

Condensed Minutes August 21, 2007

The Ralston City Council met in a regular session on Tuesday, August 21, 2007 at 7:00 P.M. Roll was called with the following present: Konwinski, Gillespie, Preis, Onken, Groesser, Krause, Alberhasky. 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 a part of these minutes.

Mayor Groesser gave the Open Meeting Law Acknowledgement Posting.

The following building permits were approved: #7206 to John Hoich, 5170 S 72<sup>nd</sup>, Ste #101 North End Cap, Neon Channel Letter Wall Sign, \$3,500.; #7207 to Richard Ellis MELA, 5170 S 72<sup>nd</sup> St, Ste #106, South End Cap, \$4,000.; #7213 to Mike McLaughlin, 7700 Serum Ave, Office Inside Warehouse, \$6,000.; #7221 to Mary Palmesano, 7236 Washington, Deck, \$14,000.; #7222 to Sue Sodhi, 6708 S 73<sup>rd</sup> St Cir, Replace C/A & A Coil, \$2,275.; #7223 to Dan Nelson, 8304 State, Restore Existing Retaining Wall, \$1,550.94; #7224 to Hilary Ormseth, 5304 Woodlawn Ave, Replace Heat Pump, \$3,412.; #7225 to Tim Green, 4729 S 80th, Deck, \$3,300.; #7226 to Dave & Paula Ishii, 8211 Ralston Ave, Fence, \$800.; #7227 to Hoich Realty, 5170 S 72<sup>nd</sup>, Dim. Walls Between Bays, \$8,000.; #7230 to Travis Wulf, 5306 S 77<sup>th</sup>, Install New Breaker Panel & Service, \$900.; #7231 to Carol McCaw, 7709 Sunset Drive, Replace Deck, \$4,500.; #7233 to Wells Fargo Bank, 4725 S 84<sup>th</sup>, Replace Ceiling, \$122,500.; #7235 to Hilary Ormseth, 5304 Woodlawn Ave, Electrical for New Heat Pump, \$100.; #7236 to Scott Spompinato, 7745 Dodson /TO Flat Roof, Install Blackboard & Metal - 60 Mil EPDM #9275, \$1320.; #7237 to Mark Lassek, 6623 S 85<sup>th</sup>, Electrical Installation – Garage, \$650.; #7239 to Lois Houck, 8040 State, New Meter Socket/Riser, \$300.; #7240 to Donis Corp, 7613 Main, Replace Meter & Service Wire, \$1,352.05.

Konwinski moved to approve the Consent Agenda, seconded by Gillespie. The vote: Konwinski, Gillespie, Onken, Preis vote yes. Alberhasky & Krause abstain, motion carries.

City Engineer Matt Sutton had no report. Freshman said completion of Wildewood should be Sept 7<sup>th</sup>. City Treasurer had no report. Legal reported on the name change at Mixxers to 2010 Café. RVFD gave a presentation on the Training facility they had purchased. No action was taken.

Consideration of re - appointment of Donald Groesser to 5 year term to CRA was moved by Krause, seconded by Konwinski. The vote: all yes, motion carries.

1<sup>st</sup> Reading & Public Hearing for Consideration of Ordinance #1125 – AN ORDINANCE CHANGING SEWER USE CHARGES BY AMENDMENT TO ORDINANCE #439 AS AMENDED; CHANGING THE RATE STRUCTURE TO PROVIDE FOR SEWER USE CHARGES BASED UPON ACTUAL USE; PROVIDING FOR AN EFFECTIVE DATE AND REPEALING ALL PRIOR ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith was introduced by Onken. Groesser opened the Public Hearing. Klinker clarified the ordinance & said it was in front of Council with minor changes, Section 4 B, as the averaging months. Onken spoke for the committee & said the new billing rates from MUD were dropping \$.96 & \$.66 cents, from \$1.05 & .75 cents. Onken said the new method of billing would go by usage, with everyone paying an equitable amount. He said this would be a flat rate of \$8 per month plus \$1.45 per CCF flow charge. Groesser closed the Public Hearing. It was moved for approval of #1125, 1<sup>st</sup> Reading by Onken, seconded by Krause. The vote: all yes, motion carries.

Consideration of renewal of garbage contract with Papillion Sanitation was spoken to by Erica Johnson, Papillion Sanitation. Johnson said this was a renewal for a 3 year period from December 1, 2007 to November 30, 2010. Johnson said the rate would be \$11.75 from \$11.24 & there were only 2 changes in the contract being the date and amount. It was moved by Krause, seconded by Onken for approval of contract renewal. The vote: all yes, motion carries.

