



**CITY OF OMAHA  
CITY COUNCIL AGENDA  
TUESDAY, JUNE 27, 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](http://www.cityofomaha.org).

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

\*[Address waiver form](#)

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**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 June 23, 2023, notice of the Pre-Council and Regular City Council Meetings, June 27, 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. 2023-0654 – Class C Liquor License for 42nd Street Inn, Inc., dba “Grover Inn”, located at 3505 South 42nd Street. (New application, old location). Present licensee is FTW, Inc, who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
7. RES. 2023-0655 – Class C Liquor License for The Happy Bar, LLC, dba “Happy Bar”, located at 601 North 16th Street. (New application, old location). Present licensee is Pascarella, Charlotte J., who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
8. RES. 2023-0656 – Class C Liquor License for Oso Mix Grill & Chill, LLC, dba “Oso Mix Grill & Chill”, located at 2229 Leavenworth Street. (New application, old location). UPGRADE, current owner has a Class I Liquor License. Notice of public hearing was posted on the property on 06-09-2023; Notification was sent to property owners within 500 feet on 06-16-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
9. RES. 2023-0657 – Class C Liquor License for Royal Eagle, LLC, dba “Firewater Grille”, located at 7007 Grover Street. (New application, old location). Present licensee is Baba Budha Ji Hospitality, L.L.C., who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
10. RES. 2023-0658 – Class I Liquor License for Da Kim Quoc, LLC, dba “I Spa Lash Nail Lounge”, located at 14158 West Center Road. (New application, old location). Present licensee is Mary, LLC, who has a Class “I” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
11. RES. 2023-0659 – Class I Liquor License for Pink, LLC, dba “Nail Perfection & Spa”, located at 3309 Oak View Drive, Suite 103. (New application, new location). Notice of public hearing was posted on the property on 06-09-2023; Notification was sent to property owners within 500 feet on 06-16-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
12. RES. 2023-0660 – Class D Liquor License for Himalayan Enterprises, LLC, dba “Brothers Liquor and Convenience”, located at 2517 South 132nd Street. (New application, new location). Notice of public hearing was posted on the property on 06-09-2023; Notification was sent to property owners within 500 feet on 06-16-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
13. RES. 2023-0661 – Class D Liquor License for TFL, Inc., dba “Mega Saver”, located at 5301 North 90th Street. (New application, new location). Notice of public hearing was posted on the property on 06-09-2023; Notification was sent to property owners within 500 feet on 06-16-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
14. RES. 2023-0662 – Special Designated Liquor License – Jax Inc., dba “Perry’s Place”, 9652 Mockingbird Drive, requests permission for a Special Designated License for an outdoor “concert” on July 15, 2023 from 6:00 p.m. to 12:00 a.m. with music until midnight – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

15. RES. 2023-0663 – Long Form Application for a Class C Liquor License held by Throwback Empire, LLC, dba “Throwback Arcade Lounge”, located at 1402 Howard Street. (New application, old location). Notice of public hearing was posted on the property on 06-09-2023; Notification was sent to property owners within 500 feet on 06-16-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Communication in opposition – [see attached](#).
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## **PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS**

### **LAKESIDE FARMS**

16. RES. 2023-0646 – Res. that, the Preliminary Plat entitled Lakeside Farms, a cluster subdivision outside city limits, with a waiver to Sections 53-8(2)(g), Pavement Width; 53-8(2)(b), Cul-de-sac Length; 53-9(3), Street Surfacing; and 53-8(4)(d), Lot frontage, located northwest of 72nd Street and Bennington Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Lakeside Farms, LLC – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

### **TRAILRIDGE RANCHES**

17. RES. 2023-0647 – Res. that, the Preliminary Plat entitled Trailridge Ranches (Outlot A), a minor plat outside city limits, with a waiver to Section 53-8(4)(d), Lot Frontage, located northwest of 214th and Grover Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Bill Black – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

