

The Ralston City Council met in a regular session on Tuesday, June 7, 2016 at 5:30 PM at Ralston City Hall. Roll was called with the following present: Konwinski, Fidelity, Alberhasky, Krause, Sanchez, Preis and 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.

Council President Jerry Krause gave the Invocation.

Mayor Groesser said the meeting is subject to the Nebraska Open Meeting Act. A copy of this Act is posted at the rear of the Council Chamber.

Groesser welcomed guests and press.

Krause requested that Agenda item #4 be moved to #2.

Krause moved to approve the Consent Agenda, minus the Maria's claim, seconded by Alberhasky, all vote yes, motion carried. Krause moved to approve the Maria's claim, seconded by Preis, all vote yes, Sanchez abstains, motion carried.

Constanzo reports that budget talks are beginning and a good month for keno. Murtaugh said the body cameras came in today and Officer Candidate interviews are scheduled. Canfield spoke to recent and upcoming events at the Library. Benis spoke to recent and upcoming events at the Arena, the circus was successful and may become an annual event. Yochum spoke to recent contacts and the DBOA. Krause said that the recent Financial Education Workshop Luncheon was helpful and a good thing for Ralston residents.

1. Consideration of Application for Fireworks Permits for Ralston Area Chamber of Commerce.

Lea from Ralston Chamber of Commerce said the fireworks stands would be operated by Ralston High School Boys Soccer, Omaha Home for Boys on 84<sup>th</sup> and Madison, Omaha Roller Girls at 73<sup>rd</sup> and Oakwood and Omaha Hockey Club for the Junior Lancers Program at 72<sup>nd</sup> and Harrison. All stands will be operated in conjunction with Bellino Fireworks, Inc. Motion to approve by Krause, seconded by Konwinski, all vote yes, motion carried.

2. Public Hearing for Consideration of the Recommendation of Denial of a Rezoning Request by the Planning Commission.

Klinker said that this came to Council from a denial by the Planning Commission and that the Council should take the recommendation as only one point of consideration when making their decision. Salisbury spoke to the current layout of the house with separate kitchen, laundry, bathroom, entrance and said that the stairs leading to the lower level have been removed. Salisbury said their intent is to provide their tenants with a separate meter and breaker box in order to separate their OPPD billing. Salisbury spoke to other residences in the neighborhood and the previous discussions by the Planning Commission. Alberhasky asked about the gas and water to which Salisbury said she didn't know enough about separating gas and water and those in the future. Krause verified that the Salisburys are only asking for separate meters at this time and about the current tenants. Konwinski spoke to Freshman's comments to the Planning Commission that stated that moving the breaker box and meter would solve the problem. Salisbury said that didn't address the issue of splitting the billing and it would not allow the solution they seek. Krause said the house wasn't originally built as a duplex. Salisbury said they entered into the land contract with the house in its current condition. Krause said that if it had been built and intended to be a duplex, the utilities would have been separate from the

beginning and that a previous owner could have just finished the basement to add a separate living space. Salisbury spoke to the safety standards, their liability and the order of progression for future remodeling. Fideline asked about rewiring and tearing out drywall to accommodate separation and the cost involved. Salisbury said this started as a simple request to add a meter they are now becoming aware of the expense and have gotten bids for the rewiring. Fideline spoke to separating gas and water. Klinker spoke to rules of order and called for proponents and opponents with Q&A to follow.

