ROLL CALL:

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

Cases:

1. 17-06-054
   Douglas Dreessen
   Thompson Dreessen & Dorner Inc.
   10836 Old Mill Road
   Omaha NE 68154
   REQUEST: Appeal Public Works Department denial of driveway permit
   (RE: 60th Street & Woolworth Avenue, Boyd and Charlie’s BBQ)

Douglas Dreessen and Perry Viers (Boyd and Charlie’s BBQ) appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the existing building on the northwest corner of 60th and Woolworth would be used as a restaurant. The site had two driveways on 60th Street, one with an excessively long width. As proposed, the site plan included an offset from William Street of only 46’ and a second, one-way out driveway. The driveway regulations allow one driveway. Public Works believed that all of the serious driveway issues had been alleviated and there were no concerns with the proposed plan.

Mr. Dreessen stated that the driveway near 60th and Woolworth would be closed and the driveway near 60th and William would be reduced to a reasonable width. The one-way, west-bound driveway onto Woolworth Avenue would remain.

In response to Mr. Levy, Mr. Haas stated that since 60th Street is an arterial street, the driveway requirement is 115’ from William Street. The driveway on 60th Street would keep commercial traffic off William Street and reduce the number of conflicts as much as possible.

Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.
Dustin Shropshire appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board.

Mr. Haas explained that an existing OPS school was being relocated to an existing facility at 44th and Cuming. Public Works attempted to have the driveways work with the existing traffic signals at the T-intersection on 43rd Avenue. He stated that there were numerous, non-conforming issues with the site and that Omaha Public Schools had worked extensively with Public Works in an attempt to work through them. He added that the building and the grade separates the site into three parts. The parking lot to the east of the building will be for staff/employee parking. That driveway would be relocated to the east to improve site distance for vehicles facing west. This would remove it from the signalized intersection. The driveway to the south of the building will remain in place with no changes. Driveways 2 and 3 (northwest parking lot) would function as a one-way pair. Based on the specific needs of the site, the only entrance that could be used for student drop-off is the northwest parking lot. It was determined that traffic would enter from 44th Street at driveway 3 and exit onto Cuming Street using driveway 2. He requested the following conditions: 1) the school district must coordinate with the City to change 44th Street to a one-way, northbound street during school operations, eliminating the possibility that traffic would turn off of Cuming in an attempt to enter the driveway; and 2) the extension and modification of the median would include the removal of the left turn lane onto 44th Street. He stated that if those conditions were met, Public Works would not oppose the request.

Mr. Shropshire stated that he was in agreement with the conditions of the Public Works Department. In response to Mr. Levy, he stated that one-way signage would be added to driveways 2 and 3.

Motion to APPROVE by Mr. Kruse with the following conditions: 1) Omaha Public Schools District 001 to coordinate with Public Works to regulate North 44th Street as one-way only from Burt Street to Cuming Street during school times and 2) extension of the median at driveway #1 as shown on the submitted plan. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.
Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

4.  
17-06-057  REQUEST: Appeal Public Works Department denial of driveway permit
Joe Zadina  (RE: 6450 Pine Street, Scott Conference Center)
Lamp Rynearson & Associates
14710 West Dodge Road
Omaha NE 68154

Joe Zadina appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board.

Mr. Haas explained that the proposed plan consisted of a re-working of the front entrance to the Scott Conference Center. Pedestrians are required to cross the street to enter the facility since parking for visitors is on the south side of Pine Street and the center is on the north side. The University had expressed concerns about the speeds along Pine Street, and although the speeds could not be lowered, efforts were made to calm traffic in that particular area. In the past, Pine Street was five lanes; however, it was later restriped to include on-street parking. Public Works suggested an on-street drop-off to avoid a looped driveway in the front of the facility. The proposed plan was for a one-way in/one-way out, looped road to accommodate the drop-off function for the site. The plan also includes bump-outs on the north and south sides of Pine Street that will narrow the length of the road and result in the calming of traffic in that area. Since many events are held at the site that require buses and limousines to access the site, a wider driveway was requested.

