



**CITY OF OMAHA
CITY COUNCIL AGENDA
TUESDAY, MAY 2, 2023**

**LEGISLATIVE CHAMBERS @ 2:00 P.M.
1819 Farnam Street, Omaha, NE 68183**

Agenda and materials are available online at:
<https://cityclerk.cityofomaha.org/city-council/agendas>

Watch the meeting live here: <https://citycouncil.cityofomaha.org/view-council-meetings>

Instructions for virtual participation via Zoom can be found on the City Clerk's web page at www.cityofomaha.org.

*Pre-registration is not required for anyone attending the meeting in person.

*[Address waiver form](#)

CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Remarks by Councilmember Juanita Johnson of District No. 2

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in the Daily Record, the Official Newspaper of the City of Omaha on April 28, 2023, notice of the Pre-Council and Regular City Council Meetings, May 2, 2023.

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

PRESENTATIONS AND PROCLAMATIONS

5. Presentations and Proclamations

A person is allowed to speak during the public hearing of any agenda item or if the person is invited to speak by a City Councilmember regarding an item on the agenda. A person shall not be allowed to address the City Council at any other time during a meeting. Public hearings shall be conducted in the following manner: The presiding officer may invite the applicant/representative for an item to speak and/or make a presentation before the public hearing is opened. The presiding officer will then open the public hearing and call for proponents and then opponents. After all speakers have spoken, the presiding officer may provide the applicant/representative an opportunity for rebuttal. The presiding officer will then close the public hearing. The presiding officer shall determine the amount of time for speakers.

LIQUOR

6. RES. 2023-0473 – Class I Liquor License for CCW, LLC, dba “HuHot Mongolian Grill”, located at 990 South 72nd Street. (New application, new location). Notice of public hearing was posted on the property on 04-18-2023; Notification was sent to property owners within 500 feet on 04-21-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 7. RES. 2023-0474 – Class I Liquor License for El Torogoz Restaurant, LLC, dba “El Torogoz Restaurant”, located at 9539 “Q” Street. (New application, new location). Notice of public hearing was posted on the property on 04-18-2023; Notification was sent to property owners within 500 feet on 04-21-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 8. RES. 2023-0475 – Special Designated Liquor License Application – 2607 Inc., dba “Shevy’s”, 2607 N Main Street, requests permission for a Special Designated License for an outdoor “Shevy Fest” on June 9, 2023 from 6:00 p.m. to 12:00 a.m. with music until midnight – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
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PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS

ENCLAVE FLATS REPLAT 1

9. ORD. 43393 – An ordinance to rezone property located northeast of 189th and Fort Streets from DR – Development Reserve District and R4 – Single-Family Residential District (High-Density) to DR – Development Reserve District – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
10. ORD. 43394 – An ordinance to rezone property located northeast of 189th and Fort Streets from DR – Development Reserve District and R4 – Single-Family Residential District (High-Density) to R4 – Single-Family Residential District (High-Density) – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).
11. RES. 2023-0387 – Res. that, the Preliminary Plat entitled Enclave Flats Replat 1, a subdivision inside city limits, located northeast of 189th and Fort Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is 18818 Fort, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

12. RES. 2023-0388 – Res. that, the Final Plat transmitted herewith entitled Enclave Flats Replat 1, a minor plat inside city limits, located northeast of 189th and Fort Streets, is hereby approved, and concurrently a portion of the existing plat entitled Enclave Flats, and described on said replat, is hereby vacated. The applicant is 18818 Fort, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
13. RES. 2023-0389 – Res. that, the Subdivision Agreement among the City of Omaha, 18818 Fort, LLC, the Enclave Flats Homeowners Association, Inc., and Sanitary and Improvement District (S.&I.D.) 590 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Enclave Flats Replat 1 (Lots 1-133 and Outlots A-C) and is located northeast of 189th and Fort Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

