore Development
Cindy Franklin, 75 North

CCID # 1036 – Motion by Thompson that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40459 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of an ACI-1(PL)-Area of Civic Importance Overlay District for property located generally north of Parker Street and south of Grant Street, east of 32nd Street and west of the North Freeway – [see attached](#).
(See Doc. # 1036 - August 11 Meeting)

1036 – From Chair on File

- 19. Ord. to approve a PUR-Planned Unit Redevelopment Overlay District in a LC-Limited Commercial District and R7-Medium Density Multiple Family Residential District (portions of property within an existing ACI-1(PL) Overlay District), for an area generally located north of Parker Street and south of Grant Street, east of 32nd Street and west of the North Freeway; to approve the Development Plan; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 1037 – August 11 and August 18 Meetings)

Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Joe Weiland, representing Brinshore Development
Cindy Franklin, 75 North

CCID # 1037 – Motion by Thompson that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40460 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a PUR-Planned Unit Redevelopment Overlay District in a LC-Limited Commercial District and R7-Medium Density Multiple Family Residential District (portions of property within an existing ACI-1(PL) Overlay District), for an area generally located north of Parker Street and south of Grant Street, east of 32nd Street and west of the North Freeway – [see attached](#).
(See Doc. # 1037 – August 11 Meeting)

1037 – From Chair on File

20. Res. that the replat transmitted herewith entitled HIGHLANDER 75 NORTH, located generally north of Parker Street, south of Grant Street, east of 32nd Street and west of 29th Street, is hereby approved, and concurrently a portion of the existing plats entitled Pleasant View Homes Addition, Kelpin Place Addition, Burdette Court Addition, Burdette Court Annex Addition and Maynes Second Addition, and described on said replat, is hereby vacated – Inside City – over from 8/11/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1038 – August 11 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Joe Weiland, representing Brinshore Development
Cindy Franklin, 75 North

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1038 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of HIGHLANDER 75 NORTH, a subdivision inside the city limits, located generally north of Parker Street, south of Grant Street, east of 32nd Street and west of 29th Street – Inside City – over from 8/11/15 – [see attached](#).
(See Doc. # 1038 – August 11 Meeting)

1038 – From Chair on File

21. Res. that, the Subdivision Agreement between the City of Omaha and Seventy-Five North Revitalization, Inc., a Nebraska corporation, as recommended by the Mayor, providing for the public improvements, is hereby approved. The Subdivision is to be known as Highlander 75 North (Lots 1-5 and Outlots A-I) and is located generally north of Parker Street, south of Grant Street, east of 32nd Street, and west of 29th Street – over from 8/11/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1039 – August 11 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Joe Weiland, representing Brinshore Development
Cindy Franklin, 75 North

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1039 – ADOPTED 7-0

22. Ord. to rezone the properties located at 3403 and 3407 Boyd 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. # 1020 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Protestant: Charles Turner, 3480 Boyd Street

For the City: James Thele, Planning Director

CCID # 1020 – Motion by Thompson that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

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

ORDINANCE # 40461 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 3403 and 3407 Boyd Street from R4(35) to R4 – [see attached](#).
(See Doc. # 1020 – August 11 Meeting)

1020 – From Chair on File

23. Ord. to rezone the property located at 6003 North 52nd Street from DR-Development Reserve District to R2-Single-Family Residential District (low density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1021 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1021 – Motion by Thompson that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

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

ORDINANCE # 40462 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the property located at 6003 North 52nd Street from DR to R2 – [see attached](#).
(See Doc. # 1021 – August 11 Meeting)

1021 – From Chair on File

24. Ord. to rezone the property located southwest of 72nd and Maple Street from R2-Single-Family Residential District (low density) and CC-Community Commercial District to CC-Community Commercial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1022 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1022 – Motion by Festersen that the Ordinance be laid over three weeks to September 15, 2015 and continue the public hearing

Seconded by Gernandt

ROLL CALL:

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

Motion Carried 7-0

25. Ord. to amend the boundaries of the ACI-2(50) district of Area of Civic Importance Overlay District, to incorporate into that district the property located southwest of 72nd and Maple Streets; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1023 – August 11 and August 18 Meetings)

Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1023 – Motion by Festersen that the Ordinance be laid over three weeks to September 15, 2015 and continue the public hearing

Seconded by Gernandt

ROLL CALL:

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

Motion Carried 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located southwest of 72nd and Maple Streets from R2 and CC to CC with approval of an ACI-2(50) Overlay District – [see attached](#).
(See Doc. # 1023 – August 11 Meeting)

1023 – Over to 09/15/15

- (b) Communication from David C. Levy, Baird Holm Law Firm, requesting that the Ordinance to rezone property located southwest of 72nd and Maple Streets from R2 and CC to CC with approval of an ACI-2(50) Overlay District be laid over three weeks to September 15, 2015 and continue the public hearing – [see attached](#).

1023 – From Chair on File

- 26. Ord. to approve a Major Amendment to a PUD-Planned Unit Development Overlay District in a R6- Low-Density Multiple Family Residential District for the property located at 9515 West Center Road; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1040 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

Dan Dolezal, Ehrhart, Griffin and Associates, appeared and spoke.

CCID # 1040 – Motion by Pahls that the Ordinance be passed

Seconded by Jerram

ROLL CALL:

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

ORDINANCE # 40463 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of the request of Ehrhart Griffin & Associates for a Major Amendment to a PUD-Planned Unit Development Overlay District for property located at 9515 West Center Road – [see attached](#).
(See Doc. # 1040 – August 11 Meeting)

1040 – From Chair on File

- 27. Res. that the plat entitled THE COTTAGES OF OAKDALE ADDITION, located at 9515 West Center Road, is hereby approved and accepted – Inside City – over from 8/11/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1041 – August 11 Meeting)

Dan Dolezal, Ehrhart, Griffin and Associates, appeared and spoke.