### **DEER CREST NORTH**

18. RES. 2023-0648 – Res. that, the Preliminary Plat entitled Deer Crest North, a subdivision outside city limits, located southeast of 114th and State Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Celebrity Homes Omaha – Outside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

### **CHILD SAVING ADDITION**

19. RES. 2023-0571 – Res. that, the Preliminary Plat entitled Child Saving Addition, a minor plat inside city limits, located southeast of 46th and Dodge Streets, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Roger Keaton – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

### **PROGRESSIVE PROTEIN**

20. RES. 2023-0572 – Res. that, the Preliminary Plat entitled Progressive Protein, a minor plat inside city limits, located northwest and southwest of 26th and O Streets along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Greater Omaha Packing Co – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

### **ELKHORN LANDING**

21. RES. 2023-0573 – Res. that, the Preliminary Plat entitled Elkhorn Landing, a minor plat inside city limits, with a waiver to Section 53-8(4)(d), Lot frontage, located south of 206th Street and Elkhorn Drive, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Elkhorn Landing, LLC – Inside City Limits – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

### **PLANNING ORDINANCES ON FINAL READING WITH PLANNING BOARD ATTACHMENTS**

22. ORD. 43440 – An ordinance to rezone property located southeast of 31st and Marcy Streets from R6 – Low-Density Multiple-Family Residential District and R7 – Medium-Density Multiple-Family Residential District to R7 – Medium-Density Multiple-Family Residential District – (First Reading June 6, 2023; Second Reading June 13, 2023; Third Reading, Public Hearing and Vote June 27, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

23. ORD. 43441 – An ordinance to approve a Major Amendment to a PUR-Planned Unit Redevelopment Overlay District located southeast of 31st and Marcy Streets, to approve the Development Plan – (First Reading June 6, 2023; Second Reading June 13, 2023; Third Reading, Public Hearing and Vote June 27, 2023) – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

## **TAX INCREMENT FINANCING (TIF) PROJECT PLAN RESOLUTIONS**

24. RES. 2023-0602 – Res. that, the Digs Apartments Mason Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located southeast of Marcy and South 31st Street, which proposes the four existing, vacant single family homes on the project site will be demolished and two new apartment buildings of four and five stories will be constructed, and authorizes the City's participation through the allocation of TIF in an amount up to \$4,114,758.00, which includes capitalized interest, to offset TIF eligible expenses including, but not limited to acquisition, demolition, site work, and architectural and engineering costs, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
25. RES. 2023-0603 – Res. that, the 7101 Mercy Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 7101 Mercy Road, which proposes an older office building will be demolished and a new four story apartment building will be constructed. A new five story parking structure will also be built on the site, with a bridge connecting it to the apartment building on the third floor, and authorizes the City's participation through the allocation of TIF in an amount up to \$6,549,341.00, which includes capitalized interest, to offset TIF eligible expenses including, but not limited to acquisition, demolition, materials used for increased exterior aesthetic design appeal, architectural and engineering costs, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
26. RES. 2023-0604 – Res. that, the 2816 Ames Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located at 2816 Ames Avenue, which proposes the comprehensive rehabilitation of an existing one story building for use as a medical clinic, and authorizes the City's participation through the allocation of TIF in an amount up to \$321,729.00, which includes capitalized interest, to offset TIF eligible expenses including, but not limited to building rehabilitation construction costs, and public improvements as required, containing a provision for the division of ad valorem taxes as authorized by Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as analyzed and determined to be in conformance with the Community Development Law and as recommended by the City Planning Department, be and hereby is approved – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**

