Mr. Levy called the meeting to order at 1:00 pm. The Board received as Exhibit 1 the contents of the City's file on each case.

**Cases:**

1. 18-02-007 *Laid over from 3/26/18*
   
   Merle Rambo  
   Rambo Associates, Inc.  
   406 South 12th Street, Suite 300  
   Omaha, NE 68102  
   
   REQUEST: Appeal Park Omaha’s termination notice for a loading zone dated 12/12/17.  
   (RE: 406 South 12th Street)

At the Administrative Board of Appeals meeting held on April 23, 2018, the applicant was not in attendance. Ken Smith appeared on behalf of Park Omaha.

Mr. Smith stated that he had just received some information from the applicant that he needed time to review. He requested a layover to give him time to review the materials.

Mr. Santo moved to LAYOVER until the May 21, 2018 meeting. Ms. O’Connor seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0
2.

**18-04-020**

Kellen Heidemen  
Olsson Associates  
2111 South 67th Street, Suite 200  
Omaha NE 68106

**REQUEST:** Appeal Public Works Department denial of a driveway permit dated 3/28/18.  
(RE: Nelson Mandela Early Childhood Center – 30th Street & Curtis Avenue)

At the Administrative Board of Appeals meeting held on April 23, 2018, Kellen Heidemen appeared before the board. Ryan Haas appeared on behalf of Public Works.

Mr. Haas stated that the existing parking lot would be slightly modified and an adjacent lot would be added to the west. The eastern parking area has a pair of one-way accesses; a single, two-way access was proposed for the western lot. Driveway regulations limit driveways to a single access for a site. He stated that Curtis Avenue is a low-speed, low-volume street. He explained that there were grading issues that prevented both parking lots to be internally linked.

Mr. Heidemen stated that the entire site had been re-plotted into a single lot. He added that there was an 8’ grade change between the two lots that made it difficult to connect them.

Mr. Beals moved to GRANT the appeal as requested. Ms. O’Connor seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0

3.

**18-04-021**

Kyle Haase  
E&A Consulting Group  
10909 Mill Valley Road, Suite 100  
Omaha NE 68154

**REQUEST:** Appeal Public Works Department denial of a driveway permit dated 4/4/18.  
(RE: Metro Credit Union – Fontenelle Boulevard & Ames Avenue)

At the Administrative Board of Appeals meeting held on April 23, 2018, Kyle Haase appeared before the board. Ryan Haas appeared on behalf of Public Works.

Mr. Haas stated that a new credit union building with parking area and ATM was being proposed for the site. The plan indicated that a right-in/right-out driveway would be located on Fontenelle Boulevard and a second, full-movement access on 45th Street. The waivers would allow the second access on the site and the proposed 35’ wide access on 45th Street.

Mr. Haase stated that Fontenelle Boulevard and Ames Avenue both have medians that restricts access to right-in/right-out traffic. The proposed access would eliminate the need for customers having to go around the block to access the site. He indicated that it would also be safer for pedestrians and interior traffic that is attempting to exit the lot. He explained that the 35’ access on 45th Street would allow for safe ingress/egress.

In response to Mr. Levy, Mr. Haas stated that Public Works did not object to the extra 5’ being proposed for the 45th Street access at this site.

Mr. Santo moved to GRANT the appeal as requested. Mr. Beals seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0
At the Administrative Board of Appeals meeting held on April 23, 2018, Katie Underwood, Mike Oestmann (City of Omaha), and Mike Chalkley (Leo Daly) appeared before the board. Ryan Haas appeared on behalf of Public Works.

Mr. Haas stated that the properties to the east and west of the site feature shared driveways along the property lines. Taking into consideration the amount of traffic generated by the site and the adjacent properties, Public Works did not object to the additional driveway access. The only non-conformity is that both driveways are 35’ instead of the required 30’.

Ms. Underwood explained that the site would operate 24 hours each day and would have patrol cars, motorcycles and emergency response vehicles using both access points. For safety reasons, three lanes were preferred for both driveways. She mentioned that there was a letter of support from the owner of the property to the east, where the driveway would be widened from 24’ to 35’. In response to Mr. Levy, Ms. Underwood stated that the existing easement would to be amended to reflect the changes to the driveway if the request was approved.