Motion by Pahls that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 1041 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of THE COTTAGES OF OAKDALE ADDITION, a cluster subdivision inside the city limits, located at 9515 West Center Road – Inside City – over from 8/11/15 – [see attached](#).
(See Doc. # 1041 – August 11 Meeting)

1041 – From Chair on File

28. Res. that, the Subdivision Agreement between the City of Omaha and 96th and Center LLC, as recommended by the Mayor, providing for the Watershed Management fees and the use, ownership, and maintenance responsibilities of the outlot, is hereby approved. The Subdivision is to be known as The Cottages At Oakdale Addition (Lots 1-8 and Outlot A) and is located at 9515 West Center Road – over from 8/11/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1042 – August 11 Meeting)

Dan Dolezal, Ehrhart, Griffin and Associates, appeared and spoke.

Motion by Pahls that the Resolution be adopted

Seconded by Jerram

ROLL CALL:

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

Res. # 1042 – ADOPTED 7-0

29. Ord. to rezone property located Northeast of 132nd and “I” Streets from GI-General Industrial District to LI-Limited Industrial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1043 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

Luke Weatherly, Olsson Associates, appeared and spoke.

CCID # 1043 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40464 – PASSED 7-0

30. Ord. to rezone property located Northeast of 132nd and "I" Streets from GI-General Industrial District to GI-General Industrial District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1044 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

Luke Weatherly, Olsson Associates, appeared and spoke.

CCID # 1044 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40465 – PASSED 7-0

31. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located Northeast of 132nd and "I" Streets; and to provide for an effective date – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1045 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

Luke Weatherly, Olsson Associates, appeared and spoke.

CCID # 1045 – Motion by Melton that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40466 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northeast of 132nd and "I" Streets from GI to LI and GI with approval of an MCC Overlay District (Lot 8) – [see attached](#).

(See Doc. # 1045 – August 11 Meeting)

1045 – From Chair on File

32. Res. that the replat transmitted herewith entitled OMAHA WORKS INDUSTRIAL PARK REPLAT 11, located Northeast of 132nd and "I" Streets, is hereby approved, and concurrently a portion of the existing plats entitled Omaha Works Industrial Park and Omaha Works Industrial Park Replat 8, and described on said replat, is hereby vacated – Inside City – over from 8/11/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1046 – August 11 Meeting)

Luke Weatherly, Olsson Associates, appeared and spoke.

Motion by Melton that the Resolution be adopted
Seconded by Festersen
ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
Res. # 1046 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of OMAHA WORKS INDUSTRIAL PARK REPLAT 11, located Northeast of 132nd and "I" Streets – Inside City – over from 8/11/15 – [see attached](#).
(See Doc. # 1046 – August 11 Meeting)

1046 – From Chair on File

33. Res. that, the Subdivision Agreement among the City of Omaha, 132nd and F Street Development, LLC, a Nebraska corporation, and TRP Properties, LLC, a Nebraska corporation, as recommended by the Mayor, providing for the Watershed Management fees, Interceptor Sewer fees, Parks fees, the contribution for future public improvements, and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Omaha Works Industrial Park Replat 11 (Lots 1-8 and Outlot A) and is located northeast of 132nd and "I" Streets – over from 8/11/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1047 – August 11 Meeting)

Luke Weatherly, Olsson Associates, appeared and spoke.

Motion by Melton that the Resolution be adopted
Seconded by Festersen
ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
Res. # 1047 – ADOPTED 7-0

34. Ord. to rezone the properties located at 2618 and 2624 North 137th 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. # 1024 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1024 – Motion by Melton that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40467 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 2618 and 2624 North 137th Street from R3 to R4 – [see attached](#).
(See Doc. # 1024 – August 11 Meeting)

1024 – From Chair on File

35. Ord. to rezone the property located south of 169th Circle and Ontario Street from DR-Development Reserve District and R2- Single Family Residential District (low density) to DR-Development Reserve District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1025 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1025 – Motion by Thompson that the Ordinance be passed

Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40468 – PASSED 7-0

36. Ord. to rezone the property located south of 169th Circle and Ontario Street from DR-Development Reserve District and R2- Single Family Residential District (low density) to R2- Single Family Residential District (low density). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1026 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1026 – Motion by Thompson that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40469 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located south of 169th Circle and Ontario Street from DR and R2 to DR and R2 – [see attached](#).
(See Doc. # 1026 – August 11 Meeting)

1026 – From Chair on File

- 37. Ord. to rezone property located southwest of Park Road and North Main Street from R6-Low-Density Multiple Family Residential District and LI-Limited Industrial District to R7-Medium-Density Multiple Family Residential District (portions of which property is located within a flood fringe overlay district). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1048 – August 11 and August 18 Meetings)

Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1048 – Motion by Thompson that the Ordinance be passed
Seconded by Melton

ROLL CALL:

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

ORDINANCE # 40470 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located southwest of Park Road and North Main Street from R6-Low-Density Multiple-Family Residential District and LI-Limited Industrial District to R7-Medium-Density Multiple-Family Residential District (portions of which property is located within a flood fringe overlay district) – [see attached](#).
(See Doc. # 1048 – August 11 Meeting)

1048 – From Chair on File

- 38. Res. that the preliminary plat entitled ELKHORN VALLEY, located southwest of Park Road and North Main Street, along with the attached condition, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 8/11/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1049 – August 11 Meeting)

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1049 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of ELKHORN VALLEY, a minor plat inside the city limits, located southwest of Park Road and North Main Street – Inside City – over from 8/11/15 – [see attached](#).
(See Doc. # 1049 – August 11 Meeting)

1049 – From Chair on File

- 39. Res. that the replat transmitted herewith entitled ELKHORN VALLEY, located southwest of Park Road and North Main Street, is hereby approved, and concurrently a portion of the existing plat entitled Buss Addition, and described on said replat, is hereby vacated – Inside City – over from 8/11/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1050 – August 11 Meeting)

