

28th REGULAR OMAHA CITY COUNCIL MEETING

SEPTEMBER 15, 2009

THE CITY COUNCIL met in Regular Session on Tuesday, September 15, 2009 at 2:00 o'clock P.M. in the Legislative Chambers, Omaha/Douglas Civic Center, Omaha, Nebraska and was called to Order by Council President Garry Gernandt.

ROLL CALL

1. City Clerk calls the roll.

CCID # 1035 – Present: Thompson, Festersen, Gray, Jerram,
Stothert, Mr. President

Absent Entire Meeting: Sigerson

2. Pledge of Allegiance.

3. Invocation by Councilmember Jean Stothert of District No. 5.

CERTIFICATION OF PUBLICATION - NOTIFICATION OF OPEN MEETING ACT

4. City Clerk certifies publication in Daily Record, the Official Newspaper of the City of Omaha on September 11, 2009, notice re: Pre-Council and Regular City Council Meetings, September 15, 2009.

CCID # 1036 – From Chair on File

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

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

MAYOR'S VETO MESSAGE RE: BUDGET RESOLUTIONS

5. Mayor's Veto Message – [see attached](#). ((MOTION NEEDED TO OVERRIDE THE MAYOR'S VETO))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

For the City: Pam Spaccarotella, Finance Director
Steve Oltmans, Mayor's Chief of Staff
Buster Brown, City Clerk
Paul Kratz, City Attorney

- (a) Res. that the Recommended 2010 Budget be revised by decreasing the General Fund Revenue Estimates by deleting Entertainment Tax \$10,550,000 and increasing Sales & Use Tax (LB 775) \$1,000,000; Property Tax \$900,000, Building Inspection Fees \$300,000, Satellite TV Inspection Fees \$2,042,415 and decreasing appropriations as follows: General Fund in various departments \$7,223,248; increasing Human Rights and Relations Department Employee Compensation \$78,587; Planning Department Employee Compensation, 2 Inspectors, \$113,000; Parks, Recreation and Public Property Department, Recreation Morton Swimming Pools \$40,000; Library Department Employee Compensation Defray Cost Reduction \$384,076; Other Budgetary Accounts – Community Service Programs Women Against Violence \$50,000, Domestic Violence Coordinating Council \$12,500; Joslyn Art Museum \$75,000, Western Heritage Society \$100,000, SCAN Program \$12,500, Lauritzen Gardens \$50,000; and decreasing appropriations as follows: Omaha/Keno Lottery Fund – Other Budgetary Accounts, Community Service Program Target Omaha \$25,000; 2006 Public Safety Bond – Fire Department Capital (Aerial Apparatus) \$665,000; SID Administrative Fee Revenue Fund – Planning and Public Works \$2,059 and \$4,100 respectively; Street & Highway Allocation Fund – Public Works \$380,147; City Street Maintenance Fund – Public Works \$160,321; Sewer Revenue Fund – Public Works \$342,940; Storm Water Fee Revenue Fund – Public Works \$469; Air Quality Fund – Public Works \$14,599; Compost Fund – Public Works \$10,289; Household Hazardous Waste Fund – Public Works \$8,404; City Wide Sports Revenue Fund – Parks Department \$792; Tennis Operations Fund – Parks Department \$6,033; Marinas Fund – Parks Department \$4,631; Golf Fund – Parks Department \$62,020; Parking Facilities Fund – Parks Department \$1,159; Printing & Graphics Fund – Purchasing \$1,111; and Convention & Tourism Fund – Convention & Tourism Department \$38,796 – [see attached](#).

CCID # 984 - Motion by Festersen to override the Mayor's veto
Seconded by Stothert
ROLL CALL:
Yeas: Festersen, Jerram, Stothert
Nays: Thompson, Gray, Mr. President
Absent: Sigerson
Motion LOST 3-3

6. Mayor's Veto Message – [see attached](#). ((MOTION NEEDED TO OVERRIDE THE MAYOR'S VETO))

- (a) Res. that the Budget of the City of Omaha for the year 2010 as submitted to the City Council by the Mayor and the Finance Director of the City of Omaha together with revisions evidenced by resolutions attached hereto and adopted by the City Council at the Council Meeting of September 1, 2009, be and the same is hereby adopted as the Budget of the City of Omaha for the year 2010 – [see attached](#).

CCID # 1006 - Motion by Festersen to override the Mayor's veto
Seconded by Stothert
ROLL CALL:
Yeas: Festersen, Jerram, Stothert
Nays: Thompson, Gray, Mr. President
Absent: Sigerson
Motion LOST 3-3

BUDGET RESOLUTION FOR YEAR 2010

((PUBLIC HEARING ON THE BUDGET WAS HELD AUGUST 11, 2009))

7. Res. that the Budget of the City of Omaha for the year 2010 as submitted to the City Council by the Mayor and the Finance Director of the City of Omaha together with revisions evidenced by resolutions attached hereto and adopted by the City Council at the Council Meeting of September 1, 2009 and September 15, 2009, be and the same is hereby adopted as the Budget of the City of Omaha for the year 2010 – [see attached](#). ((MOTION NEEDED TO ADOPT OR TO PLACE ON FILE))

Motion by Gray that the Resolution be adopted
Seconded by Gernandt
ROLL CALL:
Yeas: Thompson, Gray, Jerram, Mr. President
Nays: Festersen, Stothert
Absent: Sigerson
Res # 1081 – ADOPTED 4-2

RESOLUTIONS RE: TAX LEVY

8. Res. that, pursuant to the provisions of Sections 13-1821 and 77.3443. Revised Statutes of Nebraska, 1943, as amended by Revised Statutes, Supplement 1986, the Transit Authority of the City of Omaha Board certified to the City Council of the City of Omaha one-half of their total tax rate for the year 2010 to assist in the defraying of all character of expenses of the Authority; and, the City Council of the City of Omaha hereby certifies to the County Clerk of Douglas County, Nebraska, one-half of the number of cents or fraction thereof which the Transit Authority of the City of Omaha Board desires to be levied on each One Hundred Dollars (\$100) of actual valuation upon all taxable property within the corporate limits of the City of Omaha for the year 2010 for the purpose as follows: 4.674 cents (four and six hundred seventy four thousandths cents) to assist in the defraying of all character of expenses of the Authority – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Warren Weaver, City Council Chief of Staff, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1082 – ADOPTED 6-0

9. Res. that pursuant to Nebraska Revised Statute 77-1601.02, the current property tax request for 2010 be a different amount than the property tax request for 2009. The 2010 property tax request be set at \$125,650,524, based on the certified valuation dated August 20, 2009 and using the assumed collection factor of 97.5%. Further, that pursuant to the provisions of Section 5.07 and Section 11.02 of the Home Rule Charter of the City of Omaha, 1956, the City Council hereby certifies to the County Clerk of Douglas County, Nebraska, the number of cents or fraction thereof which the City of Omaha desires to be levied on each One Hundred Dollars (\$100) of actual valuation upon all taxable property within the limits of the City of Omaha for the year 2010 for the purposes as follows: 47.587 cents for the City of Omaha 2009 Budget, including 26.112 cents for General Fund purposes, 19.281 cents to provide for principal and interest payments on the indebtedness of the City of Omaha, .600 cents for the satisfaction of judgments and litigation expenses in connection therewith, and 1.594 cents for the Redevelopment Fund – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Res # 1083 – Resolution read

THE FOLLOWING PERSONS APPEARED AND SPOKE:

For the City: Pam Spaccarotella, Finance Director
Warren Weaver, City Council Chief of Staff

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

Motion by Gray that the Amendment of the Whole be adopted as amended

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Gray, Jerram, Mr. President

Nays: Festersen, Stothert

Absent: Sigerson

Res # 1083 – ADOPTED AS AMENDED 4-2

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CCID # 1102 – Motion by Jerram that the City Council Rules of Order be suspended for the purpose of taking Agenda Item Nos. 66, 67 and 69 out of order

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Motion Carried 6-0

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ZONING ORDINANCES ON FINAL READING and Planning Board Attachments

- 10. Ord. to amend the boundaries of the MCC-Major Commercial Corridor Overlay District, to incorporate into that district the property located Southeast of 84th Street and West Center Road; and to provide for an effective date – over from 09/01/09 and continue the Public Hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE PASSED TODAY))
(See Doc. # 917 – August 18, August 25 and September 1 Meetings)
Notice of public hearing on September 1, 2009 published in the Daily Record on August 21, 2009. Ordinance passed on September 15, 2009 published in the Daily Record on September 23, 2009.

