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. 16-04-021
   Lana Bayless
   DLR Group
   6457 Frances Street, Suite 200
   Omaha NE 68106
   REQUEST: Appeal Public Works Department denial of driveway permit (RE: 1616 South 120th Street, Beveridge Magnet Middle School)

Lana Bayless, DLR Group, appeared before the Board. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that the request was a result of the proposed expansion of Beveridge Magnet Middle School. He explained that currently buses stacked and blocked traffic along Skylark Drive to the north side of the school, and that the resource officer stood on 120th Street to direct bus traffic, which was a safety issue. He added that another safety issue was that the parent pick-up/drop-off area to the south of the school was also the teacher parking lot, with one driveway at 120th Street. Mr. Haas then stated that to remedy safety issues the parent pick-up/drop-off lane was relocated to the north side along Skylark Drive, with one-way inbound and one-way outbound traffic, and that the driveway to the south of the school was restricted to one-way inbound for bus traffic and faculty parking, with a new two-way driveway at 123rd Street. He added that although non-compliant the proposed plan was acceptable to the Department.

Ms. Bayless stated that the proposed plan was an effort to improve student safety and minimize traffic impact along 120th Street. In response to the Board, she explained that multiple meetings were held with the community to discuss the proposed changes and that representatives of Public Works and Planning also attended.

Mr. Levy disclosed that his firm represented Omaha Public Schools, which would not bias his decision on this case. In response to Mr. Levy, Mr. Haas explained that the non-compliance issue was the number of driveways requested.
Motion to APPROVE by Mr. Santo.  Second by Mr. Conboy.

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

Motion carried 5-0.  Appeal granted.

2.  16-04-022
Daniel Vlock  REQUEST:  Appeal Public Works Department denial of
DLR Group  driveway permit
6457 Frances Street, Suite 200 (RE: 9801 West Center Road, Westside
Omaha NE 68106  Oakdale Elementary School)

Michael Coyle, Westside Community Schools, and Daniel Vlock, DLR Group, appeared before the Board.  Ryan Haas, Public Works Department, appeared before the Board.  Mr. Haas stated that the request was to remove the existing elementary school and construction of a new school with improved on-site stacking, a wider driveway and addition of a median at the West Center Frontage Road.  He added that he worked with the applicant on the site plan and that Public Works was not opposed to the plan as proposed.

Mr. Vlock agreed with Mr. Haas’ scenario of the case and stated that the site was limited to one two-way driveway at 43 feet and that the wider driveway allowed installation of a median to improve traffic functionality and safety.

In response to the Board, Mr. Haas stated that the non-compliance issues were width and installation of the median for the driveway at West Center Frontage Road.

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

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

Motion carried 5-0.  Appeal granted.

3.  16-04-023
Doug Kellner  REQUEST:  Appeal Public Works Department denial of
Thompson Dreessen & Dorner  driveway permit
10836 Old Mill Road (RE: 10360 Ellison Circle)
Omaha NE 68154

Doug Kellner and Matt Gibbs with Thompson Dreessen & Dorner, appeared before the Board.  Ryan Haas, Public Works Department, appeared before the Board.  Mr. Haas stated that the request was in conjunction with the expansion of an existing building.  He explained that the site had one existing driveway and the plan proposed a second one-way outbound driveway both at Ellison Circle.  He further explained that Ellison Circle was a cul-de-sac, low-volume street and that non-compliance was the request for a second driveway.

Mr. Kellner re-stated that the second driveway was proposed one-way outbound with minimal width and was located near the building expansion on the southern portion of the site.  In response to the Board he explained that the existing driveway would be unaltered.

Mr. Gibbs explained that only 2 other small businesses were located along Ellison Circle and that the office building to the east on Ellison Circle was accessible at 103rd Street.
Motion to APPROVE by Mr. Kruse. Second by Mr. Santo.

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

Motion carried 5-0. Appeal granted.

4.
16-03-014 (held over from 3/28/16)
Allan Kerr
12529 Martha Street
Omaha NE 68144

REQUEST: Appeal Police Department denial of firearm registration

Allan Kerr appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Kerr applied to register a firearm on February 13, 2016 and was denied for a possession of a controlled substance conviction dated April 28, 2009. He stated that the only other convictions on Mr. Kerr’s record were misdemeanor traffic.

