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:

1. 15-03-007
John T. Skipper
3732 North 54th Street
Omaha, NE 68104

REQUEST: Appeal Police Department denial of firearm registration

John Skipper was not present when his case was called and the case was placed at the end of the agenda.

Mr. Skipper’s case was called a second time. John Skipper appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Skipper applied to register a firearm on February 13, 2015 and was denied due to 3 marijuana less than 1 ounce convictions dated November 3, 2005, August 3, 2010 and October 4, 2010, and 1 drug paraphernalia conviction dated December 14, 2011.

Mr. Skipper stated that his reason for the appeal was that he no longer had an addiction, he was now a single father and employed with his current employer for 10 years.

Lt. Sedlacek noted that although Mr. Skipper had many items on his record, most convictions were misdemeanor charges and traffic offenses. He further explained to Mr. Weaver that Mr. Skipper’s November 10, 2005 felony arrest was dismissed or declined. Mr. Skipper stated that he attended drug court approximately 2005 and violated a probation order in 2009 when he drove his vehicle without a license. Lt. Sedlacek verified that Mr. Skipper had a firearm certificate permit issued by Douglas County Sheriff on February 10, 2015, valid for 3 years.
Mr. Conboy stated that although Mr. Skipper has made great strides, not enough time has passed since his last convictions. Mr. Levy was in agreement.

Motion to DENY by Mr. Levy. Second by Mr. Conboy.

AYES: Conboy, Lopez-Nuno, Levy, O’Connor

NAYS: Weaver

Motion carried 4-1. Appeal denied.

2.

Jessie L. Hover
4907 North 63rd Street
Omaha, NE 68104

REQUEST: Appeal Police Department denial of firearm registration

Jessie Hover appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Ms. Hover applied to register a firearm on February 11, 2015 and was denied due to possession of concealed weapon conviction dated March 13, 2001.

Ms. Hover stated that the reason for her appeal was for protection at her home. She mentioned that the conviction occurred when she was in her early twenties and that she was now 35 years of age. She explained that the weapons were registered but not properly cased, and that no other convictions were on her record. Lt. Sedlacek confirmed that although Ms. Hover’s record revealed a charge date of 1978, the charge was brought to the Department’s attention in 2001. Ms. Hover confirmed that the arrest occurred in Iowa and Lt. Sedlacek confirmed that no other items on her record prevented the firearm registration.

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

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

Motion carried 5-0. Appeal granted.

3.

Jory T. Houfek
5840 Cedar Street
Omaha, NE 68106

REQUEST: Appeal Police Department denial of firearm registration

Jory Houfek appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Houfek applied to register a firearm on February 19, 2015 and was denied due to two marijuana less than one ounce convictions dated October 22, 2008 and February 10, 2009.

Mr. Houfek stated that the reason for his appeal was that the convictions occurred 7 years ago and that he has since owned a gun, which was revoked under the terms of the new ordinance. Lt. Sedlacek confirmed that no other items on his record prevented the firearm registration.

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

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

Motion carried 5-0. Appeal granted.
4.  
15-03-010  
Quiotis N. Cross  
7917 Kansas Avenue  
Omaha, NE 68134  
REQUEST:  Appeal Police Department denial of firearm registration  

Quiotis Cross appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Cross applied to register a firearm on February 27, 2015 and was denied due to a marijuana less than one ounce conviction dated September 16, 2008.

Mr. Cross stated that the reason for his appeal was that the conviction was several years ago and that his priorities were now work and his children. He also stated that he was currently employed. Lt. Sedlacek confirmed that no other items on his record prevented the firearm registration.

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

AYES: Conboy, Lopez-Nuno, Weaver, O'Connor  
NAYS: Levy  

Motion carried 4-1. Appeal granted.

