Minutes
Administrative Board of Appeals
August 30, 2010

MEMBERS PRESENT: Ann O’Connor, Chair
                    David Levy, Vice Chair
                    Bode Labode
                    Steve Simmonds, Alternate
                    Jama Samievi, Alternate

MEMBERS ABSENT: Jim Weaver
                 Jose Lopez

OTHERS PRESENT: RoseMarie Horvath, Law Department
                  Kevin Denker, Planning Department
                  Debbie Hightower, Recording Secretary

I. Roll Call

Ms. O’Connor called the meeting to order at 1:30 pm.

Mr. Denker asked that the board receive as Exhibit 1 in each of this meeting's cases the contents of the City's file on each case.

Ms. O’Connor acknowledged the contents of the City's file as Exhibit 1 in each case.

II. Cases

10-5-26 (over from 5/24/10)
Appeal Omaha Police Department denial of firearm registration: Fletcher Young, 4850 Underwood Ave Apt. 302 68132

Fletcher Young appeared before the board with attorney, Patrick Campagna, Lustgarten & Roberts, P.C., 1625 Farnam Street.

Mr. Campagna requested that this case be laid over until there is a final disposition of a pending protection order which is scheduled to be heard on October 21, 2010.

Mr. Levy made a motion to hold this case over until the November 29, 2010 meeting. Second by Mr. Simmonds.

AYES: Levy, Simmonds, Samievi, O’Connor

ABSENT: Labode

Motion carried 4-0. Appeal laid over until the November 29, 2010 meeting.

10-8-65
Appeal Omaha Police Department denial of firearm registration: Charles E. Segers, Sr., 4737 N 41 Street 68111

Charles E. Segers, Sr. appeared before the Board. Mr. Segers explained that he was under the understanding that a concealed weapon charge from July 12, 1989 was dismissed. He stated that he is retired from the Marine Corps.
Sgt. Mark Hanner, Omaha Police Department, stated that Mr. Segers was denied a handgun registration because of a prior conviction of a concealed weapon charge on July 12, 1989. The concealed weapon was a knife that was found under the seat of his vehicle during a traffic stop.

Mr. Segers responded that the knife was a souvenir from the Philippines and it was part of his belongings that he was transporting from a storage unit to an apartment.

Sgt. Hanner verified that Mr. Segers does not have any other criminal history.

Mr. Levy made a motion to grant the appeal. Second by Mr. Labode.

AYES: Labode, Simmonds, Samiev, Levy, O’Connor

Motion carried 5-0. Appeal granted.

10-8-66
Appeal Omaha Police Department denial of firearm registration: Michael Coy, 11417 Arbor Street #6b 68144

Michael Coy appeared before the Board. Mr. Coy explained that he was arrested at the age of 16 years old with a knife in his pocket and was charged with a concealed weapon charge. He stated he is currently attending school for criminal justice and eventually would like to become part of the Police Department. He explained that he presently works for a pharmaceutical company doing security and narcotics transport. He stated he also has a MIP (minor in possession) charge on his record from June 2005.

Sgt. Mark Hanner, Omaha Police Department, stated that Mr. Coy was denied the registration of his handgun because of a conviction for a concealed weapon in 2002 of which he spent 12 days in jail.

Mr. Simmonds made a motion to grant the appeal. Second by Mr. Samiev.

AYES: Simmonds, Levy, Labode, Samiev, O’Connor

Motion carried 5-0. Appeal granted.

10-6-49 (over from 6/28/10, 7/26/10)
Appeal Order to Abate Nuisance issued by City of Omaha: Brian Newman, 4414 N 30 Street 68111

Brian Newman appeared before the Board.

Kevin Denker, Chief Housing Inspector, stated that his office issued the nuisance but there are several issues that need to be complied with. He stated that he would recommend a lay over to allow additional time.

RoseMarie Horvath, Law Department, City of Omaha, communicated with Mr. Newman’s attorney and she was not able to make the hearing but requests that the case be laid over.

Mr. Levy made a motion to lay this case over until the September 27, 2010 meeting. Second by Mr. Simmonds.

AYES: Samiev, Levy, Labode, Simmonds, O’Connor

Motion carried 5-0. Laid over until the September 27, 2010 meeting.
10-8-70
Appeal Nebraska Humane Society Reckless Owner declaration: Sheri L. Frizzell, 7604 N 29 Street 68112

Sheri L. Frizzell appeared before the board with attorney, Todd Frazier, 11920 Burt Street.