Mr. Beal moved to GRANT the appeal as requested. Mr. Santo seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0

At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department), William Harris (Attorney) and Raymond Clark appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on February 6, 2018 due to a Carry Concealed Weapon conviction from May 30, 2002 for which he was fined $10. There was also a marijuana less than one ounce conviction from May 8, 2013 for which he was fined $300. The marijuana conviction was the result of a traffic stop. The only other offenses were traffic-related.

Mr. Harris contended that Supreme Court law states that cities could not regulate firearms for individuals who were not prohibited persons. In response, Mr. Levy stated that those arguments were better directed to City Council since the board operated under the regulations of the city ordinance.

Mr. Armour stated that the Concealed Carry charge was for a pair of nun chucks from when he was a minor. In response to Mr. Beals, Mr. Armour stated that the last time he used marijuana was in 2013. He also stated that he had been employed with Standard Heating & Air for 13 years and was required to undergo random drug testing.
Mr. Beal moved to GRANT the appeal. Ms. O’Connor seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.

6. 18-03-016
Angel L. Davis (from 3/26/18)
3610 Ames Avenue
Omaha, NE 68111

REQUEST: Appeal of the Police Department’s denial of a firearm registration dated 2/23/18.

At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department and Angel Davis appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on February 22, 2018 due to a marijuana less than one ounce conviction from February 27, 2011 for which she was fined $300. The conviction was the result of a warrant that was issued for traffic offenses.

In response to Mr. Beals, Ms. Davis stated that she no longer uses marijuana since she works for Cox Communications and is subject to random drug testing. She indicated that the last time she used marijuana was about 5 years ago.

Mr. Beal moved to GRANT the appeal. Mr. Santo seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.

7. 18-04-023
Donte C. Jones
6214 North 49th Street
Omaha NE 68104

REQUEST: Appeal of the Police Department’s denial of a firearm registration dated 3/11/18.

At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department and Donte Jones appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on March 11, 2018 due to three marijuana less than one ounce convictions from December 22, 2017 for which was fined $300; September 29, 2017 for which he was fined $300; and January 16, 2018 for which he was fined $300.

Mr. Jones stated that he was appealing so that he could own a firearm to protect his home. Mr. Levy advised the applicant that under city ordinance, he could not have a marijuana conviction from the last 10 years. Mr. Jones stated that he had not used marijuana since February.

Mr. Santo stated that he would move to deny the appeal based on his recent convictions.

Mr. Santo moved to DENY the appeal. Mr. Beals seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal denied.
At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department and Rondo Green appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on March 10, 2018 due to a controlled substance/unlawful acts conviction from August 18, 2011 for which he served 2 days in jail. The conviction resulted from an incident from 2010. He was arrested for forcefully entering his ex-girlfriend’s home and destruction of property. At that time, two pills were found on him that were not inside a container.

Mr. Green stated that he needed the firearm for work and to protect his family. He provided additional information about the 2010 incident. He indicated that he had worked for Century Link for 8 years. He further indicated that he had obtained his CCW approximately 2 months prior.

In response to Mr. Beals, Mr. Green explained that details of an incident from 2013.

Mr. Beal moved to GRANT the appeal. Ms. O’Connor seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.

At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department and Thomas Grogan appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on March 6, 2018 due to a marijuana conviction from September 18, 2016 for which he was fined $315 and served 2 days in jail. Lt. Sedlacek explained that the incident occurred in Woodbury, Iowa so the police report was not available.

Mr. Grogan stated that he wanted to purchase a gun to protect his home. He explained that in 2016 he and a friend got into an altercation which resulted in his arrest. He stated that, while in jail, he informed an officer that he had marijuana on him. In response to Mr. Beals, he indicated that he had not used marijuana since that time. Mr. Grogan stated that he did not have a job where he was regularly drug tested since he was retired. Mr. Levy mentioned that the 2016 conviction was very recent. In response to Mr. Beals, Mr. Grogan stated that he worked for the railroad for 33 years and had to regularly submit to drug while employed.

Mr. Beals moved to GRANT the appeal. Mr. Levy seconded the motion.

AYES: Beals, Levy

NAYES: Santo, O’Connor

MOTION FAILED: 2-2
Mr. Levy explained that if all five board member were in attendance, it would have eliminated a tied vote. He suggested that the case could be laid over to give the applicant the opportunity for his case to be heard before a full board.

