



**CITY OF OMAHA  
CITY COUNCIL AGENDA  
TUESDAY, JULY 11, 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 Danny Begley of District No. 3

**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 July 7, 2023, notice of the Pre-Council and Regular City Council Meetings, July 11, 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. 2023-0687 – Class C Liquor License for Lumen Beer Company, LLC, dba “Lumen Beer Company”, located at 1433 South 13th Street. (New application, Old location – Presently holds a Class “L”). Notice of public hearing was posted on the property on 06-22-2023; Notification was sent to property owners within 500 feet on 06-30-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  7. RES. 2023-0688 – Class C Liquor License for Palomares, Jose, dba “Maple 88 Mexican Kitchen”, located at 2822 North 88th Street. (New application, New location). Notice of public hearing was posted on the property on 06-22-2023; Notification was sent to property owners within 500 feet on 06-30-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  8. RES. 2023-0689 – Class C Liquor License for VBC Hospitality, LLC, dba “Tracks”, located at 1506 South 60th Street. (New application, Old location). Present licensee is Tracks, LLC., who has a Class “C” Liquor License – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
  9. RES. 2023-0690 – Class I Liquor License for Salon Ventures, LLC, dba “Contour Nail Bar”, located at 6700 Mercy Road, Suite 105. New application, New location). Notice of public hearing was posted on the property on 06-22-2023; Notification was sent to property owners within 500 feet on 06-30-2023 – [see attached](#). **(PUBLIC HEARING AND VOTE TODAY)**
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## **PLANNING ITEMS WITH PLANNING BOARD ATTACHMENTS**

### **DIGS APARTMENTS MASON – 31ST AND MARCY STREETS**

10. 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](#). **(POSTPONED FROM THE JUNE 27, 2023 CITY COUNCIL MEETING, VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).
11. 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](#). **(POSTPONED FROM THE JUNE 27, 2023 CITY COUNCIL MEETING, VOTE TODAY)**
  - A. Planning Board and Planning Department recommend approval – [see attached](#).

12. 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](#). **(POSTPONED FROM THE JUNE 27, 2023 CITY COUNCIL MEETING, VOTE TODAY)**
- A. Communications in opposition – [see attached](#).

#### **AVENUE ONE REPLAT 4**

13. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

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

14. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
15. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
16. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

17. 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](#). **(PUBLIC HEARING AND VOTE TODAY)**

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

### **SPECIAL USE PERMIT**

18. 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](#). **(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 19 through 22 was held on June 27, 2023.)

19. 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](#).

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

20. 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](#).
21. 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](#).
22. 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](#).

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

(The public hearings on Agenda Items 23 through 46 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**

23. RES. 2023-0691 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to North Central Ambulance Sales and Service for repair service for a 2021 E-One Pumper Engine Fire Truck, to be utilized by the Fleet Management Division in an amount not to exceed \$86,592.78, is hereby approved. (The entire cost will be reimbursed by the Omaha Fire Department. The Finance Department is authorized to pay the cost of this repair service from the General Fund 11111, Preventive Maintenance Organization 116171, year 2023 funding.) – [see attached](#).
24. RES. 2023-0692 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Logan Contractors Supply for the purchase of two (2) Walk Behind Concrete Saws to be utilized by the Sewer Maintenance Division in the amount of \$65,900.00. (The Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Maintenance Organization 116511, year 2023 expenditure.) – [see attached](#).