## **SPECIAL USE PERMITS**

27. RES. 2023-0620 – Res. that, the Special Use Permit application submitted by Adela Yanez for a Special Use Permit to allow Day care services (general) in the R4(35)-Single-Family Residential District, located at 6017 South 20th 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 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](#).
28. RES. 2023-0621 – Res. that, the Special Use Permit application submitted by Amanda Wheeler for a Special Use Permit to allow Day care services (general) in the R4 District, located at 14822 Ruggles 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 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](#).
29. RES. 2023-0622 – Res. that, the Special Use Permit application submitted by Nebraska Youth Justice Initiative for a Major Amendment to a Special Use Permit to allow Large group living in the R1 District, located at 5020 Grand 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 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)**
30. RES. 2023-0623 – Res. that, the Special Use Permit application submitted by Nebraska Youth Justice Initiative for a Major Amendment to a Special Use Permit to allow Emergency residential care in the R1 District, located at 5020 Grand 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 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)**



31. RES. 2023-0624 – Res. that, the Special Use Permit application submitted by Nebraska Youth Justice Initiative for a Major Amendment to a Special Use Permit to allow a Recreational Club in the R1 District, located at 5020 Grand 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. 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](#).
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### **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 32 through 37 was held on June 13, 2023.)

32. ORD. 43442 – An ordinance to approve a Major Amendment to the Falling Waters Commercial Mixed Use Development Agreement, located at 6441 and 6425 South 193rd Street, to allow Auto Repair Services use on Lot 1, Replat 4, between the City of Omaha and Royce Falling Waters, LLC, providing site development standards – (First Reading June 6, 2023; Second Reading and Public Hearing June 13, 2023; Third Reading June 27, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
33. ORD. 43443 – An ordinance to approve a five year five month, sole-source Agreement between the City of Omaha and Accela Inc. This Agreement covers the software as a service subscription (SaaS), providing the Omaha Planning Department, Omaha Fire Department, and Omaha Public Works Department with ongoing use of a permit processing and inspection management system with remote and public access to approve and authorize the payment of money from appropriations of more than one year in accordance with Sections 5.17 of the Home Rule Charter of the City of Omaha, 1956, as amended – (First Reading June 6, 2023; Second Reading and Public Hearing June 13, 2023; Third Reading June 27, 2023) – [see attached](#).

34. ORD. 43444 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and 3612 Leavenworth LLC, to implement the Leavenworth Lofts Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 3612 Leavenworth Street, which proposes the new construction of a four story apartment building with a total of 24 market rate units on top of one level of structured parking; the agreement authorizes the use of up to \$1,013,496.00, which includes capitalized interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (First Reading June 6, 2023; Second Reading and Public Hearing June 13, 2023; Third Reading June 27, 2023) – [see attached](#).
35. ORD. 43445 – An ordinance to accept the bid of Quality Containers LLC, in the amount of \$100,000.00 to provide rubbish container service for City of Omaha Parks, located at various Parks throughout the City. The Agreement will commence upon City Council approval and run through December 31, 2023. This Agreement may be extended on the same terms and conditions for an additional three (3) one-year term extensions, if the City exercises the option to do so. Extensions of the contract shall be at the option of the City, exercised by the Parks, Recreation and Public Property Director or their representative – (First Reading June 6, 2023; Second Reading and Public Hearing June 13, 2023; Third Reading June 27, 2023) – [see attached](#).
36. ORD. 43446 – An ordinance to accept the quote from Hectorino Cleaning, LLC, to provide janitorial services for an Omaha Police Department sensitive site location, involving appropriations of more than one year as provided in 5.17 of the Home Rule Charter, to be paid monthly with an effective date hereof through December 31, 2023 and for a three-year period thereafter for a total cost not to exceed \$112,075.00; with payment to be made from the Omaha Police Department General Fund 11111, Organization 114231 CIB Admin, Account 42273 Cleaning Contract – (First Reading June 6, 2023; Second Reading and Public Hearing June 13, 2023; Third Reading June 27, 2023) – [see attached](#).
37. ORD. 43447 – An ordinance to approve the Interlocal Cooperation Agreement between Douglas County, Nebraska, and the City of Omaha, to facilitate cooperation with respect to the prosecution of criminal cases within the City of Omaha and Douglas County for a period in excess of one year – (First Reading June 6, 2023; Second Reading and Public Hearing June 13, 2023; Third Reading June 27, 2023) – [see attached](#).

