MEMBERS PRESENT:
Ann M. O’Connor, Chair  
David C. Levy, Vice Chair  
Jim Weaver  
Jose Lopez-Nuno  
John R. Barrett, Alternate

MEMBERS NOT PRESENT:  
Marty Conboy, Alternate

STAFF PRESENT:  
Timothy Himes, Law Department  
Kevin Denker, Planning Department  
Rikki Flott, Recording Secretary

ROLL CALL:
Ms. O’Connor 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:
Case number 15-08-073 was moved to the beginning of the Agenda to accommodate an interpreter for the applicant.

13.  
15-08-073  
Enrique Ochoa-Cisneros  
1218 South 17th Street  
Omaha NE 68108  
REQUEST: Appeal Nebraska Humane Society Potentially Dangerous Dog designation

Enrique Ochoa-Cisneros appeared before the Board with Mary Castaneda, a City employee and interpreter on behalf of Mr. Ochoa-Cisneros. Mark Langan, Nebraska Humane Society, appeared before the Board. Mr. Langan stated that on July 3, 2015 animal control officers were called to Creighton ER for a dog bite victim. He briefly discussed the incident involving 2 unrestrained German Shepherds chasing Cindy Coy and biting her on the buttocks. The dogs were located at Mr. Ochoa-Cisneros residence and Ms. Coy identified the dog that bit her. Mr. Ochoa-Cisneros appealed the Potentially Dangerous Dog designation issued by the Nebraska Humane Society and was denied on July 21, 2015. Mr. Langan stated that 3 previous incidents involved Mr. Ochoa-Cisneros dogs; May 2, 2015 the same dog bit a child visiting the home, December 2, 2014 both dogs were loose in his front yard, and October 13, 2014 both dogs were loose and aggressive in his front yard.

With interpretation by Ms. Castaneda, Mr. Ochoa-Cisneros stated that he was appealing because he could not afford the required insurance and had questions regarding the process. He expressed concern that his dogs were possibly confused with other dogs in the neighborhood.

In response to the Board, Mr. Langan discussed the 2 year designation requirements and that the dog bites were categorized in levels from 1 to 7, level 7 resulting in death. He added that level 3 was a minor puncture or scratch from the teeth and that Ms. Coy’s bite was comparable to a level 3 bite. He then
explained that the behavior class was $80, there was a cost to spay/neuter, and the potentially dangerous dog designation license was $100 per year for 2 years. Mr. Ochoa-Cisneros questioned the time frame for valid vaccination and Mr. Langan responded that a rabies vaccination was good for 3 years. He added that Mr. Ochoa-Cisneros dog was vaccinated at the time of the incident, but was not licensed.

Motion to DENY by Mr. Levy. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O'Connor

Motion carried 5-0. Appeal denied.

1.
15-08-062
David Fjare
Olsson Associates
2111 South 67th Street, Suite 200
Omaha NE 68106

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 72nd & Maple Street, Bucky’s)

David Fjare, Olsson Associates, and Jeff Guyette, Buchanan Energy, appeared before the Board. Ryan Haas and Murthy Koti, Public Works Department, appeared before the Board. Mr. Haas stated that the proposed plan was a Bucky’s gas station with proposed driveways on Corby and Maple Streets. He explained that non-compliance issues were 2 proposed driveways and the proposed Maple Street driveway did not meet spacing requirements from the 72nd and Maple Street intersection. He explained that the Maple Street driveway was on the downstream side of the signalized intersection at 72nd and Maple Street and that Maple Street was a high-volume, high-speed arterial street. He also noted that one of the two lanes along Maple Street dropped at 69th Street. Mr. Haas stated that 72nd Street was a longer frontage and was upstream from the signalized intersection and could meet spacing requirements.

Mr. Guyette stated that

Motion to DENY by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal denied.

ACTION: APPEAL DENIED.

2.
15-08-063
Joe Dethlefs
Thompson Dreessen Dorner Inc.
10836 Old Mill Road
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 17007 Q Street, St. Thomas Lutheran Church)

Joe Dethlefs, Thompson Dreessen Dorner, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the proposed plan was an expansion of the parking lot and that the driveway was shifting slightly to south. He then stated that the non-compliance issue was the width of the new driveway, but that the driveway was in a better location along “S” Street. He added that regulation for this driveway was 30 feet on a local street.
Mr. Dethlefs stated that the 35 foot width of the driveway was to accommodate 3 lanes for congestion of traffic during services or special events. He added that with the relocation of the driveway and options for turning lanes right or left, traffic would disperse more evenly in either direction.

In response to the Board, Mr. Haas stated that the applicant used the minimal radius allowed to allow for a shorter pedestrian crossing.