25. RES. 2023-0693 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to 3M for the purchase of Sign Sheeting, to be utilized by the Traffic Division, estimated to be \$100,000.00, according to actual use. (The Finance Department is authorized to pay the cost of this purchase from the Street Allocation Fund 12131, Traffic Control Signs Organization 116188, 2023 expenditure.) – [see attached](#).
26. RES. 2023-0694 – Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Superior Industrial Equipment, LLC for the purchase of Byron Jackson Pump Rebuild, to be utilized by the Papillion Creek Water Resource Recovery Facility, in the amount of \$40,820.00. (The Finance Department is authorized to pay the cost of this purchase from the Sewer Revenue Fund 21121, Papio Creek Recovery Facility Maintenance Organization 116614, year 2023 funding.) – [see attached](#).
27. RES. 2023-0709 – Res. that, as recommended by the Mayor, the contract with Hawkins Construction Company, for OPW 53698, being the Copper Creek Interceptor Sewer Repair Project, is hereby approved. (The Finance Department is authorized to pay the cost of \$5,647,615.11, from the Sewer Revenue Improvements Fund 21124, Neighborhood Sewer Renovation Organization 116911, Sewer Revenue Bonds will be issued to finance this project and Community Development Block Grant Disaster Recovery (CDBG-DR) funds are being requested for reimbursement to the City for this portion of the project funds.) – [see attached](#).
28. RES. 2023-0695 – Res. that, the City of Omaha is authorized to make payment to Safety Guard, Inc. for guardrail and fence repair in the amount needed in order to properly construct projects during 2023, notwithstanding the limitation in Ordinance No. 42782. (The Finance Department is authorized to pay the cost of guardrail and fence repair according to actual usage from the Street Allocation Fund 12131, Pavement Maintenance Organization 116158 and that the City of Omaha Purchasing Agent is authorized to issue purchase orders for guardrail and fence repair service consistent with this Resolution.) – [see attached](#).
29. RES. 2023-0696 – Res. that, as recommended by the Mayor, the Professional Services Agreement with CDM Smith, Inc. to provide professional design phase engineering services on OPW 54495, being the Leavenworth Lift Station - Levee operational equipment and flood storage Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$99,675.00, to be paid from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913; Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
30. RES. 2023-0697 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Olsson, Inc. to provide professional construction phase engineering services on OPW 54523, being the 2023 Residential Street Resurfacing Package 2, Various Location Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$364,400.00, to be paid from the 2020 Street Preservation Bond Fund 13191, Residential Street Rehab Organization 116161.) – [see attached](#).



31. RES. 2023-0698 – Res. that, as recommended by the Mayor, the Professional Services Agreement with HDR Engineering, Inc. to provide professional construction phase engineering services on OPW 53269, being the West Papio Interceptor Siphon Replacement - 36th Street and Raynor Parkway Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$618,811.00, to be paid from the Sewer Revenue Improvements Fund 21124, Neighborhood Sewer Renovation Organization 116911; Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
32. RES. 2023-0699 – Res. that, as recommended by the Mayor, the Professional Services Agreement with Jacobs Engineering Group Inc. to provide code compliance analysis and reporting services on the Sanitary Lift Station Electrical Code Compliance Project, is hereby approved. (The Finance Department is authorized to pay a fee not to exceed \$99,940.00, to be paid from the Sewer Revenue Fund 21121, Interceptor Maintenance Organization 116717, year 2023 expenditure.) – [see attached](#).
33. RES. 2023-0700 – Res. that, as recommended by the Mayor, Amendment No. 2 to the Professional Services Agreement with Jacobs Engineering Group Inc. for additional design phase services on OPW 53839, being the Missouri River Water Resource Recovery Facility Flood Protective Measures Part A: Flood Hardening Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$1,410,724.00, from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913; Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
34. RES. 2023-0701 – Res. that, as recommended by the Mayor, Amendment No. 2 to the Professional Services Agreement with Jacobs Engineering Group Inc. for additional design phase services on OPW 54258, being the Mo River Inplant Lift Station Upgrade Project, is hereby approved. (The Finance Department is authorized to pay the additional fee not to exceed \$608,728.00, from the Sewer Revenue Improvements Fund 21124, Capital Asset Replacement Program Organization 116913; Sewer Revenue Bonds will be issued to finance this project.) – [see attached](#).
35. RES. 2023-0702 – Res. that, as recommended by the Mayor, the Task Order Agreement between the City of Omaha and JEO Consulting Group, Inc. for on-call construction engineering services on Project MAPA-28(140), State Control No. 22849, and OPW 54185, Omaha Major Street Resurfacing Project, with a cost to the City of \$639,363.04, is hereby approved. (To be paid from the Street Allocation Fund 12131, Major Street Resurfacing Organization 116159. The City Council hereby authorizes the Mayor and City Clerk to sign the Agreement on behalf of the City of Omaha.) – [see attached](#).