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

(The public hearings on Agenda Items 38 through 53 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. 2023-0664 – Liquor License Manager Application – Elks BPO Omaha Lodge 39, dba “BPO Omaha Lodge 39”, 6410 South 96th Street, request permission to appoint David D. Ferguson manager to their present Class “C” Liquor License location – [see attached](#).
39. RES. 2023-0665 – Liquor License Manager Application – Sickies ND, Inc., dba “Sickies Garage Burgers & Brews”, 701 North 102nd Street, request permission to appoint Joshua R. Irish manager to their present Class “I” Liquor License location – [see attached](#).



40. RES. 2023-0666 – Liquor License Manager Application – Godfather’s Pizza, Inc., dba “Godfather’s Pizza 28034”, 2117 South 67th Street, Bldg 4, request permission to appoint Kelli J. Shields manager to their present Class “A” License location – [see attached](#).
41. RES. 2023-0667 – 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 Candlelight Bar, 5031 Grover Street – [see attached](#).
42. RES. 2023-0668 – 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 Geno’s Bar & Grill, 3821 N 167th Street – [see attached](#).
43. RES. 2023-0669 – 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 Old Mill Lounge, 10944 West Dodge Road – [see attached](#).
44. RES. 2023-0670 – Res. that, as recommended by the Mayor, Change Order No. 1 with All Purpose Construction for additional work on OPW 54126, being the Papillion Creek WRRF Biosolids and Energy Improvements 2022 - Biogas Conditioning Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$242,629.00 for this change order, to be paid from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913, year 2023 expenditure, Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
45. RES. 2023-0671 – Res. that, as recommended by the Mayor, Change Order No. 1 with MC Wells Contracting LLC for additional work on OPW 54175, being the Fall Arrest System Phase II Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$58,532.00 for this change order, to be paid from the Sewer Revenue Improvements (Bond) Fund 21124, Neighborhood Sewer Renovation (Bond) Organization 116911, year 2023 expenditure. Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
46. RES. 2023-0672 – Res. that, as recommended by the Mayor, Change Order No. 2 with JMN Construction, LLC for additional work on OPW 53704, being the West Center Road at 92nd Street Bridge Redecking Project, is hereby approved. (The Finance Department is authorized to pay an additional sum of \$108,988.00, for this change order, from the 2018 Transportation Bond Fund 13185, Transportation Bonds Organization 117117, year 2023 expenditure.) – [see attached](#).
47. RES. 2023-0673 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Felsburg Holt & Ullevig, Inc. to provide professional design phase engineering services on the Omaha Mini Roundabouts Concepts Project. (The Finance Department is authorized to pay a fee not to exceed \$59,000.00, to be paid from the Street Allocation Fund 12131, Engineering Organization 116132, year 2023 expenditure.) – [see attached](#).