Motion by Thompson that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1050 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of ELKHORN VALLEY, a minor plat inside the city limits, located southwest of Park Road and North Main Street – Inside City – over from 8/11/15 – [see attached](#).
(See Doc. # 1050 – August 11 Meeting)

1050 – From Chair on File

- 40. Ord. to rezone property located southeast of 192nd Street and West Maple Road from AG-Agricultural District and R4-Single-Family Residential District (High Density) to DR-Development Reserve District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1051 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1051 –Ordinance read

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

1051 – Motion by Jerram that the Amendment of the Whole be PASSED AS AMENDED

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40471 – PASSED AS AMENDED 7-0

41. Ord. to rezone property located southeast of 192nd Street and West Maple Road from AG-Agricultural District and R4-Single-Family Residential District (High Density) to R7-Medium-Density Multiple-Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1052 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1052 – Ordinance read

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located southeast of 192nd Street and West Maple Road from AG and R4 to DR and R7 – [see attached](#).
(See Doc. # 1052 – August 11 Meeting)

1052 – From Chair on File

- (b) Amendment of the Whole requested by the Planning Department – [see attached](#).

1052 – Motion by Jerram that the Amendment of the Whole be PASSED AS AMENDED

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40472 – PASSED AS AMENDED 7-0

42. Res. that the plat entitled ANTLER VIEW (Phase I), located southeast of 192nd Street and West Maple Road, is hereby approved and accepted – Outside City – over from 8/11/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1053 – August 11 Meeting)

Motion by Jerram that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 1053 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of ANTLER VIEW (Phase I), located Southeast of 192nd Street and West Maple Road – Outside City – over from 8/11/15 – [see attached](#).
(See Doc. # 1053 – August 11 Meeting)

1053 – From Chair on File

43. Res. that, the Subdivision Agreement among the City of Omaha, 192 Maple LLC, a Nebraska corporation, Antler View Owner’s Association, and Sanitary and Improvement District (S.&I.D.) 569 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, contributions for future 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 Antler View (Lots 1-2 and Outlots A-C) and is located southeast of 192nd Street and West Maple Road – over from 8/11/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1054 – August 11 Meeting)

Motion by Jerram that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 1054 – ADOPTED 7-0

44. Ord. to rezone property located at 1150 North 252nd Street from AG-Agricultural District to DR-Development Reserve District (property is also located within a flood fringe overlay district). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 1055 – August 11 and August 18 Meetings)
Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1055 – Motion by Festersen that the Ordinance be passed

Seconded by Thompson

ROLL CALL:

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

ORDINANCE # 40473 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 1150 North 252nd Street from AG to DR (property is also located within a flood fringe overlay district) – [see attached](#).
(See Doc. # 1055 – August 11 Meeting)

1055 – From Chair on File

- 45. Res. that the preliminary plat entitled GOEDEN ACRES, located at 1150 North 252nd Street, along with the attached condition, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Outside City – over from 8/11/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1056 – August 11 Meeting)

Motion by Festersen that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 1056 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of GOEDEN ACRES, located at 1150 North 252nd Street – Outside City – over from 8/11/15 – [see attached](#).
(See Doc. # 1056 – August 11 Meeting)

1056 – From Chair on File

- 46. Res. that the plat entitled GOEDEN ACRES, located at 1150 North 252nd Street, is hereby approved and accepted – Outside City – over from 8/11/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1054 – August 11 Meeting)

Motion by Festersen that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 1057 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of GOEDEN ACRES, located at 1150 North 252nd Street – Outside City – over from 8/11/15 – [see attached](#).
(See Doc. # 1057 – August 11 Meeting)

1057 – From Chair on File

47. Res. that, the Subdivision Agreement between the City of Omaha and Joseph G. and Melissa A. Goeden, husband and wife, as recommended by the Mayor, providing for the waiver of the right to protest the creation of a future sidewalk improvement district, is hereby approved. The Subdivision is to be known as Goeden Acres (Lot 1) and is located at 1150 North 252nd Street – over from 8/11/15 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1058 – August 11 Meeting)

Motion by Festersen that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 1058 – ADOPTED 7-0

RESOLUTIONS RE: PRELIMINARY PLATS, PLATS AND SUBDIVISION AGREEMENTS

48. Res. that the preliminary plat entitled SWAIN INDUSTRIAL PARK, located Southeast of 87th Street and Sorensen Parkway, 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))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Scott Loos, 14710 West Dodge Road

Greg Armstrong, 6002 North 59th Street

Motion by Festersen that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1101 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of SWAIN INDUSTRIAL PARK, located Southeast of 87th Street and Sorensen Parkway – Outside City – [see attached](#).

1101 – From Chair on File

49. Res. that the preliminary plat entitled ERIKSEN ACRES, located at 10313 North 72nd Street, attached hereto and made a part hereof as Exhibit “A”, with a request for a waiver of Section 53-8(2)(g) for street width and Section 53-9(9) for sidewalks, 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))

Charlotte Rasmussen, 10313 North 72nd Street, appeared and spoke.

Motion by Jerram that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1102 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of ERIKSEN ACRES, a minor plat outside the city limits, with waivers of Section 53-8(2)(g) of the Omaha Municipal Code for street width and Section 53-9(9) of the Omaha Municipal Code for sidewalks, but DENIAL of the waivers of Section 53-8(4)(d) of the Omaha Municipal Code for lot frontage and Section 53-9(3) of the Omaha Municipal Code for street surfacing, located at 10313 North 72nd Street – Outside City – [see attached](#).

1102 – From Chair on File

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD SEPTEMBER 8, 2015
AGENDA ITEM NOS. 50 THROUGH 59
SHALL BE LAID OVER THREE WEEKS TO SEPTEMBER 15, 2015
FOR PUBLICATION AND PUBLIC HEARING”**

50. Res. that the preliminary plat entitled W. JOHNSTON COMMONS, a cluster subdivision, located at 1228, 1230, 1234 South 10th Street and 1229, 1233 South 11th Street, with a request for a waiver of Section 53-9(9) of the Omaha Municipal Code for Sidewalks adjacent to Lots 28-35, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1103 – Over three weeks to September 15, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of W. JOHNSTON COMMONS, a cluster subdivision, with a waiver of Section 53-9(9) of the Omaha Municipal Code for Sidewalks adjacent to Lots 28-35, located at 1228, 1230, 1234 South 10th Street and 1229, 1233 South 11th Street – Inside City – [see attached](#).