36. RES. 2023-0703 – Res. that, the City Council of the City of Omaha, upon completion of certain stipulations, recommends to Douglas County the vacation of that part of the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 15 AND the Northeast Quarter of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter of Section 22, all in Township 16 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, known as Rainwood Road right of way, bounded on the east by the west right of way line of 84th Street and bounded on the west by the east line of that tract of land known as Lake Cunningham, described as follows: Commencing at the northeast corner of the said Northeast Quarter of Section 22; Thence South 02°31'25" East (bearings based on the Nebraska State Plane coordinate system) for 33.00 feet along the east line of said Northeast Quarter of Section 22 to the South right of way line of Rainwood Road; Thence South 87°39'45" West for 50.23 feet along said south right of way line to the west right of way line of 84th Street and the TRUE POINT OF BEGINNING; Thence South 87°39'45" West for 2237.31 feet parallel with and 33.00 feet south of the north line of the Northeast Quarter of the Northeast Quarter and the Northwest Quarter of the Northeast Quarter of Section 22 and along said south right of way line to the east line of Lake Cunningham; Thence North 10°31'01" West for 66.68 feet along said east line of Lake Cunningham to the north right of way line of Rainwood Road; Thence North 87°39'45" East for 2247.02 feet parallel with and 33.00 feet north of the south line of the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 15 and along said north right of way line of Rainwood Road to the west right of way line of 84th Street; Thence South 02°08'55" East for 66.00 feet to the Point of Beginning, containing 147,983 square feet, as delineated in Exhibit "A", which by this reference becomes a part hereof – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
37. RES. 2023-0704 – Res. that, pursuant to Section 39-1359 R.R.S. Neb., the City of Omaha officially designates the temporary use of County Road 17 (State Street/Lake Cunningham Road) from Wenninghoff Road to 72nd Street, 72nd Street from County Road 17 (State Street/Lake Cunningham Road) to State Highway 36 and State Highway 36 from 72nd Street to 108th Street, for the entire route of the Mimran Event Management's special event, the Omaha Triathlon on July 16, 2023 – [see attached](#).
38. RES. 2023-0707 – Res. that, as recommended by the Mayor, the purchase based upon the bid of HCC Tactical (HydroCore Concepts LLC) for certain communications equipment for the Omaha Police Department, and which bid tab is incorporated herein by this reference, is hereby accepted and the same is hereby approved. (The Finance Department of the City of Omaha is authorized to pay the cost of this communications equipment purchase in the amount of \$66,129.02 from the FY 2022 State Homeland Security Program, award accepted by City Council on January 31, 2023 (Ordinance #43284), Grant Award #EMW-2022-SS-0073-S01, Fund 12151, Organization 130762, Project 7117, Award 101057, Task #03.01.) – [see attached](#).



39. RES. 2023-0708 – Res. that, as recommended by the Mayor, the bid in the total amount of \$3,648,229.00 from MacQueen Equipment, L.L.C., to purchase five (5) emergency vehicles, including three (3) fire emergency vehicles manufactured by Pierce Manufacturing, Inc., and two (2) Medic Units manufactured by Demers Ambulance USA, Inc., through the NASPO ValuePoint Fire Apparatus Master Agreement to be utilized by the Omaha Fire Department, is hereby accepted. (The Purchasing Agent is authorized to issue a purchase order in conformance herewith and execute any necessary agreements, and the Finance Department is authorized to pay for the five (5) emergency vehicles in the amount of \$3,648,229.00 from the CIP Fund 13302 (2022 Public Safety Bond), Organization 114512 (Fire Capital), which is associated with Capital Improvement Program No. 2018S-101, Account 47033 (\$10,000 or > Vehicles Fire Large), General Fund 11111, Organization 114512 (Fire Capital), and Contingent Liability Fund 11114.) – [see attached](#).
40. RES. 2023-0710 – Res. that, the appointment by Mayor Jean Stothert of Joseph Pogge as a regular member of the Zoning Board of Appeals, said term commencing July 12, 2023 and expiring September 26, 2026, be and hereby is confirmed and approved – [see attached](#).
41. RES. 2023-0711 – Res. that, the reappointment by the Mayor of Andrew Konzett as the architect member of the Landmarks Heritage Preservation Commission, said term commencing July 12, 2023 and expiring July 11, 2026, be and hereby is confirmed and approved – [see attached](#).
42. RES. 2023-0712 – Res. that, the appointment by Mayor Stothert of Bentley Swan as a “Lay Person” of the Landmarks Heritage Preservation Commission, to serve a term commencing July 12, 2023 and expiring July 11, 2026, be and hereby is confirmed and approved – [see attached](#).
43. RES. 2023-0713 – Res. that, the appointment by Mayor Stothert of Mark Donovan as a “Business Owner in a Historic District” of the Landmarks Heritage Preservation Commission, to serve a term commencing July 12, 2023 and expiring July 11, 2026, be and hereby is confirmed and approved – [see attached](#).
44. RES. 2023-0714 – Res. that, the reappointment by Mayor Jean Stothert of Scott Hahn as a member of the Human Rights and Relations Board, to serve a three-year term commencing on July 12, 2023 and expiring July 11, 2026, is hereby confirmed and approved – [see attached](#).
45. RES. 2023-0715 – Res. that, the reappointment by Mayor Jean Stothert of Andrew Wesely as a member of the Human Rights and Relations Board, to serve a three-year term commencing on July 12, 2023 and expiring July 11, 2026, is hereby confirmed and approved – [see attached](#).
46. RES. 2023-0716 – Res. that, the reappointment by Mayor Jean Stothert of Mynesha Spencer as a member of the Human Rights and Relations Board, to serve a three-year term commencing on July 12, 2023 and expiring July 11, 2026, is hereby confirmed and approved – [see attached](#).

