Mr. Kruse called the meeting to order at 1:00 pm. The Board received as Exhibit 1 the contents of the City's file on each case.

**Cases:**

1. 18-01-001 *(from 1/22/18)*  
   John Perlebach  
   Buchanan Energy  
   7315 Mercy Road  
   Omaha NE 68124  
   REQUEST: Appeal Public Works Department denial of a driveway permit dated 12/29/17 (RE: 90th and Blondo Streets – Bucky’s)

At the Administrative Board of Appeals meeting held on February 26, 2018, John Perlebach and Hal Daub (13300 California Street, Suite 200) appeared before the board. Todd Pfitzer (Public Works), Jeff Riesselman (Public Works) and Ryan Haas (Public Works) appeared on behalf of the City.

Mr. Haas stated that the site is situated on the northwest corner of 90th and Blondo Streets. Demolition of an existing commercial building was planned and a convenience store/gas station/car wash was being proposed for the site. The applicant was requesting full-movement access onto Grant Street on the north side of the site; a right-in/right-out access with a deceleration lane on 90th Street; and a full movement access on Blondo Street on the south side of the site. Public Works denied the applicants request for the following reasons: 1) an extra driveway was being requested and 2) the driveway would cause a hazardous situation.

Public Works found no issues with the Grant Street access. Mr. Haas explained that, although Public Works tries to avoid driveways onto arterial streets, the applicant had agreed to construct a deceleration lane which would help to alleviate most of the concerns with that particular driveway. He explained that the main concern was that the requested access onto Blondo Street (91st Plaza) was too close to the signalized intersection at 90th and Blondo. He noted that the driveway was built about 25 years ago and does not meet the driveway standards currently used by Public Works. He presented the crash pattern for the intersection and explained that there were already safety issues without the proposed improvements to the site. He reasoned that the proposed use would result in an increase in the number of crashes. In response to Mr. Levy, Mr. Haas stated that there were approximately 1 - 2 crashes per year near the proposed access on 91st Plaza.
Mr. Haas further explained that 90th and Blondo is one of the City’s high crash locations. For that reason, the Nebraska Department of Transportation has directed that Public Works must take the necessary measures to remedy the situation. He noted that the most common accidents were the result of east-bound turn lane movements. He explained that, because of the intersection at 91st Street, there was no room to extend the left turn lane on Blondo Street. If the left turn lane was extended, a protected-only, left-turn arrow could be installed and the number of east-bound, left turn accidents would be reduced. Mr. Pfitzer explained that the intersection sits on top of a hill making it difficult for traffic turning onto 90th Street to see cars that are traveling eastbound on Blondo Street. Mr. Haas acknowledged that closing off the 91st Street intersection would impact surrounding businesses; however, he stated that it was up to the City to determine the appropriate design to remedy the documented crash patterns. He stated that Public Works could support the applicant’s request if an agreement was made to construct the median that would essentially close the 91st Street intersection. The applicant would still have full-movement access on Grant Street, a right-in/right-out access with a deceleration lane on 90th Street and a right-in/right-out access with a deceleration lane on Blondo Street. Mr. Haas provided options for traffic to access the site which included a westbound, U-turn movement on Blondo Street with the left-turn arrow.

Mr. Pfitzer stated that the safety of the intersection would be addressed whether or not the site was developed. Mr. Riesselman mentioned that Public Works has had to replace median signs 28 times in the last four years on Blondo Street as a result of near misses that are not recorded in the crash patterns. He added that traffic from a convenience store would increase the number of crashes and lead to more maintenance issues.

Mr. Daub stated that his client objected to the condition that the 91st Street intersection should be closed at the applicant’s expense. He believed that allowing a westbound U-turn on Blondo Street was even more dangerous than the existing situation.

Mr. Perlebach appeared before the board. He submitted information to support his case (Exhibit 2). He believed that the proposed project would make the site more attractive and would provide much needed economic development in the area. Mr. Daub noted that the exhibit included a letter from Mayor Stothert expressing support for the project.

Cindy Makinster (11222 Davenport Street) appeared on behalf of Walgreens and All Nations Furniture located on the southwest corner of 90th and Blondo. She stated that Walgreens supported the project; however, the owners objected to the closing of the 91st Street intersection. She explained that trucks for both businesses access the site from 91st Street. She believed that the closure of the intersection would stifle existing businesses and limit access for life safety vehicles.