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Jim Lang, 11718 Nicholas Street, Attorney for the applicant

Protestant: Jerry Slusky, 8712 West Dodge Road

For the City: Rick Cunningham, Planning Director

CCID # 917 – Motion by Thompson that the Ordinance be passed

Seconded by Gray

Substitute Motion by Jerram that the Ordinance be laid over two weeks to September 29, 2009 and continue the public hearing

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Sub-Motion Carried 6-0

- (a) Planning Board and Planning Department recommend approval of the request for a MCC-Major Commercial Corridor District located Southeast of 84th Street and West Center Road – over from 09/01/09 – [see attached](#).
(See Doc. # 917 – August 18 and September 1 Meetings)

917 – Over to 09/29/09

11. Res. that the preliminary plat entitled TANGIER CENTER located Southeast of 84th Street and West Center Road, along with the attached conditions, is hereby accepted; and, the preparation of the final plat of this subdivision is hereby authorized – Inside City – over from 09/01/09 and continue the Public Hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 918 – August 18 and September 1 Meetings)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Jim Lang, 11718 Nicholas Street, Attorney for the applicant

Protestant: Jerry Slusky, 8712 West Dodge Road

For the City: Rick Cunningham, Planning Director

CCID # 918 – Motion by Thompson that the Resolution be adopted

Seconded by Gray

Substitute Motion by Jerram that the Resolution be laid over two weeks to September 29, 2009 and continue the public hearing

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Sub-Motion Carried 6-0

- (a) Planning Board and Planning Department recommend approval of the Preliminary Plat of TANGIER CENTER located Southeast of 84th Street and West Center Road – Inside City – over from 09/01/09 – [see attached](#).
(See Doc. # 918 – August 18 and September 1 Meetings)

918 – Over to 09/29/09

- (b) Communication submitted by Jerry Slusky opposing the Preliminary and Final Plats of Tangier Center – over from 09/01/09 – [see attached](#).
(See Doc. # 918 – September 1 Meeting)

918 – Over to 09/29/09

- 12. Res. that the plat entitled TANGIER CENTER located Southeast of 84th Street and West Center Road, is hereby approved and accepted – over from 09/01/09 and continue the Public Hearing – [see attached](#). ((PUBLIC HEARING CONTINUED TO TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 919 – August 18 and September 1 Meetings)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Jim Lang, 11718 Nicholas Street, Attorney for the applicant
Protestant: Jerry Slusky, 8712 West Dodge Road
For the City: Rick Cunningham, Planning Director

CCID # 919 – Motion by Thompson that the Resolution be adopted

Seconded by Gray

Substitute Motion by Jerram that the Resolution be laid over two weeks to September 29, 2009 and continue the public hearing

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Sub-Motion Carried 6-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of TANGIER CENTER located Southeast of 84th Street and West Center Road – Inside City – over from 09/01/09 – [see attached](#).
(See Doc. # 919 – August 18 and September 1 Meetings)

919 – Over to 09/29/09

13. Res. that the Subdivision Agreement between the City of Omaha and Tangier Temple Holding Company, as recommended by the Mayor, providing for the public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Tangier Center (Lot 1) and is located southeast of 84th Street and West Center Road – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Jim Lang, 11718 Nicholas Street, Attorney for the applicant

Protestant: Jerry Slusky, 8712 West Dodge Road

For the City: Rick Cunningham, Planning Director

CCID # 1045 - Motion by Thompson that the Resolution be adopted

Seconded by Gray

Substitute Motion by Jerram that the Resolution be laid over two weeks to September 29, 2009 and continue the public hearing

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Sub-Motion Carried 6-0

14. Ord. to rezone property located Northeast of 36th and Lake Streets from R5(35)-Urban Family Residential District, R7-Medium Density Multiple Family Residential District and CC-Community Commercial District to R7-Medium Density Multiple Family Residential District. ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))

(See Doc. # 934 –August 25 and September 1 Meetings)

Notice of public hearing on September 15, 2009 published in the Daily Record on August 28, 2009. Ordinance passed on September 15, 2009 published in the Daily Record on September 23, 2009.

John Coolidge, Lamp Rynearson and Associates, 14710 West Dodge Road, appeared and spoke.

CCID # 934 – Motion by Gray that the Ordinance be passed

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

ORDINANCE # 38513 PASSED 6-0

- (a) Planning Board and Planning Department recommend approval of the request to rezone property located Northeast of 36th and Lake Streets from R5(35), R7, and CC to R7 – [see attached](#).
(See Doc. # 934 – August 25 Meeting)

934 – From Chair on File

- 15. Res. that the replat transmitted herewith entitled SALEM VILLAGE AT MIAMI HEIGHTS REPLAT 1 located Northeast of 36th and Lake Streets, is hereby approved, and concurrently a portion of the existing plat entitled Salem Village at Miami Heights and Omaha View, and described on said replat, are hereby vacated – Inside City – over from 08/25/09 for publication and Public Hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 935 – August 25 Meeting)

John Coolidge, Lamp Rynearson and Associates, 14710 West Dodge Road, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 935 – ADOPTED 6-0

- (a) Planning Board and Planning Department recommend approval of the Final Plat of SALEM VILLAGE AT MIAMI HEIGHTS REPLAT 1 located Northeast of 36th and Lake Streets – Inside City – over from 08/25/09 – [see attached](#).
(See Doc. # 935 – August 25 Meeting)

935 – From Chair on File

- 16. Res. that the Subdivision Agreement between the City of Omaha and New Community Development Corporation, as recommended by the Mayor, providing for the public improvements and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Salem Village at Miami Heights Replat 1 (Lot 1) and is located Northeast of 36th and Lake Streets – over from 08/25/09 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 936 – August 25 Meeting)

John Coolidge, Lamp Rynearson and Associates, 14710 West Dodge Road, appeared and spoke.

Motion by Gray that the Resolution be adopted
Seconded by Festersen
ROLL CALL:
Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President
Absent: Sigerson
Res # 936 – ADOPTED 6-0

**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NOS. 17 THROUGH 18
SHALL BE LAID OVER FOR TWO WEEKS”**

RESOLUTIONS RE: PLAT & SUBDIVISION AGREEMENT

17. Res. that the plat entitled WOOD VALLEY (Lots 285-295) located Northeast of 144th and Ida Streets is hereby approved and accepted – Outside City – [see attached.](#)

CCID # 1066 – Over two weeks to September 29, 2009 pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of the Final Plat of WOOD VALLEY (Lots 285-295) located Northeast of 144th and Ida Streets – Outside City – [see attached.](#)

1066 – Over to 09/29/09

18. Res. that the Subdivision Agreement among the City of Omaha, CR Investments, Inc. and Sanitary and Improvement District 554 of Douglas County, Nebraska, as recommended by the Mayor, providing for the public improvements, 1% administrative fee and sewer connection to the Omaha Sanitary Sewer System, is hereby approved. The Subdivision is to be known as Wood Valley (Lots 285-295) and is located northeast of 144th & Ida Streets – [see attached.](#)

CCID # 1067 – Over two weeks to September 29, 2009 pursuant to City Council Rule VII E.