Mr. Kerr stated that he now had 2 small children and wanted the firearm for protection of his family. He stated that he was a foreman for a sheet metal company and noted that he owned a firearm prior to the 2012 ordinance. In response to the Board, Mr. Kerr stated that he satisfactorily completed probation for his 2013 DUI conviction.

Mr. Santo noted that the controlled substance conviction was approximately 7 years ago. Mr. Santo made a motion to approve, Mr. Levy seconded the motion, which failed 2-3, with Mr. Conboy, Mr. Kruse and Ms. O’Connor dissenting.

Motion to DENY by Mr. Conboy. Second by Ms. O’Connor.

AYES: Conboy, Kruse, O’Connor

NAYS: Santo, Levy

Motion carried 3-2. Appeal denied.

5.
16-04-024
Harry A Nelson
3042 Curtis Avenue
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

Harry Nelson appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Nelson applied to register a firearm on March 12, 2016 and was denied for a carry concealed weapon conviction date January 19, 1985. He then stated that Mr. Nelson had had minor traffic convictions on his record and that prior to 2012 had multiple firearms registered with the City.

Mr. Nelson stated that the concealed weapon was nunchucks in the pocket of his coveralls and that upon questioning, the information was relayed to the officer. He then stated that he was employed by an armored car company for approximately 14 years and carried a weapon daily. He added that he was a martial arts instructor and familiar with the proper use of nunchucks.
Motion to APPROVE by Mr. Kruse. Second by Mr. Conboy.

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

Motion carried 5-0. Appeal granted.

6.
16-04-025
Douglas Abraham
1803 North 20th Street
Omaha NE 68110

REQUEST: Appeal Police Department denial of firearm registration

Douglas Abraham appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Abraham applied to register a firearm on March 22, 2016 and was denied due to a possession of marijuana less than one ounce conviction dated March 28, 2007. He added that the only other convictions on Mr. Abraham’s record were traffic and open container.

Mr. Abraham stated that he wanted a firearm for home protection due to recent violence in the area and that he had a secured gun case for the weapon. He added that he was a student and possessed a third grade stationary engineer’s license. He then stated that his conviction was 9 years ago.

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

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

Motion carried 5-0. Appeal granted.

7.
16-04-026
Jeffrey Staats
10523 Larimore Circle
Omaha NE 68134

REQUEST: Appeal Police Department denial of firearm registration

Jeffrey Staats appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Staats applied to register a firearm on March 24, 2016 and was denied for a possession of controlled substance-marijuana conviction dated January 9, 2012, second offense. He added that he also had 5 marijuana less than 1 ounce convictions from 2002 to 2005 and 3 Driving Under Influence (DUI) convictions.

Mr. Staats stated that he wanted the firearm to shoot at the range with his family. In response to the Board, Mr. Staats stated that he received his purchase permit from Douglas County Sheriff Department.

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

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

Motion carried 5-0. Appeal denied.
8.
16-04-027
Carl Hengen
2502 North 49th Avenue
Omaha NE 68104
REQUEST: Appeal Police Department denial of firearm registration

Carl Hengen appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Hengen applied to register a firearm on March 30, 2016 and was denied for a carry concealed weapon conviction dated November 11, 1994. He then stated that the Mr. Hengen also had misdemeanor traffic, shoplifting, bad check, disorderly conduct, and drug paraphernalia convictions from several years ago.

Mr. Hengen stated that he wanted a firearm for home protection and shooting at the range. He explained that the concealed weapon was a buck knife slightly over 3 inches which he was carrying in his pocket approximately 22 years prior. He also explained that he owned a shotgun and rifle with no incidents. In response to the Board, Mr. Staats stated that he received DUI convictions in 2006 and Lt. Sedlacek confirmed that the only recent items on record were minor traffic violations. He then responded that he was employed full-time at Xerox and that he had no firearm training, but was not opposed to taking a course.

Motion to HOLD OVER UNTIL THE MAY 23, 2016 meeting by Mr. Conboy. Second by Mr. Kruse.