1103 – Over to 09/15/15

- 51. Res. that the replat transmitted herewith entitled N.D. PARK, located Northeast of 15th and Mike Fahey Streets, is hereby approved, and concurrently a portion of the existing plat entitled Original City of Omaha, and described on said replat, is hereby vacated – Inside City – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1120 – Over three weeks to September 15, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of N.D. PARK, a minor plat located Northeast of 15th and Mike Fahey Streets – Inside City – [see attached](#).

1120 – Over to 09/15/15

- 52. Res. that, the Subdivision Agreement among the City of Omaha, NS – Yard Parking, LLC, a Nebraska Limited Liability Company, and The 14/15 Property Owners Association, as recommended by the Mayor, providing for the public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as N.D. Park (Lots 1-3) and is located northeast of North 15th Street and Mike Fahey Street – [see attached](#).

CCID # 1121 – Over three weeks to September 15, 2015 pursuant to City Council Rule VII H.

53. Res. that the preliminary plat entitled E.V. SMITH'S ADDITION REPLAT 11, located Southwest of 18th and Clark Streets, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1104 – Over three weeks to September 15, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of E.V. SMITH'S ADDITION REPLAT 11, located Southwest of 18th and Clark Streets – Inside City – [see attached](#).

1104 – Over to 09/15/15

54. Res. that the replat transmitted herewith entitled E.V. SMITH'S ADDITION REPLAT 11, located Southwest of 18th and Clark Streets, is hereby approved, and concurrently a portion of the existing plat entitled E.V. Smith's Addition Replat 10, and described on said replat, is hereby vacated – Inside City – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1105 – Over three weeks to September 15, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of E.V. SMITH'S ADDITION REPLAT 11, located Southwest of 18th and Clark Streets – Inside City – [see attached](#).

1105 – Over to 09/15/15

55. Res. that the preliminary plat entitled BARTLETTS ADDITION to OMAHA REPLAT 5, located at 809 South 31st Street, with a request for a waiver of Section 53-8(4)(a), Section 53-8(4)(d) and Section 53-9(9) of the Omaha Municipal Code for Lot depth, Lot frontage and Sidewalks, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1106 – Over three weeks to September 15, 2015 for publication and publication hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of BARTLETTS ADDITION to OMAHA REPLAT 5, with a waiver of Section 53-8(4)(a), Section 53-8(4)(d) and Section 53-9(9) of the Omaha Municipal Code for Lot depth, Lot frontage and Sidewalks, located at 809 South 31st Street – Inside City – [see attached](#).

1106 – Over to 09/15/15

56. Res. that the preliminary plat entitled BENSON REPLAT 19, located Southwest of 60th Street and Northwest Radial Highway, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1107 – Over three weeks to September 15, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of BENSON REPLAT 19, located Southwest of 60th Street and Northwest Radial Highway – Inside City – [see attached](#).

1107 – Over to 09/15/15

57. Res. that the replat transmitted herewith entitled BENSON REPLAT 19, located Southwest of 60th Street and Northwest Radial Highway, is hereby approved, and concurrently a portion of the existing plat entitled Benson, and described on said replat, is hereby vacated – Inside City – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1108 – Over three weeks to September 15, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of BENSON REPLAT 19, located Southwest of 60th Street and Northwest Radial Highway – Inside City – [see attached](#).

1108 – Over to 09/15/15

58. Res. that the plat entitled ARBOR VIEW (Phase II), located Northwest of 204th Street and Grand Avenue, is hereby approved and accepted – Outside City – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1126 – Over three weeks to September 15, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the Final Plat (Phase II) of ARBOR VIEW, located Northwest of 204th Street and Grand Avenue – Outside City – [see attached](#).

1126 – Over to 09/15/15

59. Res. that, the Subdivision Agreement among the City of Omaha, Charleston Homes LLC, a Nebraska corporation, Arbor View Homeowners Association, Elkhorn School District, and Sanitary and Improvement District (S.&I.D.) 561 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 Arbor View (Lots 128-235) and is located northwest of 204th Street and Grand Avenue – [see attached](#).

CCID # 1127 – Over three weeks to September 15, 2015 pursuant to City Council Rule VII H.

* * * * *

SPECIAL USE PERMIT – BROADCASTING TOWER

60. Res. that the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort Street, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with; and that the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – over from 6/23/15 – [see attached](#). ((PUBLIC HEARING HELD 3/24/15 – CAN BE ADOPTED TODAY))
(See Doc. # 260 – March 10, March 24, April 21, May 19 and June 23 Meetings)

CCID # 260 – Motion by Melton that the Resolution be laid over nine weeks to October 27, 2015

Seconded by Gernandt

ROLL CALL:

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

Motion Carried 7-0

- (a) Planning Board and Planning Department recommend approval of the request of SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR District, for property located at 16140 Fort Street – over from 6/23/15 – [see attached](#).
(See Doc. # 260 – March 10, March 24, April 21, May 19 and June 23 Meetings)

260 – Over to 10/27/15

- (b) Document submitted by Lynn Heller, Director, Stone Creek Homeowners Association, in opposition of the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort Street – over from 6/23/15 – [see attached](#).
(See Doc. # 260 – March 10, March 24, April 21, May 19 and June 23 Meetings)

260 – Over to 10/27/15

- (c) Document submitted by Troy Meyerson, Attorney representing the Stone Creek Homeowners Association, in opposition of the Special Use Permit application submitted by SBA Communications/Verizon Wireless for a Special Use Permit to allow a Broadcast tower, with a waiver of Section 55-108 Height, to allow a 105' tall tower in a DR – Development Reserve District for property located at 16140 Fort Street – over from 6/23/15 – [see attached](#).
(See Doc. # 260 – March 10, March 24, April 21, May 19 and June 23 Meetings)

260 – Over to 10/27/15

- (d) Communication from Curtis M. Holland, representing SBA, requesting that the Special Use Permit to allow a Broadcast tower for property located at 16140 Fort Street be laid over nine weeks to October 27, 2015 – [see attached](#).