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LIQUOR

19. CLASS "C" – Goodnights Headquarters, Inc., 1302 Webster Street. New application, new location. Property posted: 08/27/09. Notification sent: 09/04/09 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Myron Kaplan, 11404 West Dodge Road #500, appeared and spoke.

Motion by Gray that the Resolution to GRANT be adopted

Seconded by Stothert

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1037 – ADOPTED 6-0

20. CATERING – Goodnights Headquarters, Inc., 1302 Webster Street. New application, new location. Property posted: 08/27/09. Notification sent: 09/04/09 – applying for a Class "C" Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION – MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Myron Kaplan, 11404 West Dodge Road #500, appeared and spoke.

CCID # 1038 – Motion by Gray that the application be approved

Seconded by Stothert

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Motion Carried 6-0

21. CLASS "C" – Havana Garage 1008, L.L.C., dba "Havana Garage", 1008 Howard Street. New application, new location. Property posted: 09/01/09. Notification sent: 09/04/09 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

John Wieland, 8712 West Dodge Road, appeared and spoke.

Motion by Gray that the Resolution to GRANT be adopted

Seconded by Stothert

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1039 – ADOPTED 6-0

22. CLASS "C" – Mt. Fuji Inn, Inc., dba "Mt. Fuji Inn", 7215 Blondo Street. New application, old location. Present licensee is Kaya, Alice T., dba "Mt. Fuji Inn", 7215 Blondo Street, who has a Class "C" Liquor License – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Jacqueline Shindo, 7215 Blondo Street, appeared and spoke.

Motion by Festersen that the Resolution to GRANT be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1040 – ADOPTED 6-0

23. CLASS "I" – La Costa El Sol, Inc., dba "La Costa El Sol", 4456 South 84th Street. New application, new location. Property posted: 09/02/09. Notification sent: 09/04/09 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: Wendy Lara, 7678 Franklin Street

Moises Angula-Rodriquez, 5069 Marshall Drive

Motion by Gray that the Resolution to GRANT be adopted

Seconded by Stothert

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Stothert, Mr. President

Pass: Jerram

Absent: Sigerson

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Stothert, Mr. President

Pass: Jerram

Absent: Sigerson

Councilmember Jerram passed due to conflict of interest

Res # 1041 – ADOPTED 5-0-1 Pass

24. PACKAGE – Sandpiper Cove Marina Convenient Store, Inc., dba “Sandpiper Marina Convenient Store & Gas Pump”, 1919 Freedom Park Road. New application, new location. Property posted: 08/25/09. Notification sent: 09/04/09 – [see attached](#). ((YOU HAVE YOUR HEARING ON THE APPLICATION BUT YOUR MOTION SHOULD BE TO ADOPT A RESOLUTION EITHER TO GRANT OR DENY))

Mark Trively, 1919 Freedom Park Road, appeared and spoke.

Motion by Thompson that the Resolution to GRANT be adopted

Seconded by Stothert

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1042 – ADOPTED 6-0

25. Redeye Tavern, Inc., dba “Redeye Tavern”, (formerly Stumble, Inc.), 17520 Wright Street, Suite 101, requests permission to appoint Wayne E. Knight manager of their present Class “C” Liquor License – [see attached](#). ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Wayne Knight, 1614 South 179th Street, appeared and spoke.

CCID # 1043 – Motion by Thompson that the request be approved

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Motion Carried 6-0

26. Veterans F W Benson 2503, 8900-04 Military Avenue, requests permission to appoint Gary C. Krause manager of their present Class “I” Liquor License – [see attached](#). ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Gary Krause, 8904 Military Road, appeared and spoke.

CCID # 1044 – Motion by Gray that the request be approved

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Motion Carried 6-0

27. Reel Entertainment Corp., dba “The Reel Martini Bar”, 304 North 168th Circle, Suite 210, requests permission for a Special Designated License for a beer garden on September 26, 2009 from 5:00 p.m. to 1:00 a.m. with music until 12:00 midnight – [see attached](#). ((PUBLIC HEARING TODAY - MOTION NEEDED TO APPROVE OR NOT TO APPROVE))

Mike Kelley, 7132 Pacific Street, Attorney for the applicant, appeared and spoke.

CCID # 1073 – Motion by Gray that the request be approved

Seconded by Thompson

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Stothert, Mr. President

Pass: Jerram

Absent: Sigerson

CITY CLERK CALLS THE ROLL AGAIN:

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Stothert, Mr. President

Pass: Jerram

Absent: Sigerson

Councilmember Jerram passed due to conflict of interest

Motion Carried 5-0-1 Pass

CONSENT AGENDA

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

(The public hearings on Agenda Item Nos. 28 through 30 were held on September 1, 2009).

(The public hearings on Agenda Item Nos. 31 through 44 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 – ORDINANCES

ORDINANCES

28. Ord. authorizing the Purchasing Agent to issue a purchase order to GCR Tire Center for a 12 month price agreement in the amount of \$245,643.00 for the purchase of tires to be utilized by the Fleet Maintenance Division to be effective October 1, 2009 and is extendable on an annual basis for one year at the sole option of the City with a maximum of two one-year extensions; 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; and to provide an effective date hereof – [see attached](#).

(See Doc. # 937 – August 25 and September 1 Meetings)

Notice of public hearing on September 1, 2009 published in the Daily Record on August 28, 2009. Ordinance passed on September 15, 2009 published in the Daily Record on September 23, 2009.

CCID # 937 – Motion by Gray that the Ordinance be passed

Seconded by Stothert

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

ORDINANCE # 38514 PASSED 6-0

29. Ord. to approve the Tax Increment Financing Redevelopment Loan Agreement between the City of Omaha and CCL & B, Inc. which authorizes \$500,000.00 in Tax Increment Financing to assist in financing the implementation of the CCL & B, Inc. Tax Increment Financing Redevelopment Project Plan; approve the sale of a 4.53-acre site from the City of Omaha to CCL & B, Inc. for purposes of constructing a new 30,000 sq. ft. regional office, operations and distribution facility on Lots 7 & 8, in the Stockyards Business Park at 4747 South 30th Street; and providing for an effective date – [see attached](#).

(See Doc. # 938 – August 25 and September 1 Meetings)

Notice of public hearing on September 1, 2009 published in the Daily Record on August 28, 2009. Ordinance passed on September 15, 2009 published in the Daily Record on September 23, 2009.

CCID # 938 – Motion by Gray that the Ordinance be passed

Seconded by Stothert

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

ORDINANCE # 38515 PASSED 6-0

30. Ord. to approve a Tax Increment Financing (TIF) Redevelopment Loan Agreement between the City of Omaha and Lot 9, LLC which authorizes the sale of Lot 9, Union Pacific Place Replat 1, a subdivision in Douglas County, Nebraska, for \$261,919.00; to authorize development and conversion of the vacant site within the "NODO" area of Omaha for the construction of a 4-story loft building at the corner of 13th and Cuming Streets with 1st floor retail, 2nd floor office and the 3rd and 4th floor studio apartments with related improvements; and, to authorize the use of \$661,000.00 in excess ad valorem taxes (TIF) generated by such development to help fund it; and providing for an effective date – [see attached.](#)

(See Doc. # 939 – August 25 and September 1 Meetings)

Notice of public hearing on September 1, 2009 published in the Daily Record on August 28, 2009. Ordinance passed on September 15, 2009 published in the Daily Record on September 23, 2009.