Mr. Beals moved to LAYOVER until the May 21, 2018 meeting. Mr. Santo seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0.

10.
18-04-026

Alan P. Smith I
1916 North 36th Street
Omaha NE 68111

REQUEST: Appeal of the Police Department’s denial of a firearm registration dated 3/16/18.

At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department and Alan Smith appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on March 16, 2018 due to a marijuana less than one ounce conviction from April 14, 2010 for which he was fined $300. The conviction resulted from a traffic stop.

Mr. Smith stated that he wanted to purchase a firearm to protect his home. He indicated that he no longer smoked marijuana.

Mr. Levy inquired as to the details of a disturbing the peace conviction from 2015. Mr. Smith explained that he got into an argument about his cellphone with his girlfriend at the time. A neighbor called the police about the disturbance and he was cited.

Mr. Beals moved to GRANT the appeal. Ms. O’Connor seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.

11.
18-04-027

Andrew Renken
5124 South 122nd Street
Omaha NE 68137

REQUEST: Appeal of the Police Department’s denial of a firearm registration dated 3/19/18.

At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department and Alan Smith appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on March 19, 2018 due to a domestic assault conviction in Oklahoma from December 14, 2000 for which he received 1 year of probation. Lt. Sedlacek stated that in June of 2000, the applicant was arrested for felony domestic abuse and assault and battery on a person he was living with. The only other convictions on his record were traffic related.

Mr. Renken stated that he wanted to purchase a handgun for hunting. He stated that he underwent mandatory, weekly counseling for 3 months after the incident. He stated that an argument that got out of hand and that he had not been in any trouble since then.
In response to Mr. Beals, Mr. Renken stated that the counseling he participated in helped him to learn about himself and how to deal with people.

Mr. Beals moved to GRANT the appeal. Mr. Santo seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

NAYES: O’Conner

MOTION CARRIED: 3-1. Appeal granted.

12.
18-04-028
Jessica L. Raymond  REQUEST: Appeal of the Police Department’s denial of
1500 Pine Street, #903 a firearm registration dated 3/16/18.
Omaha NE 68108

At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department and Jessica Raymond appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on March 16, 2018 due to a marijuana less than one ounce conviction from March 31, 2010 for which she received fined. During the incident, officers observed a vehicle running with the smell of marijuana coming from it. Marijuana was found in the applicant’s purse.

Ms. Raymond stated that she wanted a handgun for protection since she lives alone. She explained that at the time of the incident she was young. In response to Mr. Beals, she indicated that she had not used marijuana since 2010.

Mr. Beals moved to GRANT the appeal. Ms. O’Connor seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.

13.
18-04-029
Michael R. Starks  REQUEST: Appeal of the Police Department’s
7716 North 36th Street revocation and denial of a firearm
Omaha NE 68112 registration dated 4/5/18.

At the Administrative Board of Appeals meeting held on April 23, 2018 Lt. Dave Sedlacek (Omaha Police Department and Michael Starks appeared before the board.

Lt. Sedlacek stated that the applicant’s firearm registration was denied on April 5, 2018 due to a carrying a concealed gun conviction from March 27, 2003 for which he received fined $125. The conviction was the result of a traffic stop from 2002. The applicant admitted to police that he was carrying a registered gun in his vehicle.

Mr. Starks stated that he wanted a gun for protection of his home and his congregation. He explained that the incident occurred when he had not been home for a few days and left his gun in his vehicle. He presented a letter to support that statement.

Mr. Beals moved to GRANT the appeal. Ms. O’Connor seconded the motion.
AYES: Beals, Santo, O'Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.

14.
18-04-030
Cynthia L. Bryant  
REQUEST: Appeal Police Department’s Notice of  
1041 South 35th Avenue  
Omaha NE 68105  
(RE: 1041 South 35th Avenue)

At the Administrative Board of Appeals meeting held on March 26, 2018 Officer James Stokes (Omaha Police Department) and Cynthia Bryant appeared before the board.

