Mr. Levy called the meeting to order at 1:03 pm. The Board received as Exhibit 1 the contents of the City's file on each case.

**CASES:**

1. 16-05-32 *(heldover from 5/26/16, 8/22/16, 11/28/16, 3/1/17, 9/25/17 & 12/18/17)*  
   Robert S. Keith  
   Engles, Ketcham, Olson & Keith, P.C.  
   1350 Woodmen Tower  
   Omaha, NE 68102  
   REQUEST: Appeal City Fire Department invoice dated 1/19/16 (M's Pub Fire)

At the Administrative Board of Appeals meeting held on December 17, 2018, Robert Keith and Bernard in den Bosch (City Law Department) appeared before the Board.

Mr. in den Bosch stated that the City made a claim against North Central Services for hazmat expenses related to the M’s Pub fire which was appealed to the Administrative Board of Appeals and had been laid over several times. The City also made a claim against the Metropolitan Utilities District (MUD) as a result of the State Fire Marshall report that determined that MUD was responsible. Sixteen lawsuits had been filed as a result of the fire that were all in District Court in Douglas County. He stated that the discovery in those lawsuits has been ongoing and fairly active. He explained that the fact discovery deadline has been set for March 4, 2019, a pre-trial conference is set for February 7, 2019 and the Expert Discovery deadline and exchange of rebuttals is scheduled for the end of September 2019. The parties involved had indicated that they would be ready for trial in December 2019. Mr. in den Bosch believed that there would be some attempts at mediation because of the number of lawsuits involved. He requested a 6 or 12-month layover.

Mr. Keith anticipated that there would be some type of mediation around the middle of next year.

Mr. Beals moved to LAYOVER until the December 2019 meeting of the board. Mr. Kruse seconded the motion.

AYES: Beals, Santo, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0.
2. 18-12-086
Joe Dethlefs, P.E.
Thompson, Dreessen & Dorner, Inc.
10836 Old Mill Road
Omaha, NE 68154
(RE: Stonecreek at Blue Sage Apartments – 204th & Blue Sage Parkway)

At the Administrative Board of Appeals meeting held on December 17, 2018, Joe Dethlefs and Jeff Riesselman (Public Works) appeared before the Board.

Mr. Riesselman stated that the plan for the site proposed two accesses onto Blue Sage Parkway. He explained that a creek runs along the north and west edges of the site and that access onto 204th Street is prohibited which leaves Blue Sage Parkway as the only viable access to the site. He stated that the only waiver that was necessary was to allow 2 driveways instead of 1 as required. Public Works required that the applicant provide an internal connection between the east and west sides of the site which would help internal circulation. He noted that Blue Sage Parkway is a low-speed, low-volume street and that the request did not raise any significant safety concerns.

Mr. Dethlefs stated that 12 apartment complexes were proposed for the site with a total of 268 units. He believed that the 2nd driveway would provide better access and a secondary access point for emergency vehicles.

In response to Mr. Levy, Mr. Riesselman stated that if development occurred south of Blue Sage Parkway then the driveway to the east could possibly become right-in/right-out due to a median extension.

Mr. Kruse moved to GRANT the appeal. Mr. Beals seconded the motion.

AYES: Beals, Santo, Kruse, O’Connor, Levy
MOTION CARRIED: 5-0.

3. 18-11-082 (heldover from 11/26/18)
Ian McKenzie
9755 Mockingbird Drive
Omaha, NE 68127
REQUEST: Appeal of the Omaha Police Department Notice of Nuisance dated 10/10/18.

At the Administrative Board of Appeals meeting held on December 17, 2018, Ms. Agans informed the board that the applicant had decided to withdraw his appeal and indicated that he was moving out of town.

Officer Stokes stated that a complaint was received from the Mayor’s Office about a vehicle with Florida plates that was parked at the apartment complex. The car had been re-registered with a different Florida plate that was good until December 2019. A Notice of Nuisance had been issued. Officer Stokes did not know if the vehicle was still parked at the address listed for the applicant.

Mr. Beals moved to DENY his appeal. Mr. Kruse seconded the motion.

AYES: Santo, Kruse, O’Connor, Beals, Levy
MOTION CARRIED: 5-0.
4. 18-11-083 (Laid over from 11/26/18)
Ashley Versell
926 South 38th Avenue
Omaha, NE 68105

REQUEST: Appeal of the Omaha Police Department
Notice of Nuisance dated 10/29/18.

At the Administrative Board of Appeals meeting held on December 17, 2018, Ashley Versell and Officer Stokes (Omaha Police Department) appeared before the Board.