CCID # 939 – Motion by Gray that the Ordinance be passed
Seconded by Stothert

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

ORDINANCE # 38516 PASSED 6-0

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

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CONSENT AGENDA – RESOLUTIONS

RESOLUTIONS

31. Res. that Councilmembers Garry Gernandt, Jean Stothert, and Franklin Thompson shall assess damages, if any, to owners and parties affected by the vacation of the east 125 feet of Spring Street from 28th Avenue to the north/south alley and the north/south alley east of this location from Deer Park Boulevard north to and including the east/west alley north of vacated Oak Street. Said committee shall give reasonable notice to the owners and parties interested in the property affected by such vacation – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1046 – ADOPTED 6-0

32. Res. that, as recommended by the Mayor, the contract with Weathercraft Enterprises, Inc. for OPW 51789, being roof repairs for the Vehicle Maintenance Facility located at 2606 North 26th Street in the amount of \$29,171.00 is hereby approved; and that the Finance Department is authorized to pay the cost of OPW 51789 from the 2006 Public Facilities Bond Fund 13244, 2006 Public Facilities Bond 2009 Issue Organization 117513, year 2009 expenditures – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1047 – ADOPTED 6-0

AGENDA ITEM NO. 33 REMOVED FROM THE CONSENT AGENDA AT THE REQUEST OF THE CITY CLERK

33. Res. that, as recommended by the Mayor, the Purchase Order to Bert Gurney & Associates, Inc. for rebuilding a storm water pump for the Storz Expressway Storm Water Pump Station, located at 304 Hartman Avenue, in accordance with Section 5.16 of the Home Rule Charter of 1956 for the purchase of unique or non-competitive items is hereby approved and; that, the Finance Department is authorized to pay Bert Gurney & Associates, Inc. for rebuilding a storm water pump for the Storz Expressway Storm Water Pump Station \$126,450.00, which will be paid from the 2006 Environment Fund 13122, 2009 Issue Environmental Bond Organization 117214 – [see attached](#).

CCID # 1048 – Motion by Thompson to allow the Resolution to be withdrawn
Seconded by Gray
ROLL CALL:
Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President
Absent: Sigerson
Motion Carried 6-0

- (a) Communication from Harold Flatoen, Public Works Department, requesting that Agenda Item No. 33 be withdrawn from the City Council Agenda – [see attached](#).

1048 – From Chair on File

- 34. Res. that, as recommended by the Mayor, Amendment No. 1 to the Engineering Agreement with Camp Dresser and McKee to provide professional design services for the reconstruction of the sewer interceptor running along the Big Papillion Creek from West Dodge Road to Blondo Street as adopted by Council Resolution No. 14 on January 13, 2009, is hereby approved; and that the Finance Department is authorized to pay the additional fee of \$545,400.00 for these engineering services from the Interceptor Sewer Construction Fund 12133, General Interceptor Sewer Construction Organization 116921 – [see attached](#).

Motion by Gray that the Resolution be adopted
Seconded by Gernandt
ROLL CALL:
Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President
Absent: Sigerson
Res # 1049 – ADOPTED 6-0

- 35. Res. that Amendment No. 2 to the Engineering Agreement with HDR Engineering, Inc. for additional work associated with the sewer separation project, located in the vicinity of 42nd Street and “X” Street which was adopted by Resolution No. 252 on March 17, 2009, is hereby approved; and that the Finance Department is authorized to pay the additional fee not to exceed \$60,500 for these engineering services from the Sewer Revenue Improvement Fund 21124, CSO Control Implementation Organization 116918 – [see attached](#).

Motion by Gray that the Resolution be adopted
Seconded by Gernandt
ROLL CALL:
Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President
Absent: Sigerson
Res # 1050 – ADOPTED 6-0

36. Res. that, as recommended by the Mayor, the Purchasing Agent be authorized to issue a Purchase Order to Gene Steffy for the purchase of two 19,000 GVW Chassis & Cabs to be utilized by the Street Maintenance Division in the amount of \$74,898.00; and that the Finance Department is authorized to pay this cost from the Street and Highway Allocation Fund 12131, Pavement Maintenance Organization 116158, year 2009 expenditures – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1051 – ADOPTED 6-0

37. Res. that the attached Contract between the Metropolitan Area Planning Agency and the City of Omaha, setting forth that the City of Omaha, through its Planning Department, agrees to perform planning activities which will include the evaluation of the effects of population, housing, land use, and the developmental trends on the City of Omaha street system, is hereby approved, and the Mayor and City Clerk are hereby authorized to execute and attest the attached Contract. In-kind services provided by the Planning Department or funds in the amount of Twenty Seven Thousand Five Hundred Four and No/100 Dollars (\$27,504.00) shall be paid from the Planning Department, Fund 11111 and Organization 109031 – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1052– ADOPTED 6-0

38. Res. that, as recommended by the Mayor, the Agreement for Professional Services between the City of Omaha, Public Works Department and the Omaha-Council Bluffs Metropolitan Area Planning Agency to provide traffic counts and other information for the fiscal year 2010 be accepted and signed – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1053 – ADOPTED 6-0

39. Res. that the nomination of "Johnny and Arlene Swoboda Street" as a commemorative street name on 20th Street between "P" and "Q" Streets is hereby approved; and the Public Works Department is authorized to erect an acceptable sign therefore, in compliance with all applicable local and state statutes, ordinances or regulations, and policies with all costs to be borne by the applicant – [see attached](#).

Matthew Swanson, 5136 South 23rd Street, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1054 – ADOPTED 6-0

40. Res. that the attached Agreement, as recommended by the Mayor, between the City of Omaha and Family Housing Advisory Services, Inc., a Nebraska Non-profit Corporation, 2401 Lake Street, Omaha, NE 68111, in the amount of \$1,966,672.00 for the purpose of preventing homelessness, is hereby approved. Funds shall be paid from the City of Omaha FY 2009 Homelessness Prevention and Rapid Re-Housing Program, Fund No. 17114, Organization No. 117715 – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1055 – ADOPTED 6-0

41. Res. that, as recommended by the Mayor, the attached Repayable Loan Agreement between the City of Omaha and Ville De Sante III L.P., a Nebraska Limited Partnership. Ville De Sante III Development L.L.C., a Nebraska Limited Liability Company, General Partner, Omaha Economic Development Corporation, a Nebraska Non-Profit Corporation, Sole Member, Michael B. Maroney, President, 2221 North 24th Street, Omaha, Nebraska 68110 for the rehabilitation of 8 two-bedroom existing “HOME-assisted Fixed” single-family units located at 6003, 6005, 6007, 6009, 6011, 6013, 6015 and 6017 Stone Plaza in the Ville De Sante Subdivision in the amount of \$62,500.00 each for a total of \$500,000.00, is hereby approved, and; BE IT FURTHER RESOLVED that upon completion of this rehabilitation project, 6 of the housing units shall be rented to qualified families with annual household incomes of 80% and below the Median Income by Family Size as established annually by the U.S. Department of Housing and Urban Development and the remaining 2 units shall be rented to qualified families with annual household incomes of 50% and below the MFI to be occupied as their principal place of residence throughout the 15-year Affordability Period in which the units must remain affordable in accordance with HOME Program Rents; with funding in the amount of \$200,000.00 payable from the FY 2008 HOME Ville De Sante Rental Housing Development Program and \$300,000.00 payable from the FY 2009 HOME Ville De Sante Rental Housing Development Program for a total of \$500,000.00, Fund No. 12179, Organization No. 128041; and the 20 new single-family housing units to be located at 6004, 6006, 6008, 6010, 6012, 6014, 6016, 6018 Stone Plaza; 6003, 6005, 6007, 6009, 6015, 6017, 6019, 6021, 6027, 6029, 6031 and 6033 Ville De Sante Drive shall be directly assisted with private funds – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1056 – ADOPTED 6-0