Mr. Zadina agreed with Mr. Haas’ summary of the case.

Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

5.  
17-06-058  REQUEST: Appeal Public Works Department denial of driveway permit
Gary Raftery  (RE: 3550 Keystone Drive, Divercon)
Thompson Dreessen & Dorner Inc.
10836 Old Mill Road
Omaha NE 68154

Douglas Dreessen appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board.

Mr. Haas stated that the proposed plan included an addition to the north end of the building and relocated access at the north end of the site. As proposed, two driveways would serve the site: a one-way pair on the north end of the site that exits the south end and another two-way driveway that would serve employee parking in the middle of the site. He explained that there was not a good way to consolidate those accesses and any attempts to do so would violate zoning requirements with regards to landscaping and setbacks along the property frontage. Taking into the consideration the size of the site and the low-speed/low-volume characteristics of the street, the Public Works Department had no objections to the site as proposed.
Motion to APPROVE by Mr. Kruse. Second by Ms. O’Connor.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

6. 17-06-059
Gary Raftery
Thompson Dreessen & Dorner Inc.
10836 Old Mill Road
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 45th & Izard Streets, Omar V)

Douglas Dreessen appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board.

Mr. Haas stated that the applicant was attempting to add a second parking entrance for semis on Izard Street. This would result in the site having two driveways with very little distance between them. He believed that there was a deficiency in how far the driveway was offset from 45th Street. He stated that Izard Street and 45th Street are both low-speed/low-volume streets and that the Public Works Department had no objections to the site plan as proposed.

Mr. Dreessen explained that the goal was to keep semi-trucks away from passenger cars.

Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

7. 17-06-060
Anthony D. Kellogg
2209 Military Avenue
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

Anthony Kellogg appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board.

Lt. Sedlacek stated that the applicant was denied a handgun registration on May 22, 2017 as a result of a marijuana less than one ounce conviction from November 5, 2012, for which he was fined.

Mr. Kellogg explained that he wanted a firearm for protection of his family and business. He indicated that none of his former offenses were violent in nature.

In response to Mr. Kruse, Mr. Kellogg stated that he did not currently use marijuana.

Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.
8.
17-06-061
Roman (Shcherbiy) Heisenberg
330 South 84th Street
Omaha NE 68114
REQUEST: Appeal Police Department
denial/revocation of firearm registration

Roman Heisenberg appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board.

Lt. Sedlacek stated that he sent a letter to the applicant on May 15, 2017 advising that his handgun registrations had been revoked as a result of a protection order that had been filed against him. The applicant is also a convicted felon with a “no gun sales” order resulting from DUI convictions in Sarpy County from 1994, 2007, 2009 and 2010. Mr. Heisenberg also had a pending felony “theft by deception” in the courts. Lt. Sedlacek stated that the protection order would be effective until April 2018. He also issued the applicant a revocation based on the felony convictions.

Mr. Heisenberg explained that the protection order was a result of an on-going disagreement with someone that he did work for. He also stated that he stopped drinking in 2009.

Motion to DENY by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

9.
17-06-062
Marcus T. Brewer
5348 North 33rd Street
Omaha NE 68111
REQUEST: Appeal Police Department denial of firearm registration

Marcus Brewer appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board.

Lt. Sedlacek stated that the applicant was denied a handgun registration on May 22, 2017 as a result of a Carrying a Concealed Weapon conviction from June 19, 2012, for which he received 30 days in jail. The handgun was not registered.

Mr. Brewer stated that he was not aware at the time of how to transport a firearm. He had since educated himself on how to transport a firearm.

Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

10.
17-06-063
Amtti T. Carter
3401 Kansas Avenue
Omaha NE 68111
REQUEST: Appeal Police Department denial of firearm registration

Amtti Carter appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board.
Lt. Sedlacek stated that the applicant was denied a handgun registration on May 30, 2017 as a result of a Carry a Concealed Weapon conviction from November 6, 2000, for which she received a $150 fine.

Ms. Carter stated that, at the time, she claimed that the firearm was hers to keep her boyfriend out of trouble. She indicated that she has never owned a gun.

Motion to APPROVE by Ms. O’Connor. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

11.
17-06-064
John C. Thomas
4054 Ames Avenue
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

John C. Thomas appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board.

Lt. Sedlacek stated that the applicant was denied a handgun registration on May 25, 2017 as a result of a Carrying a Concealed Weapon conviction from April 19, 1990, for which he received a 6-month probation.

Mr. Thomas stated that he was appealing because of the time that had passed since the date of the offense. The gun would serve as protection for his wife when she is home alone.

Motion to APPROVE by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

12.
17-06-065
Ryan M. Strouts
2606 South 11th Street
Omaha NE 68108

REQUEST: Appeal Police Department Notice of Nuisance (RE: 2606 South 11th Street)

Ryan Strouts appeared before the Board. Officer James Stokes appeared before the Board.

Officer Stokes stated that a complaint had been received from the Mayor’s Office for the address about unregistered vehicles that were not parked on paved surfaces. A Notice of Nuisance was issued on May 8, 2017 for three trailers that were not parked on the pavement. He stated that the residence has been grandfathered for gravel since 1977 for the area in front of the garage. He explained that those grandfather rights might have been lost since the gravel had not been maintained. Officer Stokes advised the applicant that if the site was re-graveled and all vehicles were registered, his grandfather rights could continue. He noted that the number of items that were being stored on the property had expanded to include an unregistered trailer, tires and other items.

Mr. Strouts agreed that the property needed to be cleaned up. He indicated that, per the DMV, the tow trailer did not need to be plated. The other two trailers had been plated. He requested addition time to complete the gravel driveway.
In response to Mr. Kruse, Officer Stokes explained that Code Enforcement will usually allow an owner to retain their grandfather rights with regards to the gravel driveway; however, the gravel is usually reduced to the area in front of a garage to the street. He further explained that, although the tow trailer did not need to be plated, it is still considered outdoor storage. Officer Stokes agreed to look into how much of the property had been graveled and for approximately how long.

In response to Mr. Kruse, Mr. Strouts stated that 60 days should be enough time for him to comply.

Motion to DENY by Mr. Kruse with 60 days to comply. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

13.
17-06-066
Edwin M. Denis
10205 Ohio Street
Omaha NE 68134

REQUEST: Appeal Police Department Notice of Nuisance (RE: 10205 Ohio Street)

Edwin Denis appeared before the Board. Officer James Stokes appeared before the Board.

Officer Stokes stated that an officer received a complaint from the Mayor’s office about three cars in the driveway of the home with expired plates. He visited the home on June 26, 2017 and noticed four vehicles that had expired plates or were not in operable condition. There was also outdoor storage violations. He noted that one of the vehicles was up on jack stands which is a safety hazard and a violation of city ordinance.

Mr. Denis stated that he would need more time. He indicated that the car on jack stands and the outdoor storage would be removed within the week. He indicated that once he completed repairs on the basement of the home, the cars would be stored in the garage and the remainder of the outside storage would be removed. He believed that he could have everything taken care of by the end of the summer.

In response to Mr. Levy, Mr. Denis stated that he wanted to keep the 1988 Ford Mustang and the 1994 Ford Escort. The car on the jack stands, a 2000 Ford Contour, would be removed by Friday of that week.