Proponent Darla Majewski, 4729 S 79<sup>th</sup> St, Ralston, NE said she did not have a problem with it, they don't have loud parties and saw no reason to deny the request. Opponents: Rich Onken, 6730 S 77<sup>th</sup> St, Ralston, NE, member of Planning Commission. Onken said he voted No to rezoning and spoke to the intent of City planners to maintain residential areas separate to protect the property owners investment; Onken views the property as a single family ranch house that a previous owner decided to build a "mother-in-law apartment" in the basement which no one seems to know when this occurred and that the current owners are within their rights to rent it out but the dual utility service creates the duplex designation which is not allowed in a R2 zone. Onken spoke to spot zoning and how it would only affect one lot and spot zoning is not favorable. Onken said in the Planning Commission meeting, case law was discussed and there is no legal precedent to support spot zoning. Rezoning a large area would be a different situation versus rezoning to benefit one single homeowner that requires careful consideration. Klinker reminded the Council to hold questions. Murtaugh said he was opposed and had been in conversation with Freshman regarding zoning as well as nuisances and complaints and that from the Police Department stand point he is against spot zoning. Murtaugh spoke to the intent to separate the breaker box and the option to use wiring from the meter do a CAM charge similar to the procedure used at the Arena would be a viable solution. Murtaugh said that spot zoning litmus test is whether it benefits the public vs. benefit to one party in a "for profit" situation and since there are other options available, he is opposed. Klinker requested letter from Freshman be part of the record. Costanzo read an e-mail from Teresa Barnes Semerena, 4725 S. 79<sup>th</sup> Ave, Ralston stating her opposition. Salisbury said Ralston's zoning is imperfect and properties that are situated between 2 different zones which shows inconsistency. Salisbury addressed Murtaugh's comments regarding the CAM charge and the hardship created by not being able to split the meter. Alberhasky asked if the house has central air conditioning. Salisbury said she wasn't sure but they do not use window units and spoke to the amount of the electric bill in the summer. Klinker reviewed the zoning map and said that rezoning one lot is not a small task procedurally or one that is done out of convenience and that Freshman and Murtaugh have remedies without rezoning. Klinker said the Salisburys are not being denied in existing use and they can continue to use the house as they are currently. Groesser closed public hearing and called for a motion. Fideline moved to deny rezone request, Alberhasky seconded. Krause spoke to zoning in the area and the long range plan and the expense of splitting all utilities and suggested level billing and prorating by percentage of square footage. Krause said he didn't think rezoning would solve the issue, to allow the Salisburys to research the cost of splitting all of the utilities. Sanchez spoke to any other spot zoning in the City and Onken said there are none to his knowledge. Sanchez said his biggest concern was setting precedent and that it wasn't a strong argument to spot zone one lot. Groesser spoke to his rental unit and billing his tenants for utilities. Groesser called for a vote to deny the request, all vote yes, motion carried to deny.

### 3. Second Reading for Consideration of ORDINANCE #1205 – AN ORDINANCE ESTABLISHING SALARIES FOR ELECTED OFFICIALS.

Krause introduced the Ordinance. Krause proposed an amendment to add \$100 stipend to the President of the Council to cover expenses due to the numerous committees the Council President is involved in. Klinker said this would take affect at the end of this term in December. Konwinski moved to add \$100

for Council President, Krause seconded, Alberhasky votes no, the rest of the Council votes yes, motion carried.

4. Consideration of Memorandum of Understanding for Design, Operations and Maintenance of the Adaptive Signal Control Technology System Along 84<sup>th</sup> Street from West Center Road to Lincoln Road in Papillion for 2016/2017.

Krause moves to approve, Konwinski seconds. Freshman spoke to the MOU prepared by the City of Omaha regarding updating the traffic signals for Omaha, NDOR, Ralston, LaVista and Papillion along the 84<sup>th</sup> Street corridor. Konwinski spoke to traffic flow and Fire Departments ability to control intersections. Murtaugh spoke to a similar program along 72<sup>nd</sup> Street that helps with traffic flow after Arena events by remote and eliminates the need for an officer to direct traffic. Murtaugh said this would also help around the schools. Grosser called for a vote, all vote yes, motion carried.

Public Comments: Murtaugh thanked the Arena for providing the venue for an educational speaker to present to 220 Law Enforcement, School District and Probation personnel. Dennis Leslie, 20 Victoria Lane, Hot Springs Village, AR, spoke to the City taking down illegal advertising signs placed in the City Right of Way. No Council Comments.

There being nothing further of a general nature to come before the Council, the Meeting was adjourned at 6:30 PM.

Next regular Meeting Tuesday, June 21, 2016.

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Dolores L. Costanzo  
City Clerk/Treasurer