42. Res. that the attached Grant Agreement, as recommended by the Mayor, to provide a Community Development Block Grant (CDBG) in the amount of \$27,887.00 for the rehabilitation and lead reduction work at the property owned and occupied by Fern Daley, located at 2339 North 67th Street, Omaha, Nebraska 68104 is hereby approved. The contract is to be awarded to Lamb's Remodeling, Tom Lamb, Owner. Funds in the amount of \$27,887.00 shall be paid from North Neighborhood Revitalization Strategy Area (NRSA) CDBG Single-Family Target Area Rehabilitation Program, Fund No. 12186, Organization No. 129114 – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1057 – ADOPTED 6-0

43. Res. that, as recommended by the Mayor, this Council does hereby approve the acceptance of the grant award together with terms and conditions from the Nebraska State Patrol, in the amount of \$149,696.00, Grant #08-BZ-06, for the City of Omaha Police Department to assist in the development and implementation of a Buffer Zone Protection Plan for the University of Nebraska Medical Center (UNMC) BioSecurity Lab for the project period extending June 5, 2009 to June 4, 2011 – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1058 – ADOPTED 6-0

44. Res. that the reappointment of Raymond (R.J.) Neary as a City resident member of the Planning Board to serve a five-year term commencing September 29, 2009, and expiring five years thereafter, be and hereby is confirmed and approved – [see attached](#).

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1059 – ADOPTED 6-0

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

* * * * *

ORDINANCE ON FINAL READING

45. Ord. to amend Division 4, entitled "Civil Rights Compliance," of Chapter 10 of the Omaha Municipal Code; to repeal sections 10-190, 10-191, 10-191.1, 10-191.2, 10-192, 10-193, 10-194, 10-195, 10-196, 10-197, 10-198, 10-199, 10-200, 10-200.1, 10-200.2, 10-200.3, and 10-200.4 as heretofore existing; and to provide the effective date thereof – over from 06/30/09 and re-open the Public Hearing – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE PASSED TODAY))
(See Doc. # 680 – June 23 and June 30 Meetings)
Notice of public hearing on June 30, 2009 published in the Daily Record on June 26, 2009. Ordinance passed on September 15, 2009 published in the Daily Record on September 23, 2009.

CCID # 680 – Motion by Gray that the Ordinance be laid over six weeks to October 27, 2009 and continue the public hearing
Seconded by Festersen
ROLL CALL:
Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President
Absent: Sigerson
Motion Carried 6-0

RESOLUTIONS

46. Res. that the OMAR-5, LLC Tax Increment Financing Redevelopment Project Plan for the acquisition, interior demolition, public and private utility upgrades and the total rehabilitation, redevelopment and conversion of the project building using TIF in an amount up to \$650,000 for the area at 4383 Nicholas Street, Omaha Nebraska into a safe and functional environment for office & storage use as described in the redevelopment plan attached hereto and made a part of containing a provision for the division of ad valorem taxes under Section 18-2147 through 18-2150, Revised Statutes of Nebraska, as recommended by City Planning Department, be and hereby is approved – over from 08/18/09 for publication and Public Hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 922 – August 18 Meeting)

Motion by Gray that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 922 – ADOPTED 6-0

47. Res. that the Mayor is authorized to sign and City Clerk to attest the Settlement and Release Agreement between the City of Omaha and James P. Olsen which resolves a lawsuit entitled *James P. Olsen v. City of Omaha*, Case No. 8:08CV346. Such Settlement Agreement contemplates that judgment will be entered against the City of Omaha in the amount of \$62,838.64, and the Court will then determine the amount of attorney fees to which Plaintiff is entitled, which funds shall be paid from Judgment Fund, Fund # 12111, Organization #121101 – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

THE FOLLOWING PERSONS APPEARED AND SPOKE:

For the City: Paul Kratz, City Attorney

Bernard in den Bosch, Assistant City Attorney

Pam Spaccarotella, Finance Director

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1060 – ADOPTED 6-0

48. Res. that, the City Council determines that the claim of Perry Barnes for severance pay should be and hereby is approved in the total amount of \$64,881.91, to be paid from the Debt Service Fund No. 14111, fiscal year 2009; and his claim in excess of that amount is hereby denied – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Jerold Fennell, 10730 Pacific Street, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1074 – ADOPTED 6-0

- (a) Documentation re: the Claim for severance pay submitted by Perry Barnes.

1074 – From Chair on File

- (b) Communication from Jerold V. Fennell, attorney representing Perry Barnes, accepting the terms of the settlement subject to approval by the City Council of the City of Omaha – [see attached](#).

1074 – From Chair on File

49. Res. that the City Council determines that the claim of Richard Berggren for severance pay should be and hereby is approved in the total amount of \$18,313.72, to be paid from the Debt Service Fund No. 14111, fiscal year 2009; and his claim in excess of that amount is hereby denied – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Jerold Fennell, 10730 Pacific Street, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1075 – ADOPTED 6-0

- (a) Documentation re: the Claim for severance pay submitted by Rich Berggren.

1075 – From Chair on File

- (b) Communication from Jerold V. Fennell, attorney representing Rich Berggren, accepting the terms of the settlement subject to approval by the City Council of the City of Omaha – [see attached](#).

1075 – From Chair on File

50. Res. that the City Council determines that the claim of Matthew Miller for severance pay should be and hereby is approved in the total amount of \$59,882.15, to be paid from the Debt Service Fund No. 14111, fiscal year 2009; and his claim in excess of that amount is hereby denied – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Jerold Fennell, 10730 Pacific Street, appeared and spoke.

Motion by Gray that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1076 – ADOPTED 6-0

- (a) Documentation re: the Claim for severance pay submitted by Matthew Miller.

1076 – From Chair on File

- (b) Communication from Jerold V. Fennell, attorney representing Matthew Miller, accepting the terms of the settlement subject to approval by the City Council of the City of Omaha – [see attached](#).

1076 – From Chair on File

51. Res. that the City Council determines that the claim of Michael Schmid for severance pay should be and hereby is approved in the total amount of \$62,097.33, to be paid from the Debt Service Fund No. 14111, fiscal year 2009; and his claim in excess of that amount is hereby denied – [see attached](#).
((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Jerold Fennell, 10730 Pacific Street, appeared and spoke.

Motion by Gray that the Resolution be adopted
Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1077 – ADOPTED 6-0

- (a) Documentation re: the Claim for severance pay submitted by Michael Schmid.

1077 – From Chair on File

- (b) Communication from Jerold V. Fennell, attorney representing Michael Schmid, accepting the terms of the settlement subject to approval by the City Council of the City of Omaha – [see attached](#).