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

## **ORDINANCES ON FINAL READING**

47. 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](#). **(VOTE TODAY)**
48. 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](#). **(VOTE TODAY)**
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## **ORDINANCES ON SECOND READING**

49. 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](#). **(PUBLIC HEARING TODAY)**
50. 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](#). **(PUBLIC HEARING TODAY)**

51. 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](#). **(PUBLIC HEARING TODAY)**
  52. 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](#). **(PUBLIC HEARING TODAY)**
  53. 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](#). **(PUBLIC HEARING TODAY)**
  54. 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](#). **(PUBLIC HEARING TODAY)**
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## **NON-ACTION ITEMS**

(Items 55 through 78 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 AUGUST 8, 2023)

## **MAGNOLIA TRAILS**

55. 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](#).
56. 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](#).
57. 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](#).
58. 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](#). **(LAID OVER TO THE JULY 18, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEMS 55-57)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).
59. 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](#). **(LAID OVER TO THE JULY 18, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEMS 55-57)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

## **CIVIC CORNER**

60. RES. 2023-0683 – Res. that, the Preliminary Plat entitled Civic Corner, a subdivision inside city limits (property is located within an ACI-1 Area of Civic Importance Overlay District), located at 1804 Capitol Avenue, along with the conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized. The applicant is Dan Dolezal – Inside City Limits – [see attached](#). **(LAID OVER TO THE JULY 25, 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](#).

## **CHILD SAVING ADDITION**

61. ORD. 43468 – An ordinance to rezone property located southeast of 46th and Dodge Streets from GO-General Office District and GI-General Industrial District to GO-General Office District (property is located within an ACI-Area of Civic Importance Overlay District) – **(First Reading July 11, 2023; Second Reading July 18, 2023; Third Reading, Public Hearing and Vote July 25, 2023)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
62. RES. 2023-0684 – Res. that, the Final Plat transmitted herewith entitled Child Saving Addition, a minor plat inside city limits, located southeast of 46th and Dodge Streets, is hereby approved, and concurrently a portion of the existing plat entitled Briggs Place, and described on said replat, is hereby vacated. The applicant is Roger Keaton – Inside City Limits – [see attached](#). **(LAID OVER TO THE JULY 25, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEM 61)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

## **HEARTWOOD RESIDENCES**

63. ORD. 43469 – An ordinance to rezone property located northwest of Pacific Street and Applied Parkway from R4 – Single-Family Residential District (High-Density) to R5 – Urban Family Residential District – **(First Reading July 11, 2023; Second Reading July 18, 2023; Third Reading, Public Hearing and Vote July 25, 2023)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
64. ORD. 43470 – An ordinance to amend the boundaries of the NCE-Neighborhood Conservation Overlay District, to incorporate into that district the property located northwest of Pacific Street and Applied Parkway; to approve an amendment to the Urban Design Element of the Master Plan for the City of Omaha to incorporate the Heartwood Preserve NCE District Plan into the Master Plan – **(First Reading July 11, 2023; Second Reading July 18, 2023; Third Reading, Public Hearing and Vote July 25, 2023)** – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
65. RES. 2023-0685 – Res. that, the Final Plat entitled Heartwood Residences, a subdivision inside city limits, located northwest of Pacific Street and Applied Parkway, is hereby approved and accepted; and that the replat transmitted herewith entitled Heartwood Residences, a subdivision inside city limits, located northwest of Pacific Street and Applied Parkway, is hereby approved, and concurrently a portion of the existing plats entitled West Farm Replat 7, and described on said replat, are hereby vacated. The applicant is Jeffrey Silver, CIC Land 3 LLC – Inside City Limits – [see attached](#). **(LAID OVER TO THE JULY 25, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEMS 63-64)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

66. RES. 2023-0686 – Res. that, the Subdivision Agreement among the City of Omaha, New West Farm Holdings LLC, The Heartwood Residences Owners Association, and Sanitary and Improvement District (S.&I.D.) 584 of Douglas County, Nebraska, as recommended by the Mayor, is hereby approved. The Subdivision is to be known as Heartwood Residences (Lots 1-222 and Outlots A-S) and is located northwest of Pacific Street and Applied Parkway – [see attached](#). **(LAID OVER TO THE JULY 25, 2023 CITY COUNCIL MEETING TO COINCIDE WITH ITEMS 63-64)**

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

67. 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](#).
68. 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 67)**
- A. Planning Board and Planning Department recommend approval – [see attached](#).