Ron Myers, HR Director – Marriott Reservation Center, appeared before the board. He explained that closing the 91st Street intersection would prevent some of the 1200 employees from being able to turn left onto Blondo. He added that vehicles attempting to turn left onto 90th Street cause traffic to back up in the center’s parking lot. He indicated that, from 4:30 to 5:30 pm, approximately 150 – 200 cars are exiting the site. He believed the closure of the intersection would increase the number of accidents on Blondo Street and make it less accessible to first responders.

Mark Maguire, Property Owner of 9109 Blondo Street, appeared before the board. He believed that closing the 91st Street intersection would decrease the value of his property. He explained that his building houses a medical facility and that emergency vehicles have needed access to his property in the past. He indicated that there were already issues with traffic backing up on the site and stated that there needed to be at least two ways to enter and exit the site. He further added that many of the delivery trucks that come to his building throughout the day use the intersection at 91st Street to enter the site.

Mr. Daub stated that leaving the intersection as is would allow for development of the site. He added that it would not change the movement of traffic nor would it disrupt the other existing business in that area.
With regards to the letter from the Mayor, Mr. Pfitzer stated that Public Works met with Mayor Stothert after the letter had been written. He indicated that Mayor Stothert acknowledged that the concerns of the Public Works Department were valid and that more discussion with the applicant was needed. He also stressed that Public Works did not need permission to close the median and that it would close regardless of the board’s decision. He urged the board to vote against the driveway on Blondo Street which would eliminate crashes in that area until Public Works received the funding to extend the median. He finally suggested that the applicant be required to extend the median if they wanted to keep the access onto 91st Street.

In response to Mr. Kruse, Mr. Daub stated that if the driveway on Blondo Street was not allowed, the project would not be built. He added that closure of the driveway would also make the site less attractive to other businesses as well.

Mr. Kruse concluded that the median would be closed regardless of the board’s decision. He also considered the potential investment in the site and expressed support of the applicant’s request to allow the Blondo Street driveway to remain.

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

AYES: Beals, Santo, Kruse

NAYES: O’Connor, Levy

MOTION CARRIED: 3-2. Appeal granted.
REQUEST: Appeal Public Works Department denial of a driveway permit dated 2/7/18 (RE: 8601 Harney Street – Westside Schools Swanson Elementary)

At the Administrative Board of Appeals meeting held on February 26, 2018, Joe Zadina appeared before the board. Ryan Haas (Public Works) appeared on behalf of the City.

Mr. Haas stated that Swanson Elementary school was being rebuilt. He explained that the only deficiency with the site plan were the three lanes being requested at the driveway on 85th Avenue. He stated that driveway regulations limit the width of the driveway to 30’. Public Works did not object to the board allowing the applicant to install a 35’ driveway.

Mr. Zadina stated that he worked with Public Works to resolve issues with stacking and circulation.

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

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

MOTION CARRIED: 5-0. Appeal granted.

REQUEST: Appeal Park Omaha’s termination notice for a loading zone dated 12/12/17 (RE: 406 South 12th Street)

At the Administrative Board of Appeals meeting held on February 26, 2018, Merle Rambo appeared before the board. Ken Smith (Park Omaha) appeared on behalf of the City.

Mr. Smith explained that there were 10 – 12 loading zones in the area of 12th and Howard. The alleys in the Old Market were originally to be used as loading zones and the goal was to reactivate those areas for that purpose. He mentioned that 52 violations and warnings have occurred at this site over a 3 year period and dumpsters had been dropped off without permits. He explained that there are three types of loading zones: passenger, freight and truck. There are time limits for each type of zone and they must be used for active loading and unloading only. The code states that the permit holder’s rights should not be greater than those of the public. He stated that four angled parking stalls at this address were being used for loading zone purposes. Mr. Smith indicated that he has communicated with the property owner on numerous occasions. He explained that the goal was to make those parking spaces active for the public.

Brian Littler (4408 Walnut Street – Old Market Business Association) appeared before the board. He submitted documents to the case file that included an alley study (Exhibit 2). He explained that this building could not have a loading dock in the alley to the south of the building because of congestion and because it was not set up for deliveries. He added that he anticipated that deliveries to the building would dramatically increase since the building is fully leased. He believed that there was enough parking in the area for tenants and business owners.
Matt Schafer (303 North 38th Avenue) appeared before the board. He discussed the proximity of the alley to the front door and how the dumpsters in the alley made it too congested to use for loading and unloading purposes.

