

Tuesday, July 5, 2016

Condensed

The Ralston City Council met in a regular session on Tuesday, July 5, 2016 at 5:30 pm at Ralston City Hall. Roll was called with the following present: Konwinski, Fidelity, Alberhasky, Krause, Sanchez, Preis and Mayor Groesser. The agenda for this meeting was available at City Hall for public inspection and posted prior to the meeting. The legal notice for the meeting was published in the Ralston Recorder. Claims listed are approved and part of these minutes.

Pastor Lynette Janssen, Ralston United Church of Christ gave the Invocation.

Mayor Groesser said the meeting is subject to the Nebraska Open meeting Act and a copy of the Act is posted at the rear of Chamber.

Groesser welcomed guests and press.

Motion to approve the Consent Agenda by Krause, second by Preis, all vote yes, motion carried.

Costanzo gave Keno report and said there were some big winners and mentioned the budget session scheduled for Monday, July 18, 2016 at 5:30 PM. Groesser spoke to future events at the Arena. Yochum said Ralston was named #1 place to retire in Nebraska and invited Council to the DRBOA meeting July 12th.

1. Public Hearing for Order to Show Cause issued by the City of Ralston to Rally Motorsports, LLC.

Groesser opened the Public Hearing. Klinker said that the Order to Show Cause was based on recent complaints and pictures received and previous records from past Planning Commission and City Council meetings and that the Order is directed toward the current lease holder, Rally Motorsports LLC. Klinker said the owners of Rally Motorsports will not contest revocation of the Special Use Permit and the owners gave notice that they will vacate the premises. Murtaugh presented a Power Point and spoke to the Special Use Permit approved by Council in August 2011 to Edward Alexander dba Auto Land at 7605 Main St. and said that there would be only late model, clean cars for sale and the stipulation that cars would be stored behind the building in order to retain visibility and the integrity of Town Center. Murtaugh said that Alexander ceased operating his business in 2014 and Rally Motorsports moved in. Murtaugh and other officers paid courtesy visits to the owners of Rally Motorsports regarding parking and the types of services offered at the location that violated the Special Use Permit. Murtaugh spoke to the pictures showing various body parts and vehicles in disrepair on the sidewalk and blocking the alley. Murtaugh said he thought that Rally Motorsports has outgrown this location and there are currently vehicles in disrepair and visible fenders, hoods and other body parts. Murtaugh asked Council to cancel, revoke and rescind the Special Use Permit issued in 2011. Murtaugh said when the Permit was issued to Alexander, the business was an asset to Town Center. Klinker said Murtaugh's statement was complete and asked for any other comments. Orhan Seran, 7805 Leavenworth St, Omaha NE said the Special Use Permit was issued to him as the owner of the property to run concurrent with his family's ownership of the property. Seran provided copies of the lease between Seran and Rally Motorsports and said that Rally Motorsports operated outside their lease. Seran agreed that Town Center should be maintained. Seran said that Item #3 on the lease specifically states that the premises is to be used for car and truck sales and detailing and for no other purpose. Seran said he should not be penalized for his tenant's actions and Seran's Special Use Permit should not be revoked. Seran said he was not aware of this action until recently and has been in communication with City Hall. Krause asked if Seran had seen the current condition and usage of the property. Seran said he has been in communication with Rally Motorsports and was unaware until recently that the City was taking action. Seran spoke to the minutes from the 2001 Council meeting when the Special Use Permit was issued to Seran. Klinker stated that the Special Use Permit was issued to Seran as the owner/operator of the business at that location and the permit would terminate with Seran's use of the land and would not apply to businesses leasing the property from Seran. Seran said that he would be limited to future tenants without the Special Use Permit. Klinker said that future tenants could apply for their own permit to run with their lease and recommended that the revocation of the current permit would not prevent a future tenant from seeking approval of their own Special Use Permit from the City. Seran said feels like he is being penalized for his tenants actions and asked if he were to operate his own business at this location would his previous permit still be valid.

Klinker said it would not and proposes that Seran could reapply for a new permit and would be subject to the applicable conditions of the previous permit. Krause said Seran could operate a business at that location as long as it follows Town Center code and Seran could apply for a new Special Use Permit if needed. Seran said his current permit was to run with his ownership of the land. Klinker disagreed and stated that the permit issued in 2001 was issued to Seran when Seran used the land for his own business and ended when Seran discontinued his own use of the property. Seran said he is in agreement with Murtaugh and doesn't dispute the pictures. Groesser said Rally Motorsports should have applied for their own Special Use Permit. Klinker said that Rally Motorsports was operating under the permit issued to Alexander in 2011. Klinker said the only harm to Seran would be if he applied to the City for a new permit and was denied based on previous use of the property. Konwinski asked if Seran had been in communication with his tenant regarding their violations. Seran said he had talked to his tenant more than once in the past year and a half and knew that Chief had talked to them. Konwinski said he could have terminated his lease with Rally Motorsports if they were in violation of the lease for a year and a half and Seran was in jeopardy of losing his Special Use Permit. Seran said he spoke to the tenant and that they were polite, paid their rent on time and were easy to deal with. Krause asked Seran what he was seeking from Council. Seran said he would like more time to review the minutes from past meetings involving the property and the permit issued to him in 2001. Krause said that he agreed with Konwinski that Seran should have been enforcing his own lease over the past year and a half. Groesser closed the Public Hearing. Motion to defer discussion until the next Council meeting by Krause, second by Preis, Fidelity votes no, the rest of the Council vote yes, motion carried to defer to July 19, 2016 Council meeting.