260 – From Chair on File

SPECIAL USE PERMIT – LARGE GROUP LIVING

61. Res. that the Special Use Permit application submitted by Bethlehem House for a Special Use Permit to allow Large group living in a R7-Medium-Density Multiple-Family Residential District, located southeast of 15th and Martha Streets, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – over from 8/11/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1009 – August 11 Meeting)

Patrick Flood, representing Bethlehem House, appeared and spoke.

Motion by Gernandt that the Resolution be adopted

Seconded by Melton

ROLL CALL:

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

Res. # 1009 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of the request of Bethlehem House for a Special Use Permit to allow Large group living in a R7 District located southeast of 15th and Martha Streets – over from 8/11/15 – [see attached](#).
(See Doc. # 1009 – August 11 Meeting)

1009 – From Chair on File

SPECIAL USE PERMIT – FUNERAL SERVICES

62. Res. that the Special Use Permit application submitted by J3F&R, LLC, for a Special Use Permit to allow Funeral services in a GI-General Industrial District, located at 3510 North 33rd 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 8/11/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 1028 – August 11 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: James Thomas, representing J3F&R, LLC
Ruth Thomas, member, J3F&R, LLC
Steve Evans, Architect, 14927 Shirley Circle
Protestant: Mark Robinson, 3331 Emmett Street

Motion by Gernandt that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 1028 – ADOPTED 7-0

- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Funeral services in a GI – General Industrial District, located at 3510 North 33rd Street – over from 8/11/15 – [see attached](#).
(See Doc. # 1028 – August 11 Meeting)

1028 – From Chair on File

- (b) Communications supporting the application by J3F&R, LLC for a Special Use Permit to allow Funeral Services in a GI-General Industrial District located at 3510 North 33rd Street – [see attached](#).
(See Doc. # 1028 – August 11 Meeting)

1028 – From Chair on File

“PURSUANT TO CITY COUNCIL RULE VII H DUE TO NO MEETING BEING HELD SEPTEMBER 8, 2015 AGENDA ITEM NOS. 63 THROUGH 64 SHALL BE LAID OVER THREE WEEKS TO SEPTEMBER 15, 2015 FOR PUBLICATION AND PUBLIC HEARING”

SPECIAL USE PERMIT – LARGE GROUP LIVING

- 63. Res. that the Special Use Permit application submitted by The Salvation Army for a Special Use Permit to allow Large group living in a GO-General Office District, located at 3612 Cuming 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 September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1109 – Over three weeks to September 15, 2015 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 Salvation Army for a Special Use Permit to allow Large group living in a GO District located at 3612 Cuming Street – [see attached](#).

1109 – Over to 09/15/15

SPECIAL USE PERMIT – RECREATIONAL CLUB

- 64. Res. that the Special Use Permit application submitted by YMCA of Greater Omaha for a Major Amendment to a Special Use Permit (assumed) to allow Recreational club in a R6- Low-Density Multiple-Family Residential District, located at 13010 Atwood 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 – [see attached](#).

Notice of public hearing on September 15, 2015 published in the Daily Record on August 28, 2015.

CCID # 1110 – Over three weeks to September 15, 2015 for publication and public hearing pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of the request of YMCA of Greater Omaha for a Major Amendment to a Special Use Permit (assumed) to allow Recreational club in a R6- Low-Density Multiple-Family Residential District, located at 13010 Atwood Avenue – [see attached](#).

1110 – Over to 09/15/15

* * * * *

LIQUOR

65. American G I Forum of the US, dba “American G I Forum Omaha Chapter”, 2002 “N” Street, requests permission to appoint Jose A. Ramos manager of their present Class “C” and Catering Liquor License location – over from 6/16/15 – [see attached](#). ((PUBLIC HEARING HELD 6/16/15 – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))
(See Doc. # 706 – June 16 Meeting)

CCID # 706 – Motion by Melton that the request NOT be approved

Seconded by Gernandt

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Motion Carried 6-0-1 Pass

- (a) Communications opposing the application of American G I Forum of the US, dba “Americian G I Forum Omaha Chapter”, 2002 “N” Street, to appoint Jose A. Ramos manager – over from 6/16/15 – [see attached](#).
(See Doc. # 706 – June 16 Meeting)

706 – From Chair on File

- (b) Communication from Angel Zuniga, National Commander, AGIF of the US, re: application of American G I Forum of the US, dba “American G I Forum Omaha Chapter”, 2002 “N” Street, to appoint Jose A. Ramos manager – over from 6/16/15 – [see attached](#).
(See Doc. # 706 – June 16 Meeting)

706 – From Chair on File

66. CLASS “C” – Go Vines, LLC, dba “Cedar”, 8726 Countryside Plaza. New application, New location. Property posted: 07-29-15; Notification sent: 08-14-15 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Sean Kelley, Attorney for the applicant, 7134 Pacific Street, appeared and spoke.

Motion by Melton that the Resolution to GRANT be adopted

Seconded by Festersen

ROLL CALL:

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

Pass: Jerram

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

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

Pass: Jerram

Councilmember Jerram passed due to potential conflict of interest

Res. # 1099 – ADOPTED 6-0-1 Pass

- (a) Communication from Sean Kelley, Attorney representing Go Vines, LLC, dba “Cedar”, 8726 Countryside Plaza for a Class “C” Liquor License. re: Clarification of measurement between licensed establishment and schools – [see attached](#).

1099 – From Chair on File

- (b) Communication supporting the application of Go Vines, LLC, dba “Cedar”, 8726 Countryside Plaza for a Class “C” Liquor License – see attached.