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

Motion carried 5-0. Appeal held over until the May 23, 2016 meeting.

9.
16-04-028
John Walker
2504 North 70th Avenue
Omaha NE 68104
REQUEST: Appeal Police Department denial of firearm registration

John Walker appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that Mr. Walker applied to register a firearm on March 26, 2016 and was denied for a carry concealed weapon conviction dated December 30, 2005. He added that the concealed weapon was not a gun and that other convictions included minor traffic and marijuana less than 1 ounce, which were over 10 years ago.

Mr. Walker stated that the conviction happened when he was 18 years old and that now he was married with 7 children. In response to the Board, Mr. Walker stated that the concealed weapon was a brass knuckles belt buckle that he placed in his pocket when the belt broke. Lt. Sedlacek confirmed that Mr. Walker was the victim in a January 2015 burglary. Mr. Walker also stated that he wanted the firearm for home protection and that he was currently employed.

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

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

Motion carried 5-0. Appeal granted.
10.
16-04-029
Jason Smith
1471 Pinkney Street
Omaha NE 68110

REQUEST: Appeal Police Department revocation of firearm registration

Jason Smith appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that a letter dated April 4, 2016 was sent to Mr. Smith revoking his current firearm registration due to two marijuana less than 1 ounce convictions dated July 31, 2006 and June 8, 2009.

Mr. Smith stated that his registration was revoked after he inquired about a firearm possibly held at the Police Department approximately 10 years prior. He stated that he had a family, worked at Marriott, coached youth football, and recently completed a firearm safety class at the Nebraska Safety Council. He added that he no longer used marijuana and that he wanted the firearm for home protection.

In response to the Board, Lt. Sedlacek stated that the revocation of firearm registration was for the gun taken into possession by the Police Department in approximately 2004 and that Mr. Smith confirmed he no longer had possession of this firearm.

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

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

Motion carried 5-0. Appeal granted.

11.
16-03-020 (held over from 3/28/16)
Elton Foster
3959 N 40th Avenue
Omaha NE 68114

REQUEST: Appeal Parks, Recreation & Public Property Department Notice of Nuisance (RE: 3601 North 24th Street)

Elton Foster, Jr. appeared before the Board. Brian Houser, Parks & Recreation Department, appeared before the Board. Mr. Houser submitted a statement summarizing the nuisance and contact with Mr. Foster, along with current photos of the property and copy of relevant sections of City ordinance (Exhibit 2). He explained that Mr. Foster used the property for outdoor storage, a violation of City code.

Mr. Foster stated that has cleaned up some metal and cans, removed the snow plow, and registered the vehicles on the property. He then stated that one truck needed a new battery, but both were insured and that he planned to continue cleaning the property.

Mr. Houser confirmed Mr. Foster cleaned some items, but that he was still in violation of City ordinance. He explained that outdoor storage was not allowed at this site and that vehicles stored outside must be licensed and in working condition.

In response to the Board, Mr. Foster stated that the cleaning process has taken longer due to an injury to his foot and that he could have the property cleaned within 30 days. He then explained that for future use of the site, he planned to park his hook truck on the property and keep the site clean. Mr. Houser explained to the Board that Mr. Foster worked on containers at the site, but that outdoor staging or repairing of the material was not allowed outside. He then stated that if Mr. Foster did not comply, Mr. Foster’s property would be scheduled to be cleaned by the Department and noted that the original notice was given to Mr. Foster on February 25, 2016.
Motion to DENY WITH 30 DAYS TO COMPLY by Mr. Kruse. Second by Mr. Santo.

AYES: Kruse, Santo, Levy

NAYS: Conboy, O’Connor

Motion carried 3-2. Appeal denied with 30 days to comply.

12.
16-03-019 (held over from 3/28/16)
Wolford Baker REQUEST: Appeal Police Department Notice of Nuisance (RE: 8411 & 8421 Hamilton Street)
8411 Hamilton Street
Omaha NE 68114

Wolford Baker appeared before the Board. Mike Johnson, Planning Department, and Officer James Stokes, Omaha Police Department, appeared before the Board. Mr. Johnson submitted current photos of the property (Exhibit 2). He stated that since the February 23, 2016 Notice was issued to Mr. Baker, some items were removed, but additional items were brought to the property. Officer Stokes confirmed that additional debris was brought to the site, such as tires, pallets, and other items, which was an outdoor storage violation. He then stated that Mr. Baker expressed to him that he needed more time to comply.