1077 – From Chair on File

52. Res. that the City Council determines that the claim of David Rathjen for severance pay should be and hereby is approved in the total amount of \$7,500.00, to be paid from the Debt Service Fund No. 14111, fiscal year 2009; and his claim in excess of that amount is hereby denied – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Jerold Fennell, 10730 Pacific Street, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1078 – ADOPTED 6-0

- (a) Documentation re: the Claim for severance pay submitted by David Rathjen.

1078 – From Chair on File

- (b) Communication from Jerold V. Fennell, attorney representing David Rathjen, accepting the terms of the settlement subject to approval by the City Council of the City of Omaha – [see attached](#).

1078 – From Chair on File

53. Res. that the City Council determines that the claim of Kurt Denker for severance pay should be and hereby is approved in the total amount of \$5,000.00, to be paid from the Debt Service Fund No. 14111, fiscal year 2009; and his claim in excess of that amount is hereby denied – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))

Jerold Fennell, 10730 Pacific Street, appeared and spoke.

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 1079 – ADOPTED 6-0

- (a) Documentation re: the Claim for severance pay submitted by Kurt Denker.

1079 – From Chair on File

- (b) Communication from Jerold V. Fennell, attorney representing Kurt Denker, accepting the terms of the settlement subject to approval by the City Council of the City of Omaha – [see attached](#).

1079 – From Chair on File

**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON
AGENDA ITEM NOS. 54 THROUGH 56
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON SECOND READING

- 54. Ord. to rezone property located at 21901 West Maple Road from AG-Agricultural District to LC-Limited Commercial District.
(See Doc. # 971 – September 1 Meeting)

CCID # 971 – ORDINANCE ON SECOND READING – Final reading to be held on September 22, 2009 as per City Charter requirements.

- 55. Ord. to amend the boundaries of the ACI-2 (50) District of the Areas of Civic Importance Overlay District, to incorporate into that district the property located along Dodge Street from Turner Boulevard to Saddle Creek Road; and to provide for an effective date – [see attached](#).
(See Doc. # 974 – September 1 Meeting)

CCID # 974 – ORDINANCE ON SECOND READING – Final reading to be held on September 22, 2009 as per City Charter requirements.

- 56. Ord. to amend Chapter 55 of the Omaha Municipal Code through the creation of the Cunningham Lake Water Quality Environmental Overlay District; and to provide the effective date thereof – [see attached](#).
(See Doc. # 975 – September 1 Meeting)

CCID # 975 – ORDINANCE ON SECOND READING – Final reading to be held on September 22, 2009 as per City Charter requirements.

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ORDINANCES ON SECOND READING

57. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described property and property interests in vacant and improved properties located along the north and south sides of St. Mary's Avenue in an area generally bounded by Jackson Street on the north, 29th Street on the east, Leavenworth Street on the south, and 31st Street on the west, for acquisition, relocation as appropriate, demolition of structures, preparation of sites, and subsequent use as temporary construction easements and permanent street right of way as necessary for Streetscape improvements; provided that as to each specified parcel which cannot be obtained by negotiation, proceedings in eminent domain be undertaken and completed; funding shall be payable from Fiscal Year 2009, Community Development Block Grant, Fund No. 12186, Organization No. 129122, Task No. 16.01; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 976 – September 1 Meeting)

CCID # 976 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

58. Ord. to approve a Tax Increment Financing (TIF) Redevelopment Loan Agreement between the City of Omaha and 2566 Leavenworth, LLC which authorizes Tax Increment Financing in the amount up to \$171,299.00 for the redevelopment and renovation of the 33,044 sq. ft. vacant building at 2566 Leavenworth Street for the construction of offices for the Alliance Group and other potential occupants with related improvements; providing for an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 977 – September 1 Meeting)

CCID # 977 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

59. Ord. to approve an interlocal agreement between the City of Omaha and Sanitary and Improvement District (S.I.D.) No. 476, Whitehawk, northwest of 192nd and "F" Streets, for the operation of soccer and baseball/softball fields in Whitehawk Park; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 978 – September 1 Meeting)

CCID # 978 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

60. Ord. to approve an interlocal agreement between the City of Omaha and Sanitary and Improvement District (S.I.D.) No. 491, Copperfields, located east of 204th Street between Center Street and "F" Street, to specify the terms and conditions upon which the City will handle the scheduling of the public football field and football practice field within this subdivision; and to provide an effective date – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 979 – September 1 Meeting)

CCID # 979 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

61. Ord. approving the acceptance of the 2009 American Recovery and Reinvestment Act; Energy Efficiency and Conservation Block Grant in the amount of two hundred fifty thousand dollars (\$250,000.00), the initial disbursement of the total formula allocation to the City of Omaha in the amount of four million, three hundred thirty-one thousand, five hundred dollars (\$4,331,500.00) from the Department of Energy, award number DE-EE0000666, Fund 17112 and Organization 117791, for the project period of July 27, 2009 to July 26, 2012, to provide funding for the Sustainability Coordinator for one year, related expenses including travel, equipment and supplies, and the development of the City of Omaha's Energy Efficiency and Conservation Strategy. The Energy Efficiency and Conservation Block Grant will decrease the City's energy consumption through several energy efficient projects and stimulate the economy through job creation, retention and reduced operating costs; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 980 – September 1 Meeting)

CCID # 980 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

62. Ord. approving the acceptance of the Omaha Police Department Truancy Abatement Program, with special conditions, Grant Number 09-JS-401 from the Nebraska Commission on Law Enforcement and Criminal Justice in the amount of forty-nine thousand, three hundred forty-one dollars (\$49,341.00) with a match of one hundred seventy-three thousand, three hundred twenty-one dollars (\$173,321.00) in the form of in-kind contributions from the Omaha Police Department, to provide intervention, support services, and monitoring for at-risk youth placed in the Truancy Abatement Program, during the project period extending from July 1, 2009 to June 30, 2010; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 981 – September 1 Meeting)

CCID # 981 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

63. Ord. authorizing and providing for the issuance and sale of not to exceed Two Million Two Hundred Thousand Dollars (\$2,200,000) aggregate principal amount Tax Allocation Bonds (Riverfront Place Redevelopment Project), Series 2009a and Taxable Series 2009b, of the City of Omaha, Nebraska for the purpose of refunding and cancelling a tax increment finance loan made by the City to RFP Financial, LLC, as evidenced by a promissory note dated May 25, 2005; prescribing the form and detail of said Community Development Agency; authorizing a grant of the proceeds of such bonds; pledging the tax allocation revenues to the payment of the principal of and interest on said Bonds as the same fall due and to carry out all other covenants of this Ordinance; limiting the payment of said Bonds solely to said tax allocation revenues; creating and establishing funds and accounts; authorizing the sale of said Bonds by negotiation; making other covenants and agreements in connection with the foregoing; and appointing a Paying Agent and Registrar – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1003 – September 1 Meeting)

CCID # 1003 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

64. Ord. authorizing and directing an issue of General Obligation Bonds and an issue of General Obligation Refunding Bonds of the City of Omaha, Nebraska in one or more series, in the aggregate principal amount of not to exceed \$28,000,000 to be termed for identification purposes “Various Purpose Bonds, Series of 2009” and “General Obligation Refunding Bonds, Series of 2009B”, respectively; authorizing the designation of such Various Purpose Bonds, Series of 2009 as “Build America Bonds”; prescribing the form of said bonds; authorizing the sale of said bonds by negotiation; designating for defeasance and redemption certain outstanding bonded indebtedness of certain sanitary and improvement districts and the City of Elkhorn annexed by the City of Omaha, Nebraska in the aggregate principal amount of approximately \$10,000,000; directing the Finance Department to give notices of such defeasance and redemption; directing the preparation of a transcript of proceedings authorizing the issuance, sale and delivery of said bonds; appointing an Escrow Agent, Paying Agent and a Registrar; directing that said bonds shall initially be issued and registered in book-entry form; providing for continuing disclosure and providing for the effective date thereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1004 – September 1 Meeting)

CCID # 1004 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

65. Ord. to amend Omaha Municipal Code Section 36-108 dealing with roadway solicitations, to clarify that the permit fee is \$50.00 and to remove the 9:00 a.m. commencement limitation on certain days; to repeal Section 36-108 as heretofore existing; and to provide for the effective date thereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 952 – September 1 Meeting)

Jim Owen, 4654 South 132nd Street, appeared and spoke.