1099 – From Chair on File

- 67. A & L Enterprises, Inc., dba “Tobacco Hut”, 13822 “P” Street, requests permission for an addition to their present Package Liquor License location of an area approx. 47’ x 25’ to the east, known as 13826 “P” Street. Property posted: 07-29-15; Notification sent: 08-14-15 – [see attached](#). ((PUBLIC HEARING TODAY – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Layket Khan, President, Tobacco Hut, appeared and spoke.

CCID # 1100 – Motion by Jerram that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Jerram, 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. 68 through 74 were held on August 18, 2015.)

CONSENT AGENDA – ORDINANCES

68. Ord. vacating the north/south alley between 18th Street and Florence Boulevard from Nicholas Street to Paul Street; and, providing the effective date hereof – [see attached](#).

(See Doc. # 1059 – August 11 and August 18 Meetings)

Notice of public hearing on August 18, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1059 – Motion by Gernandt that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

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

ORDINANCE # 40474 – PASSED 7-0

- (a) Planning Board and Planning Department recommend approval of the vacation of the north/south alley between 18th Street and Florence Boulevard from Nicholas Street to Paul Street – Inside City – [see attached](#).

(See Doc. # 1059 – August 11 and August 18 Meetingg)

1059 – From Chair on File

69. Ord. approving an Interlocal Agreement between the City of Omaha and Papio-Missouri River Natural Resource District (PMRNRD) involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Omaha is to participate in the PMRNRD Urban Drainageway Program, in which the City will provide improvements to a portion of Hell Creek; to authorize the Finance Department to receive a cost share from PMRNRD not to exceed \$900,000.00, through the 2010 Environment Fund 13123, Environmental Bonds Organization 117217 according to the disbursement schedule contained within the Agreement; and to provide an effective date hereof – [see attached](#).

(See Doc. # 1005 – August 11 and August 18 Meetings)

Notice of public hearing on August 18, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1005 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40475 – PASSED 7-0

70. Ord. approving an Agreement between the City of Omaha, Nebraska and Daniel R. Bundy of Sarpy County, Nebraska, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for the terms and conditions under which Daniel R. Bundy will receive and land apply stabilized sewage sludge, according to applicable standards, laws, and policies of the City of Omaha and other relevant jurisdictions for an agreement period ending December 31, 2015 with up to four automatic one-year renewals; to authorize the Finance Department to pay a sum not to exceed \$0.60 per cubic yard of stabilized sludge from the Sewer Revenue Fund 21121; and to provide an effective date hereof – [see attached](#).
(See Doc. # 1006 – August 11 and August 18 Meetings)
Notice of public hearing on August 18, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1006 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40476 – PASSED 7-0

71. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and 17 Cuming, LLC, a Nebraska limited liability company, to implement the 1702 Cuming Tax Increment Financing (TIF) Redevelopment Project Plan for a project located at 1702, 1708 and 1714 Cuming Street, which proposes the rehabilitation of the brick building at 1702 Cuming Street to accommodate commercial tenants and the demolition of the adjoining buildings to the west to provide surface parking; the agreement authorizes the use of up to \$217,568.00 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. # 1027 – August 11 and August 18 Meetings)
Notice of public hearing on August 18, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1027 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40477 – PASSED 7-0

72. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and 60th & NW Radial, LLC, a Nebraska limited liability company, to implement the Benson Mixed-Use Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project located southwest of 60th Street and Northwest Radial Highway, which proposes the construction of a modern, mixed-use project involving the demolition of the existing Great Western Bank branch and its under-utilized surface parking lots and re-purposing the redevelopment site, through two separate phases, into 141 market rate apartment units, 10,800 square feet of new commercial space, and approximately 200 to 215 parking spaces in a new privately owned garage to support the redevelopment project; the agreement authorizes the use of up to \$3,175,787.00 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. # 1007 – August 11 and August 18 Meetings)

Notice of public hearing on August 18, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1007 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40478 – PASSED 7-0

73. Ord. approving a redevelopment and tax increment financing loan agreement between the City of Omaha and Elk Hills Apartments II, LLC, a Nebraska limited liability company, to implement the Elk Hills Apts Phase II Tax Increment Financing (TIF) Redevelopment Project Plan generally located at the southwest corner of Park Road and North Main Street in the Elkhorn area which proposes the demolition of the existing residential and industrial structures and the new construction of a 90 unit, multi-family structure, inclusive of approximately 136 parking stalls; the agreement authorizes the use of up to \$1,500,000.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project; and providing for an effective date – [see attached](#).

(See Doc. # 1008 – August 11 and August 18 Meetings)

Notice of public hearing on August 18, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1008 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40479 – PASSED 7-0

74. Ord. amending Ordinance No. 39864 which established the Blackstone Business Improvement District (BID No. 6877) under the authority of the Business Improvement District Act, Neb.Rev.Stat. § 19-4105, et seq. for the purpose of clarifying issues and resolving inconsistencies within such ordinance concerning the District; to ensure that the Blackstone Business Improvement District created pursuant to the City Council's Resolution of Intention is consistent with it; the ordinance defines the boundaries of such District –Farnam Street between 36th and 42nd Streets; identifies the properties benefited by the streetscape improvements will be subject to special assessments in accordance with the Blackstone Business Improvement District Plan; to provide for special assessment in an amount not to exceed \$6.00 per front foot, with an annual escalator of 5% on this rate for cleaning and maintenance, security, lighting, promotion, roadway improvements, and beautification to be imposed upon such District based upon the benefits conferred with an approximate budget for the first year of \$18,750.00; to provide for the assessment of property specially benefited within the District; 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. # 1062 – August 11 and August 18 Meetings)

Notice of public hearing on August 18, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

CCID # 1062 – Motion by Gernandt that the Ordinance be passed
Seconded by Festersen

ROLL CALL:

Yeas: Jerram, Melton, Pahls, Thompson, Festersen, Gernandt, Mr. President
ORDINANCE # 40480 – PASSED 7-0