Officer Stokes stated that he received a complaint from the Mayor’s Office and several calls to his office about an un-plated silver Camaro that had not been plated since at least July 2018. When he visited the property he found the Camaro with in-transits that had expired August 26, 2018. Officer Stokes indicated that he ran the VIN again the day of the meeting and it still had not been registered.

Ms. Versell stated that she had not had the chance to plate the car. She indicated that it would be plated after the holidays. Mr. Kruse inquired as to why the car had not been plated although the applicant had the car for 6 months. She explained that there were issues with the paperwork and she also did not have the time or the money to register the vehicle.

Mr. Kruse moved to DENY the appeal with the stipulation that the car be registered by December 31, 2018. Mr. Levy seconded the motion. In response to Mr. Santo, Ms. Versell stated that she would not be able to plate the car until about the second week in January because she was not going to ruin her children’s Christmas.

Mr. Santo suggested that the motion be amended so that the applicant be given 30 days to register the vehicle. Mr. Kruse and Mr. Levy both accepted the amendment. The amended motion is as follows:

Mr. Kruse moved to DENY with 30 days to comply (January 16, 2019). Mr. Levy seconded the motion.

AYES: Kruse, O’Connor, Beals, Santo, Levy

MOTION CARRIED: 5-0.

5. 18-12-087
Joshua Rockwood
3605 South 108th Street
Omaha, NE 68144

REQUEST: Appeal of the Omaha Police Department
Notice of Nuisance dated 11/5/18.

At the Administrative Board of Appeals meeting held on December 17, 2018, Joshua Rockwood and Officer Stokes (Omaha Police Department) appeared before the Board.

Officer Stokes stated that he received a complaint from the Mayor’s Office about a commercial vehicle that was parked at a residential property. When he visited the address, he found that the vehicle was not over 20’ in length and that it is registered under 4 tons which makes it a passenger vehicle; however, it is a commercial vehicle with advertising on it that was being stored on a residential property. He explained that if the vehicle were allowed it would need to be behind the front setback in an approved structure.

Mr. Rockwood stated that he was attempting to sell the vehicle or turn it into a “Husker Bus”. He stated that he was currently leasing the vehicle for advertising. In response to Mr. Kruse, Mr. Rockwood requested 6 months to sell the vehicle. There was some discussion about the applicant’s options for the vehicle.
Mr. Kruse moved to DENY the appeal with 4 months to comply. Mr. Beals seconded the motion.

AYES: Beals, Santo, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0.

6.  
18-12-088  
Lori Ricotta  
6020 P Street  
Omaha, NE 68117  
REQUEST: Appeal of the Omaha Police Department Notice of Nuisance dated 11/16/18.

At the Administrative Board of Appeals meeting held on December 17, 2018, Lori Ricotta and Officer Stokes (Omaha Police Department) appeared before the Board.

Officer Stokes stated that he was contacted about a 35’ camper in the driveway of the applicant’s residence. He noted that he had received 6 more complaints about the camper since the Notice of Nuisance was issued. The camper was parked halfway on gravel and halfway on grass and dirt. It also had plates from Iowa although it had been parked in Nebraska for over 30 days.

Ms. Ricotta stated that she and husband were in town to work. She did not want to spend the winter in the camper so they decided to rent a residence. She explained that the only reason she rented the home is because the landlord gave them permission to park the camper in the shared driveway. She stated that when the snow clears they would go back to a RV park. She indicated that they were not aware of the ordinance. In response to Mr. Levy, Ms. Ricotta stated that the lease to the home was up in April.

Officer Stokes explained that, as far as registering vehicles was concerned, there was no exemption for seasonal workers. Exemptions only applied to full-time military and full-time students.

Mr. Kruse moved to DENY with 90 days (March 18, 2018) to comply. Mr. Beals seconded the motion.

AYES: Beals, Santo, Kruse, Levy

NAYES: O’Connor

7.  
18-12-089  
Douglas Storm  
10305 P Street  
Omaha, NE 68127  

At the Administrative Board of Appeals meeting held on December 17, 2018, Douglas Storm and Officer Stokes (Omaha Police Department) appeared before the Board.

Officer Stokes stated that he received a complaint from the Mayor’s Office about a vehicle that had been parked for over a year with plates from County 31. He issued a notice for 30 days so that the applicant could pay the City of Omaha Wheel Tax. He also notified the owner that when his plates expired, he would need to obtain Douglas County plates.