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Donald A Groesser  
Mayor

Claims Paid: Aflac-Reimburse-\$1,500.28; Ameripride-Cleaning-\$80.01; Asphalt & Concrete-Hot Mix-\$1,108.49; BKD-Services-\$3,500.00; Black Hills-Utilities-\$446.08; BCBS-Insurance-\$45,560.32; Capital One-Supplies-\$180.57; Carpenter Paper-Paper-\$824.79 ; Center Point-Books-\$86.88; Century Services-Pest Control-\$175.50; CenturyLink-Service-\$218.75; Chikfila-Sales-\$708.12; Chief Bus-Shuttle-\$706.50; Command Center-Labor-\$298.12; Cornhusker Industries-Rental-\$355.00; D Costanzo-Reimburse-\$139.44; Cox-Service-\$590.55; Cutchall-Sales-\$6,159.29; Dearborn-Insurance-\$120.40; Demco-Supplies-\$97.32; Diamond Laundry-Maintenance-\$24.95; Donut Express-Sales-\$1,221.87; Dultmeier-Materials-\$92.74; Eakes-Supplies-\$116.18; Ecolab-Supplies-\$21.84; Electronic Contracting-Repair-\$487.82; EnviroMasters-Maintenance-\$344.00; ESRI-GIS-\$400.00; Fireguard-Inspection-\$516.69; First Wireless-Rental- \$399.75; B Fleek-Janitorial-\$150.00; FOP-Dues-\$650.00; Gale/Cengage-Books-\$165.70; Galls-Uniforms-\$76.10; Gilmore Bell-Services-\$1,250.00; Grainger-Supplies-\$37.08; Great Western-Pension-\$23,310.72; Great Western Visa-Expenses-\$6,552.72; M Hagen-CPR-\$300.00; Helget-Rental-\$149.63; Humana-Insurance-\$2,114.88; HyVee-Expenses-\$72.59; ING-Compensation-\$675.00; Integrated-Equipment-\$2,138.00; Interstate-Batteries-\$104.40; J&M Displays-Fireworks-25,000.00; JP Cooke-Stamper-\$34.60; JQ Office-Copier-\$242.07; J Chad-Training-\$229.10; Klabunde's-Service-\$45.00; M Klinker-Service-\$1,000.00; MAC-RAE-Rental-\$125.00; J Mahoney-Reimburse-\$74.52. Maple 85-Salt-\$2,215.20; Maria's-Sales-\$12,518.05; L Marshall-\$7.83; Martin Asphalt-Supplies-\$168.00; Menard's-Supplies-\$40.69; Metro-Contract-\$403.00; M Todd-Supplies-\$414.58; Midlands Business Journal-Subscription-\$75.00; Motorola-Equipment-\$979.57; MUD-Utilities-\$2,732.01; R Murtaugh-Reimburse-\$58.52; NE-IA Fasteners-\$5.15; NE-IA Supply-Fuel-\$2,313.45; NE Law Enforcement Training-Tuition-\$50.00; Omaha Compound-Maintenance-\$680.39; Omaha Parking-Parking-\$1.50; OPPD-Utilities-\$39,057.98; M O'Malley-Janitorial-\$418.00; OS Sales-Food-\$454.46; Papillion Sanitation-Trash Collection-\$26,406.00; Papio-MO River NRD-InterLocal-\$2,500.00; Pepsi-Soda-\$2,706.78; D Costanzo-Reimburse-\$245.98; Prairie Life-

Fitness-\$345.56; Pruitt-Equipment-\$28.32; Purchase Power-Contract-\$179.41; QP-Supplies-\$130.42; Quill-Supplies-\$357.26; RASA-Security-\$3,275.50; Ralston Automotive-Parts-\$481.52; RPD-Security-\$525.09; Ralston Recorder-\$36.00; Recorded Books-Ebooks-\$550.42; Rose Wipers-Gaffers-\$360.26; Rotella's-Food-\$232.07; Z Salem-Sales-\$600.00; Sarpy County-Animal Control-\$1,678.65; Scholastic-Books-\$1,743.87; Sentimental-Videos-\$54.95; Sherwin Williams-Paint-\$102.25; Sign It-Sign-\$10.00; Site One-Supplies-\$1,334.25; SnoFloss-Sales-\$2,082.98; Solution One NE-Copier-\$187.99; Solution One TX-Copier-\$662.58; Spin Linen-Linens-\$345.39; Staples-Supplies-\$371.35; State Industrial-Supplies-\$205.44; Sure Sound-Equipment-\$4,000.00; Hartford-Insurance-\$1,933.82; TNT Cleaning-Cleaning-\$500.00; Trane-Repair-\$25,299.10; US Foods-Food-\$6,385.25; United Distributors-Rental-\$134.85; Upstart-Supplies-\$43.95; Voss-Lighting-\$111.12; Walmart-Supplies-\$210.75; Wildlife Encounters-Program-\$250.00; J Yochum-Reimburse-\$49.83.