Mr. Frazier requested that this case be laid over until the next meeting on September 27, 2010 to allow for additional time before presenting the case.

Mr. Levy made a motion to lay this case over until the September 27, 2010 meeting. Second by Mr. Labode.

AYES: Labode, Simmonds, Samiev, Levy, O’Connor

Motion carried 5-0. Laid over until the September 27, 2010 meeting.

10-8-68
Appeal Nebraska Humane Society Reckless Owner declaration: Christopher Pfanstiel, 5905 S 151 Street 68137

Christopher Pfanstiel appeared before the Board. Tracy Sladek, 11118 Madison Street, appeared before the board in favor of the request. Mr. Pfanstiel explained that the reason for the appeal is that if a person is convicted with three violations within a two year period, the Humane Society is mandated or regulated to hand down the Reckless Owner declaration. He was concerned that he was judged by the same standard as other pet owners with one dog. The “reckless owner” determination by the Nebraska Humane Society is a severe penalty for four years and does not line up with other statutes in regard to “reckless”. Mr. Pfanstiel referred to several submitted affidavits from friends who are familiar with his three dogs. He also referred to several photos of his home showing the fenced back yard, gate locks and a dog run. The three dogs are bird-hunting dogs and he indicated that he has spent a considerable amount of time training the dogs and has entered two of the dogs into hunting test competitions. He stated the dogs are not neglected or abused and he does not take dog ownership lightly.

Mark Langan, Vice President of Field Operations for the Nebraska Humane Society, appeared before the Board. Mr. Langan stated that as per Omaha City Ordinance 6-87, Reckless Owner Ordinance defines a Reckless Owner as an individual who obtains three separate animal control convictions in Douglas County Court in a 24-month period. Mr. Pfanstiel received conviction number one on April 30, 2009 when two of his dogs got loose from his yard and one of the dogs bit a juvenile. Mr. Pfanstiel was found guilty of menacing behavior by a Douglas County Court judge in that situation. Three months later, on July 21, 2009, two of his dogs got loose and were found chasing juveniles in the neighborhood. Mr. Pfanstiel was found guilty in Douglas County Court. This was the second bite in 15 months involving his dogs. Mr. Pfanstiel was found guilty of a dog damaging property in Douglas County Court which resulted in three convictions in a 24-month period. A short history of events, involving Mr. Pfanstiel’s dogs, include that twice in 2007, the Nebraska Humane Society received complaints that Mr. Pfanstiel’s black labs were running loose. In 2008, one of his dogs was running loose and was impounded by the Nebraska Humane Society. In 2008 a complaint was made regarding Mr. Pfanstiel walking his dog off leash. Again in 2008, Mr. Pfanstiel’s three dogs were impounded and went to the Nebraska Humane Society. In 2008, a complaint was made that Mr. Pfanstiel’s dogs were running loose. In 2009, Mr. Pfanstiel’s three dogs were running loose and impounded by the Nebraska Humane Society. In August 2009, an animal control officer witnessed the three dogs unrestrained in Mr. Pfanstiel’s yard with him present but that citation was dismissed.
Mr. Langan concluded by stating that the Reckless Owner ordinance was geared and written toward irresponsible dog owners whose dogs pose a danger to the public. The three convictions in this situation show that Mr. Pfanstiel does not have control over his dogs and his dogs pose a danger to the public as indicated by the two separate bites on two separate occasions. There was no evidence of harassment by the juveniles involved in the two bite situations.

Mr. Samiev questioned the date of the last incident. Mr. Langan stated that there have been no complaints since the July 1, 2010 incident.

Mr. Levy asked Mr. Langan whether voting to deny Mr. Pfanstiel’s appeal would result in a permanent ban on Mr. Pfanstiel from owning animals. Mr. Langan stated that the Reckless Owner designation prohibits a person from owning an animal for four years. However, Mr. Pfanstiel may apply to the Nebraska Humane Society after a period of two years to have the Reckless Owner designation removed from his record. Providing that there is no other animal control convictions, Mr. Pfanstiel would be restored ownership of his three Labs. Mr. Langan stated that the ordinance requires Mr. Pfanstiel to turn his three dogs over to the Nebraska Humane Society; but Mr. Pfanstiel was allowed to place his three dogs in a new home during this two-year probationary period. During the two years, Mr. Pfanstiel cannot reside with his dogs.