48. RES. 2023-0674 – Res. that, the City Council of the City of Omaha, upon completion of certain stipulations, recommends to Douglas County the vacation of a parcel of land lying in the Southwest ¼ of Section 01, Township 14 North, Range 10 East of the 6th P.M., in Douglas County, Nebraska, being more particularly described as follows: The north 25.00 feet of said Southwest Quarter less the west 50.00 feet thereof along with the east 25.00 feet of said Southwest Quarter less the south 224.52 feet thereof; said parcel contains 124,709 square feet (2.862 acres) more or less, as delineated in Exhibit “A” – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
49. RES. 2023-0676 – Res. that, the Agreement, as recommended by the Mayor, between the City of Omaha and History Nebraska for grant funds to further the preservation objectives of the City in the amount of \$51,200.00 to be matched by the City in an equal or greater amount of \$63,558.00, for the period from June 1, 2023 until May 31, 2024 is hereby approved – [see attached](#).
50. RES. 2023-0680 – Res. that, the Grant Agreement, as recommended by the Mayor, to provide funding in the amount of \$24,427.00 for the Lead-based Paint Hazard Control work to the property owned by Dada and Dada located at 2858 Mary Street, is hereby approved. The contract is to be awarded to Rife Construction Inc. (Funds shall be paid as follows: \$24,427.00 from LEAD 2022 NELHD 0489-22, Fund No. 12136, Org. No. 128104.) – [see attached](#).
51. RES. 2023-0677 – Res. that, as recommended by the Mayor, the purchase based upon the pricing from Gregg Young Chevrolet, in the total amount of \$188,596.00 to provide one (1) 2022 Chevrolet Silverado 2500 (\$52,399) and three (3) 2021 Express Cargo Van (\$45,399.00/each), for the Parks, Recreation and Public Department, providing a unique and non-competitive service as provided in Chapter 5.16 of the Home Rule Charter 1956 as amended, is hereby approved. (The Finance Department of the City of Omaha is authorized to pay the Funds in the amount of \$188,596.00 to Gregg Young Chevrolet from the City Capital Improvement Fund No. 13112 and Organization No. 115029, Parks Capital.) – [see attached](#).
52. RES. 2023-0678 – Res. that, as recommended by the Mayor, Change Order No. 1 to the contract and Purchase Number #1282115, in the total amount of \$33,430.00 for R.W. Engineering & Surveying to provide Professional Services at N.P. Dodge, which was damaged due to the March 2019 flood event, is hereby approved. The Change Order will add cost because of the construction management cost at N.P. Dodge Marina. (The Finance Department is authorized to pay the total amount of \$33,430.00 from the 2018 Parks and Recreation Fund 13357, Organization No. 117317, Parks and Cultures Bonds, Project I.D. No. 2000P505.) – [see attached](#).
53. RES. 2023-0679 – Res. that, Danny Begley, Juanita Johnson, and Pete Festersen be, and hereby are, appointed as members of the committee to assess damages, if any, to owners and parties affected by the vacation of any street or alley within the City where such recommendation for vacation has been made by the City Planning Board, no petition having been filed therefor; and that all previous Council appointments to such committee are hereby terminated – [see attached](#).

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

## **ORDINANCES ON SECOND READING**

54. ORD. 43452 – An ordinance approving Amendment No. 1 to revise language as detailed in the attached Amendment to Agreement, initially approved by the City Council by Ordinance No. 42272, between the City of Omaha, Nebraska, the Omaha Public Power District (OPPD), the Heartwood Preserve Master Property Owners Association, and Sanitary and Improvement District (S.&I.D.) 583, 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 the Heartwood Preserve Master Property Owners Association will hire and pay a contractor to install and maintain non-City standard street lights throughout the Heartwood Development – (First Reading June 13, 2023; Second Reading and Public Hearing June 27, 2023; Third Reading July 11, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**
55. ORD. 43453 – An ordinance approving an Agreement between the City of Omaha, Nebraska, the Omaha Public Power District (OPPD), the Heartwood Preserve Master Property Owners Association, and Sanitary and Improvement District (S.&I.D.) 584, 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 the Heartwood Preserve Master Property Owners Association will hire and pay a contractor to install and maintain non-City standard street lights throughout the Heartwood Development; to authorize the Finance Department to pay annual sums following future annexation of the Heartwood Preserve Development, not to exceed the agreed to baseline amount for City Standard street lights from the Street and Highway Allocation Fund 12131, Street Lighting Organization 116211 – (First Reading June 13, 2023; Second Reading and Public Hearing June 27, 2023; Third Reading July 11, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**
56. ORD. 43454 – An ordinance to approve a Major Amendment to a Mixed Use District Development Agreement for Antler View, located at 18902 Evans Street, to waive the bufferyard requirement from 20 to 14 feet along the east property line on Lot 2, Replat 1, to develop a multi-tenant retail building – (First Reading June 13, 2023; Second Reading and Public Hearing June 27, 2023; Third Reading July 11, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
57. ORD. 43455 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year from the FY 2021 Fire Prevention & Safety Grant (FPS) Grant Award #EMW-2021-FP-00621 from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), in the amount of \$85,714.28 with a required match of \$4,285.72 by the Omaha Fire Department from Fund 12168, Organization 114516, for a total program amount of \$90,000.00, during the award period extending from May 3, 2023 to May 2, 2025; the grant and match is to provide funding for tamper resistant smoke and carbon monoxide detectors; to authorize payment from such grant funding and required match involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter – (First Reading June 13, 2023; Second Reading and Public Hearing June 27, 2023; Third Reading July 11, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**