Motion to APPROVE by Mr. Levy. Second by Mr. Weaver.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

3.
15-08-064
Jason Thiellen
E&A Consulting Group
10909 Mill Valley Road, Suite 100
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 711 North Saddle Creek Road)

Jason Thiellen, E&A Consulting, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the site used the existing building and drive-through with the menu board proposed on the east side and the pick-up window proposed on the west side of the site. He explained that the north side of the site where cars stacked was a public right-of-way/alley with easements and a common-shared area with the adjacent property owner to the north. He noted that the applicant met stacking requirement with this configuration and that the Department was not concerned with use of the public-right-of way at this particular location.

Mr. Thiellen stated that the proposed use was a drive-through only Mexican restaurant and that the configuration of the drive-through was used by a previous business at this location. He noted that the applicant considered starting the process to vacate the alley.

In response to the Board, Mr. Haas stated that easement rights would be retained with vacation of the alley and Mr. Thiellen stated that the applicant understood the risk of need to access the easement if necessary.

Motion to APPROVE by Mr. Barrett. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

4.
15-08-065
Joe Zadina
Lamp Rynearson & Associates
14710 West Dodge Road
Omaha NE 68154

REQUEST: Appeal Public Works Department denial of driveway permit
(RE: 1807 South 60th Street, Belle Ryan Elementary School)

Joe Zadina, Lamp Rynearson, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the proposed plan was removal and construction of a new school and that the site had many challenges. He explained that the Department worked with the
school and devised a plan to accommodate all operations. He further explained that the waiver was for 2 driveways on Walnut Street and that the Department had no concerns.

Mr. Zadina stated that the site was under 5 acres with frontage along 60th Street and Walnut Street and that a traffic study revealed Walnut Street was the best location for the driveways. He explained that Walnut Street was one-way during school hours and that the driveways were located at a safe distance from the intersection of 60th and Walnut Streets. He further explained that the driveways and parking lots were separated for buses and delivery trucks at the east driveway and passenger cars at the west driveway along Walnut Street.

Motion to APPROVE by Mr. Weaver. Second by Mr. Levy.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

5. 15-07-048 held over from 07/27/2015
James A. Giles
4308 Miami Street
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

James Giles appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Giles informed him he could not attend the meeting because of his work schedule, but wanted the Board to consider his case. In response to the Board, he then stated that Mr. Giles’ 2 marijuana less than one ounce convictions were now more than 10 years old and that the carry concealed weapon conviction from 2005 had no limitation. He verified that the firearm purchase certificate dated June 24, 2015 and issued by the Douglas County Sheriff Department was still valid.

Motion to APPROVE by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Lopez-Nuno, Weaver, Levy

NAYS: Barrett, O’Connor

Motion carried 3-2. Appeal granted.

6. 15-08-066
Grant O. Schlagenhauff
366 North 117th Court #10
Omaha NE 68154

REQUEST: Appeal Police Department denial of firearm registration

Grant Schlagenhauff was not present when his case was called. Lt. David Sedlacek, Omaha Police Department appeared before the Board. Lt. Sedlacek stated that Mr. Schlagenhauff applied to purchase a firearm on July 9, 2015 and was denied due to a marijuana less than one ounce conviction dated May 10, 2010. In response to the Board, he explained that Mr. Schlagenhauff’s firearm purchased in Walnut, Iowa was placed into Property at the Police Department.

Motion to HOLDOVER the case until the September 28, 2015 meeting by Mr. Levy. Second by Mr. Weaver.
AYES: Barrett, Lopez-Nuno, Weaver, Levy, O'Connor

Grant Schlagenhauff appeared before the Board and Mr. Levy moved to reopen the case. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O'Connor

Mr. Schlagenhauff explained that he legally possessed the firearm. He then explained that at the time of his marijuana conviction he was 17 years of age and that after his conviction he graduated high school, attended college and was currently employed in a trade. In response to the Board, Mr. Schlagenhauff further explained that he purchased his weapon from a gun show in Westfair and properly transferred the weapon to a licensed Omaha dealer. He then stated that he retrieved his weapon from the licensed dealer and the weapon was confiscated by the Omaha Police Department upon application for registration of the weapon.

Motion to APPROVE by Mr. Levy. Second by Mr. Weaver.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O'Connor

Motion carried 5-0. Appeal granted.

7. 15-08-067
James A. Adams
5822 South 142nd Street, #A
Omaha NE 68137

REQUEST: Appeal Police Department denial of firearm registration

James Adams appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Adams applied to register a firearm on July 16, 2015 and was denied for a carry concealed weapon charge dated February 13, 1990 and that the only other offenses were minor traffic violations and an unregistered handgun.

Mr. Adams stated that the conviction was approximately 25 years ago shortly after he finished his service in the Marine Corp. He added that he was a college student and the weapon was gift he kept in his car. He then explained that he was now a lawyer and that he had no other convictions nor owned a gun since that date.