5.  
15-03-011  
James Michael Scott Knape  
17219 Pine Street  
Omaha, NE 68130  
REQUEST:  Appeal Police Department denial of firearm registration  

James Knappe appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Knappe applied to register a firearm on February 20, 2015 and was denied due to a drug paraphernalia conviction dated April 28, 2010.

Mr. Knappe stated that the reason for his appeal was that he was young at the time of his conviction and was now a manager at his current place of employment. He added that he now was married, a student and a home owner. In response to the Board, Mr. Knappe stated that upon the decision of his appeal, he planned to register for a handgun safety class and that the Sheriff's Department recently issued him a purchase permit valid through 2018. Lt. Sedlacek confirmed that no other items on his record prevented the firearm registration.

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

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

Motion carried 5-0. Appeal granted.

6.  
15-03-012  
Morgan K. Rathbun  
1205 North 111th Plaza, Apt. 1922  
Omaha, NE 68154  
REQUEST:  Appeal Police Department denial of firearm registration  

Morgan Rathbun appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Ms. Rathbun applied to register a firearm on February 26, 2015 and was denied due to a drug
paraphernalia possession conviction dated March 12, 2012 and a marijuana less than one ounce conviction dated May 2, 2012.

Ms. Rathbun stated that the reason for her appeal was that purchased a firearm and was denied registration. She briefly explained to the Board the events leading to her charges and that she now owned a home and was employed full time. She also explained that she grew up in foster care, had past abusive relationships, but has received mental therapy and no longer had an addiction. In response to questioning by Mr. Conboy, Ms. Rathbun requested information to have her case set aside.

Mr. Weaver commented that the Ms. Rathbun’s charges were recent and moved for denial.

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

AYES: Conboy, Lopez-Nuno, Weaver, Levy

NAYS: O’Connor

Motion carried 4-1. Appeal denied.

7.

15-03-013

Thomas W. Sheppard
6932 Florence Boulevard
Omaha, NE 68112

REQUEST: Appeal Police Department denial of firearm registration

Thomas Sheppard appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Sheppard applied to register a firearm on February 25, 2015 and was denied due to two marijuana less than one ounce convictions dated February 12, 2014 and February 30, 2014.

Mr. Sheppard stated that the reason for his appeal was that he hunted with family and has completed gun safety courses. He was aware the charges were recent, but that he was now a full-time student and employed full-time. In response to Mr. Conboy, Mr. Sheppard stated that he was responsible for the second charge, but not the first charge.

Mr. Levy commented that the charge was recent.

Motion to DENY by Mr. Levy. Second by Mr. Conboy.

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

Motion carried 5-0. Appeal denied.

8.

15-03-014

Daniel J. Wescott
2524 North 51st Street
Omaha, NE 68104

REQUEST: Appeal Police Department denial of firearm registration

Daniel Wescott appeared before the Board. Lt. David Sedlacek, Omaha Police Department, stated that Mr. Wescott applied to register a firearm on March 11, 2015 and was denied due to a marijuana less than one ounce conviction dated February 23, 2009 and a drug paraphernalia charge dated September 4, 2009.

Mr. Wescott stated that the reason for his appeal was that he wanted to properly register his firearm and that he previously registered a firearm after his conviction, prior to the ordinance change. In response to
Mr. Weaver, Mr. Wescott stated that his previously registered firearms were stolen and reported to the Police Department on October 26, 2011. Lt. Sedlacek confirmed to the Board that no other items on his record prevented firearm registration.

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

AYES: Conboy, Lopez-Nuno, Weaver

NAYS: Levy, O’Connor

Motion carried 3-2. Appeal granted.

9.

15-03-015
Michael J. Wees
4701 Dumfries Drive
Omaha, NE 68157

REQUEST: Appeal Planning Department Notice of Nuisance (RE: 4819 Madison Street)

Michael Wees appeared before the Board. Mr. Todd Shearer, Planning Department, appeared before the Board. Mr. Sean Kelley, attorney for the applicant, also appeared before the Board. Mr. Shearer submitted photos of the property (Exhibit 2) taken today and stated that outside storage was not allowed at this property. He also commented that city permits and an occupancy certificate were not obtained for the building and business.