THE HILL

14. ORD. 43395 – An ordinance to rezone property located northeast of 168th and State Streets from AG-Agricultural District to DR-Development Reserve District – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
15. ORD. 43396 – An ordinance to rezone property located northeast of 168th and State Streets from AG-Agricultural District to R6-Low-Density Multiple-Family Residential District – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
16. ORD. 43397 – An ordinance to rezone property located northeast of 168th and State Streets from AG-Agricultural District to MU-Mixed Use District – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
17. ORD. 43398 – An ordinance to approve a Mixed Use District Development Agreement for property located northeast of 168th and State Streets between the City of Omaha and Woodsonia 168/State LLC., providing site development standards – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
18. RES. 2023-0390 – Res. that, the Final Plat entitled The Hill (Lots 394-396, Outlots M-O), a subdivision outside city limits, located northeast of 168th and State Streets, is hereby approved and accepted. And, that the replat transmitted herewith entitled THE HILL (Lots 394-396, Outlots M-O), a subdivision outside city limits, located northeast of 168th and State Streets, is hereby approved, and concurrently a portion of the existing plat entitled The Hill, and described on said replat, is hereby vacated. The applicant is Woodsonia 168/State LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

19. RES. 2023-0391 – Res. that, the Subdivision Agreement among the City of Omaha, Woodsonia 168-State Phase III, LLC, The Hill Landowners Association, Inc., and Sanitary and Improvement District (S.&I.D.) 616 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as The Hill (Lots 394-396 and Outlots M-O) and is located northeast of 168th and State Streets – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS

20. ORD. 43390 – An ordinance to rezone property located at 1107 and 1113 Nicholas, and 1001 North 12th Streets from HI – Heavy Industrial District to CBD – Central Business District – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
21. ORD. 43391 – An ordinance to amend the boundaries of the NCE-Neighborhood Conservation Overlay District, to incorporate into that district the property located at 1107 and 1113 Nicholas, and 1001 North 12th Streets; to approve an amendment to the Urban Design Element of the Master Plan for the City of Omaha to incorporate the Millwork Commons NCE District Plan into the Master Plan – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
22. ORD. 43392 – An ordinance to rescind the ACI-1(PL) – Area of Civic Importance Overlay District for a portion of the property located at 1107 and 1113 Nicholas, and 1001 North 12th Streets – (First Reading April 18, 2023; Second Reading April 25, 2023; Third Reading, Public Hearing and Vote May 2, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

SPECIAL USE PERMIT

23. RES. 2023-0385 – Res. that, the Special Use Permit application submitted by McNeil Company Builders for a Special Use Permit to allow development in the ED – North Hills Environmental Resources Overlay District, located at 10409 North 72nd Street, 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 referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

CONSENT AGENDA

(Any member of the City Council may cause any item placed on the Consent Agenda to be removed. 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 provided by the City Council Rules of Order.)

(The public hearing on Agenda Items 24 through 37 was held on April 25, 2023.)

24. ORD. 43411 – An ordinance approving a Redevelopment Agreement by and between the City of Omaha and KJ Crossroads Venture, LLC for the redevelopment KJ Crossroads Venture, LLC of the property generally located at 7400 Dodge Street in the City of Omaha, Douglas County, Nebraska, and all adjacent public rights-of-way; and which authorizes the use of up to \$79,400,000.00, plus accrued interest, in excess ad valorem taxes generated by the redevelopment project – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
25. ORD. 43412 – An ordinance providing for the designation of an enhanced employment area; the levy of a general business occupation tax; providing for the administration, imposition and collection of such occupation tax; specifying the use of such occupation tax revenue; and related matters – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
26. ORD. 43413 – An ordinance approving a Development Agreement for Occupation Tax in an Enhanced Employment Area by and between the City of Omaha and KJ Venture, LLC, a Nebraska limited liability company, and its successors or assigns, for a project site located northwest of 72nd and Dodge Streets, authorizing the use of up to \$64,980,000.00, plus accrued interest in occupation tax revenues generated by the development located in an enhanced employment area, as shown in Exhibit “A”, as properly authorized and designated by the Omaha City Council – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
27. ORD. 43399 – An ordinance approving the Relinquishment Agreement between the City of Omaha and the Nebraska Department of Transportation (NDOT) transferring sole jurisdictional control of the 1.5 mile segment of Nebraska State Highway 85 (South 84th Street) from Harrison Street to U.S. Highway 275 (L Street) to the City of Omaha; to provide for payment of funds from NDOT to the City for the completion of improvements to this section totaling an amount not to exceed \$4,000,000.00; to provide for payments to a specific account – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
28. ORD. 43400 – An ordinance to amend Sections 55-14, 55-21, 55-50, 55-68, 55-123, 55-124, 55-143, 55-144, 55-163, 55-164, 55-183, 55-184, 55-203, 55-204, 55-210, 55-211, 55-223, 55-224, 55-243, 55-244, 55-263, 55-264, 55-305, 55-323, 55-345, 55-363, 55-383, 55-403, 55-423, 55-444, 55-463, 55-485, 55-503, 55-523, 55-563, 55-573, 55-734, 55-762, 55-782, and 55-823 of the Omaha Municipal Code; to allow for Urban agriculture – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
 - A. Planning Board and Planning Department recommend approval – [see attached](#).