Motion to APPROVE by Mr. Barrett. Second by Mr. Levy.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O'Connor

Motion carried 5-0. Appeal granted.

8. 15-08-068
Derrace Butler
5429 North 63rd Street
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

Derrace Butler appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Butler applied to register a firearm on July 27, 2015 and was denied for a marijuana less than one ounce charge dated February 22, 2006 and unlawful transportation of a concealable handgun dated January 5, 2010, but that conviction had a limitation of 5 years.
Mr. Butler stated that he was young at the time of the marijuana conviction and that the firearm was registered when transported in his vehicle. He mentioned that he completed a firearm class to understand proper procedures of carrying a firearm.

Motion to APPROVE by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

9.
15-08-069
Aaron B. Johnson
3320 Franklin Street
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

Aaron Johnson appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Johnson applied to register a firearm on July 30, 2015 and was denied for 1 marijuana less than one ounce charge dated November 5, 2012 and 1 drug paraphernalia charge dated May 1, 2013.

Mr. Johnson stated that at the time, he chose marijuana to cope with a death in his family, but was now drug-free. He then stated that he needed protection for his siblings at home and that crime in his neighborhood has rapidly increased. He added that he planned to take a firearm safety course.

In response to the Board, Lt. Sedlacek stated that a firearm safety course was not a prerequisite for firearm registration. Mr. Johnson responded to the Board that he planned to take the safety course when he had the funds and that he was a free-lance graphic designer.

Motion to APPROVE by Mr. Weaver. Second by Mr. Barrett.

AYES: Barrett, Weaver, Levy

NAYS: Lopez-Nuno, O’Connor

Motion carried 3-2. Appeal granted.

10.
15-08-070
John H. Dole
2007 Camp Brewster Road
Bellevue NE 68005

REQUEST: Appeal Police Department denial of firearm registration

John Dole appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Dole’s firearm was revoked on July 27, 2015 due to an active protection order, but that the order was recently dismissed and his firearm registration reinstated.

Mr. Dole stated that his ex-wife filed a protection order but that she dismissed the order before going to court.

Motion to DISMISS the appeal by Mr. Levy. Second by Mr. Weaver.
AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal dismissed.

11.
15-08-071
Demetria Westbrook
2890 Ida Street
Omaha NE 68112

REQUEST: Appeal Police Department denial of taxicab driver’s permit

Demetria Westbrook appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Ms. Westbrook applied for a taxicab permit on July 25, 2015 and was denied for operating during suspension conviction dated November 14, 2011. He then stated that Ms. Westbrook also had 3 assault convictions, 2 were for domestic violence, and 4 convictions for no proof of insurance since 2005.

Ms. Westbrook stated that she had 4 children and continued using her vehicle during suspension to drive work. She also stated she completed anger management and domestic violence classes and now has the required insurance.

In response to the Board, Lt. Sedlacek verified that Ms. Westbrook’s suspension in 2011 was for no proof of insurance and explained that domestic assault charges were not reason for denial of the taxicab driver’s permit. Ms. Westbrook stated that she currently had a job offer from Happy Cab and that the cab company provided the vehicle and vehicle insurance. She explained to the Board that the domestic violence assault conviction from 2012 was when her marriage was ending with her ex-wife and that the police determined she was the aggressor. She also stated that her ex-wife now resided in Lincoln and they communicated for the children. Ms. Westbrook stated that she was not currently employed.

Motion to APPROVE by Mr. Weaver. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

12.
15-08-072
Laurie Woodard
3280 Vinton Street
Omaha NE 68105

REQUEST: Appeal Police Department denial of taxicab driver’s permit

Laurie Woodard appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Ms. Woodard applied for a taxicab driver’s permit on August 3, 2015 and was denied for a driving during suspension conviction dated November 13, 2013 and shoplifting conviction dated January 8, 2014.

Ms. Woodard stated that her driving during suspension resulted from a ticket she failed to pay and that after she paid the ticket with proof of insurance her license was reinstated. She then stated that the shoplifting conviction was a result of her gambling problem, but that she no longer gambled and was currently employed by Jones Automotive. She added that she wanted to supplement her income.
Ron Hug, Operations Manager, City Taxi, appeared before the Board on behalf of the applicant. Mr. Hug stated that City Taxi was an independent taxi cab company and that he was willing to hire Ms. Woodard.

Motion to APPROVE by Mr. Levy. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Appeal granted.

ADJOURN:

Motion to adjourn by Mr. Levy. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0.

Motion to re-open the meeting:

Motion by Mr. Levy to reopen the meeting. Second by Mr. Lopez-Nuno.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0.

ADJOURN:

Motion to adjourn by Mr. Weaver. Second by Mr. Levy.

AYES: Barrett, Lopez-Nuno, Weaver, Levy, O’Connor

Motion carried 5-0. Meeting adjourned at 2:56 pm.