Motion to DENY by Mr. Kruse with 60 days to comply for the 1988 Ford Mustang and the 1994 Ford Escort. The 2000 Ford Contour must be brought into full compliance by June 30, 2017 along with the remaining violations. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

14.
17-06-067
William S. Kowal
5715 South 160th Street
Omaha NE 68135

REQUEST: Appeal denial of Third Grade Stationary Engineer certificate

William Kowal was not present when his case was called. The Secretary confirmed that Mr. Kowal had contacted her. He indicated that he would be out of town at the time of the meeting. He requested a layover until the following month. Tom Phipps, Planning Department appeared before the Board.
Thomas Phipps, Chief Mechanical Inspector, stated that Mr. Kowal attempted to renew his stationary engineer license on May 11, 2017, after the March 1, 2017 expiration date. Mr. Kowal’s license expired on March 1, 2017 for non-renewal and in accordance with City ordinance 40-197 could not be renewed. Mr. Kowal would need to retake the exam. He then stated that the Permits and Inspections Department had not received any violations against Mr. Kowal’s license.

Mr. Kruse noted that Mr. Kowal held his license since 1982 with no violations. He added that he preferred to speak directly with the applicant.

Motion to HOLDOVER UNTIL THE JULY 24, 2017 MEETING by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

15.
17- 06-068
Richard Rainey
3634 South 24th Street
Omaha NE 68108

REQUEST: Appeal Nebraska Humane Society
Potentially Dangerous Dog Declaration

The applicant did not appear before the board. Mr. Rainey’s attorney advised that he had a previous commitment and that he would attempt to attend the meeting. Mark Langan, Nebraska Humane Society, appeared before the board. He stated that NHS received a call on April 20, 2017 from the area of 25th and B. Officers made contact with Theodora Martinez who stated that she had been walking her leashed dog in front of the applicant’s home when a dog, later identified as Boy and owned by the applicant, crossed the front yard and began attacking her dog. She was bitten by Boy as she tried to separate the two dogs. She indicated that Mr. Rainey came out to separate the dogs. Ms. Martinez sustained a minor dog bite on her left hand. NHS contacted Mr. Rainey and issued a citation for improper restraint and menacing behavior. A Potentially Dangerous Dog Declaration was also issued to him in accordance with Ordinance 6-149. Mr. Rainey and his attorney appealed to the NHS appeals board on May 18, 2017 where Mr. Rainey admitted that his dogs had been loose in the front yard. The board denied the appeal.

In response to Mr. Kruse, Mr. Langan explained the requirements of the Dangerous Dog Declaration that included spay/neutering and microchipping of the dog within 30 days, obtaining a Potentially Dangerous Dog license from NHS, showing proof of $100,000 public liability insurance policy when the dog is licensed and the dog owner must attend the Nebraska Human Society’s pet ownership and dog behavior classes. When the dog is off its property, it must be harnessed and muzzled and under the control of someone who is at least 19 years of age with a leash no longer than 6’ long. The requirements are imposed for 2 years. Since the NHS hearing, the dog had been neutered and microchipped. The Board Secretary showed proof that the applicant and his attorney received notice of the meeting.

Mr. Kruse was hesitant to lay the case over, giving more time for a dog who had already bitten someone to run lose.

Motion to DENY by Mr. Kruse. Second by Mr. Beals.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.
**Discussion of possible Amendment to Section 20-253**

The possible amendment was in reference to Carrying Concealed Weapon convictions. At present, if an individual has this type of conviction, they are prohibited from registering a firearm in the city indefinitely. Mr. Levy stated that he met with Councilman Jerram three weeks before about the issue and the Councilman was willing to work with the board on the matter. Councilman Jerram suggested that Mr. Levy speak with the Omaha Police Department on a proposed time limit, possibly 10 years.

**APPROVAL OF MINUTES:**

Motion by Mr. Beals to approve the minutes from March 27, 2017. Second by Mr. Kruse.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0.

**ADJOURN:**

Motion to adjourn by Ms. O’Connor. Second by Mr. Kruse.

AYES: Beals, Kruse, O’Connor, Levy

Motion carried 4-0. Meeting adjourned at 2:28 p.m.