29. ORD. 43401 – An ordinance to approve Amendment No. 2 to the Uptown District Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Uptown Properties, LLC, which was approved by Ordinance No. 40805 on June 28, 2016; the amendment proposes the elimination of Phase III and IV, thereby decreasing the number of row houses from 113 mostly three story row houses, to a new total of 69 row houses; the amendment also decreases the original TIF loan from \$5,084,978.00 to \$3,099,228.00 in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
30. ORD. 43402 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Uptown Properties, LLC, to implement the Digs Apartments Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 522 South 30th Street and 522 Park Avenue, which proposes the new construction of a four story apartment building with 43 market rate apartments; the agreement authorizes the use of up to \$1,542,459.00, which includes capitalized interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
31. ORD. 43403 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Assistant Golf Course Superintendent with an hourly pay range of \$23.91 to \$30.50; to repeal Section 23 - 177 as heretofore existing – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
- A. Personnel Board recommends approval.
32. ORD. 43405 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code by changing the salary for the employment classification known as Golf Course Superintendent from a salary range of \$55,349 to \$71,157 to a salary range of \$60,819 to \$84,011; to repeal Section 23 - 177 as heretofore existing – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
- A. Personnel Board recommends approval.
33. ORD. 43406 – An ordinance to amend Section 23-177 of the Omaha Municipal Code by changing the salary for the employment classification known as Landscape Gardener from a pay range of \$20.26 to \$26.72 to a pay range of \$21.96 to \$28.54; to repeal Section 23-177 as heretofore existing – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
- A. Personnel Board recommends approval.

34. ORD. 43407 – An ordinance to amend Section 23-177, 23-178, 23-343, 23-363, 23-403, 23-558, and 23-570 of Chapter 23 of the Omaha Municipal Code to reflect changes negotiated between the City of Omaha and the Professional Fire Service Manager Association for the years 2023 and 2024; to provide that any ordinances of the City of Omaha, and any rules and regulations promulgated thereunder, which are in conflict with this Ordinance shall not be applicable to those employees in the Professional Fire Service Manager Association – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#). **(REQUIRES VOTE OF 5 COUNCILMEMBERS)**
- A. No recommendation from the Personnel Board.
35. ORD. 43408 – An ordinance to accept the quote from Axon Enterprises, Inc., for the purchase and installation of eight (8) video cameras for Omaha Police Department Interview Rooms, with appropriations over a period of five years for a total cost of \$217,709.44; the quote includes storage, warranty, and operational software that is compatible with the current Evidence.com solution used by the Omaha Police Department for body cameras and electronic sharing of cases with area prosecutors for five years; with payment to be made from the Omaha Police Department General Fund 11111, Organization 113213 Information Technology/Mobile IT Unit, Account 42266 Information Technology Contracted in the amount of \$217,709.44 – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
36. ORD. 43409 – An ordinance to establish, pursuant to Section 40-251 of the Omaha Municipal Code, a Class “A” Flammable Liquids Storage District to be known as District No. A-164 at 8750 Vernon Street, as requested by Larry Tatum, and as described in the legal description and shown on the plat plan – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).
37. ORD. 43410 – An ordinance to establish, pursuant to Section 40-251 of the Omaha Municipal Code, a Class “B” Oil District to be known as District No. B-215, to be located at 8425 N 114th Street, as requested by Justin Goering with Westwood Solutions LLC, and as described in the legal description and shown on the plat plan – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#).

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

(The public hearings on Agenda Items 38 through 50 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

38. RES. 2023-0476 – Liquor License Manager Application – GPM Midwest 18, LLC, dba “Fas Mart #550”, 11919 Fort Street, request permission to appoint Ashley N. Smith manager to their present Class “B” License location – [see attached](#).
39. RES. 2023-0477 – Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC is granted approval to operate a Big Red satellite keno location at Drinkaway Lounge, 5434 S 99th Street – [see attached](#).