Mr. Samiev questioned the amount of time that Mr. Pfanstiel spends with his dogs. Mr. Pfanstiel admitted that as his kids get older, he spends less time with his dogs. He indicated that he walks his dogs every morning and most evenings, spends time training the dogs for hunting competitions, and treats his dogs like family members. Mr. Samiev asked whether any of Mr. Pfanstiel’s children have been bitten by the three dogs. Mr. Pfanstiel stated that he has never witnessed aggressive behavior from his dogs, and his children have never been bitten. Mr. Pfanstiel stated that he takes each of these incidents seriously, noting that he has taken remedial measures to prevent his dogs from being loose in the neighborhood or prevent pedestrians in the area from being in a position where they could potentially harass his dogs while they are in the backyard. When asked how long Mr. Pfanstiel has owned the dogs, he stated that he has owned Jules for seven years, Angus for approximately five years, and Eve since her birth two and one-half years ago.

Ms. O’Connor asked if there was any other discussion regarding this case. Mr. Simmonds stated that according to the Nebraska Humane Society, Mr. Pfanstiel took nearly three years to take measures to ensure that his dogs were not endangering the public. Mr. Simmonds stated that this concerned him, and that it appears that Mr. Pfanstiel was snubbing the rulings of the Nebraska Humane Society by allowing his pets to run in the neighborhood for such a prolonged period without taking steps to keep his animals in his yard. Mr. Pfanstiel disputed this opinion.

Mr. Langan addressed the Board, reminding them that three convictions in a 24 month period satisfies the requirements of the Reckless Owner ordinance. Mr. Langan stated that this ordinance was written specifically for cases such as this one, and the Nebraska Humane Society stands by its decision to deny Mr. Pfanstiel’s appeal with their organization.

Mr. Levy noted that on the report dealing with the third conviction, there is a note stating that the gate was found to be unsecured. Mr. Langan stated that he was aware that Mr. Pfanstiel had placed clips on the gates in order to prevent them from opening accidentally. Mr. Pfanstiel stated that he has been consistent with securing the gates, and added that he may have unlocked the gate while checking the property with animal control officers.

Mr. Levy stated that the gate being unsecured was troubling. He asked Mr. Langan if animal control officers write a report at the scene, or later. Mr. Langan confirmed that the officers write their reports after the incident has taken place. These reports are then summarized into another document which is presented during appeals at the Humane Society. When asked by Mr. Levy, Mr. Langan stated that he did not have a copy of the officer’s original report for the Board to review today.
Mr. Labode stated that while it is troubling enough that the dogs were able to escape, adding that it is more troubling that they have bitten people while being loose. Mr. Labode stated that this was a serious matter.

Ms. Sladek attested to the fact that she has cared for one of the dogs, Jules, recently. During this time, the dog jumped her 4’ fence and was found by children in the area. When Ms. Sladek came to pick Jules up, the parents of the children did not mention that Jules bit any member of the family, or showed any signs of aggression. Ms. Sladek continued by stating that she has never observed any aggressive behavior from the three dogs, even when she walked through the front door without Mr. Pfänstiel being at home. She concluded by stating that while caring for Jules, Ms. Sladek hosted a gathering of friends in her home. At this gathering, Jules was in the company of a guest’s four-year-old child and never displayed any aggression towards the toddler, even when the toddler pulled the dog’s tail.

In the interest of time, Ms. O’Connor asked that the Board members make a motion on this case.

Motion by Mr. Simmonds to deny appeal. Second by Mr. Levy.

AYES: Simmonds, Levy, O’Connor

NAYS: Samiev, Labode

Motion carried 3-2. Appeal denied.

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10-7-57 (over from 7/26/10)

Appeal denial of dance permit at Omaha Keno King, 6553 Ames Avenue; Jeffery Rothlisberger, 9260 County Road 36, Ft. Calhoun, NE 68023

Jeffery Rothlisberger and Nicholas Scalise appeared before the Board. Ms. O’Connor inquired whether Mr. Rothlisberger would like to add anything to his previous statements on July 26, 2010. Mr. Rothlisberger asked to recap his statements from the previous meeting. Mr. Levy stated that this case was held over at the previous meeting in order to allow for a decision from the liquor commission as regards the liquor license for this business. Mr. Levy asked Mr. Rothlisberger to bring the Board up to speed on any developments that have taken place since his last appearance before the Board.

Mr. Rothlisberger stated that another bar in the area, Hank’s (located on 40th & Ames) is going out of business. This means that Keno King will be the only establishment between 72nd & Ames and 16th & Ames which serves alcohol. Mr. Rothlisberger added that his establishment has been checked twice since his appearance before the Board on July 26th for dance permit violations by the Omaha Police Department. Mr. Rothlisberger stated that according to his research, there are over 2,000 bars in the City of Omaha. Of these 2,000 bars, only seven have dance permits. Mr. Rothlisberger maintained that dancing regularly occurs in many Omaha bars, even those without permits.

