MEMBERS PRESENT:
David C. Levy, Chairman
Ann O’Connor, Vice Chair
Brian W. Kruse
Mark Santo
Jeffrey Beals

MEMBERS NOT PRESENT:
Marty Conboy, Alternate
John R. Barrett, Alternate

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

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. 16-05-032 (heldover from 05/23/16)  
   Robert S. Keith  
   Engles, Ketcham, Olson & Keith, P.C.  
   1350 Woodmen Tower  
   Omaha NE 68102  
   REQUEST: Appeal City Fire Department Invoice  
   (RE: M’s Pub Fire, January 9, 2016)

   Mr. Levy stated that the board had received a letter dated August 9, 2016 from Bernard in den Bosch (Deputy City Attorney – City of Omaha Law Department) on behalf of the City that requested another 90-day continuance. There was also a letter dated August 17, 2016 from the applicant on behalf of North Central Service which concurred with the City’s request for a 90-day layover.

   Motion to LAYOVER UNTIL THE NOVEMBER 28, 2016 MEETING by Mr. Santo. Second by Ms. O’Connor.

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

   Motion carried 5-0.

2. 16-08-063  
   Garret A. Hamilton  
   5607 Spring Street  
   Omaha NE 68106  
   REQUEST: Appeal Police Department denial of firearm registration

   Garret Hamilton appeared before the Board. Lt. David Seldacek, Omaha Police Department, also appeared before the Board. Lt. Seldacek stated that the applicant applied to register a firearm on July 19,
2016 and was denied due to 2 marijuana less than 1 ounce convictions from November 12, 2008 and December 2, 2008. He was fined $300 in each case. There was also a drug paraphernalia charge from 2010 and other traffic-related charges.

Mr. Hamilton stated that he was only 17 years old in 2008 and that he was not aware that marijuana possession could affect his right to own a handgun as an adult. He noted that since 2008 he had successfully completed a substance abuse evaluation and that it was determined that he was not dependent on marijuana. He indicated that he no longer used the drug and that he was currently employed with the First National Bank of Omaha for almost 3 years. He wanted to own a gun so that he could protect his family.

Motion to APPROVE by Mr. Kruse. Mr. Beals seconded the motion.

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

Motion carried 5-0. Appeal granted.

3. 16-08-064
Janelle A. Saathoff
217 Center Street
Omaha NE 68108

REQUEST: Appeal Police Department denial of firearm registration

Janelle Saathoff appeared before the Board. Lt. David Sedlacek, Omaha Police Department, also appeared before the Board. Lt. Sedlacek stated that the applicant applied to register a firearm on July 18, 2016 and was denied due to a marijuana less than 1 ounce conviction from March 6, 2009. The applicant was fined $300. There was also a disorderly conduct and an open container conviction from 2008, and a DUI conviction from 2009.

Ms. Saathoff stated that she was a single mom and wanted a handgun to protect her children. She explained that she had checked herself into rehab in 2010 and was no longer a user of marijuana.

Motion to APPROVE by Ms. O’Connor. Mr. Kruse seconded the motion.

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

Motion carried 5-0. Appeal granted.

4. 16-08-065
Spencer M. Adams
1722 South 175th Street
Omaha NE 68130

REQUEST: Appeal Police Department denial of firearm registration

The applicant did not appear before the Board. He informed the Board Secretary that he would be leaving for college on August 16, 2016. He did not make a request for a layover. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that the applicant applied to register a firearm on July 14, 2016 and was denied due to a possession of marijuana less than 2 ounce conviction from February 24, 2014. The applicant was fined $416. There were no other convictions on the applicant’s record.
Motion to DENY by Mr. Kruse. Second by Mr. Beals.

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

Motion carried 5-0. Appeal denied.

5.

16-08-066
Alonzo Guliford
5515 North 50th Avenue
Omaha NE 68104

REQUEST: Appeal Police Department denial and revocation of firearm registration

Alonzo Guliford appeared before the Board. Lt. David Sedlacek, Omaha Police Department, also appeared before the Board. Lt. Sedlacek stated that the applicant applied to register a firearm on July 21, 2016 and was denied due to a Carrying a Concealed Weapon conviction on May 5, 1974 for which he was fined $18. There were no other items on his record.

Mr. Guliford explained the circumstances of the conviction. He stated that he has had no other problems with the law since that time. He wanted a gun to protect his home.

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

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

Motion carried 5-0. Appeal granted.

6.

16-08-067
Peter C. Lorince
4408 South 149th Street
Omaha NE 68137

REQUEST: Appeal Police Department Notice of Nuisance (RE: 4408 South 149th Street)

Peter Lorince appeared before the Board. Scott Benson, Code Inspector, appeared on behalf of the City of Omaha.