40. RES. 2023-0478 – Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC. is granted approval to operate a Big Red satellite keno location at Red Lion Lounge, 3802 Farnam Street – [see attached](#).
41. RES. 2023-0479 – Res. that, in accordance with the Lottery Operator's Agreement with the City of Omaha, EHPV Lottery Services, LLC. is granted approval to operate a Big Red satellite keno location at Big Red Neighborhood Grill & Sports Bar, 15450 Ida Street – [see attached](#).
42. RES. 2023-0480 – Res. that, the Declaration of Use, formally dedicating portions of the east side of Outlot 1, Woodhaven and located on the northwest corner of Bob Boozer Drive and West Center Road, for use as a Permanent Traffic Signal Easement better described on Exhibit 1, is hereby approved, and the Mayor is authorized to execute the document – [see attached](#).
43. RES. 2023-0481 – Res. that, the Declaration of Use, formally dedicating portions of the south side of 16410 Pacific Street, for use as a Permanent Traffic Signal Easement better described on Exhibit 1, is hereby approved, and the Mayor is authorized to execute the document – [see attached](#).
44. RES. 2023-0482 – Res. that, the Declaration of Use, formally dedicating portions of the northwest corner of 1105 Peterson Drive, for use as a Permanent Traffic Signal Easement better described on Exhibit 1, is hereby approved, and the Mayor is authorized to execute the document – [see attached](#).
45. RES. 2023-0483 – Res. that, the Declaration of Use, formally dedicating portions of the northeast corner of 1104 Bob Boozer Drive, for use as a Permanent Traffic Signal Easement better described on Exhibit 1, is hereby approved, and the Mayor is authorized to execute the document – [see attached](#).
46. RES. 2023-0484 – Res. that, as recommended by the Mayor, Amendment No. 10 to the Professional Services Agreement with CH2M Hill Engineers, Inc. for continued program management services on OPW 51781, being the CSO Control Implementation Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$400,000.00, from the Sewer Revenue Improvements Fund 21124, CSO Control Implementation Organization 116918; Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
47. RES. 2023-0485 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to EGM Inc. for the addresses listed on the bid tabulation results for the Omaha Soil Remediation Program Project Group No. 500. (The Finance Department is authorized to pay the cost of the project in the amount of \$359,900.00 from City of Omaha -U.S. EPA Cooperative Agreement Assistance ID No. V-97799901 out of Lead Hazard Fund 12136, Organization 128104.) – [see attached](#).
48. RES. 2023-0486 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to EGM Inc. for the addresses listed on the bid tabulation results for the Omaha Soil Remediation Program Project Group No. 501. (The Finance Department is authorized to pay the cost of the project in the amount of \$342,500.00 from City of Omaha -U.S. EPA Cooperative Agreement Assistance ID No. V-97799901 out of Lead Hazard Fund 12136, Organization 128104.) – [see attached](#).

49. RES. 2023-0487 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Shekar Engineering for the addresses listed on the bid tabulation results for the Omaha Soil Remediation Program Project Group No. 502. (The Finance Department is authorized to pay the cost of the project in the amount of \$337,352.00 from City of Omaha -U. SEPA Cooperative Agreement Assistance ID No. V-97799901 out of Lead Hazard Fund 12136, Organization 128104.) – [see attached](#).
50. RES. 2023-0488 – Res. that, as recommended by the Mayor, the purchase based upon the pricing from The Waldinger Corporation, in the amount of \$50,000.00 to furnish the materials and/or perform the work to repair plumbing defects following the spring water turn on located at various City of Omaha locations, for the Parks, Recreation and Public Department, is hereby approved. (The Finance Department of the City of Omaha is authorized to pay the Funds and in the amount of \$50,00.00 The Waldinger Corporation from the General Fund No. 11111, Organization No. 115031, Park Facilities Services.) – [see attached](#).

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

ORDINANCE ON FINAL READING

51. ORD. 43404 – An ordinance to amend Section 23 - 177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Grounds Maintenance Technician with a hourly pay range of \$20.26 to \$26.72; to amend Section 23-177 of the Omaha Municipal Code concerning employment classifications by adding the employment classification entitled Greenskeeper with a hourly pay range of \$21.96 to \$28.54; to repeal Section 23 - 177 as heretofore existing – (First Reading April 18, 2023; Second Reading and Public Hearing April 25, 2023; Third Reading May 2, 2023) – [see attached](#). **(VOTE TODAY)**
- A. Personnel Board recommends approval.
- B. Amendment of the Whole requested by the Law Department – [see attached](#).
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ORDINANCES ON SECOND READING