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

* * * * *

(The public hearings on Agenda Item Nos. 75 through 82 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

75. Res. that, as recommended by the Mayor, the contract with Oldcastle Materials Midwest Company d/b/a Omni Engineering for OPW 52800, being the Major and Residential Resurfacing and Concrete Pavement Repair at Various Locations within the City of Omaha, in the amount of \$1,334,339.95 is hereby approved; and, that the Finance Department is authorized to pay this cost from the City Street Maintenance Fund 12129, and Residential Street Rehabilitation Organization 116161 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1111 – ADOPTED 7-0

76. Res. that, as recommended by the Mayor, Change Order No. 4 for Swain Construction to administer the necessary modifications to OPW 52643, being the Dodge Street – 12th to 84th Street; Military Avenue – 64th to Pratt Street Panels Project, is hereby approved; and that, the Finance Department is authorized to pay an additional \$375,720.50, for these changes from the City Street Maintenance Fund 12129, Major Street Resurfacing Organization 116159 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1112 – ADOPTED 7-0

77. Res. that, as recommended by the Mayor, the Interlocal Agreement between the City of Omaha, and the City of Bellevue, Nebraska allowing the connection to the Papillion Creek Interceptor for the purpose of draining water from the proposed splash pad and water playground to be located in the area known as Banner Park, is hereby approved – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1113 – ADOPTED 7-0

78. Res. that, as recommended by the Mayor, the Program Agreement between the City of Omaha and the Nebraska Department of Roads for Project HSIP-28(118), State Control No. 22685, being the Message Boards Purchasing, Omaha project, with the City's share of the project cost, estimated to be \$29,500.00, to be paid from the Street and Highway Allocation Fund 12131, Street Improvement Organization 116165, 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 Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1114 – ADOPTED 7-0

79. Res. that, as recommended by the Mayor, a Purchase Order to Layne Christensen Company for replacement of one well house pump and custom packer ring at the Missouri River Wastewater Treatment Plant, in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique or non-competitive items is hereby approved; the Finance Department is authorized to pay the cost of this replacement in the amount of \$54,025.00 from the Sewer Revenue Improvement Fund 21124, Capital Asset Replacement Program (CARP) Organization 116913, year 2015 expenditure – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1115 – ADOPTED 7-0

80. Res. that, as recommended by the Mayor, between 5:00 p.m. on Saturday, September 19, 2015 and 10:00 a.m. on Sunday, September 20, 2015, Hummel Park Nature Center, 3033 Hummel Park Road, Omaha, Nebraska, shall be open to accommodate the **Family Campout** event – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1116 – ADOPTED 7-0

81. Res. that, as recommended by the Mayor, the approval of an agreement with CMC Rescue, a sole source vendor provided in Chapter 5.16 of the Home Rule Charter in the amount \$21,989 for the conduct of a Confined Space Entry and Rescue training is hereby approved. Further that, the Finance Department of the City of Omaha is authorized to pay CMC Rescue in the amount of \$21,989 for the conduct of a Confined Space Entry and Rescue training, budgeted from and funded by the Nebraska Emergency Management Agency (NEMA) FY 2014 State Homeland Security Grant Program, Award #EMW-2014-SS-00054, Fund 12151, Organization 130762 – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1117 – ADOPTED 7-0

82. Res. that the appointment of Sara Rogers to fill the position of Commercial Artist/Design on the Public Art Commission for a three-year term, which will commence on August 14, 2015, and expire on August 13, 2018, is hereby confirmed – [see attached](#).

Motion by Gernandt that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

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

Res. # 1118 – ADOPTED 7-0

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

* * * * *

ORDINANCE ON FINAL READING

83. Ord. to create Road Maintenance Improvement District No. 745-24, in the City of Omaha, for the purpose of improving South 95th Circle from West Center Road north to the end of the cul-de-sac by asphalt overlay; to fix and define the boundaries of said district; to provide for the determination and assessment of damages, if any, occasioned by reason of change of grade; to authorize the Public Works Department, barring protest to the contrary in accordance with OMC 26-65, to complete the associated improvement project; and to provide for an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 1060 – August 11 and August 18 Meetings)

Notice of public hearing on August 25, 2015 published in the Daily Record on August 14, 2015. Ordinance passed on August 25, 2015 published in the Daily Record on September 2, 2015.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Protestants: Pete Bristol, 2623 South 95th Circle
Joseph Schmitt, 2617 South 95th Circle

CCID # 1060 – Motion by Pahls that the Ordinance NOT be passed

Seconded by Jerram

ROLL CALL:

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

Motion Carried 7-0

- (a) Communications opposing the Ordinance to create Road Maintenance Improvement District No. 745-24, in the City of Omaha, for the purpose of improving South 95th Circle from West Center Road north to the end of the cul-de-sac by asphalt overlay – [see attached](#).

1060 – From Chair on File

RESOLUTION

84. Res. that, the attached Sorensen Place Tax Increment Financing (TIF) Redevelopment Project Plan for a site located northeast of 60th Street and Sorensen Parkway proposes the clean-up and redevelopment of this challenging site into a mixed-use development to include affordable housing, commercial/retail, a self-storage facility and a convenience store, recommends the City's participation through the allocation of TIF in an amount up to \$1,915,000.00 to offset TIF eligible expenses for infrastructure improvements and design costs (architectural and engineering fees), and other public improvements, 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 7/28/15 for publication and public hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 955 – July 28 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Tom McLeay, 8712 West Dodge Road

Arun Agarwal, White Lotus Group, 7814 Pierce Street

For the City: Bridget Hadley, Planning Department

Motion by Festersen that the Resolution be adopted

Seconded by Thompson

ROLL CALL:

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

Res. # 955 – ADOPTED 7-0

ORDINANCES ON SECOND READING

85. Ord. to accept the proposal from LeadsOnline, involving the payment of money from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; to enter into a three-year agreement to utilize the Leads System to support Omaha Police Department investigations, as a unique and noncompetitive service, in the amount of \$52,908.00 per year; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1092 – August 18 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Protestants: David Borseck, representing Sadoff Iron and Metal Company
Jay Robinovitz, Alter Trading Corporation

For the City: Sgt. Tina Jennum, Pawn and Salvage Unit, Police Department
Paul Kratz, City Attorney

CCID # 1092 – Motion by Festersen that the third reading be laid over three weeks to September 15, 2015 and continue the public hearing

Seconded by Melton

ROLL CALL:

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

- (a) Document submitted re: the Ordinance to accept the proposal from LeadsOnline to enter into a three-year agreement to utilize the Leads System to support Omaha Police Department investigations – [see attached](#).