58. ORD. 43456 – An ordinance to amend Sections 10-242 and 10-245 of the Omaha Municipal Code to increase the amount permitted to be spent for recognition and retirement dinners from \$25.00 to \$50.00; to increase the amount permitted to be spent on plaques, certificate of achievement or similar items from \$75.00 to \$150.00; to provide that reimbursement of subsistence expenses for meals and incidentals shall be the federal per diem rate rather than on the basis of actual expenditures – (First Reading June 13, 2023; Second Reading and Public Hearing June 27, 2023; Third Reading July 11, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**
59. ORD. 43457 – An ordinance to approve a Non-Exclusive Public ROW License Agreement between the City of Omaha and Gigapower, LLC, for a period of ten years with additional ten-year options; authorizing the Mayor to sign and the City Clerk to attest the Non-Exclusive Public ROW License Agreement – (First Reading June 13, 2023; Second Reading and Public Hearing June 27, 2023; Third Reading July 11, 2023) – [see attached](#). **(PUBLIC HEARING TODAY)**
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## **NON-ACTION ITEMS**

(Items 60 through 79 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 JULY 4, 2023)

## **AVENUE ONE REPLAT 4**

60. RES. 2023-0649 – Res. that, the Preliminary Plat entitled Avenue One Replat 4, a minor plat inside city limits, located southwest of 192nd Street and West Dodge Road, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Rainwood Development Partners – Inside City Limits – [see attached](#). **(LAID OVER TO THE JULY 11, 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](#).

## **MAGNOLIA TRAILS**

61. ORD. 43458 – An ordinance to rezone property located southeast of 216th and Fort Streets from AG-Agricultural District to DR-Development Reserve District – **(First Reading June 27, 2023; Second Reading July 11, 2023; Third Reading, Public Hearing and Vote July 18, 2023)** – [see attached](#).
62. ORD. 43459 – An ordinance to rezone property located southeast of 216th and Fort Streets from AG-Agricultural District to R4-Single Family Residential District (High Density) – **(First Reading June 27, 2023; Second Reading July 11, 2023; Third Reading, Public Hearing and Vote July 18, 2023)** – [see attached](#).

63. ORD. 43460 – An ordinance to rezone property located southeast of 216th and Fort Streets from AG-Agricultural District to R5-Urban Family Residential District – (**First Reading June 27, 2023**; Second Reading July 11, 2023; Third Reading, Public Hearing and Vote July 18, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
64. RES. 2023-0650 – Res. that, the Revised Preliminary Plat entitled Magnolia Trails, a subdivision outside the city limits, located southeast of 216th 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 Falcone Land Dev, LLC – Outside City Limits – [see attached](#). (**LAI D O V E R T O T H E J U L Y 1 8 , 2 0 2 3 C I T Y C O U N C I L M E E T I N G T O C O I N C I D E W I T H I T E M S 6 1 - 6 3**)
- A. Planning Board and Planning Department recommend approval – [see attached](#).
65. RES. 2023-0651 – Res. that, the Final Plat entitled Magnolia Trails, a subdivision outside the city limits, located southeast of 216th and Fort Streets, is hereby approved and accepted. And that the replat transmitted herewith entitled MAGNOLIA TRAILS, a subdivision outside the city limits, located southeast of 216th and Fort Streets, is hereby approved, and concurrently a portion of the existing plat entitled Brunings First Replat 1, and described on said replat, is hereby vacated. The applicant is Falcone Land Dev, LLC – Outside City Limits – [see attached](#). (**LAI D O V E R T O T H E J U L Y 1 8 , 2 0 2 3 C I T Y C O U N C I L M E E T I N G T O C O I N C I D E W I T H I T E M S 6 1 - 6 3**)
- A. Planning Board and Planning Department recommend approval – [see attached](#).