Mr. Rambo stated that he has owned the property since the early 1990’s. He indicated that the loading zone has been in place for at least 30 years. He explained that there are a number of bar and restaurant businesses in that area which resulted in a large number of deliveries. He added that the existing loading zone made it possible for smaller trucks to pull out of traffic on 12th Street and service not just his building but many of the surrounding businesses.

Mr. Smith stated that he had spoken with the applicant about reducing the number of loading zones from 4 parking stalls to 1 and limiting the number of deliveries. He added that dumpster consolidation had also been discussed as an option to make the alley less congested. Mr. Rambo stated that he could agree to reduce the number of stalls to 3 since those spaces could still fit 2 delivery trucks.

In response to Mr. Levy, Mr. Rambo stated that he would be agreeable to limiting the loading zone hours, possibly from 7 am to 9 pm. The board believed that a layover would provide an opportunity for the parties involved to reach a compromise to the situation.

Mr. Beal moved to LAYOVER until the Marc 26, 2018 meeting to give the applicant and Park Omaha time to work out an agreement. Mr. Kruse seconded the motion.

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

MOTION CARRIED: 5-0.

4.  
18-02-008
Patrick Rydberg
6016 North 43rd Avenue
Omaha, NE 68111

REQUEST: Appeal Police Department’s denial of a firearm registration dated 1/10/18

At the Administrative Board of Appeals meeting held on February 26, 2018 Lt. Dave Sedlacek (Omaha Police Department) and Patrick Rydberg appeared before the board.

Lt. Sedlacek stated that on January 10, 2018 Mr. Rydberg was not able to register his firearm due to a CCW (Carrying Concealed Weapon) charge from June 17, 2003. He explained that in May 2003 a search was performed on the applicant and a knife was found. His other offenses was a marijuana less than 1 ounce conviction from 2002 and traffic offenses.

Mr. Rydberg stated that he wanted a firearm to protect his home.

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

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

MOTION CARRIED: 5-0. Appeal granted.
5.  
18-02-009  
Sandra White  
4717 North 39th Street  
Omaha, NE 68111  
REQUEST: Appeal Police Department’s Notice of Nuisance dated 2/1/18

At the Administrative Board of Appeals meeting held on February 26, 2018 Officer James Stokes and Sandra White appeared before the board.

Officer Stokes stated that notice had been issued by another officer. He indicated that he visited the residence and found a tan, 2002 Mountaineer that was not registered, operational or parked on a paved surface.

Ms. White explained that when the police came to her home they were there for another matter and not for the vehicle parked at her home. She stated that she had recently obtained insurance for the vehicle. She added that it was difficult for her to get time off her job to purchase the plates. Mr. Levy advised the applicant that once the vehicle was registered it would need to be parked on a hard surface.

In response to Mr. Kruse, Ms. White stated that she would be able to register the vehicle and have it parked on the street within 30 days.

Mr. Kruse moved to DENY the appeal with 30 days to comply. Mr. Beals seconded the motion.

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

MOTION CARRIED: 5-0. Appeal denied.

6.  
18-01-005  
Larry W. Rosman-Webber  
8512 North 47th Street  
Omaha, NE 68152  
REQUEST: Appeal denial of Third Grade Stationary Engineer License dated 12/28/17

At the Administrative Board of Appeals meeting held on February 26, 2018 Tom Phipps (Chief Mechanical Inspector) and Larry Rosman-Webber appeared before the board.

Mr. Phipps stated that Mr. Rosman-Webber failed to renew his license after the 2017 renewal period which resulted in his license being voided for 2017. He indicated that there were no outstanding actions against the applicant and that Permits and Inspections supported the re-instatement of the applicant’s license as long as he paid the license renewal fees for 2017 and 2018.

Mr. Rosman-Webber stated that he did not receive a bill for 2017 or 2018. He indicated that he had the license for over 35 years and requested that his license be reinstated.

Mr. Kruse moved to GRANT the appeal subject to the applicant paying the license renewal fees for 2017 and 2018. Mr. Santo seconded the motion.

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

MOTION CARRIED: 5-0. Appeal granted.
7.