Mr. Kelley stated that the business operated as a brick mason business for approximately 40 years and that the applicant requested more time to comply. He also inquired about options available to the applicant to keep the business open and operating.

In response to Mr. Levy, Mr. Shearer explained that outside storage was not allowed in the current Commercial Corridor (CC) zoning district, but was allowed in Heavy Industrial (HI) or General Industrial (GI) zoning districts. He also commented that an approved Certificate of Occupancy (CO) was required to keep the business open.

Mr. Kelley responded to the Board that at least 60 days was requested to comply and that he would inform the applicant of the zoning options for outdoor storage.

Motion to DENY with 90 days to comply by Mr. Levy. Second by Mr. Lopez-Nuno.

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

Motion carried 5-0. Appeal denied with 90 days to comply.

10.

15-03-016
Michelle Link-Worrell
5332 Hickory Street
Omaha, NE 68106

REQUEST: Appeal Police Department Notice of Nuisance (RE: 5332 Hickory Street)

Bryan Hastings Worrell appeared before the Board on behalf of his wife, Michelle Link-Worrell. Mr. Todd Shearer, Planning Department, appeared before the Board. Mr. Shearer submitted photos of the property (Exhibit 2) taken today and stated that the RV was still not in compliance. He explained the recreational vehicle was not registered and partially parked on a non-paved surface.
Mr. Worrell stated that the recreational vehicle was recently moved from Carson City to the current residence approximately March 1st of 2015 and that he was aware registration was required within 30 days. He also mentioned that he was not aware of the compliance regulations in the City and that they are in the process of purchasing and registering the vehicle.

Mr. Shearer explained that for the vehicle to be compliant with setback regulations, the driveway needed to be extended and that permits were required for pavement larger than 200 square feet. Kevin Denker, City Planning, explained permits were not required for installation of brick pavers to extend the driveway.

In response to Mr. Weaver, Mr. Worrell stated that the recreational vehicle was not used as a residence, but was hooked to the electrical outlet to maintain the engine block during cold weather.

Motion to DENY with 30 days to comply by Mr. Levy. Second by Mr. Weaver.

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

NAYS: Conboy

Motion carried 4-1. Appeal denied with 30 days to comply.

11. 15-03-018

Doug Kellner, Thompson Dreessen & Dorner, Inc. REQUEST: Appeal Public Works Department denial of driveway permit (RE: 24th & Howard Streets, Howard Street Flats)

10836 Old Mill Road
Omaha, NE 68154

Doug Kellner, Thompson Dreessen & Dorner, Inc., appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Levy recused himself from the case.

Mr. Haas stated that the site entailed several properties on 3 streets and that the deficiencies were the two access drives on Dewey Avenue and Howard Street, both access restricted with gates, did not meet the minimum 25 foot standard requirement. He explained that alleys were not subject to access restrictions and that Landon Court was essentially an alley. He further explained that the Department was not opposed to waivers, specifically on Landon Court and noted that Howard Street was a local street running from 10th to 24th Streets.

Mr. Kellner mentioned that Dewey Avenue was a stub street and was not standard right-of-way width. He stated that the proposed 13 foot access drive width on Dewey Avenue and Howard Street was to accommodate issues with the gate swing onto the right-of-way, while accommodating landscape requirements, and noted that both streets ended west at 24th Street. He submitted renderings and site plan layouts of the proposed project (Exhibit 2). Mr. Denker commented that the area had code enforcement issues for approximately 10 years and the development would be a great improvement.