#### **PLANNING ORDINANCES ON SECOND READING WITH PLANNING BOARD ATTACHMENTS**

66. ORD. 43448 – An ordinance to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located at 15050 West Maple Road – (First Reading June 13, 2023; **Second Reading June 27, 2023**; Third Reading, Public Hearing and Vote July 11, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
67. ORD. 43449 – An ordinance to rezone property located at 7101 Mercy Road from GO-General Office District to R8-High-Density Multiple-Family Residential District – (First Reading June 13, 2023; **Second Reading June 27, 2023**; Third Reading, Public Hearing and Vote July 11, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
68. ORD. 43450 – An ordinance to amend the boundaries of the ACI-2 – Area of Civic Importance Overlay District, to incorporate into that district the property located at 7101 Mercy Road – (First Reading June 13, 2023; **Second Reading June 27, 2023**; Third Reading, Public Hearing and Vote July 11, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).

69. ORD. 43451 – An ordinance to rescind the MCC-Major Commercial Corridor Overlay District for the property located at 7101 Mercy Road – (First Reading June 13, 2023; **Second Reading June 27, 2023**; Third Reading, Public Hearing and Vote July 11, 2023) – [see attached](#).

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

#### **PLANNING ORDINANCES ON FIRST READING WITH PLANNING BOARD ATTACHMENTS**

70. ORD. 43461 – An ordinance to rezone property located northeast of 258th Plaza and West Center Road from AG – Agricultural District to DR – Development Reserve District – (**First Reading June 27, 2023**; Second Reading July 11, 2023; Third Reading, Public Hearing and Vote July 18, 2023) – [see attached](#).

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

71. RES. 2023-0652 – Res. that, the Special Use Permit application submitted by Lanoha Nurseries, Inc. for a Special Use Permit to allow Agricultural sales and service in the DR District, located northeast of 258th Plaza and West Center Road, 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 JULY 18, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 70**)

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

#### **COMMUNITY REDEVELOPMENT AREA (CRA) AND EXTREMELY BLIGHTED AREA (EBA)**

72. RES. 2023-0675 – Res. that, the North Omaha 60th & Sorensen Pkwy CRA and EBA located within Census Block Group 2 of Census Tract 65.06, consisting of approximately 3.74 acres, and generally located south and west of North 60th Street and the Sorensen Parkway, as shown in "Map B" located within "Exhibit I", is hereby declared to meet the standards of a substandard and blighted area in need of redevelopment and to meet the standards of an Extremely Blighted Area in compliance with the requirements of Nebraska Community Development Law and is hereby designated as a both a Community Redevelopment Area and an Extremely Blighted Area – [see attached](#). (**LAID OVER TO THE JULY 18, 2023 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING**)



## **SPECIAL USE PERMIT**

73. RES. 2023-0653 – Res. that, the Special Use Permit application submitted by 5712 Property, LLC for a Special Use Permit to allow Personal Improvement Services in the GI District, located at 5712 South 85th Circle, 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 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 JULY 11, 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](#).