Discussion & consideration of cancellation of contract agreement with CYC Construction, Ralston Trail Phase II East was spoken to by Freshman. Freshman said he felt this contract had not been fulfilled. Freshman said on the 26<sup>th</sup> day of a 35 day contract, nothing has been accomplished & said the notice of award was given on July 23. Klinker referred Council to signed agreement in packets that was a culmination of the bid process, with a posted bond and a payment bond. Klinker said Schemmer & Associates gave CYC notice to proceed on July 23<sup>rd</sup>. Matt Sutton, Schemer & Associates spoke on the contract. Sutton said this was the first time CYC had worked for the city. Groesser asked if this contract was being requested for cancellation for non-performance. Freshman said it was. Freshman said he felt it was his responsibility to bring this matter in front of Council. Tim George, Construction Manager, 13425 "F", for CYC Construction, spoke to the issues. George said CYC asked for some direction on what needed to be done on this end of the project. George said the grades that are on the parking lot are an issue, specifically the difference in grades and the exposure of the light poles. George said there is a major pole that needs to be relocated by the appropriate utilities. Onken asked whose responsibility it was to coordinate the utility relocation. George said this is usually spelled out on the plans. Sutton said they had never received a schedule from CYC. Gillespie asked George if he was writing any RFI's on this. George said he was not, and this has never been an issue. Groesser asked if everyone was ready tomorrow to meet and get this moving forward. Klinker asked if it was a breach of contract if a schedule was not received. Sutton said that yes, a schedule was supposed to be received within 10 – 14 days. Klinker asked about Paragraph 7-4 about subsurface and asked if this referred to the utility issue. Sutton said he thought it did, under general conditions. Concerns were raised on the issue of liquidated damages. Klinker said he did not deem it appropriate to talk tonight about damages. It was moved by Onken, seconded by Konwinski, to table Agenda item #4, Cancellation of Contract Agreement with CYC, and Agenda Item #5, until next Council meeting. The vote: all yes, motion carries to table.

1st Reading & Public Hearing for Consideration of Ordinance #1126, AN ORDINANCE TO PROHIBIT CERTAIN CONDUCT AT PUBLIC ASSEMBLIES, PROCESSIONS OR PARADES; TO REPEAL PROVISIONS IN CONFLICT THERWITH AND TO PROVIDE AN EFFECTIVE DATE was introduced by Onken. Groesser said many other communities had an ordinance like this in place. Groesser opened the Public Hearing. Deputy Chief Murtaugh spoke to the ordinance. Groesser closed the Public Hearing. It was moved for approval of 1<sup>st</sup> Reading of #1126 by Onken, seconded by Preis. The vote: Gillespie, Onken & Preis vote yes. Konwinski, Alberhasky, and Krause vote no. Motion tied. Groesser breaks the vote by voting yes for approval. Motion carries on 1<sup>st</sup> Reading. Onken made motion to waive 2<sup>nd</sup> & 3<sup>rd</sup> Readings of #1126, seconded by Preis. The vote: Preis, Onken & Krause vote yes. Gillespie, Konwinski & Alberhasky vote no. Motion to waive fails because of lack of ¾ Council vote.

Council comments: Konwinski, Alberhasky, Gillespie, Krause, Onken, Preis had no comments. Groesser said the meeting on September 4<sup>th</sup> was for the budget hearing & passage.

Public Comment: None

The meeting was adjourned at 9:12 P.M.

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Dolores L. Costanzo  
Clerk/Treasurer

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Donald A. Groesser  
City Mayor

Claims - AA Wheel and Truck - \$86.24; Aksarben Heating – A/C Repair; Ameripride – Cleaning - \$103.00; Asphalt & Concrete Materials – Hot Mix - \$664.69; AM Best – Book - \$295.90; Bishop Business – Copier - \$852.85; BCDM – July Service - \$1,442.00; C’J’S – Supplies - \$44.96; Petty Cash – Costanzo - \$76.08; Alltel – Phone - \$555.28; Century Certified – Pest Control - \$129.00; Conreco – Part - \$71.16; D Costanzo – Mileage - \$47.53; Dostal’s – Wildewood Park - \$87,138.00; Earl Kidder – Clean - \$251.00; Eastern Library System – Retreat - \$360.00; Great Plains One Call – Locates - \$49.28; Huntel – Charge - \$290.00; Hy Vee- Training - \$52.48; H & H – Part - \$18.66; Ingram – Books - \$1,470.22; Integrated Solutions – Monthly Charges - \$2,378.00; T Jones – Janitorial - \$200.00; M Klinker – Legal – \$1,479.81; LONM – Dues - \$9,618.00; MAT – Contract - \$436.00; Manufacturers News – Register - \$94.95; NE Library Commission – Subscription - \$929.99; NE Plumbing & Sewer – Materials - \$280.27; NAPA – Parts - \$1,736.93; NE – IA Fasteners – Materials - \$15.06; Omaha Public Bldg Service – Parking - \$3.75; M O’Malley – Janitorial - \$399.00; Omaha Public Library – Maintenance - \$6,390.16; Aquila – Utility - \$161.87; Suburban News – Legals - \$335.79; Payless Office Supply - \$46.73; Qwest – Phone - \$1,715.91; Ralston Automotive – Service - \$176.57; Recorded Books – Books - \$970.95; Schemer Associates – Service - \$7,727.29; Stetson Products – Blade - \$145.29; D Suhr – Janitorial - \$100.00; Morrow & Associates – Services - \$293.70; Trede Electric – Labor & Materials - \$663.60; Vogel – Paint - \$1,050.00; W White – Petty Cash - \$48.89; Zep – Product - \$75.41; FEH – Registrations - \$30.00; Signit – Decal - \$70.00; Benefit Plan Inc – Admin - \$422.50; City of Omaha – Billing - \$19,271.24; Ebsco – Books - \$1,570.00; Quality Books – Book - \$15.95; Public Library Specialists – Book - \$9.54; Choicepoint – Service - \$150.00; Directparts – Parts - \$60.47; Voss – Bulbs - \$66.20; Random House – CD’s - \$580.40; NE – IA Supply – Fuel - \$663.52; Eagle – Portables - \$65.00; F Canfield – Reimburse - \$81.57; Processworks – Services - \$345.00; Quality Tire – Parts - \$262.03; Quill – Supplies - \$83.88; Ralston Recorder – Renewal - \$18.00; Keystone Automotive – Parts - \$56.28; KCMTOA – Fee - \$150.00.