Mr. Baker stated that his son placed pallets on the property, but has since removed them and that additional debris was not brought to the property, he just moved the existing debris into piles for removal. He then stated that he licensed 3 trailers and would move the remainder of vehicles. In response to the Board, Mr. Baker stated that he purchased a building but needed permit approvals from the City and that he needed another 30 days to clean the property.

Mr. Johnson stated that approximately 10 vehicles on the property were not parked on pavement and needed to be currently registered. In response to the Board, Officer Stokes stated that 8411 Hamilton Street was a residence and 8421 Hamilton Street was a vacant lot recently purchased by Mr. Baker and that both properties had violations.

Motion to DENY WITH 30 DAYS TO COMPLY by Mr. Conboy. Second by Mr. Kruse.

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

Motion carried 5-0. Appeal denied with 30 days to comply.

13.
16-04-030
Rodney Gray REQUEST: Appeal Police Department Notice of Nuisance (RE: 1620 Lake Street)
RLG Home Improvement
2935 Nicholas Street
Omaha NE 68131

Rodney Gray appeared before the Board. Mike Johnson, Planning Department, and Officer James Stokes, Omaha Police Department, appeared before the Board. Officer Stokes stated that a violation was issued for an unregistered red truck with debris in the bed of the truck at this property. He added that the violations were the unregistered vehicle and outdoor storage of the debris in the truck. Mr. Johnson submitted photos of the property (Exhibit 2) and an aerial photo of the property (Exhibit 3) and explained that the property was vacant.

Mr. Gray stated that he owned the truck and that he placed firewood in the truck, but people were dumping items into his vehicle without permission. He added that the vehicle was parked on pavement
and that due to financial constraints, he needed additional time to either register, move or sell the vehicle. He then stated that he could immediately remove the debris from the back of the truck.

Motion to DENY WITH 30 DAYS TO COMPLY by Mr. Conboy. Second by Mr. Santo.

AYES: Conboy, Santo, O’Connor, Levy

NAYS: Kruse

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

14.

REQUEST: Appeal Police Department Notice of Nuisance (RE: 8805 Seward Street)

Vaneda Pepper
8805 Seward Street
Omaha NE 68114

Cynthia Pepper appeared before the Board. Mike Johnson, Planning Department, and Officer James Stokes, Omaha Police Department, appeared before the Board. Officer Stokes stated that violation was for an unregistered motor home parked on pavement in the rear of the property. Mr. Johnson submitted a current photo of the property (Exhibit 2) and stated that the property belonged to Cynthia Pepper’s deceased parents and that she needed more time to either repair or sell the motor home.

Ms. Pepper stated that Vaneda Pepper was her deceased mother and that she was in the process of eliminating all of her deceased parents’ assets. She then explained that she removed personal property from the motor home and had an interested buyer, but needed more time to either register or sell the motor home.

Mr. Pepper stated that he was Cynthia’s brother and informed the Board that the motor home was currently insured.

Motion to DENY WITH 30 DAYS TO COMPLY by Mr. Kruse. Second by Ms. O’Connor.

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

Motion carried 5-0. Appeal denied with 30 days to comply.

APPROVAL OF MINUTES:

Motion by Mr. Conboy to approve the minutes from December 28, 2015. Second by Ms. O’Connor.

AYES: Conboy, O’Connor, Levy

ABSTAIN: Kruse, Santo

Motion carried 3-0-2.

Motion by Mr. Kruse to approve the minutes from January 25, 2016. Second by Ms. O’Connor.

AYES: Kruse, O’Connor, Levy

ABSTAIN: Conboy, Santo

Motion carried 3-0-2.
ADJOURN:

Motion to adjourn by Mr. Kruse. Second by Mr. Santo.

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

Motion carried 5-0. Meeting adjourned at 2:42 pm.