Mr. Rothlisberger commented that the sum of $900,000.00 has been invested in his business, and he believes this to be a property rights issue. Mr. Rothlisberger stated that, in his opinion, dancing does not equate with violence. Judges have found Keno King’s owners to be not guilty three out of the four times that they have appeared in court. Mr. Rothlisberger commented on establishments such as Club Patrick’s or the Max, who routinely advertise and hold dances with live DJ’s and they are not checked by the Omaha Police Department. Mr. Rothlisberger concluded that he believes it is his right to use his building in the manner in which he sees fit, not the Omaha Police Department.

Lt. Matthew C. Lippold, with the Northwest Precinct of the Omaha Police Department appeared before the Board. Lt. Lippold stated that there was a hearing held by the Omaha City Council on Tuesday, August 24th, 2010. Lt. Lippold has been informed by his Captain that there will be a hearing
of the State Liquor Commission in September. Lt. Lippold could not give a specific date for the Liquor
Commission hearing at this time.

From December 2008 to September 2009, Lt. Lippold stated that there were no incidents at Keno
King. However, beginning on October 10, 2009 and continuing through April 2, 2010, four dance
permit violation citations were issued. At the August 24, 2010 meeting of the Omaha City Council, it
was determined that some of the dance violation citations have been handled by the court system,
but not all of them have been processed through the courts.

Lt. Lippold stated that the Omaha Police Department was called out to Keno King on a tavern report
on August 1st for a crowd disturbance. One person was arrested as a result of this call. It is the Police
Department’s opinion that this case should be laid over until after the September hearing of the State
Liquor Commission.

Mr. Levy stated that to his recollection, this case was held over to today’s meeting in order to allow
for a decision by the State Liquor Commission. Currently, Keno King’s liquor license is in Mr.
Rothlisberger’s name. The State Liquor Commission hearing will be to determine whether a liquor
license will be granted to Mr. Scalise. Mr. Levy inquired whether the only item for discussion at the
State Liquor Commission hearing is the name change to the liquor license, or if the disturbances
outlined by the Omaha Police Department will also be a part of the hearing.

Mr. Rothlisberger replied that he will, at some point, have to appear before the State Liquor
Commission for renewal of his liquor license, and would like to get this matter taken care of before
that time. Mr. Levy inquired whether there is currently any application or proceeding in motion
through the State Liquor Commission to revoke Mr. Rothlisberger’s liquor license. Mr. Rothlisberger
replied that he knows of no such action being taken against his liquor license by the State Liquor
Commission at this time.

Mr. Rothlisberger has stated that 99% of people in the area where his business is located are law-
abiding citizens. Unfortunately, 1% are not law-abiding – and it is this 1% that the Police Department
has to deal with again and again. Keno King has instituted a new I.D. system which should ensure
that people with criminal histories and a history of causing problems in other establishments will not
be admitted to the business. Mr. Rothlisberger restated his belief that dancing is not a cause of
violence, and stated that to prohibit dancing in his business is an attempt by the Police and the
neighborhood at crowd control, which is unacceptable.

Mr. Labode stated that his major concern is that Mr. Mumgaard from the City of Omaha Law
Department, is not here. Ms. Horvath of the Law Department stated that Mr. Mumgaard was not
aware that he would need to be present today, but that could be arranged.

Mr. Scalise stated that he feels that the checks performed by the Omaha Police Department have
been extreme, commenting that the last ticket issued to him was for a 60-year old woman and her
daughters that were seen dancing together at the business. He stated his opinion that Keno King has
been singled out by the Omaha Police Department and that for some reason, people in the
neighborhood have not liked any of the businesses that have been established in this location. Mr.
Levy inquired whether the City Planning Board or City Council have the authority to limit the hours of
operation for this business. Ms. Horvath stated that there would have to be a conditional or special
use permit in order for those groups to be able to limit the business hours. Mr. Denker concurred with
Ms. Horvath.

Mr. Rothlisberger stated that his business prefers to hold people responsible for their own actions,
and this was the reason behind the installation of the I.D. scanner system at the doors. This system
allows the establishment to prevent those who have a history of starting fights, etc, from entering the
establishment. Mr. Rothlisberger stated that the system also allows him to communicate with other
bar owners, so that the person is banned from more than just his establishment.
Lt. Lippold stated that in addition to the four dance permit violation citations that were issued, there are other tavern reports that were issued for fighting with security staff, disorderly conduct, disturbances, shootings, and various other occurrences.