Benis spoke to future events at the Arena and gave an update on electricity usage.

Council Comments: Konwinski thanked everyone for making Independence Day a success and it was the largest crowd she can remember. Fidelity said Freshman and Murtaugh did an outstanding job. Krause said he would like to see a bigger military participation in the parade. Sanchez and Preis agreed. Mayor added his appreciation.

There being nothing further of a general nature to come before the Council, the Meeting was adjourned at 6:11 PM.

Next regular Meeting Tuesday, July 19, 2016 at 5:30 PM.

Dolores L. Costanzo
City Clerk/Treasurer

Donald A Groesser
Mayor

Claims paid: AAA-Rental-\$73.30; ABM-Janitorial-\$23,739.21; Action Batteries-Batteries-\$56.16; Agrivision-Parts-\$142.05; American Legion-Rent-\$300.00; American Library-Workshop-\$108.00; American Lift-POW-\$577.50; Asphalt&Concrete-Materials-\$302.28; AWE-Literacy Station-\$2,970.00; Black Hills-Utilities-\$178.03; Carpenter Paper-Supplies-\$236.67; Caselle-Support-\$876.00; Center Point-Books-\$86.88; Century Certified-Pest Control-\$129.00; ChikFILA-Sales-\$39.34; Clear Channel-Advertising-\$2,060.10; Command Center-Labor-\$1,102.07; Concert Security-Security-\$2,290.56; Cox-Service-\$3,678.91; Cutchall-Sales-\$1,944.18; Damien Sound-Audio Engineer-\$350.00; Davidson-Books-\$764.00; Dog&Pony-Equipment-\$75.00; Donut Express-Sales-\$694.77; Douglas County-Citations-\$75.20; Eakes-Supplies-\$332.99; Entenmann Rovin-Badge-\$115.50; EnviroMaster-Janitorial-\$78.00; Experian-Testing-\$33.44; Ferguson-Maintenance-\$33.30; B Fleek-Janitorial-\$100.00; Fraser Stryker-Service-\$1,200.00; Grainger-Supplies-\$25.80; Harwood-Painting-\$1,818.50; Heartland Refrigeration-Repair-\$1,648.30; Helget-Rental-\$277.11; Heritage Nursery-Trees-\$1,328.00; Hometown-Lease-\$142.40; Hood Masters-Cleaning-\$575.00; HyVee-Supplies-\$763.88; Infinet-Support-\$3,386.45; ING-Insurance-\$1,350.00;

Ingram-Books-\$2,852.81; Integrated-Equipment-\$4,098.00; Y Jasso-Reimburse-\$5.01; Johnson-Maintenance-\$652.80; LaRue-Coffee-\$254.04; City of LaVista-Shuttle-\$1,160.93; MacRae-Rental-\$100.00; Maria's-Sales-\$4,344.22; Martin Asphalt-Materials-\$192.50; Menards-Supplies-\$28.40; MidAmerican Benefits-Cobra-\$168.00; Money Handling Machines-Maintenance-\$30.20; NAOCOP-Dues-\$60.00; NE Department of Roads-Lease-\$100.00; NE IA Supply-Fuel-\$1,482.17; Methodist Hospital-Testing-\$350.00; NE SOS-Notary-\$30.00; NMC-Equipment-\$2,046.06; OCB-Plumbing-\$165.00; OCLC-Subscription-\$285.93; Omaha Compound-Supplies-\$6.00; Omaha Douglas Publ Bldg-Parking-\$11.00; Omaha Magazine-Ad-\$1,420.00; OWH-Ads-\$268.82; M O'Malley-Janitorial-\$418.00; OMNI-Patch-\$239.74; One Call-Locate Fee-\$52.47; OTC-Supplies-\$57.91; Pepsi-Soda-\$1,485.13; D Costanzo-Reimburse-\$85.25; Physicians Laboratory-GC/MS-\$35.00; PortAJohns-Rental-\$140.00; Pruitt-Supplies-\$248.64; Quality Books-Books-\$20.23; Quill-Supplies-\$216.86; R Mechanical-A/C Repair-\$1,120.00; RACC-Luncheon-\$75.00; RASS-Security-\$712.50; Ralston Automotive-Parts-\$1,050.35; Ralston Insurance-Notary-\$40.00; RPD-Fuel-\$92.88; Recorded Books-Ebooks-\$303.22; R Brouillette-Photography-\$500.00; Rotella's-Bread-\$641.97; S&S Pumping-Sump Pump-\$275.00; Sanders ATA-Program-\$125.00; ServiceMaster-Janitorial-\$465.00; Shell-Fuel-\$2,286.93; SignIt-Nametag-\$56.00; Solution One-Copier-\$125.00; Spin Linen-Linens-\$444.19; Stage Pay-Labor-\$1,559.88; Staples-\$70.95; Taser-Equipment-\$12,108.50; The Reader-Ads-\$387.00; Theatrical Media-Equipment-\$6,010.99; TransUnion-Report-\$16.00; US Foods-Food-\$2,813.85; Unique Management-Placements-\$26.85; Verizon-Service-\$1,799.90; Water Engineering-Service-\$175.00.