52. ORD. 43416 – An ordinance (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 \$130,795.00; and (2) to authorize funding for such agreement from the City of Omaha's FY 2022 Prosecuting Cold Cases Using DNA Program, Award #15PBJA-22-GG-03130-DNAX, awarded by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance; to provide support for the prosecution of cold case homicides and coordination with the Omaha Police Department on all facets of cold case homicide investigations, including DNA testing and forensic genetic genealogy (FGG); 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 – (First Reading April 25, 2023; Second Reading and Public Hearing May 2, 2023; Third Reading May 9, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**

53. ORD. 43417 – An ordinance (1) to approve an agreement between the City of Omaha and the Board of Regents of the University of Nebraska, University of Nebraska at Omaha in the amount of \$585,274.00; and (2) to authorize funding for such agreement from the City of Omaha's FY 2022 Community-Based Violence Intervention and Prevention Initiative Grant Award #15PBJA-22-GG-04731-CVIP, awarded by the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA); to lead implementation and outcome evaluations for the Engaging Networks within the Community of Omaha to Maintain and Promote a Safe Society (ENCOMPASS) Omaha project; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account – (First Reading April 25, 2023; Second Reading and Public Hearing May 2, 2023; Third Reading May 9, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**
54. ORD. 43376 – An ordinance to approve an Interlocal Agreement between the City of Omaha and the City of South Sioux City, Nebraska, for more than one year, for the City of Omaha, on behalf of the Eastern Nebraska Clean Energy Assessment District, to administer portions and undertake certain duties of the City of South Sioux City Clean Energy Assessment District and South Sioux City's PACE program – (First Reading April 25, 2023; Second Reading and Public Hearing May 2, 2023; Third Reading May 9, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**
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HEARING

55. Hearing to determine whether Vinny Palermo shall be permitted to serve the remainder of his term as Vice President of the City Council based on the charges of (1) Conduct unbecoming of his elected position as Vice-President and (2) the inability to attend meetings and to serve as Vice-President for the remainder of his term which ends June 5, 2023. **(VOTE TODAY)**
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NON-ACTION ITEMS

(Items 56 through 66 do not require a public hearing or City Council consideration at the present meeting, but will be placed on a future agenda for a public hearing and City Council consideration. The reason for non-action is noted after the item on the agenda as well as the date the item is expected to appear on an agenda for City Council consideration.)

(CITY COUNCIL WILL NOT MEET ON MAY 30, 2023)

METROPOLITAN UTILITIES DISTRICT FINANCIAL STATEMENT

56. CCID 2023-0472 – Report on the financial statements and additional information of the Water Department and Gas Department of the Metropolitan Utilities District as of December 31, 2022 – [see attached](#). **(THIS ITEM WAS RECEIVED BY THE CITY CLERK AND REFERRED TO THE FINANCE DEPARTMENT)**

MENARDS SUBDIVISION REPLAT 6

57. RES. 2023-0435 – Res. that, the Special Use Permit application submitted by Nick Brenner of Menard Inc. for a Special Use Permit to allow Convenience storage in the CC District, with a waiver to Section 55-756(e)(7), Height limits, to allow a 23-foot-tall building, located northwest of 205th Street and Cumberland Drive, 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 referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. 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](#). **(LAID OVER TO THE MAY 9, 2023 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING AND TO NOTIFY SURROUNDING PROPERTY OWNERS)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
58. RES. 2023-0434 – Res. that, the Final Plat transmitted herewith entitled Menards Subdivision Replat 6, a minor plat inside city limits, located northwest of 205th Street and Cumberland Drive, is hereby approved, and concurrently a portion of the existing plat entitled Menards Subdivision, and described on said replat, is hereby vacated. The applicant is Nick Brenner, Menard, Inc – Inside City Limits – [see attached](#). **(LAID OVER TO THE MAY 9, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 57)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
59. RES. 2023-0436 – Res. that, the Subdivision Agreement between the City of Omaha and Menard, Inc., as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Menards Subdivision Replat 6 (Lots 1-5 and Outlot A) and is located northwest of 205th Street and Cumberland Drive – [see attached](#). **(LAID OVER TO THE MAY 9, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 57)**