Mr. Benson explained that the notice was because of a vehicle over 20’ in length parked in the front yard setback of the home. He submitted pictures of the home (Exhibit 2). He stated that the truck was not at the property when he visited the home and that the applicant had indicated that it was at another location.

Mr. Lorince stated that there was no place to fit the truck behind his home. He explained that the situation was temporary because the truck was for sale. He indicated that all of his licenses were up-to-date. He submitted photographs (Exhibit 3) of the truck from two directions to show that it was partially covered by trees.

Mr. Levy stated that not many of these types of appeals had been granted, but that the board had worked with the applicant to try and get the vehicle out of the setback. He was in support of giving the applicant more time to sell the truck.

Mr. Denker explained that in the past the board has denied some requests but given time for the applicant to sell the vehicle.
Motion to DENY WITH 60 DAYS TO COMPLY by Mr. Beals. Second by Mr. Kruse.

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

Motion carried 5-0. Appeal denied.

7.
7.016
16-08-068
Cecilia Crawford
10628 Laurel Avenue
Omaha NE 68134

REQUEST: Appeal Nebraska Humane Society Potentially Dangerous Dog Declaration

Cecilia Crawford appeared before the Board. Mark Langan, Nebraska Humane Society (NHS), also appeared before the Board.

Mr. Langan stated that on May 14, 2016, NHS was advised by Rosemary Thomas that she was in her front yard with her cat when she saw Dugg, a bulldog owned by the applicant, in a vehicle in the driveway next door. She indicated that she saw Dugg jump out of the car window, through the yard and attack her cat. She stated that the attack ended when she came out of her home and yelled at the dog to stop. Ms. Thomas took her cat to the vet and it ultimately lost a leg as a result of the attack. NHS issued citations to the applicant for Improper Restraint and Pet Damaging Property. A Potentially Dangerous Dog Declaration was also issued since the dog was not provoked when it injured the cat. The applicant appealed to NHS on July 7, 2016, but it was denied. Mr. Langan mentioned that the applicant had completed the 30-day requirements, the owner responsibility class and was in the process of completing the “Owly Growly” class offered by NHS. He stated that it appeared that the applicant was a responsible dog owner involved in a bad set of circumstances. The NHS appeals board felt that the 2-year requirement was needed for public safety. The dog must also be harnessed and muzzled and cannot be allowed to run loose.

Ms. Crawford stated that she was appealing because it could not be determined whether her dog was unprovoked or not. She stated that the dog was accustomed to chasing feral cats off her parents’ property. She explained that she had come out of her parent’s home and noticed that Dugg was missing. She then noticed him retreating from the back yard with his face slashed. After the incident, she engaged in conversation with Ms. Thomas. She was in agreement with the 2 year requirements; however, she was concerned that after the 2 years were over, he would always have to be muzzled because of his breed. It was determined that because of his breed he should have been muzzled and harnessed. Ms. Crawford stated that she did not muzzle the dog because he was in the car and she had no plans to take him out.

In response to Mr. Beals, Mr. Langan explained that if the appeal were granted the dog/owner would not need to serve the 2 year probation. There was some discussion about the dog’s future chances on receiving his Breed Ambassador status.

Ms. Crawford submitted a statement from the vet clinic regarding the cat’s condition (Exhibit 3) and an evaluation for Dugg (Exhibit 4).

In response to Mr. Beals, Mr. Langan stated that he had no concerns with the applicant owning dogs or with the dog because of all the steps that she had already taken. He felt that she would have no problems satisfying the 2-year probationary period.

Mr. Kruse commended the applicant for being a responsible pet owner and for taking the injured to the vet and paying its bills.
Mr. Kruse moved to DENY WITH NOTATION IN THE NEBRASKA HUMANE SOCIETY DATABASE FOR ELIGIBILITY TO THE BREED AMBASSADOR PROGRAM UPON COMPLETION OF THE POTENTIALLY DANGEROUS DOG DECLARATION 2-YEAR REQUIREMENTS. Ms. O’Connor seconded the motion.

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

Motion carried 5-0. Appeal denied.

APPROVAL OF MINUTES:

Motion by Mr. Beals to approve the minutes from July 25, 2016 as Amended. Second by Ms. O’Connor.

AYES: Beals, Kruse, O’Connor, Levy

ABSTAIN: Santo

Motion carried 4-0-1.

EXECUTIVE SESSION

ADJOURN:

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

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

Motion carried 5-0. Meeting adjourned at 2:10 pm.