In the interest of time, Ms. O’Connor asked that the Board members make a motion on this case.

Mr. Labode asked Mr. Rothlisberger why he wants a dance permit if he is not planning to hold dances. Mr. Rothlisberger stated that in his agreement with the City Council, he agreed to not hold dances in his establishment. However, advertising and holding a dance at his location is different from a patron who decides on their own to dance while in the establishment. Mr. Rothlisberger contended that he applied for a dance permit because he feels his business is being unfairly targeted, and he wants this to stop.

Mr. Simmonds stated that the arguments heard today appear to be related to the liquor license, not the dance permit. Mr. Samiev stated that it appears that Mr. Rothlisberger has acted as a law-abiding citizen in applying for a dance permit after being told to do so by the City. Mr. Samiev asked Mr. Rothlisberger to work with the Omaha Police Department to keep incidences to a minimum, and asked what security measures Mr. Rothlisberger has taken to ensure public safety. Mr. Rothlisberger stated that they have camera systems, private security, metal detectors, and additional lighting in the parking lots. This is in addition to the I.D. check system that Mr. Rothlisberger mentioned earlier. Mr. Rothlisberger stated that he is willing to work with the Police Department to identify additional ways to make his business a safe place to be.

Motion to grant the appeal by Ms. O’Connor. Second by Mr. Samiev.

AYES: Levy, Simmonds, Samiev, O’Connor

NAYS: Labode

Motion carried 4-1. Appeal granted.

10-7-56 (over from 7/26/10)
Appeal Omaha Police Department notice of nuisance: Larry A. Cook, 12704 Leavenworth Road 68154

Larry A. Cook appeared before the Board. Mr. Denker stated that following the July 26, 2010 meeting of the Administrative Board of Appeals, he visited the site with Mike Johnson, a City of Omaha Code Inspector, and Officer James V. Stokes. During the inspection of this site, Mr. Denker, Mr. Johnson, and Officer Stokes took measurements and determined that, providing that the RV is pulled back properly, and the mirror has been turned in, Mr. Cook’s RV meets setback requirements and is in compliance.

Based on the information provided by Mr. Denker, Mr. Labode made a motion to grant the appeal. Second by Mr. Samiev.

AYES: Samiev, Levy, Labode, Simmonds, O’Connor

Motion carried 5-0. Appeal granted.
**10-8-62**
Appeal Omaha Police Department notice of nuisance: Gerald Fillbach, 12326 Nicholas Street 68154

Mr. Fillbach was not present. Mr. Denker stated that the vehicle in question is a panel truck, which Mr. Fillbach uses to deliver pastries to various locations in Omaha. Mr. Fillbach wrote in his application for appeal that the truck is not a bother to anyone; however, he was not present to make his appeal before the Board. Mr. Denker stated that this vehicle exceeds the limit of 20 feet in length.

Motion to deny appeal by Mr. Levy. Second by Mr. Labode.

AYES: Levy, Labode, Simmonds, Samiev, O’Connor

Motion carried 5-0. Appeal denied.

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**10-8-63**
Appeal Omaha Police Department notice of nuisance: Michael Hinkel, 1005 N 83 Street 68114

Michael Hinkel appeared before the Board. Mr. Denker stated that one of his inspectors visited the property this morning. Some vehicles in this area are parked on a hard surface, but not all. Also, some of the vehicles on the property have licensing issues. Mr. Denker continued, stating that there is an unimproved alley that runs through the property which is of concern. Mr. Denker’s recommendation to the Board was to lay this case over in order to give his department additional time to coordinate with the Public Works Department as regards the alley. This information may make it easier for Mr. Hinkel to bring his property into compliance.

Motion to lay this case over for sixty days to the October 25, 2010 meeting of the Board by Mr. Simmonds. Second by Mr. Samiev.

AYES: Labode, Simmonds, Samiev, Levy, O’Connor

Motion carried 5-0. Case laid over until the October 25, 2010 meeting.

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**10-8-67**
Appeal Omaha Police Department notice of nuisance: Elton Foster, 3959 N 40 Avenue 68111

Mr. Foster was not present. Mr. Denker stated that this notice of nuisance is in regards to a cargo box on the property that may be being used as a storage unit. The Board viewed photos of the site.