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

AYES: Conboy, Lopez-Nuno, Weaver, O’Connor

Motion carried 4-0-1. Appeal granted.
Clifford Murrell appeared before the Board. Mark Langan, Nebraska Humane Society, appeared before the Board. Mr. Langan stated that Mr. Murrell was issued a Potentially Dangerous Dog Declaration on August 19, 2014 stemming from an August 14, 2014 incident with another dog. Mr. Murrell did not file an appeal with the Nebraska Humane Society and did not comply with the requirements of the Declaration; therefore, his dog was confiscated and on December 16, 2014 he was issued a Reckless Owner Declaration. Although the appeal deadline passed, Mr. Murrell was allowed to submit an appeal with the Nebraska Humane Society for the Reckless Owner Declaration and was denied at the February 9, 2015 hearing. Mr. Murrell’s dog remains at the Nebraska Humane Society.

Mr. Murrell stated that the reason for his appeal was that he was not in agreement with the appeal denial or the Reckless Dog Owner Declaration.

In response to the Board, Mr. Murrell stated that his dog was not licensed or vaccinated since 2012 and that he opted not to neuter. He added that the fees and requirements of the Declarations were excessive. He briefly discussed the incident from August 14, 2014 and explained that his dog was protecting his property when an unrestrained dog entered his front yard. Mr. Conboy noted from the report that although Mr. Murrell has a fenced back yard, his dog was left unattended and unrestrained in his front yard. In response to the Board, Mr. Langan explained that the other dog owner claimed her dog was muzzled and restrained as she walked by Mr. Murrell’s property when Mr. Murrell’s dog attacked her dog. Mr. Murrell commented that the other dog was not muzzled and the owner let go of the rope used to restrain her dog. Mr. Langan explained that Mr. Murrell received an allotted amount of time to meet requirements of the Declarations and needed to fulfill the requirements to retain his dog.

The Board explained to Mr. Murrell that the requirements of the Declarations were options for the general public, but once convicted the options became requirements.

Motion to DENY by Mr. Weaver. Second by Mr. Conboy.

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

Motion carried 5-0. Appeal denied.

Alicia Clark appeared before the Board. Mark Langan, Nebraska Humane Society, appeared before the Board. Mr. Langan stated that a dog attack at an apartment complex on January 19, 2014 was reported to the Nebraska Humane Society on January 20, 2015. He explained that the report stated 4 residents witnessed an unrestrained Saint Bernard dog attacked 2 dogs walking on a leash and that although the dogs did not sustain injuries, a witness trying to separate the dogs sustained slight injuries on the arms and buttocks. Another incident involving Ms. Clark’s dog was reported on September 9, 2014; Ms. Clark’s dog pinned a child against the wall and snapped but did not bite. Ms. Clark was issued a Potentially Dangerous Dog Declaration for the January 19th incident, appealed the Declaration and was denied. He added that the spay/neuter requirement for the dog was completed.
Ms. Clark stated that the reason for her appeal was that she denied the September 9, 2014 incident and was in the process of meeting the Declaration requirements. She objected to the training requirement through the Humane Society because she worked in Lincoln, Nebraska and kennel her dog in Waverly, Nebraska during her overnight shifts. She explained that the required classes occurred during her scheduled shifts and that she was currently working with a dog trainer licensed in Omaha. She also explained that muzzles were not readily available for her large dog. Ms. Clark stated that she had a residential liability rental insurance policy, and that her dog was currently neutered, micro-chipped, vaccinated, licensed, and harnessed on a leash when out.

Mr. Langan stated that required training through the Nebraska Humane Society allowed for tracking and verification of the training. Ms. Clark stated that her objections were the training requirement and finding a muzzle to fit her dog. Mr. Langan stated he would work with Ms. Clark’s schedule regarding the training classes and the muzzle. Ms. Clark commented that more options be made available through the Nebraska Humane Society in order to meet the requirements.

Motion to DENY by Mr. Conboy. Second by Mr. Levy.

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

Motion carried 5-0. Appeal denied.

ADJOURN:

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

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

Motion carried 5-0. Meeting adjourned at 2:51 pm.