1092 – Over to 09/15/15

86. Ord. to accept the bid of Bockmann, Inc. in the annual amount of \$48,400.00, involving appropriations of more than one year as provided in Section 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended; for the provision of gun range cleaning at the Omaha Police Department indoor gun range for a period of three years; with two additional one year options held by the City at the same price, to authorize the Finance Department to make payments from a specified account to Bockmann, Inc. for the cost of gun range cleaning services in accordance with the specifications; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1093 – August 18 Meeting)

CCID # 1093 – Public hearing was held today – Final reading set for September 1, 2015 as per City Charter requirements.

**“PURSUANT TO CITY COUNCIL RULE VII H
DUE TO NO MEETING BEING HELD SEPTEMBER 8, 2015
THE THIRD READING AND PUBLIC HEARINGS
ON AGENDA ITEM NOS. 87 THROUGH 91
SHALL BE HELD ON SEPTEMBER 15, 2015”**

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

87. Ord. to rezone property located Northeast of 15th and Mike Fahey Streets from HI-Heavy Industrial District to CBD-Central Business District.

CCID # 1119 – Publication to be made and public hearing and third reading to be held on September 15, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northeast of 15th and Mike Fahey Streets from HI to CBD – [see attached](#).

1119 – Over to 09/15/15

88. Ord. to rezone property located Southwest of 60th Street and Northwest Radial Highway from R5(35)-Urban Family Residential District and CC-Community Commercial District to NBD-Neighborhood Business District.

CCID # 1122 – Publication to be made and public hearing and third reading to be held on September 15, 2015 pursuant to City Council Rule VII H.

89. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located Southwest of 60th Street and Northwest Radial Highway; and to provide for an effective date – [see attached](#).

CCID # 1123 – Publication to be made and public hearing and third reading to be held on September 15, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Southwest of 60th Street and Northwest Radial Highway from R5(35) and CC to NBD with approval of an MCC Overlay District – [see attached](#).

1123 – Over to 09/15/15

90. Ord. to approve a Major Amendment to a Mixed Use District Development Agreement for Whispering Ridge, to allow for the reconfiguration of the required plaza and open space areas within the development, located Southwest of 171st Street and West Maple Road between the City of Omaha and Jerry Torczon, providing site development standards; and to provide for an effective date – [see attached](#).

CCID # 1124 – Publication to be made and public hearing and third reading to be held on September 15, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommends approval of a Major Amendment to the Whispering Ridge Mixed Use District Development Agreement, located Southwest of 171st Street and West Maple Road, to allow for the reconfiguration of the required plaza and open space areas within the development. The applicant is Jerry Torczon – [see attached](#).

1124 – Over to 09/15/15

91. Ord. to rezone property located Northwest of 204th Street and Grand Avenue from AG-Agricultural District to R4-Single-Family Residential District (High Density).

CCID # 1125 – Publication to be made and public hearing and third reading to be held on September 15, 2015 pursuant to City Council Rule VII H.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located Northwest of 204th Street and Grand Avenue from AG to R4 – [see attached](#).

1125 – Over to 09/15/15

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARING
ON AGENDA ITEM NOS. 92 THROUGH 93
SHALL BE HELD ON THE SECOND READING”**

ORDINANCES ON FIRST READING

92. Ord. to add a new Section 21-8 in Article I of Chapter 21 of the Omaha Municipal Code, entitled “Hunting Prohibited,” which prohibits hunting in city parks and limits the possession of bows and arrows in city parks; and to provide the effective date thereof – [see attached](#).

CCID # 1128 – Publication to be made and public hearing to be held on September 1, 2015 as per City Charter requirements.

93. Ord. authorizing and directing an issue of general obligation bonds and an issue of general obligation refunding bonds of the City of Omaha, Nebraska in the aggregate principal amount of not to exceed \$72,350,000 to be termed for identification purposes “Various Purpose and Refunding Bonds, Series 2015A” and “General Obligation Refunding Bonds, Series 2015B,” respectively; prescribing the form of said bonds; authorizing the sale of said bonds by negotiation; designating for defeasance and redemption certain bonded indebtedness of the City of Omaha and certain sanitary and improvement districts annexed by the City of Omaha, Nebraska in the aggregate principal amount of not to exceed \$48,000,000; directing the Finance Department to give notices of such defeasance and redemption; directing the preparation of a transcript of proceedings authorizing the issuance, sale and delivery of said bonds; appointing an Escrow Agent, a Paying Agent and a Registrar; approving the selections of an underwriter and an escrow verification agent; directing that said bonds shall initially be issued and registered in book entry form; providing for continuing disclosure; delegating authority to the Finance Director to determine the final prices, interest rates, principal amounts and redemption provisions for said bonds; and providing for the effective date thereof – see attached.

CCID # 1139 – Publication to be made and public hearing to be held on September 1, 2015 as per City Charter requirements.

* * * * *

EXECUTIVE SESSION

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

Motion by Gernandt that the meeting be adjourned

Seconded by Festersen

ROLL CALL:

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

Motion Carried 7-0

ADJOURNED: 4:34 P.M.

I, BUSTER BROWN, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on August 25th, 2015.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JEAN STOTHERT ON THE 27th DAY OF AUGUST, 2015.