CCID # 952 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

66. Ord. to amend Chapter 43 of the Omaha Municipal Code pertaining to regulating the construction of buildings and structures; to create a new Article IX adopting construction and installation safety standards for parabolic antennas (satellite dishes); to require inspections and payment of inspection fees; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1008 – September 1 Meeting)

CCID # 1008 – Motion by Jerram that the Ordinance be placed on file

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Motion Carried 6-0

- (a) Communication submitted by Joseph Widoff, Executive Director, Satellite Broadcasting and Communications Association, opposing the ordinance to amend Chapter 43 of the Omaha Municipal Code – [see attached](#).

1008 – From Chair on File

67. Ord. to amend Sec. 48-25 and Sec. 48-101 of the Omaha Municipal Code; to increase the fee for each re-inspection of each dwelling unit under the Property Maintenance Code; to provide for the appeal of the assessment of re-inspection fees; to repeal Sec. 48-25 and Sec. 48-101 as heretofore existing; and to provide the effective date thereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 983 – September 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Protestants: John Chatelain, Attorney, Omaha Landlord Association
Bill Stowell, 15280 Pepperwood Avenue
John Comstock, 5021 Nicholas Street
Jerry Hopkins, 12806 Weir Circle
For the City: Paul Kratz, City Attorney
Pam Spaccarotella, Finance Director

CCID # 983 – Motion by Gray that the Ordinance be placed on file
Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Stothert, Mr. President
Nays: Jerram
Absent: Sigerson
Motion Carried 5-1

68. Ord. to establish pursuant to Section 40-251 of the Omaha Municipal Code a new Class “B” Flammable Liquids Storage District, to be known as District No. B-169 at QuadTech, LLC, 1919 Aksarben Drive, as requested by W. David Scott; and to provide the effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 982 – September 1 Meeting)

CCID # 982 – Public hearing was held today – Final reading set for September 22, 2009 as per City Charter requirements.

69. Ord. to amend Chapter 19 of the Omaha Municipal Code pertaining to occupation taxes; to create a new Article XVI imposing an occupation tax on businesses offering entertainment, recreation, or amusement within the City, including restaurants and bars; to define such businesses; to establish requirements for collection and payment of the tax; and to provide an effective date hereof – [see attached](#). ((PUBLIC HEARING TODAY))
(See Doc. # 1007 – September 1 Meeting)

CCID # 1007 – Motion by Gray that the Ordinance be placed on file
Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President
Absent: Sigerson
Motion Carried 6-0

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CCID # 1103 – Motion by Thompson that the City Council Rules of Order be reinstated

Seconded by Gray

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Motion Carried 6-0

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SPECIAL USE PERMIT – AUTOMOTIVE SALES

- 70. Res. that the Special Use Permit application submitted by Omaha Direct Auto Sales for a Special Use Permit to allow Automotive Sales in a GC-General Commercial District, located at 4412 South 42nd Street, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – over from 09/01/09 for publication and Public Hearing – had publication – [see attached](#). ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 961 – September 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponents: John Kottmann, Thompson Dreesen and Dorner, 10836 Old Mill Road
Anthony Catania, 4427 South 42nd Street

Motion by Gray that the Resolution be adopted

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Res # 961 – ADOPTED 6-0

- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Automotive Sales in a GC District located at 4412 South 42nd Street – over from 09/01/09 – [see attached](#).
(See Doc. # 961 – September 1 Meeting)

961 – From Chair on File

SPECIAL USE PERMIT – CONVENIENCE STORAGE

71. Res. that the Special Use Permit application submitted by Ashley Freeman for permission to allow Convenience Storage in a GC-General Commercial District, located at 5800 Ames Avenue, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit “A” of the above referenced application, conditions set out in Exhibit “B”, and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal – over from 09/01/09 for publication and Public Hearing – had publication – [see attached.](#) ((PUBLIC HEARING TODAY – CAN BE ADOPTED TODAY))
(See Doc. # 962 – September 1 Meeting)

THE FOLLOWING PERSONS APPEARED AND SPOKE:

Proponent: Ashley Freeman, 105 North 31st Avenue

Protestants: Sam Murante, 2411 ‘O’ Street
Wayne French, 4647 North 60th Street
Patricia Lewis, 5821 Fowler Avenue

CCID # 962 – Motion by Gray that the Resolution be laid over three weeks to October 6, 2009 and continue the public hearing

Seconded by Festersen

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Motion Carried 6-0

- (a) Planning Board recommends approval of the request of Ashley Freeman for a Special Use Permit to allow Convenience Storage in a GC-General Commercial District located at 5800 Ames Avenue – over from 09/01/09 – [see attached.](#)

(See Doc. # 962 – September 1 Meeting)

962 – Over to 10/06/09

- (b) Planning Department recommends layover of the request of Ashley Freeman for a Special Use Permit to allow Convenience Storage in a GC-General Commercial District located at 5800 Ames Avenue – over from 09/01/09 – [see attached.](#)

(See Doc. # 962 – September 1 Meeting)

962 – Over to 10/06/09

- (c) Communication from Sam Murante, Murante Real Estate Property Ventures LLC, re: conditions placed on the Planning Board approval of a Special Use Permit to allow Convenience Storage at 5800 Ames Avenue – [see attached](#).

962 – Over to 10/06/09

- (d) Communication submitted by Lisa Dale, Chair, Benson-Ames Alliance Steering Council, opposing the request of Ashley Freeman for a Special Use Permit to allow Convenience Storage in a GC-General Commercial District located at 5800 Ames Avenue – [see attached](#).

962 – Over to 10/06/09

**“PURSUANT TO CITY COUNCIL RULE VII E
AGENDA ITEM NO. 72 SHALL BE LAID OVER
TWO WEEKS FOR PUBLICATION AND PUBLIC HEARING”**

SPECIAL USE PERMIT – MEDICAL OFFICE

- 72. Res. that the Special Use Permit application submitted by Athletes Training Center for a Special Use Permit to allow Medical Office in a GI-General Industrial District, located at 13811 Industrial Road, Omaha, Nebraska, is hereby approved and the Permits and Inspection Division is directed to issue the necessary permit therefor, provided the conditions set out in Exhibit "A" of the above referenced application, conditions set out in Exhibit "B", and all applicable local or state statutes, ordinances or regulations are complied with. That the proposed Special Use Permit has been reviewed and evaluated pursuant to, and meets each of, the criteria set forth in Section 55-885 of the Omaha Municipal Code – [see attached](#).

Notice of public hearing on September 29, 2009 published in the Daily Record on September 18, 2009.

CCID # 1061 – Over two weeks to September 29, 2009 for publication and public hearing pursuant to City Council Rule VII E.