Motion to deny appeal by Mr. Levy. Second by Mr. Simmonds.

AYES: Simmonds, Samiev, Levy, Labode, O’Connor

Motion carried 5-0. Appeal denied.
10-7-55 (over from 7/26/10)
Appeal notice of violation issued by Parks Maintenance Department on June 7, 2010; Barbara J. Horan, 4115 N 79 Street 68134

Josh Frey with the City of Omaha Code Enforcement Division appeared before the Board. Mr. Frey stated that he met with Ms. Horan last week. Ms. Horan has had the tree trimmed by an arborist. Ms. Horan is now in compliance and no further action is needed on this case.

Motion to grant the appeal by Mr. Levy. Second by Mr. Labode.

AYES: Samiev, Levy, Labode, Simmonds, O’Connor

Motion carried 5-0. Appeal granted.

10-8-69
Appeal notice of violation issued by Parks Maintenance Department on July 30, 2010; Nicholas K. Hawkins, 1118 S 54 Street 68106

Nicholas Hawkins, applicant, and Rob Schartz, legal representation for the applicant, appeared before the Board.

Josh Frey with the City of Omaha Code Enforcement Division appeared before the Board. Mr. Frey stated that the property owner was sent a notice of violation for a silver maple at the rear of the property on July 30, 2010. Mr. Hawkins was given until October 27, 2010 to correct the violation. Omaha Code prohibits property owners from allowing dead or dangerous trees to remain on their property. Mr. Frey stated that according to his information, the tree in question is on Mr. Hawkins’ property. However, this fact is currently in dispute by the applicant. Mr. Frey asked that the Board hold this case over to allow time for a survey to be filed with the City.

Mr. Schartz stated that a survey has been performed, and it is his client’s contention that the tree falls on the property line, between his property and that of his neighbor. Mr. Schartz stated that a copy of this survey will be sent to Mr. Frey. Mr. Schartz concluded by stating that he believed that this dispute could be resolved before the next meeting of the Board.

Motion by Mr. Levy to lay this case over to the September 27, 2010 meeting of the Administrative Board of Appeals. Second by Mr. Samiev.

AYES: Levy, Labode, Simmonds, Samiev, O’Connor

Motion carried 5-0. Appeal laid over until the September 27, 2010 meeting.

10-8-64
Appeal notice of nuisance issued by Public Works Department on July 28, 2010; Kent Knudsen, 15814 California Street 68118

Kent Knudsen, applicant, and James Kee with the City of Omaha Public Works Department appeared before the Board.

Mr. Knudsen stated that he has hired a plumber, and the drainage pipe in question on his property has been capped off. His neighbor’s pipe has not been capped off at this time. Mr. Knudsen asked for additional time to allow his neighbor to cap his drainage pipe off in the correct manner, and in keeping with City regulations.
Jim Kee with the Omaha Public Works Department confirmed that the two neighbors’ drainage pipes feed into a common discharge pipe, which daylights onto the street. Mr. Knudsen’s neighbor has applied for the necessary permits to correct the violation, and is awaiting the approval of the Plumbing Division. Mr. Kee asked that the Board lay this case over in order to allow for the necessary repairs to take place.

Motion by Mr. Levy to extend the action required deadline in the July 28, 2010 letter to Mr. Knudsen from Public Works by 45 days after the neighbor completes the capping of the pipe as determined by Public Works or as such later date that Public Works determined may be reasonably necessary. Second by Mr. Samiev.

AYES: Labode, Simmonds, Samiev, Levy, O’Connor

Motion carried 5-0. Appeal granted.

III. Approval of Minutes from July 27, 2010

Motion to approve the minutes from the July 27, 2010 meeting by Mr. Labode. Second by Mr. Levy.

AYES: Levy, Labode, O’Connor

ABSTAIN: Simmonds, Samiev

Motion carried 3-0.

IV. Discussion

Due to the lengthy nature of hearings for dangerous dog appeals, the Board agreed, after some discussion, to change their meeting time from 1:30pm to 1:00 pm. This change will go into effect at the next meeting of the Board.

V. Adjournment

Motion to adjourn meeting by Mr. Simmonds. Second by Mr. Samiev.

AYES: Samiev, Levy, Labode, Simmonds, O’Connor

Motion carried 5-0. Meeting adjourned at 3:50 PM.

Debbie Hightower, Planning Department
Recording Secretary

Visit the Planning Department’s Site on the Internet at
http://co.douglas.ne.us/omaha/planning/boards/administrative-board-of-appeals