Mr. Storm stated that his permanent address was 451 West 9th, Decatur, Nebraska. He stated that the vehicle was at his actual address 60% of the time and in Omaha for 40% of the time. He stated that he would pay the wheel tax, but he did not want to change his plates because he will be retiring in about a year and going back home. He stated that he bought the home in Omaha for his daughter and that he is in Omaha for a few days a week.
Mr. Storm stated that the home is in his and his daughter’s name. Officer Stokes noted that Mr. Storm admitted that he owns a residence in the city where his vehicle is parked so he needed to pay the Wheel Tax. There was some concern that the City Cashier may not accept the Wheel Tax from the applicant without an order from the Administrative Board of Appeals.

In response to Mr. Levy, Mr. Storm stated for the record that if his appeal were granted he would not spend more time in Omaha than he already was. Mr. Levy stated that he did not want to give the applicant permission to do what other individuals can’t.

Tim Himes, Attorney - City Law Department, suggested that if the applicant had problems with the City Cashier when he went to pay the Wheel Tax, they should contact him.

Mr. Beals moved to APPROVE with the condition that the City of Omaha Wheel Tax is paid and subject to the applicant not spending more time in Omaha that he already does. Mr. Kruse seconded the motion.

AYES: Beals, Santo, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0.

Mr. Levy instructed the board secretary to send the applicant a copy of the minutes as soon as they were completed.

8.
18-12-090
Donald Jensen
23104 Mudhollow Road
Council Bluffs, IA 51503

REQUEST: Appeal denial of Third Grade Stationary Engineer certificate dated 11/26/18.

At the Administrative Board of Appeals meeting held on December 17, 2018, Donald Jensen, Patrick Flood (Attorney - 10250 Regency Parkway, Suite 310) and Tom Phipps – Chief Mechanical Engineer, appeared before the Board.

Mr. Phipps stated that on November 13, 2018 he spoke with the applicant about his license. During the discussion it was determined that Mr. Jensen’s employer usually paid for his certificate. Without his knowledge, the employer failed to pay for 2017. This resulted in Mr. Jensen not having a license for 2017 and 2018.

Mr. Jensen stated that his employer did not pay for the certificate because he did not receive an invoice from the city. He has been an engineer since 1986 and usually receives an invoice in December. When he found out that his certificate had expired, he quickly attempted to fix the situation.

In response to Mr. Levy, Mr. Phipps stated that there were no records of complaints against his license.

Mr. Flood stated that the problem stemmed from a failure to notify the applicant. He requested that Mr. Jensen’s certificate be reinstated and that he be allowed to pay all necessary fees. In response to Mr. Levy, Mr. Jensen stated that he would be willing to pay for 2017, 2018 and 2019.

Mr. Kruse moved to APPROVE subject to the applicant paying for 2017, 2018 and 2019. Mr. Beals seconded the motion.

AYES: Beals, Santo, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0.
At the Administrative Board of Appeals meeting held on December 17, 2018, Traci Lenigan and Mark Langan (Nebraska Humane Society) appeared before the Board.

Mr. Langan stated that the applicant was declared a Reckless Owner because she had been convicted of 3 separate animal control violations in a 24-month period. Her first conviction was April 21, 2017 for which she received a $415 fine, the second was July 19, 2018 for which she received a $50 fine and October 3, 2018 for which she received $150 fine. The convictions were for the following violations: no-rabies vaccination, no pet license, having too many animals and no pit bull insurance. From 2000 to 2018 there were 60 NHS complaints lodged against the applicant for having too many dogs, dogs barking, neglect and animal cruelty. Because of the declaration, Ms. Lenigan is not allowed to own, possess or reside with any animals for 4 years in Omaha. Ms. Lenigan appealed to the NHS appeals board on Monday, November 12, 2018 but her appeal was denied.

Ms. Lenigan stated that the last conviction was for a dog that did not belong to her. She stated that she wanted to appeal to get 3 of her pets back.

Mr. Levy stated that, during his time on the board, this case was the most egregious that he had ever witnessed. Ms. Lenigan stated that she attempted to get larger crates for the bigger dogs. She explained that the matted dogs were on their way to the groomer when NHS showed up.

Ms. O’Connor moved to DENY the appeal. Mr. Beals seconded the motion.

AYES: Beals, Santo, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0.

MINUTES:

Mr. Kruse moved to APPROVE the minutes for the November 26, 2018 meeting. Mr. Levy seconded the motion.

AYES: Beals, Santo, Kruse, O’Connor, Levy

MOTION CARRIED: 5-0.

ADJOURN:

It was the consensus of the board the ADJOURN the meeting at 2:17 p.m.