SE 180 MAPLE CROSSING

60. ORD. 43418 – An ordinance to rezone property located southeast of 180th Street and West Maple Road from AG – Agricultural District to MU – Mixed Use District – (First Reading April 25, 2023; **Second Reading May 2, 2023**; Third Reading, Public Hearing and Vote May 9, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
61. ORD. 43419 – An ordinance to approve a Mixed Use District Development Agreement for property located southeast of 180th Street and West Maple Road between the City of Omaha and Stephen J. Cross, Costco Wholesale Corp, providing site development standards – (First Reading April 25, 2023; **Second Reading May 2, 2023**; Third Reading, Public Hearing and Vote May 9, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

62. RES. 2023-0444 – Res. that, the Final Plat entitled SE 180 Maple Crossing, a subdivision outside the city limits, located southeast of 180th Street and West Maple Road, is hereby approved and accepted. The applicant is Stephen J. Cross, Costco Wholesale Corp – Outside City Limits – [see attached](#). **(LAID OVER TO THE MAY 9, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEMS 60-61)**

A. Planning Board and Planning Department recommend approval – [see attached](#).

63. RES. 2023-0445 – Res. that, the Subdivision Agreement between the City of Omaha and Costco Wholesale Corporation, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as SE 180 Maple Crossing (Lots 1-7 and Outlots A-B) and is located southeast of 180th Street and West Maple Road – [see attached](#). **(LAID OVER TO THE MAY 9, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEMS 60-61)**

PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS

64. ORD. 43414 – An ordinance to rezone property southwest of 72nd and Cass Streets from GC – General Commercial District and MU – Mixed Use District to MU – Mixed Use District (property is located within an ACI-2 Overlay District) – (First Reading April 25, 2023; **Second Reading May 2, 2023**; Third Reading, Public Hearing and Vote May 9, 2023) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

65. ORD. 43415 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for The Crossroads, located southwest of 72nd and Cass Streets, to incorporate Lot 1 of The Crossroads Replat 1 into the boundaries of the Mixed Use Development Agreement, between the City of Omaha and KJ Crossroads Venture LLC, providing site development standards – (First Reading April 25, 2023; **Second Reading May 2, 2023**; Third Reading, Public Hearing and Vote May 9, 2023) – [see attached](#).

A. Planning Board and Planning Department recommend approval – [see attached](#).

ORDINANCE ON FIRST READING

66. ORD. 43420 – An ordinance to approve an Interlocal Agreement between the City of Omaha and the City of Bellevue, Nebraska for the receipt and disposition of yard waste, to commence April 1, 2023 and run through December 1, 2023 and is extendable for one (1) additional year upon written consent by both the City of Omaha and the City of Bellevue, involving the reimbursement of money involving appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended – (**First Reading May 2, 2023**; Second Reading and Public Hearing May 9, 2023; Third Reading May 16, 2023) – [see attached](#).

EXECUTIVE SESSION

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

ADJOURNMENT

This Agenda, which shall be kept continually current, shall be available for public inspection in the Office of the City Clerk, Omaha/Douglas Civic Center, 1819 Farnam Street, Suite LC-1, Omaha, NE, during normal business hours.

All requests for accommodations, including interpreters and signers, will require at least 2 business days advance notice. Please contact the City Clerk's Office at cityclerk@cityofomaha.org to request a copy of the required form if arrangements need to be made.



**CITY OF OMAHA
CITY COUNCIL PRE-COUNCIL MEETING AGENDA
TUESDAY, MAY 2, 2023**

JESSE LOWE CONFERENCE ROOM @ 10:30 A.M.
Omaha/Douglas Civic Center
1819 Farnam Street, Omaha, NE 68183
www.cityofomaha.org

CERTIFICATION OF PUBLICATION – NOTIFICATION OF OPEN MEETING ACT

1. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on April 28, 2023, notice of the Pre-Council and Regular City Council Meetings, May 2, 2023.
2. A current copy of the Open Meeting Act is located on the table next to the City Clerk.

DISCUSSION TOPICS

3. Discussion of Agenda Items and matters pertaining thereto.

EXECUTIVE SESSION

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

ADJOURNMENT

This Agenda, which shall be kept continually current, shall be available for public inspection in the Office of the City Clerk, Omaha/Douglas Civic Center, 1819 Farnam Street, Suite LC-1, Omaha, NE, during normal business hours.

All requests for sign language interpreters (signers) will require a minimum of 48 hours advance notice. Alternative formats require a minimum of 72 hours advance notice. Please contact Kimberly Hoelsing at (402) 444-5552 if arrangements need to be made.