- (a) Planning Board and Planning Department recommend approval of a Special Use Permit to allow Medical Office in a GI District located at 13811 Industrial Road – [see attached](#).

1061 – Over to 09/29/09

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**“PURSUANT TO CITY COUNCIL RULE VII D
THE PUBLIC HEARINGS ON
AGENDA ITEM NOS. 73 THROUGH 76
SHALL BE HELD ON THE THIRD READING”**

ZONING ORDINANCES ON FIRST READING and Planning Board Attachments

73. Ord. to rezone property located at 1906 South 13th Street from GI-General Industrial District to NBD-Neighborhood Business District.

CCID # 1062 – Publication to be made and public hearing and third reading to be held on September 29, 2009 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone property located at 1906 South 13th Street from GI to NBD – [see attached](#).

1062 – Over to 09/29/09

74. Ord. to rezone the properties located at 2960 and 2962 Harris Street from R7-Medium-Density Multiple Family Residential District to R4-Single-Family Residential District (High Density).

CCID # 1063 – Publication to be made and public hearing and third reading to be held on September 29, 2009 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone properties located at 2960 and 2962 Harris Street from R7 to R4 – [see attached](#).

1063 – Over to 09/29/09

75. Ord. to rezone the properties located at 5704 and 5707 “M” Street from DR-Development Reserve District to R4-Single-Family Residential District (High Density).

CCID # 1064 – Publication to be made and public hearing and third reading to be held on September 29, 2009 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of a request to rezone the properties located at 5704 and 5707 “M” Street from DR to R4 – [see attached](#).

1064 – Over to 09/29/09

76. Ord. to rezone property located Northeast of 144th and Ida Streets from AG-Agricultural District to R4-Single-Family Residential District (High Density).

CCID # 1065 – Publication to be made and public hearing and third reading to be held on September 29, 2009 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of the request to rezone property located Northeast of 144th and Ida Streets from AG to R4 – [see attached](#).

1065 – Over to 09/29/09

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**“PURSUANT TO CITY COUNCIL RULE VII C
THE PUBLIC HEARINGS ON
AGENDA ITEM NOS. 77 THROUGH 82
SHALL BE HELD ON THE SECOND READING”**

ORDINANCE ON FIRST READING and Planning Board Attachment

77. Ord. vacating the west 2 feet of 38th Avenue from Davenport Street to Chicago Street and the south 1 foot of Chicago Street from 38th Avenue to 40th Street and providing the effective date hereof – [see attached](#).

CCID # 1068 – Publication to be made and public hearing to be held on September 22, 2009 as per City Charter requirements.

- (a) Planning Board and Planning Department recommend approval of vacating the west 2 feet of 38th Avenue from Davenport Street to Chicago Street and the south 1 foot of Chicago Street from 38th Avenue to 40th Street – Inside City – [see attached](#).

1068 – Over to 09/22/09

ORDINANCES ON FIRST READING

78. Ord. authorizing the issuance of a purchase order to Auto Glass Center, Inc. for a 24-month price agreement for auto glass replacement and repair for the Fleet Management Division to be effective from the time of passage of this Ordinance and extendable for one 12-month period at the sole option of 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 a specific account, and to provide an effective date hereof – [see attached.](#)

CCID # 1069 – Publication to be made and public hearing to be held on September 22, 2009 as per City Charter requirements.

79. Ord. declaring the necessity of appropriating, for the use of the City of Omaha, certain hereinafter described vacant property located in the Park Avenue Redevelopment Plan Area, at 1130 South 30th Avenue, for acquisition, relocation as appropriate, and subsequent use as a site for implementing the Park Avenue Redevelopment Plan; provided that as to each specified parcel which cannot be obtained by negotiation, proceedings in eminent domain be undertaken and completed; and, providing for the effective date hereof. Funding shall be payable from FY 2009 Community Development Block Grant, Fund No. 12195, Organization No. 12161 – [see attached.](#)

CCID # 1070 – Publication to be made and public hearing to be held on September 22, 2009 as per City Charter requirements.

80. Ord. approving the acceptance of the Assistance to Firefighters Grant Program— Fire Prevention and Safety Grants, Grant Award #EMW-2008-FP-02201, from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) in the amount of \$115,510.00 with a \$28,877.00 match from the Millard Suburban Fire District, with special conditions, for a total project cost of \$144,387.00, over the performance period of July 31, 2009 to July 20, 2010 to provide funding for the City of Omaha, Omaha Fire Department for personnel, equipment, and supplies needed to offer cardiopulmonary resuscitation (CPR) training to Omaha Public School teachers, 8th grade students and their families; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for payment from a specific account; and, providing for the effective date hereof – [see attached.](#)

CCID # 1071 – Publication to be made and public hearing to be held on September 22, 2009 as per City Charter requirements.

81. Ord. approving the acceptance of the 2009 Northeast Omaha Weed and Seed Grant, with Special conditions, Grant Number 2009-WS-QX-0014 from the U.S. Department of Justice, Office of Justice Programs, Community Capacity Development Office in the amount of one hundred forty-two thousand dollars (\$142,000.00) with a match of forty seven thousand, three hundred thirty-three dollars (\$47,333.00) in the form of in-kind contributions, to fund and coordinate law enforcement, community policing, youth programming activities, and neighborhood restoration in the Northeast Omaha Weed and Seed target area, during the project period extending from October 1, 2009 to September 30, 2010; involving appropriations of more than one year in conformity with Section 5.17 of the Home Rule Charter; providing for the payment from a specific account; and, providing for the effective date hereof – [see attached](#).

CCID # 1072 – Publication to be made and public hearing to be held on September 22, 2009 as per City Charter requirements.

82. Ord. authorizing and providing for the issuance and sale of not to exceed Five Million Dollars (\$5,000,000) aggregate principal amount Special Tax Revenue Redevelopment Bonds, Series 2009 of the City of Omaha, Nebraska for the purpose of paying all or part of the cost of the acquisition of property, demolition of structures, site preparation, and construction and installation of a parking lot and other public improvements relating to the redevelopment of the former Pinnacle Foods Corporation site and adjacent lots pursuant to the Downtown Northeast Redevelopment Plan; prescribing the form and detail of said Bonds; ratifying and confirming the creation of a Community Development Agency; providing for the annual certification of the amount of community redevelopment tax to be levied for each succeeding fiscal year; pledging the Special Tax Revenues to the payment of the principal of and interest on said Bonds as the same fall due and to carry out all other covenants of this ordinance; limiting the payment of said Bonds solely to said Special Tax Revenues; creating and establishing funds and accounts; authorizing the sale of said Bonds by negotiation; providing for continuing disclosure; making other covenants and agreements in connection with the foregoing; and appointing a paying agent and registrar – [see attached](#).

CCID # 1080 – Publication to be made and public hearing to be held on September 22, 2009 as per City Charter requirements.

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EXECUTIVE SESSION

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

Motion by Gray that the meeting be adjourned

Seconded by Gernandt

ROLL CALL:

Yeas: Thompson, Festersen, Gray, Jerram, Stothert, Mr. President

Absent: Sigerson

Motion Carried 6-0

ADJOURNED: 4:12 P.M.

I, BUSTER BROWN, CITY CLERK OF THE CITY OF OMAHA, do hereby certify that the foregoing is a true and correct copy of the proceedings of the Meeting of the City Council of the City of Omaha held on September 15th, 2009.

WITNESS:

CITY CLERK

THE PROCEEDINGS OF THIS MEETING WERE PRESENTED TO MAYOR JIM SUTTLE ON THE 17th DAY OF SEPTEMBER 2009.