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

69. ORD. 43466 – An ordinance to rezone property located northwest of 13th and Pine Streets from GI-General Industrial District to NBD-Neighborhood Business District – (**First Reading July 11, 2023**; Second Reading July 18, 2023; Third Reading, Public Hearing and Vote July 25, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).
70. ORD. 43467 – An ordinance to approve a PUR-Planned Unit Redevelopment Overlay District in an NBD-Neighborhood Business District located northwest of 13th and Pine Streets, to approve the Development Plan – (**First Reading July 11, 2023**; Second Reading July 18, 2023; Third Reading, Public Hearing and Vote July 25, 2023) – [see attached](#).
- A. Planning Board and Planning Department recommend approval – [see attached](#).



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

71. 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)**

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

72. RES. 2023-0705 – Res. that, the Highlander V Davis Ridge Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located northwest of 31st Street and Patrick Avenue which proposes the new construction of a three-story, mixed income 41 unit multifamily apartment structure, and authorizes the City’s participation through the allocation of TIF in an amount up to \$501,775.00, which includes capitalized interest, to offset TIF eligible expenses including, but not limited to site preparation, engineering and architectural fees, environmental and market studies, 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](#). **(LAID OVER TO THE AUGUST 1, 2023 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**
73. RES. 2023-0706 – Res. that, the Bluestem Prairie 2nd Addition Phase I and II Tax Increment Financing (TIF) Redevelopment Project Plan, for the redevelopment project site located north of Forest Lawn Avenue and Newport Avenue which proposes the two phased construction redevelopment of 112 new single family homes, and authorizes the City’s participation through the total allocation of TIF in an amount up to \$7,008,455.00 which includes capitalized interest issued through two separate TIF redevelopment promissory notes for each phase, to offset TIF eligible expenses including, but not limited to acquisition, demolition, site preparation, architectural and engineering fees, 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](#). **(LAID OVER TO THE AUGUST 1, 2023 CITY COUNCIL MEETING TO ADVERTISE FOR PUBLIC HEARING)**

## **ORDINANCES ON FIRST READING**

74. ORD. 43471 – An ordinance authorizing the issuance of a purchase order to DPC Industries, Inc. in the amount of \$80,000.00, for the purchase of Sodium Hydroxide Bulk Shipments to be utilized at the Missouri River Water Resource Recovery Facility, to be effective for a period of 12 months and is extendable for two (2) one-year periods at the City's own option; 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 from a specific account – **(First Reading July 11, 2023; Second Reading and Public Hearing July 18, 2023; Third Reading July 25, 2023)** – [see attached](#).
75. ORD. 43472 – An ordinance authorizing the issuance of a purchase order to Todco Barricade for barricading services to be provided at various locations throughout the city; 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 from specific accounts – **(First Reading July 11, 2023; Second Reading and Public Hearing July 18, 2023; Third Reading July 25, 2023)** – [see attached](#).
76. ORD. 43473 – An ordinance authorizing the City of Omaha to enter into an Agreement for Trash Collection Services with the Housing Authority of the City of Omaha (OHA) to reimburse OHA for trash collection services for a three-year period with two additional one year options; the cost for the first year is \$146,806.40 with the annual cost increasing 4% per year for the term of the Agreement; to provide for payment from a specific account – **(First Reading July 11, 2023; Second Reading and Public Hearing July 18, 2023; Third Reading July 25, 2023)** – [see attached](#).
77. ORD. 43474 – An ordinance to approve a Real Estate Purchase and Sale Agreement between the City of Omaha and Enterprise Industrial Park, LLC, for the transfer and sale of property commonly known as 1410 Locust Street; the agreement authorizes the City of Omaha to purchase of the property for the sum total consideration of \$12,000,000.00 – **(First Reading July 11, 2023; Second Reading and Public Hearing July 18, 2023; Third Reading July 25, 2023)** – [see attached](#).
78. ORD. 43475 – An ordinance approving a Second Amendment to a Real Estate Purchase and Sale Agreement between the City of Omaha and Civic Corner, LLC for a redevelopment site located northeast of 19th and Capitol Streets, for approximately \$1,359,420.00, pursuant to the Nebraska Community Development Law – **(First Reading July 11, 2023; Second Reading July 18, 2023; Third Reading, Public Hearing and Vote July 25, 2023)** – [see attached](#).

## **EXECUTIVE SESSION**

79. 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, JULY 11, 2023**

**JESSE LOWE CONFERENCE ROOM @ 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 July 7, 2023, notice of the Pre-Council and Regular City Council Meetings, July 11, 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.