18-02-010
James Heinlen
1301 Lincoln Mall, #1203
Lincoln, NE 68508

REQUEST: Appeal denial of Third Grade Stationary Engineer License

At the Administrative Board of Appeals meeting held on February 26, 2018 Tom Phipps (Chief Mechanical Inspector) and James Heinlen appeared before the board.

Mr. Phipps stated that the applicant failed to renew his license for 2017. He stated that if the board decided to grant the appeal, Mr. Heinlen should be required to pay the license renewal fees for 2017 and 2018. In response to Mr. Levy, Mr. Phipps stated that no complaints had been filed against Mr. Heinlen.

Mr. Heinlen stated that he submitted a check to renew his 2017 license but never received his license. He indicated that the check was never cashed.

Mr. Kruse moved to GRANT the appeal subject to the applicant paying the license renewal fees for 2017 and 2018. Mr. Beals seconded the motion.

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

MOTION CARRIED: 5-0. Appeal granted.
At the Administrative Board of Appeals meeting held on February 26, 2018 Mark Langan (Nebraska Humane Society), Shawna Coddington, Robert Coddington and Richard McGowan (Attorney) appeared before the board.

Mr. Langan stated that on November 27, 2017, NHS issued a Potentially Dangerous Dog Declaration to Shawna Coddington for a dog named Michelle. The declaration came with 30-day requirements that had not been met. They requirements included spaying/neutering of the dog and purchase of a Potentially Dangerous Dog license. Between December 29, 2017 and January 29, 2018, an NHS officer made 15 attempts to contact Ms. Coddington to inquire as to why the requirements had not been completed. On January 10, 2018, a Reckless Owner Declaration was taped to the front door of the home since none of the requirements had not been satisfied. A search warrant was subsequently served on January 29, 2018 that resulted in the seizure of four dogs. Ms. Coddington arrived at the shelter on January 30, 2018 to appeal NHS’s decision. Mr. Langan indicated that, although Ms. Coddington was 10 days late filing the appeal, he allowed her to file. Prior to the appeal that occurred on February 2, 2018, the victim in the case who is also a neighbor of the CODDINGTONS, indicated that he had misidentified the dog. It was determined that the dog in question was in fact “Michelle”. At the February 2nd hearing, the neighbor stated that the dog was “Jake” and not “Michelle”. NHS denied the applicant’s request. Mr. Langan indicated that between May and November 207, 12 incidences had been reported to NHS regarding the applicant’s dogs either barking or running loose in the neighborhood.

Mr. McGowan cited some issues with NHS’s case that included the following: the wrong dog being named in the declaration; Mr. Coddington not being listed on the original declaration; the Reckless Owner Declaration being taped to the door instead of mailed; and the applicants were not allowed inside the room while the neighbor testified at the hearing. In response, Mr. Langan stated that he did not want to publicly state the reason why he did not tape the neighbor’s testimony. In addition, he believed that taping the notice to the front door was an acceptable way to legally notify the applicants.

In response to Mr. Levy, Mr. Langan stated that there was no evidence that the Coddington’s dogs had injured any people or other dogs.

Ms. Coddington stated that she would have appealed earlier but she was told by the NHS officer that the declarations were being dropped. Mr. Langan explained that the first declaration was dropped. He added that Ms. Coddington did not attempt to fulfill the requirements of the second declaration.

Mr. Levy stated that he was conflicted about the imposing the declaration since none of the Coddington’s dogs had injured anyone. He further stated that the applicants were not cooperative with NHS.

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

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

MOTION CARRIED: 3-2 Appeal denied.
**Election of Officers**

Mr. Kruse moved to ELECT Mr. Levy as Chair. Ms. O’Connor seconded the motion.

AYES: Beals, Santo, Kruse, O’Connor

ABSTAIN: Levy

MOTION CARRIED: 4-0-1

Mr. Levy moved to ELECT Ms. O’Connor as Vice-Chair. Mr. Beals seconded the motion.

AYES: Beals, Santo, Kruse, Levy

ABSTAIN: O’Connor

MOTION CARRIED: 4-0-1

**Approval of Minutes**

Mr. Kruse moved to APPROVE the January 22, 2018 meeting minutes. Mr. Santo seconded the motion.

AYES: Santo, Kruse

ABSTAIN: Beals, O’Connor, Levy

MOTION CARRIED: 2-0-3

**ADJOURN:**

It was the consensus of the board the ADJOURN the meeting at 3:09 p.m.