## **ORDINANCES ON FIRST READING**

74. SPECIAL ORD. 10343 – An ordinance levying a special tax and assessment on all lots and pieces of real estate within Street Improvement District (SID) 2019-07, in the City of Omaha, to cover the cost of constructing and improving Ames Avenue, bounded by N 85th Street on the south to N 87th Avenue on the north; together with N 87th Avenue, bounded by Ames Avenue on the east to approximately 114 feet north of Boyd Street on the south, in Portland cement concrete – **(First Reading June 27, 2023; Second Reading and Public Hearing July 11, 2023; Third Reading July 18, 2023)** – [see attached](#).
75. SPECIAL ORD. 10344 – An ordinance levying a special tax and assessment on certain lots, part of lots and pieces of real estate in the City of Omaha to cover the cost of clearing snow and ice from sidewalks in the District No. SWSR 2023-01 – **(First Reading June 27, 2023; Second Reading and Public Hearing July 11, 2023; Third Reading July 18, 2023)** – [see attached](#).
76. ORD. 43462 – An ordinance approving a Professional Services Agreement between the City of Omaha and JEO Consulting Group, Inc. for the maintenance of the U.S. Army Corps of Engineers (USACE) permit on the 62nd and Q Street Mitigation Site Extension, effective for a term of 5 years; to provide for payments from appropriations of more than one year in accordance with Section 5.17 of the Home Rule Charter of 1956, as amended; to provide for payments according to actual usage, at an estimated total 5-year cost of \$35,000.00, from a specific account – **(First Reading June 27, 2023; Second Reading and Public Hearing July 11, 2023; Third Reading July 18, 2023)** – [see attached](#).
77. ORD. 43463 – An ordinance to approve a Streetscape Maintenance Agreement between the City of Omaha and 38th & Leavenworth, LLC, concerning the allowable streetscape and landscape improvements in the right-of-way and the private maintenance and liability obligations thereof for the site at 3814 Leavenworth Street; to authorize the execution of said Agreement – **(First Reading June 27, 2023; Second Reading and Public Hearing July 11, 2023; Third Reading July 18, 2023)** – [see attached](#).

78. ORD. 43464 – An ordinance approving a redevelopment and Tax Increment Financing (TIF) Redevelopment Agreement between the City of Omaha and Hamilton Village Senior Suites, LLC to implement the Hamilton Village Senior Suites Tax Increment Financing (TIF) Redevelopment Project Plan for a redevelopment project site located at 4102 Hamilton Street, which proposes the new construction of a four and five story mixed income senior apartment building with 59 apartment units; the agreement authorizes the use of up to \$558,092.00, which includes capitalized interest, in excess ad valorem taxes (TIF) generated by the development to help fund the cost of the project – (**First Reading June 27, 2023**; Second Reading and Public Hearing July 11, 2023; Third Reading July 18, 2023) – [see attached](#).
79. ORD. 46465 – An ordinance to approve the acceptance of and authorize disbursement over more than one fiscal year for a grant award agreement for Award #197-2024-VP8001 from the Nebraska Commission on Law Enforcement and Criminal Justice (Nebraska Crime Commission) in the amount of \$20,000.00, during the project period extending from July 1, 2023 to June 30, 2024 to fund the Omaha Police Department (OPD) Gang Unit Firearms DNA Testing Program to provide funding for the OPD Firearms Squad to submit evidence from gun-related crimes for human DNA testing; to authorize payment from such grant funding and involving appropriations of more than one fiscal year in conformity with Section 5.17 of the Home Rule Charter – (**First Reading June 27, 2023**; Second Reading and Public Hearing July 11, 2023; Third Reading July 18, 2023) – [see attached](#).

### **EXECUTIVE SESSION**

80. 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](mailto: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, JUNE 27, 2023**

**CONFERENCE ROOM 702 @ 10:30 A.M.  
Omaha/Douglas Civic Center  
1819 Farnam Street, Omaha, NE 68183  
[www.cityofomaha.org](http://www.cityofomaha.org)**

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**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 June 23, 2023, notice of the Pre-Council and Regular City Council Meetings, June 27, 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**

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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.