Officer Stokes stated that on March 3, 2018 a Notice of Nuisance was issued to the applicant for 3 vehicles that were not operational and/or not plated. He submitted pictures that had been taken the day of the meeting (Exhibit 2). He added that there were also issues with outdoor storage and litter. He stated that while the white Cherokee was plated, it was not operational. There was also a trailer with plates that had expired in 2016.

Ms. Bryant stated that she was appealing so that she could have more time to resolve the issues with her driveway. She was unsure of what the driveway requirements are. She indicated that one of the vehicles was parked on a concrete pad that was not connected to the existing driveway. In response, Officer Stokes stated that all vehicles must be parked on a hard, paved surface that is continuous to a street, alley or driveway. Ms. Bryant indicated that she was installing pavers that would connect to the driveway; however, she needed more time due to the cost of the pavers. She stated that she had purchased the sticker for the trailer but had failed to put it on. She added that the Jeep would be moved that day.

It was determined that the sticker would be put on the trailer, the Jeep would be moved off the property, the applicant would have the pavers installed and trash would be picked up.

Mr. Santo moved to DENY with 30 days to comply. Mr. Beals seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.

15.
18-04-031
Ken W. Chandler  
REQUEST: Appeal Police Department’s Notice of  
4954 Oaks Lane  
Nuisance dated 3/16/18.  
Omaha NE 68137  
(RE: 4954 Oaks Lane)

At the Administrative Board of Appeals meeting held on March 26, 2018 Officer James Stokes (Omaha Police Department) appeared before the board. The applicant did not appear.

Clinette Ingram, Board Secretary, stated that she had spoken with the applicant. Mr. Chandler indicated that he had taken care of the issue with the motorhome approximately 3 weeks prior and would not be attending the meeting.

Officer Stokes stated that he had also spoken to the applicant. Mr. Chandler moved the RV to another area on his property where the vehicle could be legally parked. He noted no further violations when he visited the property.

Mr. Beals moved to DENY the appeal. Mr. Santo seconded the motion.
AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal denied.

16.
18-04-032
Dale Novak
3276 Old Mill Road
Seward NE 68434-7838

REQUEST: Appeal denial of Third Grade Stationary Engineer License dated 3/12/18.

At the Administrative Board of Appeals meeting held on April 23, 2018, Dale Novak appeared before the board. Thomas Phipps (Permits & Inspections) appeared on behalf of the City.

Mr. Phipps stated that the applicant attempted to renew his license several days after the renewal period. Permits and Inspections had no outstanding complaints about the applicant. He suggested that if the request was approved, Mr. Novak be required to pay the renewal fee for his 2018 license.

Mr. Novak stated that his company could not renew his license since they had not received an invoice from Permits and Inspections.

Mr. Santo moved to GRANT the appeal subject to the applicant paying license fees for 2018. Mr. Beals seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.

17.
18-04-033
Gary Mitera
14619 Walnut Grove Drive
Omaha NE 68137

REQUEST: Appeal denial of Third Grade Stationary Engineer License dated 3/19/18.

At the Administrative Board of Appeals meeting held on April 23, 2018, Gary Mitera appeared before the board. Thomas Phipps (Permits & Inspections) appeared on behalf of the City.

Mr. Phipps stated that the applicant did not have a valid license for 2017. He explained that he did not receive an invoice for 2018 since he did not pay for 2017. He stated that there were not outstanding complaints against Mr. Mitera’s license.

Mr. Mitera stated that his wife did not recall ever receiving a bill to pay for his 2017 license. He assumed that the bill had been paid. He requested that he be allowed to pay for 2017 and 2018 and have his license reinstated.

Jay Davis, Planning Department, stated that Mr. Mitera’s invoice was part of a group that did not receive invoices due to a change in the program being used by Permits & Inspections.

Mr. Beals moved to GRANT the appeal subject to the applicant paying license fees for 2017 and 2018. Ms. O’Connor seconded the motion.

AYES: Beals, Santo, O’Connor, Levy

MOTION CARRIED: 4-0. Appeal granted.
**Approval of Minutes**

Mr. Santo moved to APPROVE the March 26, 2018 meeting minutes. Ms. O’Connor seconded the motion.

AYES: Santo, O’Connor

ABSTAIN: Beals, Levy

MOTION CARRIED 2-0-2

**ADJOURN:**

It was the consensus of the board the ADJOURN the meeting at 2:37 p.m.